Research Notes on the 
Road Safety Amendment Bill 2014

Executive Summary

The Napthine Government introduced the Road Safety Amendment Bill 2014 (‘the Bill’) on 27 May 2014. The Bill makes several amendments to the Road Safety Act 1986, including proposed provisions to:

- expand the alcohol interlock program;
- expand the vehicle impoundment scheme;
- create a new offence for driving under the combined influence of alcohol and illicit drugs;
- facilitate the introduction of stage 1 of a new motorcycle graduated licensing system; and
- extend police powers in recovering the costs of vehicle removal.

This Research Note provides a brief overview of road safety initiatives in Victoria and highlights successive Governments’ efforts to reduce the state road toll. It also presents background, statistics and media on key provisions of the Bill, which aim to help further reduce road fatalities and serious injuries. The alcohol interlock program, first legislated in Victoria in 2002, is being further expanded to include first offences and lower blood alcohol concentration (BAC) levels. This is expected to almost double the number of alcohol interlocks installed per year and paves the way for a proposed subsequent Bill to make alcohol interlocks mandatory for all drink drivers not already covered by this current Bill.

The increased incidence of drivers being detected under the influence of illicit drugs as well as alcohol has led the Government to create a new combined drink and drug driving charge. Drivers charged under this new offence will face maximum penalties 50 per cent higher than a drink driving offence alone and at least 50 per cent higher than a drug driving offence alone.

To further reduce road accidents and fatalities, the Government proposes to introduce a new graduated licensing system (GLS) for motorcyclists to complement the system currently in place for newly licensed car drivers. This will extend the zero BAC requirement for newly licensed riders to three years rather than the current one year. Further requirements include the mandatory wearing of high visibility clothing for learner riders and turning on headlights at all times for both learner and newly licensed riders.
Introduction

The Napthine Government introduced the Road Safety Amendment Bill 2014 (‘the Bill’) on 27 May 2014. The Bill makes several amendments to the Road Safety Act 1986, including proposed provisions to:

- expand the alcohol interlock program to include every first offender for drink driving who has a probationary license or learner permit, other drivers with a BAC of 0.07 to 0.15, drivers with a BAC between 0.05 and 0.07 whose licences are cancelled, all repeat offenders with a BAC under 0.07 and serious alcohol-related vehicle offences under the Sentencing Act 1991 including first offences;
- create a new offence for driving under the combined influence of alcohol and illicit drugs;
- expand the vehicle impoundment scheme to cover certain first offences involving drink-driving or the new combined drink and drug driving offences;
- extend the zero BAC limit to motorcycle riders from 1 year to 3 years (for riders who already hold a car driver’s licence) to facilitate the introduction of stage 1 of a new motorcycle graduated licensing system; and
- enable police to recover the costs of vehicle removal (where the vehicle is illegally parked, or causing an obstruction, traffic hazard or congestion) from the registered operator of the vehicle.

The Bill also amends the Rail Management Act 1996 to extend access arrangements for transport service providers beyond their current expiry date of May 2015. In addition, it amends the Accident Compensation Act 1985, Transport Accident Act 1986 and Workplace Injury Rehabilitation and Compensation Act 2013 to provide that a person who commits the new combined drink and drug driving offence will face the same loss of entitlements under the current transport and work-related injury compensation legislation as someone convicted of a drink driving or drug driving offence.

Road Safety in Victoria

Victoria has been a leader in road safety, both nationally and internationally. In 1970, Victoria was the first jurisdiction in the world to make the wearing of seatbelts compulsory. In Australia, Victoria was the first state to legislate random breath testing in 1976 and introduce speed cameras in 1986. Victoria was also the first in Australia and internationally to make the wearing of bicycle helmets compulsory in 1990. These

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1 Access arrangements set out terms and conditions for transport service providers to provide access to the service, including price for access and maintenance standards for infrastructure. See Second Reading speech in Victoria, Legislative Assembly (2014) Debates, Book 7, 28 May, pp. 1741-1743.
4 ibid., p. 2.
and other road safety measures, such as the introduction of 50km/h speed limits for residential areas and 40km/h speed limits for school zones and shopping strips in 2001–02, and random drug testing in 2006, improved infrastructure and community education, have contributed to reducing the number of deaths on Victorian roads from 1,061 in 1970 to 242 in 2013.\(^5\) Figure 1 shows the Victoria road toll from 1952 to 2012, highlighting the introduction of various road safety initiatives during this time period.

