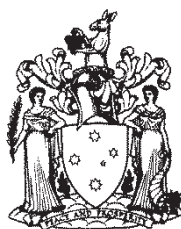


# Road Safety (Drivers) and (Vehicles) Amendment (Miscellaneous Fees) Regulations

## Exposure Draft

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**Victoria**

## **Road Safety (Drivers) and (Vehicles) Amendment (Miscellaneous Fees) Regulations**

### **Exposure Draft**

#### **Part 1—Preliminary**

##### **1 Objective**

The objective of these Regulations is to amend the Road Safety (Drivers) Regulations 2009 and the Road Safety (Vehicles) Regulations 2009 to introduce fees payable under the **Road Safety Act 1986**.

##### **2 Authorising provision**

These Regulations are made under section 95 of the **Road Safety Act 1986**.

##### **3 Commencement**

These Regulations come into operation on 1 November 2015.

## **Part 2—Amendment of Road Safety (Drivers) Regulations 2009**

### **4 Exemption from requirement**

After regulation 20(1) of the Road Safety  
(Drivers) Regulations 2009<sup>1</sup> **insert—**

- "(1A) A person may apply to the Corporation for an exemption under subregulation (1).
- (1B) An application under subregulation (1A) must be in a form approved by the Corporation, that includes or is accompanied by—
- (a) evidence of the applicant's identity; and
  - (b) any evidence the Corporation reasonably requires to verify the applicant's driving experience and the circumstances in which it was obtained; and
  - (c) the relevant fee specified in Schedule 5 for an application under subregulation (1A)."

### **5 New regulation 33A inserted**

- (1) After regulation 33 of the Road Safety (Drivers) Regulations 2009 **insert—**

#### **"33A Appointment to verify non-Victorian licence or permit**

- (1) This regulation applies to an applicant for the grant or variation of a driver licence or learner permit—
- (a) who holds a non-Victorian licence or permit; and

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- (b) who seeks to have a driver licence or learner permit granted in accordance with regulation 35, or in the case of an application for variation of a licence, has a driver licence or learner permit that was granted in accordance with regulation 35.
- (2) The applicant must make an appointment with the Corporation for the purpose of verifying the details of the non-Victorian licence or permit.
  - (3) Without limiting the matters the Corporation may consider when verifying a non-Victorian licence or permit, the Corporation must verify the following details with the body that issued the licence or permit—
    - (a) whether the non-Victorian licence or permit is current; and
    - (b) in the case of an applicant for a driver licence, whether the non-Victorian licence or permit authorises the holder to drive a motor vehicle of a category or class equivalent to the category of motor vehicle to which the application for a driver licence relates.
  - (4) The applicant must bring the following to the appointment—
    - (a) evidence of the applicant's identity; and
    - (b) the applicant's current non-Victorian licence or permit; and
    - (c) a completed driver licence or learner permit application form; and
    - (d) any outstanding licence eligibility order.
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- (5) The applicant must pay the relevant fee specified in Schedule 5 for an appointment under this regulation in relation to the grant or variation of a driver licence, as applicable.

**Note**

*Non-Victorian licence or permit* is defined in section 18A of the Act."

**6 Applicants who have a licence or permit issued outside Victoria**

For regulation 34(1)(b) of the Road Safety (Drivers) Regulations 2009 **substitute**—

- "(b) the applicant holds a current non-Victorian licence or permit."

**7 Licence or permit issued in another jurisdiction**

- (1) For the heading to regulation 35 of the Road Safety (Drivers) Regulations 2009 **substitute**—

**"Grant of driver licence or learner permit to holder of non-Victorian licence or permit"**.

- (2) In regulation 35 of the of the Road Safety (Drivers) Regulations 2009, for "driver licence or learner permit issued in another jurisdiction" **substitute** "non-Victorian licence or permit".

**8 Offence to drive probationary prohibited vehicle**

- (1) In regulation 57(4) of the Road Safety (Drivers) Regulations 2009, for "The Corporation" **substitute** "On an application under subregulation (4A), the Corporation".

- (2) After regulation 57(4) of the Road Safety (Drivers) Regulations 2009 **insert**—

"(4A) A person may apply to the Corporation for an exemption under subregulation (4)(a), (b) or (c).

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- (4B) An application under subregulation (4A) must be in a form approved by the Corporation, that includes or is accompanied by—
- (a) evidence of the applicant's identity; and
  - (b) any evidence the Corporation reasonably requires to verify the requirements of subregulation (4)(a), (b) or (c), as applicable; and
  - (c) the relevant fee specified in Schedule 5 for an application under this regulation."

