

Road Safety (Amendment) Bill

EXPLANATORY MEMORANDUM

- Clause 1 sets out the purposes of the Bill.
- Clause 2 provides commencement provisions.
- Clause 3 declares that in this Act the **Road Safety Act 1986** is called the Principal Act.
- Clause 4 repeals certain definitions and provisions in the Principal Act that are inconsistent with proposed uniform national road transport requirements or are otherwise redundant.
- Clause 5 amends certain definitions in the Principal Act so as to make them consistent with the proposed uniform national road transport requirements.
- Clause 6 inserts new definitions in the Principal Act that are required for the purposes of the uniform national road transport requirements or are otherwise needed.
- Clause 7 provides that subject to certain exceptions the Commonwealth Acts Interpretation Act 1901 applies to the interpretation of the Principal Act.
- Clause 8 inserts provisions in Part 2 of the Principal Act relating to the registration of motor vehicles and trailers so as to make that Part consistent with the Road Transport Reform (Heavy Vehicles Registration) Act 1997 of the Commonwealth which forms part of the uniform national road transport requirements.
- Clause 9 repeals certain provisions that have become redundant as a result of the new provisions being inserted in the Principal Act by clause 8.
- Clause 10 inserts a new section 6A into the Principal Act to prevent the Roads Corporation from registering or renewing the registration of vehicles based outside Victoria.

- Clause 11 amends the penalties for using an unregistered motor vehicle or trailer so as to make them consistent with penalties in the Road Transport Reform (Heavy Vehicles Registration) Act 1997 of the Commonwealth.
- Clause 12 repeals section 8 of the Principal Act and amends the regulation making powers in the Principal Act to enable regulations to be made, consistent with the uniform national road transport requirements, relating to the names in which motor vehicles or trailers may be registered.
- Clause 13 inserts new sections 9A and 9B in the Principal Act, consistent with the uniform national road transport requirements. Section 9A sets out obligations of the registered operator of a vehicle and section 9B provides that the register does not provide evidence of title.
- Clause 14 clarifies the demerit points procedures in section 25 of the Principal Act.
- Clause 15 inserts new section 63A into the Principal Act. The new section clarifies and extends the power of the police to remove obstructing vehicles.
- Clause 16 amends section 89C of the Principal Act to ensure that a licence loss infringement notice in respect of a drink driving infringement can be issued to a person who holds a licence or permit issued in another State, territory or country, or who has an international driving permit.
- Clause 17 amends section 89D of the Principal Act to ensure that a licence loss traffic infringement notice can be issued in respect of an excessive speed infringement committed by a person who holds a licence or permit issued in another State, territory or country, or who has an international driving permit.
- Clause 18 amends the regulation-making powers in section 95 of the Principal Act to bring them into line with the uniform national road transport requirements.
- Clause 19 inserts new sections 95A and 95B into the Principal Act. Section 95A incorporates into the Principal Act the provisions of the **Road Transport Charges (Victoria) Act 1995** which is being repealed. These provisions apply in Victoria the charges

contained in the Road Transport Charges (Australian Capital Territory) Act 1993 of the Commonwealth which forms part of the uniform national road transport requirements.

New section 95B provides that section 7 of the **Subordinate Legislation Act 1994** does not apply to regulations that revoke the Road Safety (Traffic) Regulations 1988. This will facilitate the implementation of road rules which are to form part of the uniform national road transport requirements.

- Clause 20 inserts a new section 96A into the Principal Act to provide for the making of application orders and emergency orders in accordance with the uniform national road transport requirements.
- Clause 21 amends the regulation-making powers under the Principal Act to enable regulations to deal with the review of decisions.
- Clause 22 contains a transitional provision to take account of the change of terminology from "registered owner" to "registered operator" under the uniform national road transport requirements.
- Clause 23 contains statute law revision amendments.
- Clause 24 amends section 89 of the **Sentencing Act 1991** to ensure that where a court finds a person guilty of certain serious offences, it may make a finding that the offence was committed while the offender was under the influence of alcohol or a drug which contributed to the offence. After the making of such an order the offender is required to undergo assessments similar to those provided for in the **Road Safety Act 1986** before being eligible to have a driver licence restored.
- Clause 25 contains a transitional provision designed to phase in the licence restoration requirements being introduced by clause 24.
- Clause 26 contains amendments of other Acts to take account of the change of terminology from "registered owner" to "registered operator" being introduced by this Bill.
- Clause 27 contains consequential amendments of the **Transport Accident Act 1986**.

Clause 28 repeals the **Road Transport Charges (Victoria) Act 1995** because its provisions are being incorporated into the Principal Act by this Bill.