**Figure 1. Victorian Road Toll and Road Safety Enforcement Initiatives**

Source: Cameras Save Lives\(^6\)

The Victorian road toll of 242 in 2013 was the lowest since 1924.\(^7\) See Figure 2 for the Victorian road toll over the past six years.

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\(^6\) Department of Justice, Victoria (2013) op. cit.

\(^7\) Road Safety Victoria (2014) ‘Provisional Road Toll for 2013’, Road Safety Victoria website.
While road fatalities have reduced significantly, there has not been as great a reduction in the number of serious injuries. In Victoria the number of serious injuries has almost halved since 1987, when 10,000 people were injured in crashes, however 5,500 people are still seriously injured every year with injuries ranging from a broken arm to brain damage and quadriplegia (see Figure 3). According to Road Safety Victoria, ‘serious injury costs Victoria $2.4 billion a year’.  

Figure 3. Victorian Annual Serious Injuries – 1987 to 2011

Source: VicRoads Road Crash Information System, cited in VicRoads submission to Road Safety Committee Inquiry into Serious Injury.  

Note: Paper-based police reporting of crashes using the Victoria Police 510 form operated until 2005, when the Traffic Incident System (TIS) was implemented. This change of reporting is believed to have affected data consistency and quality.

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11 Monash University Accident Research Centre (2013) Submission to the Road Safety Committee, Inquiry into Serious Injury, April, p. 11.
Drink driving is responsible for 25 to 30 per cent of driver and rider deaths and 11 per cent of serious injuries on Victorian roads. Illicit drugs are a factor in approximately 20 per cent of all driver fatalities. Through the Road Safety Strategy 2013-2022, the Napthine Government has committed to reducing the number of deaths and serious injuries on Victorian roads by 30 per cent over the next ten years.

Alcohol Interlocks

What is an alcohol interlock?

‘Alcohol interlocks are devices fitted to motor vehicles that require drivers to provide a breath sample prior to starting the vehicle and at random times during a journey. If there is alcohol present the vehicle will not start. If alcohol is later detected or a retest is not completed while the vehicle is being driven, a violation is recorded and the vehicle lights and horn may activate.’


Alcohol Interlocks—Background

- California was the first state in the world to trial alcohol interlocks in 1986. Two years later, Victoria’s Parliamentary Social Development Committee completed an Inquiry into Alcohol Abuse and Road Safety, recommending a trial of interlock devices in Victoria. The Committee recommended these interlocks be trialled for previously convicted drink drivers with a BAC over 0.20, and evaluated with regard to the contribution of alcohol interlocks on recidivism and accident involvement by repeat drink drivers, as well as the effect on their drinking behaviour.

- The introduction of alcohol ignition interlocks was a 1999 Coalition Election Policy by the Kennett Government, targeted at repeat offenders. Following the Coalition’s election loss, legislation for the introduction of alcohol interlocks did not proceed immediately.

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In November 2000, the Australian Transport Council launched the National Road Safety Strategy 2001-2010 and National Road Safety Action Plan for 2001 and 2002.\textsuperscript{18} The Action Plan suggested alcohol interlocks as one measure which may improve road user behaviour.\textsuperscript{19} The Australian Transport Council consisted of all federal, state and territory transport ministers and aimed to reduce road fatalities over ten years through a range of road safety initiatives, and has since been replaced by the Transport and Infrastructure Council.