#### **9 Restrictions affecting certain motor cycle riders**

For regulation 58(3) of the Road Safety (Drivers) Regulations 2009 **substitute**—

- "(3) A person may apply to the Corporation to have a shorter period than that required by subregulation (1) specified in the person's motor cycle licence.
- (3A) An application under subregulation (3) must be in a form approved by the Corporation, that includes or is accompanied by—
- (a) evidence of the applicant's identity; and
  - (b) any evidence the Corporation reasonably requires to verify the requirements of subregulation (3B); and
  - (c) any evidence the Corporation reasonably requires to verify that the applicant has motor cycle driving experience in another jurisdiction or another country; and
  - (d) the relevant fee specified in Schedule 5 for an application under subregulation (3).

(3B) On an application under subregulation (3), the Corporation may specify that a person may hold a motor cycle licence for a shorter period than that required under subregulation (1) if the Corporation is satisfied on the basis of the application that the person has motor cycle driving experience in another jurisdiction or another country."

**10 Peer passenger restriction for P1 probationary drivers**

(1) In regulation 61(3) of the Road Safety (Drivers) Regulations 2009, for "subregulation (1) if" **substitute** "subregulation (1), if the Corporation has received an application from the person under subregulation (3A) that demonstrates to the Corporation's satisfaction that".

(2) After regulation 61(3) of the Road Safety (Drivers) Regulations 2009 **insert**—

"(3A) A person seeking an exemption under subregulation (3) must apply to the Corporation, in a form approved by the Corporation that includes or is accompanied by—

- (a) evidence of the applicant's identity; and
- (b) any evidence the Corporation reasonably requires to verify the requirements of subregulation (3); and
- (c) the relevant fee specified in Schedule 5 for an application under this subregulation."

## 11 Application of fees

- (1) In regulation 112(e) of the Road Safety (Drivers) Regulations 2009, for "Act." **substitute** "Act;"
- (2) After regulation 112(e) of the Road Safety (Drivers) Regulations 2009 **insert**—
  - "(f) fees payable under regulation 20(1B) for applications for exemption in relation to a requirement in Division 2 of Part 2;
  - (g) fees payable under regulation 33A(5) for appointments for the verification of non-Victorian licences or permits;
  - (h) fees payable under regulation 57(4B) for applications by holders of probationary driver licences for exemption in relation to the prohibition against driving a probationary prohibited vehicle;
  - (i) fees payable under regulation 58(3A) for applications to have a shorter period specified in a motor cycle licence than the period required in regulation 58(1);
  - (j) fees payable under regulation 61(3A) for applications for exemption for P1 probationary drivers or corresponding novice drivers from the prohibition against driving a motor vehicle on a highway in which there is more than one peer passenger."

## 12 Amendment of Schedule 5—General Fees

- (1) In Schedule 5 to the Road Safety (Drivers) Regulations 2009, in the heading to Column 4 of the Table, for "*Fee units*" **substitute** "*Fee*".
  - (2) In Schedule 5 to the Road Safety (Drivers) Regulations 2009, for "Regulations 30(2), 62(2), 64(4), 65(1), 93(1), 96(6), 110, 113(3)" **substitute** "Regulations 20(1B), 30(2), 33A(4), 57(4B),
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58(3B), 61(3B), 62(2), 64(4), 65(1), 93(1), 96(6),  
110, 113(3)".

(3) In Schedule 5 to the Road Safety (Drivers)  
Regulations 2009, before item 1 **insert**—

"1AA	Fee to make an application to exempt the applicant from a requirement in Division 2 of Part 2 in relation to the grant or variation of a driver licence	20(1B)	4·16 fee units".
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(4) In Schedule 5 to the Road Safety (Drivers)  
Regulations 2009—

- (a) in item 1, after "1·28" **insert** "fee units";
- (b) in item 2, after "1·66" **insert** "fee units";
- (c) in item 3(a), after "1·37" **insert** "fee units";
- (d) in item 3(b), after "1·27" **insert** "fee units";
- (e) in item 4, after "3·08" **insert** "fee units";
- (f) in item 5, after "3·36" **insert** "fee units";
- (g) in item 6, after "1·28" **insert** "fee units".

(5) In Schedule 5 to the Road Safety (Drivers)  
Regulations 2009, after item 6 **insert**—

"7	Fee to make an appointment for the verification of a non-Victorian licence or permit for the purpose of an application for the grant of a Victorian driver licence or learner permit	33A(5)	1·28 fee units
8	Fee to make an appointment for the verification of a non-Victorian licence or permit for the purpose of an application for variation of a Victorian driver licence	33A(5)	1·28 fee units

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9	Fee to make an application to exempt the holder of a probationary driver licence from the prohibition against driving a probationary prohibited vehicle	57(4B)	4·16 fee units
9A	Fee to make an application to specify a shorter period in a motor cycle than the period required in regulation 58(1)	58(3A)	4·16 fee units
9B	Fee to make an application for the Corporation to exempt a P1 probationary driver or corresponding novice driver from the prohibition against driving a motor vehicle on a highway in which there is more than one peer passenger	61(3A)	4·16 fee units".

