

5. Definitions

(1) In this Act, unless the contrary intention appears —

“**agricultural implement**” means an implement or machine designed and used for ploughing, cultivation, spreading fertilizer, sowing seed, spraying, harvesting, chaff cutting, or any other agricultural operation, whether the implement or machine is hauled or towed by animal or mechanical power;

“**Director General**” means the chief executive officer of the department of the Public Service principally assisting in the administration of the licensing provisions of this Act;

“**district**” means an area that has been declared to be a district under the *Local Government Act 1995*;

“**driver**” means any person driving, or in control of, a vehicle or animal;

“**driver’s licence**” means a licence issued under this Act authorising a person to drive a motor vehicle of the class or classes therein specified, on a road;

“**Government road**” means a road declared by Order in Council under the *Public Works Act 1902* to be a Government road or a highway or main road to which section 13(4) of the *Main Roads Act 1930* applies;

“**licence**” means a licence granted under this Act;

“**licensing provisions of this Act**” means —

- (a) Parts III, IV and IVA, section 76, section 82, section 113 and the First and Second Schedules;
- (b) regulations made for the purposes of the provisions mentioned in paragraph (a);
- (c) regulations made under section 111(2)(d) to (g), (i), (l) and (m), (2a) and (2b); and
- (d) regulations made under section 111(2)(j), (k) and (n), (3), (4) and (5) for the purposes of the regulations referred to in paragraph (c);

“**mechanical power**” includes any motive power not being animal power;

“**moped**” means a motor cycle which has a propelling engine having a piston displacement not exceeding 50 millilitres and which is designed so as to be capable of a speed not exceeding 60 kilometres per hour whether or not it is also capable of being propelled as a pedal cycle, but does not include a power assisted pedal cycle;

“**motor vehicle**” means a self-propelled vehicle that is not operated on rails; and the expression includes a trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle;

“**number plate**” means an identification tablet or number plate issued under the regulations bearing numerals, or letters, or numerals and letters;

“**omnibus**” means a passenger vehicle equipped to carry more than 8 adult persons and used to carry passengers for separate fares;

“**owner**” in relation to a vehicle, includes —

- (a) a person who is the owner thereof;
- (b) a person nominated as owner pursuant to subsection (4);

- (ba) a person who is the purchaser or hirer of the vehicle under a contract that for the purposes of the *Credit Act 1984* is a credit sale contract to which that Act applies or who is the debtor under an agreement that pursuant to that Act is deemed to be a credit sale contract to which that Act applies;
- (baa) a person who is the purchaser or hirer of a vehicle under a contract that for the purposes of the *Consumer Credit (Western Australia) Code* is a credit contract, or is to be regarded as a credit contract, to which that Code applies;
- (c) a person who has the use thereof under a hiring or hire-purchase agreement or under a lease or loan or other arrangement; and
- (d) a person in whose name the vehicle is registered under this Act or under any corresponding law of any State or Territory of the Commonwealth, (being a law in respect of which a declaration under subsection (5) is in force),

but does not include an unpaid vendor of the vehicle under a hire-purchase agreement or the lessor under a lease;

“passenger vehicle” means —

- (a) a taxi within the meaning of the *Taxi Act 1994* and any vehicle that is licensed to stand or ply for the carriage of passengers for reward, including an omnibus; or
- (b) a motor vehicle that is fitted with seats for 13 or more persons, including the driver of the vehicle, and is being used to carry 13 or more persons, including the driver;

“permit” means permit granted under this Act;

“power assisted pedal cycle” means a vehicle designed to be propelled through a mechanism operated solely by human power, to which is attached one or more auxiliary propulsion motors having a combined maximum output not exceeding 200 watts;

“recording fee” means the fee payable under section 19(1);

“regulation” means a regulation made under this Act, and includes a local law made by a local government under this Act;

“repealed Act” means the Act repealed by section 4;

“road” means any highway, road or street open to, or used by, the public and includes every carriageway, footway, reservation, median strip and traffic island thereon;

“stock” includes horses, mares, fillies, foals, geldings, colts, camels, bulls, bullocks, cows, heifers, steers, calves, asses, mules, sheep, lambs, goats and swine;

“this Act” includes the regulations;

“traffic regulation provisions of this Act” means the provisions of this Act other than the licensing provisions of this Act;

“unrestricted licence” means a driver’s licence that is not issued on probation;

“vehicle” includes —

- (a) every conveyance, not being a train, vessel or aircraft, and every object capable of being propelled or drawn, on wheels or tracks, by any means; and
- (b) where the context permits, an animal being driven or ridden;

“vehicle licence fee” means the fee payable under section 19(3);

“warden” means a warden appointed under section 7.

(1a) In provisions of this Act dealing with penalties for offences —

(a) these abbreviations are used:

“Disq” for minimum period of disqualification;

“Max” for maximum fine;

“Min” for minimum fine;

“PU” for penalty unit or penalty units;

and

(b) a reference to a number of PU is a reference to an amount (in dollars) that is that number multiplied by 50.

(2) For the purposes of this Act a vehicle which is, in any manner, drawn or propelled on a road shall be deemed to be used on a road.

[(3) *repealed*]

(4) Where a vehicle is owned by more than one person as owner or otherwise, only one of those persons, to be nominated by all such persons, by notice in writing given to the Director General shall for the purposes of this Act be deemed to be the owner of the vehicle.

(5) The Minister may by notice published in the *Government Gazette* declare a law of a State or Territory to be a corresponding law for the purposes of paragraph (d) of the interpretation of “owner” in subsection (1) and may by subsequent notice so published vary or cancel any such declaration.

(6) For the purposes of this Act, a person reasonably suspects that something is the case at a relevant time if —

(a) the person, acting in good faith, of their own knowledge has grounds at the time for holding the suspicion; and

(b) it is reasonable, when judged objectively, for the person to hold the suspicion on those grounds at the time, even if the grounds are subsequently found to be false or non-existent at the time.

[Section 5 amended by No. 77 of 1975 s. 3; No. 89 of 1978 s. 3; No. 71 of 1979 s. 3; No. 71 of 1981 s. 3; No. 105 of 1981 s. 3 and 19; No. 102 of 1984 s. 16; No. 121 of 1987 s. 4; No. 11 of 1988 s. 4; No. 50 of 1991 s. 3; No. 13 of 1992 s. 4; No. 83 of 1994 s. 48; No. 21 of 1995 s. 4; No. 14 of 1996 s. 4; No. 30 of 1996 s. 13; No. 76 of 1996 s. 4, 20(1) and (3); No. 50 of 1997 s. 4; No. 5 of 2002 s. 15; No. 7 of 2002 s. 27; No. 74 of 2003 s. 105(2); No. 6 of 2004 s. 4; No. 10 of 2004 s. 4.]