

ROAD TRANSPORT BILL 1973.

EXPLANATORY MEMORANDUM.

This Bill proposes amendments to the *Commercial Goods Vehicles Act 1958*, and the *Transport Regulation Act 1958*, to enable a better utilization of the State's land transport resources.

It makes provision for

- the granting of additional road freedoms
- the revision of fees for commercial vehicle licences
- the enlarging of powers for the proper regulation of the land transport industry.

Clause 1.

This clause contains the usual citation provision and a provision enabling the Act to be brought into operation on a day to be fixed by proclamation.

PART I.—CLAUSES 2–13.

Clause 2.

This clause provides that in this Part the *Commercial Goods Vehicles Act 1958* is called the Principal Act.

Clause 3.

This clause adds a definition of “Carry” so as to make clear that the towing of goods and equipment for consideration or in the course of any trade or business comes within the provisions of the Act.

Clause 4.

This clause provides for the repeal of section 4 of the Principal Act so as to let the scope of the Act's operation rest entirely upon the legislative competence of the Parliament as modified by the Commonwealth Constitution.

Clause 5.

This clause amends the existing provisions in relation to “as of right” licences.

Paragraph (a) of sub-clause (1) removes the present 30-mile single-journey limitation applying to vehicles operating within 25 miles of the licensee's place of business in cases where the licensee's place of business is 65 kilometres or more from the General Post Office at Melbourne.

(It is intended that any references to Imperial units of distance and weight in the Act that are not directly amended by the Bill for other purposes will be converted to metric system references by statutory rule to take effect at the same time as the Bill.)

Paragraph (b) provides a new category of licences to give State-wide rights for a commercial goods vehicle with a load capacity of up to 500 kilograms used only for the carriage of the licensee's goods in the course of his business.

Paragraph (c) increases from 4 tons to 6 tonnes the load capacity of commercial goods vehicles which may be used for the carriage of the licensee's goods in the course of his business within a 50-mile radius of the licensee's principal place of business in Victoria.

Paragraph (d) provides a new category of licences for prescribed vehicles used solely for the carriage of petroleum products.

Paragraph (e) is consequential upon paragraph (c).

Paragraph (f) repeals sub-section (8) of section 5 of the Act. The repealed provision is proposed to be re-enacted by clause 6 as a new section 5B (2) so as to apply to the new 80-kilometre radius licences as well.

Sub-clause (2) provides for the deletion from the Third Schedule to the Act of the references to prescribed types of vehicles for the carriage of petroleum products, which it is now proposed to licence under a new section 5 (1) (ga). (See the note to paragraph (d) of sub-clause (1)). The sub-clause also removes a reference in the Schedule to prescribed types of containers, since it has not been found practicable to restrict the issue of licences by using the regulation-making power concerned.

Sub-clause (3) is a transitory provision preserving the rights of current licensees.

Clause 6.

The new section 5A proposed by this clause provides for two new categories of licences to be issued where the Transport Regulation Board is satisfied of the applicant's good character, qualifications and financial stability.

The licences will be available for the carriage of all goods other than "restricted goods" within—

(a) a radius of 80 kilometres from the General Post Office at Melbourne,

or

(b) a radius of 80 kilometres from the principal post office at Portland.

Provision is made for the Board to invite interested persons to make representations to it before the Board recommends to the Governor in Council that goods be added to or removed from the list of "restricted goods".

This clause also adds to the Act a new section 5B which will enable the Board to stop a person who has had his licence cancelled from obtaining another licence under the "as of right" provisions.

Clause 7.

This clause amends the provisions of the Act concerning implied conditions of all commercial goods vehicle licences. The new conditions require compliance with the laws applicable to transport, and prevent a vehicle being operated by any person other than the owner or a person employed by the owner, without the written consent of the Board.

Clause 8.

This clause provides that the maximum annual fee that may be charged for a commercial goods vehicle licence is not to exceed \$1,000.

Clause 9.

This clause provides for simplification of the present Governor in Council review procedures for the issuing of discretionary licences by the Board where no objections are received against the issue of the licences.

Clauses 10 and 11.

These clauses propose stricter control of the tow truck industry to allow only a driver to solicit business at the scene of an accident, and further restrict the carrying of passengers in tow trucks.

Clause 12.

This clause amends the Third Schedule to include carrying livestock from farms to abattoirs in the activities for which an "as of right" licence can be issued.

Clause 13.

This clause extends an exemption from road maintenance charges under Part II. to the carrying livestock in the circumstances referred to in clause 12.

PART II.—*Clauses 14–24.**Clause 14.*

This clause provides that in this Part the *Transport Regulation Act 1958* is called the Principal Act.

Clause 15.

This clause provides certain entitlements for the Chairman of the Transport Regulation Board up to the termination of his office of chairman prior to retirement age.

Clause 16.

This clause provides for the repeal of paragraph (c) of section 18 of the Act for the same reasons as are set out in the note to clause 4.

Clause 17.

This clause has a similar purpose to clause 7.

Clause 18.

This clause prescribes the annual licence fees that may be charged for commercial passenger vehicles.

Clause 19.

This clause makes provision for the Board to require the replacement of a passenger vehicle when it has been in use for longer than the prescribed period.

Clause 20.

This clause provides for simplification of the present Governor in Council review procedures for the issuing of commercial passenger vehicle licences by the Board where no objections are received against the issue of these licences.

Clause 21.

This clause provides for the making of regulations prohibiting the driving of commercial passenger vehicles by persons not holding a current certificate issued by the Board authorizing them to do so.

Clause 22.

This clause provides for regulations to be made concerning the refund of fees paid under the Act. A similar power already exists in the case of the Commercial Goods Vehicles Act.

Clause 23.

This clause proposes an increase in the fees to be paid on the transfer of certain licences for commercial passenger vehicles.

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