

LEGISLATIVE ASSEMBLY

(As sent to the Legislative Council.)

A BILL INTITULED AN ACT

To amend the *Commercial Goods Vehicles Act* 1958
and the *Transport Regulation Act* 1958, and for
other purposes.

5 **BE** it enacted by the Queen's Most Excellent Majesty by and
with the advice and consent of the Legislative Council and
the Legislative Assembly of Victoria in this present Parliament
assembled and by the authority of the same as follows (that is
to say) :—

1. (1) This Act may be cited as the *Road Transport Act* 1973 Short title.
and is divided into Parts as follows :—

Part I.—Amendments of the *Commercial Goods Vehicles Act*
1958.

10 Part II.—Amendments of the *Transport Regulation Act*
1958.

(2) This Act shall come into operation on a day to be fixed by
proclamation of the Governor in Council published in the
Government Gazette. Commence-
ment.

15 **PART I.—AMENDMENTS OF THE COMMERCIAL GOODS VEHICLES
ACT 1958.**

2. In this Part the *Commercial Goods Vehicles Act* 1958 is
called the Principal Act.

Principal Act
No. 6122.
Reprinted to
No. 7358.
Subsequently
amended by
Nos. 7505, 7666,
7829, 8353.

Amendment of
No. 6222 s. 3.

3. Section 3 of the Principal Act is hereby amended as follows :—

- (a) In sub-section (1) after the interpretation of “ Board ” there shall be inserted the following interpretation :—
 “ Carry ” includes draw or tow, and the derivatives of “ carry ” have corresponding meanings.” ; 5
 and
- (b) In sub-section (3) for the words “ four tons ” (wherever occurring) there shall be substituted the words “ its load capacity ”.

Repeal of
No. 6222 s. 4.

4. Section 4 of the Principal Act shall be repealed. 10

Amendment of
No. 6222 s. 5.

5. (1) Section 5 of the Principal Act is hereby amended as follows :—

- (a) In the proviso to paragraph (c) of sub-section (1) before the words “ any licence ” there shall be inserted the expression “ where the place of business of the owner of the vehicle is situated not more than 65 kilometres from the post office at the corner of Bourke and Elizabeth streets in the city of Melbourne ” ; 15
- (b) After paragraph (e) of sub-section (1) there shall be inserted the following paragraph :— 20
 “ (ea) any vehicle (the load capacity of which does not exceed 500 kilograms) owned by any person engaged in any business and used by that person solely for carrying the goods of that person in the course of that business ; ” ; 25
- (c) In paragraph (f) of sub-section (1) for the words “ does not exceed four tons ” there shall be substituted the words “ exceeds 500 kilograms but does not exceed six tonnes ” ;
- (d) After paragraph (g) of sub-section (1) there shall be 30
 inserted the following paragraph :—
 “ (ga) any vehicle of a type prescribed for the purposes of this paragraph while used solely for the carriage of petroleum products ; ” ;
- (e) In sub-section (7) for the words “ four tons ” there shall 35
 be substituted the words “ six tonnes ” ; and
- (f) Sub-section (8) shall be repealed.
- (2) In the Third Schedule to the Principal Act—
- (a) in paragraph 4 the words “ in prescribed types of containers ” shall be repealed ; and 40
- (b) paragraph 5 shall be repealed.

Related
amendments
of No. 6222
Third Schedule.

(3) Nothing

(3) Nothing in this section shall affect any licence granted pursuant to section 5 of the Principal Act before the commencement of this Act, and any such licence shall continue to authorize the carriage of goods for the same period, to the same extent and in the same circumstances as if this section had not been enacted.

Transitory provision.

6. (1) After section 5 of the Principal Act there shall be inserted the following sections :—

New sections 5A and 5B inserted in No. 6222.

“ 5A. (1) Subject to the provisions of this Part, the Board shall grant without variation (so far as relates to routes areas and classes of goods) every application by a person who satisfies the Board that he is of good character, and has the necessary qualifications and financial stability, for a commercial goods vehicle licence in respect of—

Board to grant certain other applications for licences without variation in same respects.

(a) any vehicle while used solely for the carriage of goods (other than restricted goods for the purposes of this paragraph) in the area within a radius of 80 kilometres from the post office at the corner of Bourke and Elizabeth streets in the city of Melbourne ;

(b) any vehicle while used solely for the carriage of goods (not being restricted goods for the purposes of this paragraph) in the area within a radius of 80 kilometres from the principal post office in the city of Portland.

(2) Nothing in this section shall apply to an application for a licence in respect of a tow truck.

(3) The Governor in Council may from time to time on the recommendation of the Board by proclamation published in the *Government Gazette* declare that on and after a date specified in the proclamation goods of any class specified in the proclamation shall be, or shall be no longer, restricted goods for the purposes of paragraph (a) or paragraph (b) of sub-section (1).

(4) Any such proclamation may specify a class of goods by reference to—

(a) their nature ; or

(b) the place where they are mined, manufactured, processed, produced or sold.

