Western Australia

Road Traffic Amendment (Driving Offences) Act 2018

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Western Australia

Road Traffic Amendment (Driving Offences) Act 2018

No. 19 of 2018

An Act to amend the *Road Traffic Act 1974* and the *Road Traffic (Authorisation to Drive) Act 2008*.

[Assented to 7 September 2018]

The Parliament of Western Australia enacts as follows:

## Part 1 — Preliminary

##### 1. Short title

This is the *Road Traffic Amendment (Driving Offences) Act 2018*.

##### 2. Commencement

This Act comes into operation as follows —

(a) Part 1 — on the day on which this Act receives the Royal Assent;

(b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

## Part 2 — *Road Traffic Act 1974* amended

##### 3. Act amended

This Part amends the *Road Traffic Act 1974*.

##### 4. Section 49AB amended

(1) Before section 49AB(1A) insert:

(1AA) In this section —

prescribed authorisation —

(a) means —

(i) a learner’s permit; or

(ii) an Australian driver licence; or

(iii) a licence or authorisation granted under the law of an external licensing authority as defined in the *Road Traffic (Authorisation to Drive) Act 2008* section 3(1);

and

(b) includes an extraordinary licence as defined in the *Road Traffic (Authorisation to Drive) Act 2008* section 3(1).

(2) After section 49AB(1)(a) insert:

(aa) the person has never held a prescribed authorisation; or

(ab) the person has held a prescribed authorisation but is a person described in section 49(3)(a), (b), (ca), (c) or (da); or

(ac) the person holds a prescribed authorisation but the prescribed authorisation does not authorise the person to drive a vehicle of the kind concerned; or

(ad) the person commits an offence under the *Road Traffic (Authorisation to Drive) Act 2008* section 38(1); or

(3) In section 49AB(1)(b) delete “45 km/h” and insert:

30 km/h

(4) After section 49AB(1) insert:

(2A) Subsection (1)(ac) does not apply to a person who is a member of a class of persons prescribed for the purposes of the subsection by regulations made under the *Road Traffic (Authorisation to Drive) Act 2008* section 4(7).

## Part 3 — *Road Traffic (Authorisation to Drive) Act 2008* amended

##### 5. Act amended

This Part amends the *Road Traffic (Authorisation to Drive) Act 2008*.

##### 6. Section 4 amended

After section 4(6) insert:

(7) The regulations may provide that the *Road Traffic Act 1974* section 49AB(1)(ac) does not apply to a person —

(a) holding a class of authorisation specified in the regulations; and

(b) driving a kind of vehicle specified in the regulations for that class of authorisation.

(8) The Minister must consult with the Minister responsible for the administration of the *Road Traffic Act 1974* before recommending to the Governor that regulations referred to in subsection (7) be made, amended or repealed.

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By Authority: KEVIN J. McRAE, Government Printer