In June 2001, then Transport Minister Peter Batchelor launched a discussion paper on alcohol ignition interlocks in Victoria, followed by several forums to gather community feedback.\textsuperscript{20}

In November 2001, the Bracks Government introduced alcohol ignition interlocks under a Bill which became the Road Safety (Alcohol Interlocks) Act 2002. Under this legislation, interlocks were introduced for repeat drink-drivers and first offenders who had a BAC of 0.15 or more. Then Minister for Transport Peter Batchelor stated ‘this bill is about recognising that whilst the traditional legal mechanisms of punishment and deterrence have done much, they can only go so far in reducing the number of deaths and injuries caused by drink-drivers. We need other tools, ones oriented towards rehabilitation and harm minimisation. This Bill is not about punishment but harm minimisation and rehabilitation.’\textsuperscript{21}

Under the Road Legislation (Projects and Road Safety) Act 2006, the Bracks Government expanded the use of alcohol interlocks, including mandatory alcohol interlocks for probationary drivers and drivers under 26 years who have a BAC of 0.07 or more on a first offence.

In September 2012, the Baillieu Government conducted a road safety survey through the Herald Sun and the Road Safety website, asking for views on various proposed road safety measures.\textsuperscript{22} More than 16,000 people completed the survey.\textsuperscript{23} The Herald Sun reported that ‘83 per cent of respondents favoured an increase in the use of interlocks’.\textsuperscript{24} The Baillieu Government cited this response as support for

\textsuperscript{20}Batchelor, P., Minister for Transport (2001) Government Proposes Tough New Measures to Target Repeat Drink Drivers, Media Release, 13 June.
expanding the use of alcohol interlocks for drink drivers in their Road Safety Action Plan 2013-2016.\textsuperscript{25}

- In Victoria’s Road Safety Action Plan 2013-16, the Baillieu Government committed to expanding the current alcohol interlock program from applying only to BAC of 0.15 or higher and repeat drink drivers, to applying to all convicted drink drivers, including first offences and low-level offences.\textsuperscript{26} The Government stated further that they expect in the future, all new vehicles will be fitted with alcohol interlocks. The Road Safety Strategy 2013-2016 also cited research which suggests that ‘if alcohol interlocks were a standard feature in all Victorian cars, approximately 50 lives and 500 serious injuries would be saved each year’.\textsuperscript{27}

- In his second reading speech, Minister for Roads Terry Mulder stated that ‘research shows interlocks reduce repeat offending by around 60 per cent when offenders are required to use them’. Studies have suggested a reduction in recidivism of between 50 and 90 per cent while the interlock is fitted on the vehicle, with an average reduction of 64 per cent.\textsuperscript{28}

- Since alcohol interlocks were introduced in 2002, more than 35,000 interlocks have been installed in Victoria, preventing people from driving while under the influence of alcohol more than a quarter of a million times.\textsuperscript{29}

**Alcohol Interlocks—Issues**

Issues which have been the source of debate surrounding alcohol interlocks include circumvention, cost, administration and inter-state mobility.

**Circumvention**

The potential for drivers to attempt to circumvent alcohol interlock devices has been debated in the past, yet developments in technology have made alcohol interlocks increasingly difficult to tamper with or circumvent. Data recorders in interlock devices can record attempts to disengage or bypass the interlock, and a driver’s log is recorded to keep track of driving habits so that any decrease in driving will be noted

\textsuperscript{26} ibid.
\textsuperscript{27} ibid.
\textsuperscript{29} Victoria, Legislative Assembly (2014) Debates, op. cit. p. 1742.
(eg. if the driver uses another vehicle). A camera will also be part of the new interlocks, which will take photographic evidence of who has given the breath sample.  

Cost

The interlock system works on a user-pays basis, with offenders bearing the cost of installation, maintenance and removal of their interlock device, along with other costs such as monthly fee of $40 for the establishment and operation of the interlock program. Concessions will be available to certain card holders. The cost for low-income earners has been debated, particularly in jurisdictions such as South Australia, the United States and Canada where the interlock program has been voluntary and uptake has been low. However, in Victoria, where the interlock system is currently mandatory for certain offenders and is being extended to all drink drivers, community sentiment as expressed via the media has not been overly sympathetic towards drink drivers. There has been little opposition in recent media to the proposal for drink drivers to pay for their interlock device, rather the emphasis has been on alcohol interlocks as an appropriate measure in the interests of community safety.