(5) Except in the case of the first such proclamation made for the purposes of paragraph (a) or paragraph (b) of sub-section (1), the date specified in the proclamation shall be not less than one month after its publication in the *Government Gazette*.

(6) Where the Board proposes to consider recommending to the Governor in Council the making of a proclamation under this section in relation to any class of goods, the Board may invite any

person

person appearing to the Board to be likely to be affected by such a proclamation, or the public generally, to make representations to the Board in that connexion in any manner specified by the Board.

Board not compelled to grant licences in certain cases.

5B. (1) Nothing in this Part shall require the Board to grant a licence to a person who has at any time been the holder of a licence under this Act or the *Transport Regulation Act 1958* that has been revoked cancelled or suspended or that the Board has refused to renew, and who is not in the opinion of the Board a fit and proper person to be granted a licence. 5

(2) Nothing in this Part shall require the Board to grant a licence in respect of a vehicle which is not in the opinion of the Board fit and suitable for the purpose for which it is proposed to be licensed." 10

Related amendments of No. 6222.

(2) The Principal Act is hereby amended as follows :—

(a) In sub-section (2) of section 7 after the words " as of right " there shall be inserted the expression " a licence under section 5A " ; 15

(b) In sub-section (2) of section 10 after the words " as of right " there shall be inserted the expression " and licences under section 5A " ; 20

(c) In sub-section (1) of section 12 for the words " five of this Act " there shall be substituted the expression " 5 or 5A " ; and

(d) In paragraph (a) of the proviso to sub-section (1) of section 17 after the words " as of right " there shall be inserted the expression " or a licence under section 5A " . 25

Amendment of No. 6222 s. 10.

7. For sub-section (1) of section 10 of the Principal Act there shall be substituted the following sub-section :—

" (1) The following shall be implied conditions of every licence :— 30

(a) That the vehicle is maintained in a fit and serviceable condition ; and

(b) That in relation to the vehicle the provisions of any Act or regulation thereunder with respect to—

(i) the manner in which and the persons by whom the vehicle may be driven ; 35

(ii) limits of weight applicable to the vehicle ;

(iii) the construction equipment and condition of the vehicle ; and

(iv) limitation of hours of driving— 40
are complied with ; and

(c) That

- (c) That the vehicle is not, without the consent in writing of the Board, operated by any person other than the owner or a person employed by the owner."

8. Section 14 of the Principal Act is hereby amended as follows:— Amendment of No. 6222 s. 14.

5 (a) In sub-section (1) for the expression "an annual fee of \$4" there shall be substituted the expression " (whenever granted) an annual fee of such amount (not exceeding \$1,000) as is from time to time—

10 (a) in the case of a licence granted under section 5 or section 5A—prescribed ;

(b) in the case of any other licence—determined by the Board—

in relation to the licence or the class of licences to which the licence belongs" ; and

15 (b) In the proviso to sub-section (1) for the expression " at the rate of Fifty cents (\$0.50) annually" there shall be substituted the expression " such sum (not exceeding \$50) as is from time to time prescribed".

9. Section 17 of the Principal Act is hereby amended as follows:— Amendment of No. 6222 s. 17.

20 (a) In sub-section (1) for the expression beginning with the words " No decision of the Board " and ending with the words " Governor in Council " there shall be substituted the following expression :—

25 " No decision of the Board granting a licence to the granting of which an objection has been made in accordance with this Part, refusing to grant any application for a licence, or revoking or suspending for a period exceeding 30 days any licence, shall have any force or effect until the decision is reviewed by the Governor in Council, and no decision of the Board granting a licence without objection shall have any force or effect until the decision is reviewed by the Minister." ; and

35 (b) In sub-section (2) after the words " Governor in Council " there shall be inserted the expression " or the Minister (as the case may be)".

10. Paragraph (g) of section 25B of the Principal Act is hereby amended as follows:— Amendment of No. 6222 s. 25B.

40 (a) The expression " the owner (provided that he holds a certificate from the Board to drive a tow truck) of or " shall be repealed ; and

(b) For

(b) For the word “ authority ” there shall be substituted the expression “ any form of authority (whether written or not) ”.

Amendment of
No. 6222
s. 25c.

11. In sub-section (1) of section 25c of the Principal Act after the words “ in respect of ” there shall be inserted the words “ any journey in a tow truck to a damaged motor car ”. 5

Amendment of
No. 6222
Third Schedule.

12. In paragraph 3 of the Third Schedule to the Principal Act after the words “ from market to farm ” there shall be inserted the words “ or from farm or market to abattoirs or other similar premises ”. 10

Amendment of
No. 6222
Fourth
Schedule.

13. At the end of paragraph 2 of the Fourth Schedule to the Principal Act there shall be inserted the words “ or from farm or market to abattoirs or other similar premises ”.

PART II.—AMENDMENTS OF THE TRANSPORT REGULATION ACT 1958.

Principal Act
No. 6400.
Reprinted to
No. 7358.
Subsequently
amended by
Nos. 7665,
7829, 7882,
8181.

14. In this Part the *Transport Regulation Act* 1958 is called the Principal Act. 15

Amendment of
No. 6400 s. 5.

