

# Road Safety Act 1986 and Road Safety (Driver) Regulations 2019

## Overview of changes

On 29 October 2019 a number of changes to the Road Safety Act 1986 will take effect.

The Road Safety (Driver) Regulations 2009 are also due to expire and a new set of regulations will commence on 29 October. The new regulations will be the Road Safety (Driver) Regulations 2019.

Following is an overview of the changes that will occur from 29 October 2019.

### Changes to Road Safety Act 1986

#### Deemed Service of notices

VicRoads notices will be deemed 'served' seven days after they were sent, even if the notices are returned undelivered. Limited exceptions will apply for genuine reasons (e.g. domestic violence). This is consistent with the service of traffic infringement notices.

VicRoads will have the authority to update a customer's address based on notification from an authorised third party (e.g. Victoria Police).

#### Demerit Point Scheme changes

A range of changes will be made impacting how demerit point suspensions and extended demerit point periods are served, including:

- Demerit point suspension will not be interrupted and will run concurrently with any other licence suspension or cancellation. An extended demerit point period will not be interrupted and will run concurrently with a licence suspension or cancellation
- Broadening of the number of offences that will breach the 12 month extended demerit point period (include non-demerit point offences e.g. speeding where there is a licence ban).
- Demerit points will be applied to the following existing offences; learner driver driving a motor vehicle without a supervising driver sitting beside the driver (3 points), failing to display "L" plates (1 point) and motorcycle learner permit holder not wearing an approved high visibility vest or jacket (1 point).

### Changes to Road Safety (Driver) Regulations

#### Requirement to convert to a Victorian Licence

Interstate and overseas licence holders will need to convert to a Victorian Licence/learner permit after living in Victoria for six months. International drivers will need to convert their licence and those driving on learner permits will need to take a Victorian learner permit test.

There is no change to the licence requirements and assessments.

#### Passenger Restrictions (XPAS)

Currently a P1 driver whose licence has been suspended or cancelled for a driving offence has a restriction applied to carry no more than 1 passenger, regardless of age. This condition will no longer apply and existing XPAS conditions will end at midnight on 28/10/2019. The review of the graduated licensing scheme did not find any benefit in this additional restriction which has only ever been applied to a small number of drivers. The peer passenger restriction however will continue to apply through the Graduated Licensing System where P1 drivers can only carry 1 passenger aged 16 to under 22 years of age. Exemptions apply.

#### Probationary Prohibited Vehicles

Probationary prohibited vehicles will be determined based on power-to-mass ratio. Exemptions to drive a lower performance turbo/supercharged vehicle will be removed, such as Club Permit/historic vehicles.

#### Heavy vehicle licences

Heavy vehicle combination licence will require the applicant to have an Australian Medium Rigid or Heavy Rigid licence for at least 12 months and complete a VicRoads approved Heavy Combination training course.

The requirement to hold an Australian car licence for 24 months has been removed.



<https://www.vicroads.vic.gov.au/online-services/sign-up-for-a-vicroads-online-account>

A range of minor, mostly technical initiatives will also be implemented to improve the operation of the regulations (clean up, new or amended definitions, etc). They include interpretation of time provisions and renumbering of regulations, and general regulations updates.

For more information about these changes visit:

<https://getinvolved.transport.vic.gov.au/driverreg2019>

View the new regulations when they are remade on 29 October 2019 at <http://www.legislation.vic.gov.au/>