Administration

There has been debate in the past over whether administration of interlock programs would be best done through the courts or a government body such as a driver licensing authority. As Stage 1 of the expanded interlock program in Victoria is predicted to almost double the number of interlocks installed from 5,400 to 10,700 per year, the issue has been raised regarding how the courts will manage this increase. To address this issue, Minister Mulder stated that VicRoads will establish a new administrative process designed to manage cases involving first time drink driving offenders with a BAC of less than 0.10. Minister Mulder stated that ‘this is expected to reduce offences managed by courts by up to 1,600 to 2,000 per year’.

Inter-state Mobility

As alcohol interlock laws vary between jurisdictions in Australia, commentators have called for clear reciprocal arrangements to be developed regarding servicing of interlocks and licensing requirements for drivers travelling or moving interstate.

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30 See Lesman (2002) op. cit.
32 Concessions will be available to health care card, pensioner card and Department of Veterans’ Affairs Gold card holders. See Victoria, Legislative Assembly (2014) Debates, op. cit., p. 1742.
33 See Lesman (2002) op. cit.
35 ibid.
Alcohol Interlocks—Current Situation

Under the *Road Safety Act 1986*, interlocks are currently mandatory for—

- All offenders with a BAC of 0.15 or more;
- Most repeat offences;
- First offences by young drivers (under 26 years or on a probationary license) with a BAC of 0.07 or more;
- Refusing a breath test or driving under the influence of alcohol; and
- Other serious offences under the *Sentencing Act 1991* (eg. culpable driving involving alcohol).  

Other offenders may also be required to have an alcohol interlock fitted at a Magistrate’s discretion.

Currently interlocks are fitted to vehicles for time periods which range from six months for a first offence to four years or more for serious or repeat offences. At the end of fitment period, offenders must return to court to have the interlock condition removed.

Alcohol Interlocks—What the Bill Proposes

According to the Second Reading speech, the Napthine Government aims to expand the use of alcohol interlocks to every convicted drink driver. To do this, the Government has set in motion a two-stage process. This Bill deals with Stage 1, which makes interlocks mandatory for:

- Every first offender on a probationary licence or learner permit;
- Other drivers who have a BAC between 0.07 and 0.15;
- Drivers with BAC under 0.07 whose licences are cancelled (including professional drivers of buses and taxis) and first year motor cycle riders who are subject to a zero BAC limit;
- All repeat offenders with a BAC under 0.07; and
- Serious alcohol-related vehicle offences under the *Sentencing Act 1991*, including first offences.

Licence cancellation will become mandatory for learner and probationary drivers with a first offence below 0.07 BAC and all repeat offenders with below 0.07 BAC. The Minister stated that ‘The minimum licence cancellation for a first offence under 0.05 BAC will be 3 months.’

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40 ibid.
41 See *Road Safety Act 1986*, section 50AAB.
43 ibid.
The minimum interlock period for first offences will be six months, in line with current provisions. Also consistent with current provisions, relicensed drivers with an interlock condition on their licence will also have zero BAC licence condition, lasting a minimum of three years.

Stage 1 of the expanded use of alcohol interlocks will commence on 1 October 2014. This expansion of the interlock program to first offences and low-level BAC offences is predicted to almost double the number of drivers with interlocks, from 5,400 to 10,700 per year.\(^4^4\)

The Minister for Roads stated that in order to avoid overloading the courts system with these additional cases, VicRoads will establish a new administrative process designed to manage cases involving first time drink driving offenders with a BAC of less than 0.10. The Minister stated that ‘this is expected to reduce offences managed by courts by up to 1,600 to 2,000 per year’.\(^4^5\)

Interlocks will not be removed until the mandatory minimum period has elapsed and the offender can demonstrate that they have ‘successfully separated drinking from driving’.\(^4^6\) Assessment will include data from the interlock device such as breath test readings, confirmation of driving with the interlock fitted and any evidence of tampering. Interlocks which can take photos will become mandatory, to assist VicRoads, the courts and offenders in establishing who has given the breath sample.