15. Section 5 of the Principal Act is hereby amended as follows :—

- (a) In sub-section (4) for the expression “ shall be eligible (in all respects as if he were a member of the public service) on the recommendation of the Public Service Board to be re-appointed ” there shall be substituted the expression “ shall, unless he is of or over the age of 65 years, be entitled to be re-appointed by the Public Service Board ” ; and 20
- (b) After sub-section (4) there shall be inserted the following sub-section:— 25

“ (4A) Any person who immediately before his appointment as chairman of the Board is an officer of the Board shall, unless he is of or over the age of 65 years, be entitled to be re-appointed by the Board upon the termination of his office as chairman under this Act to some office under the Board with a classification and emoluments corresponding with or higher than those he enjoyed in the office which he last held under the Board as if his service as chairman had been service under the Board.” 30 35

Amendment of
No. 6400 s. 18.

16. Paragraph (c) of section 18 of the Principal Act shall be repealed.

17. For sub-section (1) of section 23 of the Principal Act there shall be substituted the following sub-section :— Amendment of
No. 6400 s. 23.

“ (1) The following shall be implied conditions of every licence:—

- 5 (a) That the vehicle is maintained in a fit and serviceable condition ;
- (b) That in relation to the vehicle, the provisions of any Act or regulation thereunder with respect to—
- 10 (i) the manner in which and the persons by whom the vehicle may be driven ;
- (ii) the number of passengers that may be carried in the vehicle ;
- (iii) the construction equipment and condition of the vehicle ; and
- 15 (iv) limitation of hours of driving—
are complied with ; and
- (c) That the vehicle is not, without the consent in writing of the Board, operated by any person other than the owner or a person employed by the owner.”

18. For sub-section (1) of section 28 of the Principal Act there shall be substituted the following sub-section :— Amendment of
No. 6400 s. 28.

“ (1) There shall be paid to the Board in respect of every licence (whenever granted) an annual fee of—

- 25 (a) in the case of a licence to operate a vehicle as a taxi-cab or private hire car—such sum (not exceeding \$50) as is from time to time determined by the Board ;
- (b) in the case of a vehicle licenced solely to operate on a specified route wholly within the metropolitan area—\$6 ;
- (c) in any other case—\$4.”

19. Section 30B of the Principal Act is hereby amended as follows :— Amendment of
No. 6400 s. 30B.

35 (a) In sub-section (1) after the words “ it is licensed ” there shall be inserted the words “ or has been in use for a period longer than is prescribed in relation to vehicles of the class to which the vehicle belongs ” ;

(b) For paragraph (b) of sub-section (2) there shall be substituted the following paragraph :—

40 “ (b) in a case where the licence is cancelled on the ground that the vehicle licensed under this Part is no longer fit and suitable for the purpose for which it is licensed—satisfies the Board that the vehicle has been made fit and suitable for that purpose.”

20. Section

Amendment of
No. 6400 s. 31.

20. Section 31 of the Principal Act is hereby amended as follows :—

(a) In sub-section (1) for the expression beginning with the words “ No decision of the Board ” and ending with the words “ Governor in Council ” there shall be substituted the following expression :— 5

“ No decision of the Board granting a licence to the granting of which an objection has been made in accordance with this Part, refusing to grant any application for a licence, or revoking or suspending for a period exceeding 30 days any licence, shall have any force or effect until the decision is reviewed by the Governor in Council, and no decision of the Board granting a licence without objection shall have any force or effect until the decision is reviewed by the Minister. ” ; and 10 15

(b) In sub-section (2) after the words “ Governor in Council ” there shall be inserted the expression “ or the Minister (as the case may be) ”. 20

New section
37A inserted in
No. 6400.

21. After section 37 of the Principal Act there shall be inserted the following section :—

Drivers’
certificates.

“ 37A. (1) The regulations may prohibit the driving of a commercial passenger vehicle, or a commercial passenger vehicle of any specified class, by a person not being the holder of a certificate issued by the Board authorizing him to drive the vehicle. 25

(2) The regulations may—

(a) prescribe a period during which any such certificate shall be in force ;

(b) provide for the issue of probationary and temporary certificates ; 30

(c) prescribe the qualifications to be required of, and the tests to be passed by, applicants for certificates ;

(d) permit any such certificate to be issued subject to conditions ; 35

(e) provide for any such certificate to be cancelled or suspended ; and

(f) require fees to be paid for the testing of applicants and the issue of certificates.”

Amendment of
No. 6400 s. 44.

22. After paragraph (j) of sub-section (1) of section 44 of the Principal Act there shall be inserted the following paragraph :— 40

“ (ja) the refund of fees paid under this Act.”

23. In

23. In paragraph B of the Second Schedule to the Principal Act—

Amendment
of No. 6400
Second
Schedule.

- 5
- (a) for the expression “ a licence to operate any other ” there shall be substituted the expression “ any other transfer of a licence to operate a ” ; and
 - (b) for the expression “ $2\frac{1}{2}$ per centum ” there shall be substituted the expression “ 5 per centum ”.