(6) In Schedule 5 to the Road Safety (Drivers) Regulations 2009—

- (a) in item 10, after "1·7" **insert** "fee units";
  - (b) in item 11, after "1·7" **insert** "fee units";
  - (c) in item 12, after "2·13" **insert** "fee units";
  - (d) in item 13, after "1·66" **insert** "fee units";
  - (e) in item 14, after "1·66" **insert** "fee units";
  - (f) in item 17, after "1·4" **insert** "fee units";
  - (g) in item 17A, after "3·0" **insert** "fee units";
  - (h) in item 17B, after "1·5" **insert** "fee units";
  - (i) in item 18, after "1·28" **insert** "fee units".
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## **Part 3—Amendment of Road Safety (Vehicles) Regulations 2009**

### **13 New regulation 26A inserted**

- (1) After regulation 26 of the Road Safety (Vehicles) Regulations 2009<sup>2</sup> **insert—**

#### **"26A Verification of supporting evidence**

- (1) The Corporation may require an applicant for registration of a vehicle to make an appointment with the Corporation for the purpose of verifying any of the matters specified in regulation 25, if the inspection of the vehicle under regulation 26 is not required.
- (2) An applicant for registration of a vehicle who is required to make an appointment under subregulation (1) must—
- (a) provide the supporting evidence required under regulation 25 at the appointment; and
  - (b) pay the fee specified in Schedule 5 for an appointment under this subregulation."

### **14 Refunds**

- (1) After regulation 106(6)(ab) of the Road Safety (Vehicles) Regulations 2009 **insert—**
- "(ac) the fee for a vehicle inspection required under these Regulations; or
  - (ad) the fee for a vehicle registration appointment under these Regulations where supporting evidence is required under regulation 25 but inspection of the vehicle by the Corporation is not required; or"
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- (2) In regulation 106(6)(b) of the Road Safety (Vehicles) Regulations 2009, for "label." **substitute** "label; or".
- (3) After regulation 106(6)(b) of the Road Safety (Vehicles) Regulations 2009 **insert**—
- "(c) the fee to clear a vehicle defect notice on weekdays; or
- (d) the fee to clear a vehicle defect notice on weekends."

#### **15 Application of certain fees**

In regulation 107(a) of the Road Safety (Vehicles) Regulations 2009, after "26" **insert** "to 28".

#### **16 Clearance of vehicle defect notices**

After regulation 242(2) of the Road Safety (Vehicles) Regulations 2009 **insert**—

- "(2A) A person must pay the applicable fee specified in Schedule 5 to clear a vehicle defect notice."

#### **17 Amendment of Schedule 5—Miscellaneous Fees**

- (1) In Schedule 5 to the Road Safety (Vehicles) Regulations 2009, for "Regulations 26, 28, 31, 34, 42, 44, 45, 46, 54, 77, 98, 103, 106, 133, 142, 155, 157C, 180, 190, 196, 200, 206, 208, 228" **substitute** "Regulations 26, 25A, 28, 31, 34, 42, 44, 45, 46, 54, 77, 98, 103, 106, 133, 142, 155, 157C, 180, 190, 196, 200, 206, 208, 228, 242".
- (2) In Schedule 5 to the Road Safety (Vehicles) Regulations 2009, after item 4 **insert**—
- |     |   |     |                  |
|-----|---|-----|------------------|
| "4A | Fee to make an appointment for verification of supporting evidence provided in relation to an application for vehicle registration if inspection of vehicle is not required | 26A | 1-28 fee units". |
|-----|---|-----|------------------|

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(3) In Schedule 5 to the Road Safety (Vehicles)  
Regulations 2009, after item 26 **insert—**

"27	Fee to clear a vehicle defect notice on weekdays	242(2A)	1·28 fee units
28	Fee to clear a vehicle defect notice on weekends	242(2A)	1·89 fee units".

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## Endnotes

<sup>1</sup> Reg. 4: S.R. No. 95/2009. Reprint No. 2 as at 30 January 2015. Reprinted to S.R. No. 200/2014. Subsequently amended by S.R. Nos 79/2015 and 84/2015.

<sup>2</sup> Reg. 13: S.R. No. 118/2009. Reprint No. 2 as at 30 January 2015. Reprinted to S.R. No. 201/2014. Subsequently amended by S.R. No. 79/2015.