Offenders will pay interlock suppliers for the installation, maintenance and removal of their interlock devices. Concessions are currently available to health-care card holders, but supporting regulations will extend this concession to holders of pensioner concession cards or Department of Veterans’ Affairs gold cards.

The Minister for Roads also stated that supporting regulations would include a cost recovery fee of $40 per month for the establishment and operation of the expanded alcohol interlock program which offenders will have to pay. A 50 per cent concession is proposed for the card holders mentioned previously.

VicRoads will be tasked with monitoring alcohol interlock fitment rates to ensure compliance remains high and identifying improvements if fitment declines.\(^4^7\)

Stage 2 of the alcohol interlock expansion will make interlocks mandatory for all remaining drink-drivers not captured by stage 1 (i.e. drink-drivers with a BAC under 0.07 who are not subject to mandatory licence cancellation). Minister Mulder stated a Bill enacting Stage 2 would be drawn up after further work had been done on how best to manage this group.\(^4^8\) It is expected that this Stage 2 legislation will be

\(^4^4\) ibid.
\(^4^5\) ibid.
\(^4^6\) ibid.
\(^4^7\) ibid., p. 1743.
\(^4^8\) ibid., p. 1742.
progressed in 2016, and will increase the number of drivers and riders required to have alcohol interlocks fitted from 10,700 to around 13,300 per year.\(^4^9\)

### Alcohol Interlocks - Media


New Offence for Drink-Drug Driving

Drink-Drug Driving—Background Issues

- Victoria was the first state to legislate random breath testing in 1976. Random drug testing was introduced in Victoria in 2006.

- Minister for Roads Terry Mulder stated there was evidence to suggest that driving under the influence of alcohol and drugs was increasingly a factor involved in road trauma.

- According to a report by the Australian Drug Foundation and Vic Department of Health, ‘Polydrug combinations are often detected in drivers involved in accidents. Results of studies indicate, on the whole, that impairment in driving performance increases when drivers combine alcohol with other drugs or use multiple drugs simultaneously.’

- Data from the Victorian Coroners Court on drivers and riders killed with alcohol in their system over a four year period from 2008 to 2011 showed 8 per cent also had at least one illicit drug present.

- Minister Mulder stated that ‘Research indicates that when drivers combine alcohol and illicit drugs they are on average 23 times more likely to be killed in a crash compared with drivers who are drug and alcohol free.’ Research such as a study undertaken by Columbia University's Mailman School of Public Health in 2013 suggests that relative to drivers who did not test positive to either alcohol or drugs, the risk of being involved in a fatal crash increases 23 times for those who test positive to both alcohol and drugs. This study also suggests that drivers under the influence of a combination of alcohol and drugs are more likely to be involved in a crash than drivers under the influence of alcohol alone.

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51 Department of Justice, Victoria (2013) 'Road toll statistics', Cameras Save Lives website.
• The Baillieu Government sought community views on drink and drug driving offences through a survey published in the Herald Sun and online via the Road Safety website in September 2012. Of the more than 16,000 respondents, 88 per cent wanted more random drug testing for drivers and 86 per cent wanted increased penalties for drug driving.57

**Drink-Drug Driving—What the Bill Proposes**

Currently, there are separate charges for drink-driving and drug-driving offences. This Bill creates a new combined drink and drug driving charge, with the penalties reflecting ‘the seriousness of offending behaviour’.58

The new offence will apply to drivers or riders who have a BAC at an illegal level and one or more of three prescribed illicit drugs in their systems—speed, ecstasy or cannabis—as detected through the enforcement methods currently used, including breath, saliva and blood tests.59 For a first offence, the maximum fine will be 30 penalty units ($4330), and repeat offenders will face maximum fines from $12,002 to $38,997.60 These maximum fines for the combined drink-drug driving offence will be 50 per cent higher than the maximum fine for drink-driving alone and at least 50 per cent higher than the maximum for drug driving alone.61

There will be a mandatory minimum 12 month licence cancellation, with longer periods applying for higher BAC levels and repeat offences. Immediate vehicle impoundment will also apply. Combined offenders will also face the same loss of accident compensation entitlements that drink-driving and drug-driving offenders currently face. These penalties are due to come into effect from mid-2015.

**Drink-Drug Driving—Media**


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60 ibid. Penalty unit as at May 2014 is $144.36.
61 ibid.
New Motorcycle Graduated Licensing System

Motorcycle GLS—Background

- The current graduated licensing system (GLS) for car drivers was introduced in Victoria in 2007-8. The GLS is a four year, two-stage probationary licence system which includes requirements such as 120 hours of driving experience for learner drivers under 21 years.

- In 2010, then Roads Minister Tim Pallas released a discussion paper on options for a new graduated licensing system for motorcyclists. Minister Pallas stated that motorcyclists were among the most vulnerable road users, ‘with novice riders being particularly at risk’ and the existing graduated licensing system needed to be updated ‘to meet the road safety needs of today’s riders’. The discussion paper included four broad categories: type and duration of phases, test requirements, training and skill development and restrictions/sanctions on novice riders.

- The discussion paper cited a European study of motorcycle crashes in France, Germany, Netherlands, Spain and Italy which found that the risk of being involved in a crash on a motorcycle while under the influence of alcohol was ‘2.7 times greater than the risk when sober’. The discussion paper further stated that ‘this result, coupled with the finding that the effects of alcohol consumption on motorcycle riding are more dramatic than on car driving (due to the role of coordination and balance in riding), confirms the value of a zero BAC for novice riders’. The discussion paper suggested extending the intermediate phase of motorcycle licensing (i.e. the novice rider restrictions such as BAC of zero from one to three years).

- Some stakeholders such as the Federal Chamber of Automotive Industries motorcycle manager Rhys Griffiths were critical of the new motorcycle GLS proposed in the 2010 discussion paper. Mr Griffiths stated that ‘While we’re pleased the Government is looking to adopt world’s-best practice, we are

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ibid., p. 21.
concerned that there are so many restrictions and hurdles to obtaining a full motorcycle licence that the process itself may in fact be a barrier to licensing and therefore putting the motorcycle industry as a whole at a disadvantage’. Mr Griffiths also expressed concern about the proposal to make learner riders wear high-visibility vests or jackets, stating that ‘it looks like a de facto way of introducing mandatory protective clothing regulations’.

- The Victorian Parliamentary Road Safety Committee conducted an Inquiry into Motorcycle Safety, releasing its report in December 2012. The Committee report made 64 recommendations covering data quality and accuracy, the accredited provider scheme, off-road riding and motorcycle safety, attitudes, the Motorcycle Safety Levy, working with non-government stakeholders, countermeasures, and new initiatives.

- Minister for Roads Terry Mulder stated in his second reading speech on the Bill ‘We’ve had great results with the GLS reducing road trauma among new car drivers and we want to extend these safety outcomes to motorcyclists as well’.

- Following the introduction of the Road Safety Amendment Bill 2014 to Parliament, the Independent Riders Group has expressed its opposition to the proposed requirement for learners and restricted riders to have their headlights on at all times and for learners to wear high-visibility vests, viewing these requirements as excessive.

**Motorcycle Safety Statistics**

Of the 242 people killed on Victoria’s roads in 2013, 40 were riders and passengers of motorcycles, representing 17 per cent of the 2013 road toll. Motorcycles make up 3.86 per cent of registered vehicles in Victoria as at 31 January 2013. Figures 4 and 5 show the 2013 Road Toll in Victoria by road user. Figures 6 and 7 show the number of registered vehicles in Victoria by motor vehicle type in 2013. Figure 8 shows Victorian motorcyclist fatalities by area of Victoria (i.e. Melbourne, country and totals) from 1987 to 2013. Figure 9 shows motorcyclist claims involving acute hospitalisation in Victoria by area from December 2000 to December 2012.

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71 ibid.
Figure 4. 2013 Victorian Road Toll by Road User

<table>
<thead>
<tr>
<th>Road User</th>
<th>2013 Road Toll</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bicyclist</td>
<td>6</td>
</tr>
<tr>
<td>Driver</td>
<td>121</td>
</tr>
<tr>
<td>Motorcyclist</td>
<td>40</td>
</tr>
<tr>
<td>Passenger</td>
<td>39</td>
</tr>
<tr>
<td>Pedestrian</td>
<td>36</td>
</tr>
<tr>
<td>Total</td>
<td>242</td>
</tr>
</tbody>
</table>

Source: TAC\textsuperscript{76}

Figure 5. 2013 Victorian Road Toll by Road User

Source: Chart generated from data in Figure 4\textsuperscript{77}

\textsuperscript{76} Transport Accident Commission (2014) ‘Road Toll – Annual’, TAC website.
\textsuperscript{77} ibid.
Figure 6. Registered Vehicles in Victoria (as at 31 January 2013)

<table>
<thead>
<tr>
<th>Motor Vehicle Type</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passenger Vehicles</td>
<td>3,446,548</td>
</tr>
<tr>
<td>Campervans</td>
<td>11,918</td>
</tr>
<tr>
<td>Light Commercial Vehicles</td>
<td>596,530</td>
</tr>
<tr>
<td>Light Rigid Trucks</td>
<td>29,411</td>
</tr>
<tr>
<td>Heavy Rigid Trucks</td>
<td>78,490</td>
</tr>
<tr>
<td>Articulated Trucks</td>
<td>25,560</td>
</tr>
<tr>
<td>Non-Freight Carrying Vehicles</td>
<td>6,262</td>
</tr>
<tr>
<td>Buses</td>
<td>19,509</td>
</tr>
<tr>
<td>Motor Cycles</td>
<td>169,406</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>4,383,634</strong></td>
</tr>
</tbody>
</table>

Source: ABS Motor Vehicle Census 2013

Figure 7. Registered Vehicles in Victoria by Type (as at 31 January 2013)

Source: Chart generated from data in Figure 5

79 ibid.
Figure 8. Motorcyclist Fatalities (Melbourne / country)

Source: TAC, April 2014 Road Safety Statistical Summary

Figure 9. Motorcyclist Claims Involving an Acute Hospital Admission (Melbourne / Country)

Source: TAC, April 2014 Road Safety Statistical Summary

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81 ibid.
Motorcycle GLS—What the Bill Proposes

The Government is investing approximately $2.92 million from the Motorcycle Safety Levy to fund the development and implementation of the GLS.\textsuperscript{82} The new motorcycle GLS will be introduced in two stages. The Road Safety Amendment Bill 2014 implements stage one, which provides new requirements for learner and newly licensed motorcycle riders. Under this Bill, inexperienced motorcycle licence holders will be subject to a zero BAC requirement for three years rather than current 12 months. This is in line with the graduated licensing system for newly licensed car drivers. This restriction will apply whether or not the motorcyclist already has a car licence. Motor cycle riders will also be required to carry their licence during that three year period. The proposed changes are outlined in Figure 10 below.

Motorcycle Graduated Licensing System—Media

\begin{itemize}
\item (2014) ‘Changes Mean a Safer Ride’, Cobram Courier, 7 May.
\item Ministerial Road Safety Council (2014) Road Safety Symposium to Reduce Serious Injuries, Media Release, 1 May.
\item (2010) ‘Harder to Get Your Motorbike Licence’, Herald Sun, 3 September.
\end{itemize}

\textsuperscript{82} ‘Stricter, Safer Bike Licensing’, Warrnambool Standard, 3 May 2014, p. 35.
Figure 10. Proposed Changes to Motorcycle Licensing

The New Graduated Licensing System will be introduced in two stages.

**Stage 1** – planned commencement in late 2014 will introduce the following changes for learner and newly-licensed riders

<table>
<thead>
<tr>
<th>Learner Phase</th>
<th>Licence Phase</th>
</tr>
</thead>
<tbody>
<tr>
<td>ride with headlight on at all times</td>
<td>ride with headlight on at all times</td>
</tr>
<tr>
<td>wear a high visibility vest or jacket whilst riding</td>
<td>no mobile phone use</td>
</tr>
<tr>
<td>if tested on an automatic motorcycle, restricted to riding an automatic motorcycle</td>
<td>no towing</td>
</tr>
<tr>
<td>retaining current requirements:</td>
<td>if tested on an automatic motorcycle, restricted to riding an automatic motorcycle</td>
</tr>
<tr>
<td>- must only ride a learner approved motorcycle</td>
<td></td>
</tr>
<tr>
<td>- zero BAC</td>
<td></td>
</tr>
<tr>
<td>- no pillion passenger</td>
<td></td>
</tr>
<tr>
<td>- no mobile phone use</td>
<td></td>
</tr>
<tr>
<td>- no towing</td>
<td></td>
</tr>
<tr>
<td>- must display L plates</td>
<td></td>
</tr>
<tr>
<td>- compulsory carriage of permit</td>
<td></td>
</tr>
<tr>
<td></td>
<td>compulsory carriage of licence</td>
</tr>
<tr>
<td></td>
<td>retaining current requirements:</td>
</tr>
<tr>
<td></td>
<td>- must only ride a learner approved motorcycle</td>
</tr>
<tr>
<td></td>
<td>- zero BAC</td>
</tr>
<tr>
<td></td>
<td>- no pillion passenger</td>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>The duration for the conditions will be increased from the current 1 year to 3 years</td>
</tr>
</tbody>
</table>

**Stage 2** - planned to be introduced in late 2015 will introduce:

- a new pre-learner training curriculum which will be required to be undertaken by all learner applicants
- new on-road learner test
- an assessment of capabilities as learners gain experience
- new on-road licence test

These changes will not be retrospective and will therefore only apply to riders who receive their learner permit or licence after the introduction dates for the new system.

Source: [VicRoads](https://www.vicroads.vic.gov.au)/[^83]

Immediate Impoundment for BAC of 0.10 or More

In his second reading speech, Minister for Roads Terry Mulder stated that ‘around 70 per cent of drink drivers killed in crashes have BAC of 0.10 or more’. Mr Mulder further stated that ‘police detect a BAC reading at 0.10 or greater in one third of drink drivers that they stop’ and for most of these, this is their first offence.

Currently, drink drivers of 0.10 BAC or over face immediate licence loss on their first offence but not vehicle impoundment. The existing provisions enable vehicle impoundment of 30 days plus additional time applied by the courts for second-time drink-driving offenders with a 0.10 BAC or greater.

The Bill extends the ability of police to impound vehicles of not only second offenders but also first-time drink drivers with a BAC of 0.10 or higher. Under the proposed provisions, police will be given discretionary powers to impound vehicles for 30 days for first time drink driving offenders with a BAC of 0.10 or greater, consistent with other first offences that attract impoundment.

The number of vehicles impounded is expected to rise by 3,800 to 4,800 additional vehicles in the first three years after commencement of Bill. The Bill also includes measures to assist Victoria Police to manage vehicle impoundment more efficiently, as well as amendments to improve processes relating to immobilisation, vehicle abandonment and court hardship applications.

Other Amendments

Recovering Costs of Vehicle Removal

The Bill provides that, in circumstances where police need to move a vehicle (e.g. for unlawful parking, causing obstruction, danger or traffic congestion) they can recover the costs of doing so from the registered operator of the vehicle. Currently, they can only recover the cost from the owner, who may be different from the registered operator.

Access Arrangements under Rail Management Act 1996

The Bill extends access arrangements under the Rail Management Act 1996 beyond their expiry date of May 2015. Access arrangements set out terms and conditions for transport service providers to provide access to the service, including price for access and maintenance standards for infrastructure. The Essential Services Commission approves all rail transport access arrangements. This extension allows time for Department of Transport, Planning and Local Infrastructure to complete review of the Victorian Rail Access regime.

85 ibid.
86 ibid.
87 ibid.
88 ibid.
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