

Notes

¹ This reprint is a compilation as at 16 July 2004 of the *Road Traffic Act 1974* and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about any reprint.

Compilation table

| Short title | Number and year | Assent | Commencement |
|-----------------------------------------------------------------------------|--------------------------------------------------------------------|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Road Traffic Act 1974</i> | 59 of 1974 | 3 Dec 1974 | s. 4: 3 Dec 1974 (see s. 2(2)); s. 6-10 and 12: 21 Feb 1975 (see s. 2(1) and <i>Gazette</i> 21 Feb 1975 p. 633); balance: 1 Jun 1975 (see s. 2(1) and <i>Gazette</i> 29 May 1975 p. 1442) |
| <i>Road Traffic Act Amendment Act 1975</i> | 77 of 1975 | 14 Nov 1975 | 1 Jul 1976 (see s. 2 and <i>Gazette</i> 12 Dec 1975 p. 4481) |
| <i>Road Traffic Act Amendment Act (No. 2) 1975</i> | 93 of 1975 | 20 Nov 1975 | 20 Feb 1976 (see s. 2 and <i>Gazette</i> 20 Feb 1976 p. 445) |
| <i>Road Traffic Act Amendment Act 1976</i> | 17 of 1976 | 3 Jun 1976 | 21 Aug 1976 (see s. 2 and <i>Gazette</i> 6 Aug 1976 p. 2658) |
| <i>Road Traffic Act Amendment Act (No. 2) 1976</i> | 48 of 1976 | 10 Sep 1976 | Act other than s. 3 and 4(a)-(f) and (h): 10 Sep 1976 (see s. 2(1)); s. 3 and 4(a)-(f) and (h): 1 Jun 1977 (see s. 2(2) and <i>Gazette</i> 20 May 1977 p. 1490) |
| <i>Road Traffic Act Amendment Act (No. 3) 1976</i> | 135 of 1976 | 9 Dec 1976 | 9 Dec 1976 |
| <i>Road Traffic Act Amendment Act 1977</i> | 4 of 1977 | 29 Aug 1977 | 29 Aug 1977 |
| <i>Road Traffic Act Amendment Act 1978</i> ⁵ | 89 of 1978 (as amended by No. 82 of 1982 s. 30 and 31) | 8 Nov 1978 | Act other than s. 16(a), (b) and (c), 18 and 23: 25 May 1979 (see s. 2 and <i>Gazette</i> 25 May 1979 p. 1377); s. 18: 1 Jan 1980 (see s. 2 and <i>Gazette</i> 979 p. 3770) |
| <i>Acts Amendment and Repeal (Road Maintenance) Act 1979 Pt. II</i> | 9 of 1979 | 18 May 1979 | 1 Jul 1979 (see s. 2(2)) |
| <i>Road Traffic Act Amendment Act 1979</i> | 10 of 1979 | 18 May 1979 | 18 May 1979 |

| Short title | Number and year | Assent | Commencement |
|--------------------------------------------------------------------------------------------------------------|-----------------|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Road Traffic Act Amendment Act (No. 2) 1979</i> | 71 of 1979 | 27 Nov 1979 | Act other than s. 4, 5, 8-11, 13, 14 and 18: 27 Nov 1979 (see s. 2(1)); s. 8-11, 13, 14 and 18: 1 Feb 1980 (see s. 2(2) and <i>Gazette</i> 1 Feb 1980 p. 284); s. 4: 15 Feb 1980 (see s. 2(2) and <i>Gazette</i> 15 Feb 1980 p. 456); s. 5: 2 May 1980 (see s. 2(2) and <i>Gazette</i> 2 May 1980 p. 1405) |
| Untitled regulations (see <i>Gazette</i> 6 Jun 1980 p. 1671-2) | | | 6 Jun 1980 |
| Reprint of the Road Traffic Act 1974 approved 22 Jul 1980 (includes amendments listed above) | | | |
| <i>Road Traffic Amendment Act 1980</i> | 42 of 1980 | 12 Nov 1980 | Act other than s. 3-6, 8, 9(a) and 10: 12 Nov 1980 (see s. 2(1)); s. 3-6, 8, 9(a) and 10: 1 Jan 1981 (see s. 2(2)) |
| <i>Acts Amendment (Motor Vehicle Pools) Act 1980 Pt. II</i> | 48 of 1980 | 19 Nov 1980 | 19 Nov 1980 |
| <i>Road Traffic Amendment Act (No. 2) 1980</i> ⁶ | 81 of 1980 | 5 Dec 1980 | 5 Dec 1980 |
| <i>Road Traffic (Fees for Vehicle Licences) Regulations 1981</i> (see <i>Gazette</i> 29 May 1981 p. 1611-18) | | | 29 May 1981 |
| <i>Road Traffic Amendment Act 1981</i> | 39 of 1981 | 25 Aug 1981 | 25 Aug 1981 |
| <i>Road Traffic Amendment Act (No. 2) 1981</i> | 71 of 1981 | 30 Oct 1981 | 1 Aug 1982 (see s. 2 and <i>Gazette</i> 23 Jul 1982 p. 2842) |
| <i>Road Traffic Amendment Act (No. 4) 1981</i> | 105 of 1981 | 4 Dec 1981 | 2 Feb 1982 (see s. 2 and <i>Gazette</i> 2 Feb 1982 p. 393) |
| <i>Companies (Consequential Amendments) Act 1982</i> s. 28 | 10 of 1982 | 14 May 1982 | 1 Jul 1982 (see s. 2(1) and <i>Gazette</i> 25 Jun 1982 p. 2079) |
| <i>Acts Amendment (Motor Vehicle Fees) Act 1982, Pt. III</i> | 25 of 1982 | 27 May 1982 | 1 Jul 1982 (see s. 2) |
| <i>Road Traffic (Fees for Vehicle Licences) Regulations 1982</i> (see <i>Gazette</i> 28 May 1982 p. 1728-34) | | | 28 May 1982 |
| <i>Road Traffic Amendment Act 1982</i> | 60 of 1982 | 24 Sep 1982 | Act other than s. 3 and 6(a): 1 Oct 1982 (see s. 2 and <i>Gazette</i> 1 Oct 1982 p. 3885); s. 3 and 6(a): 1 Nov 1982 (see s. 2 and <i>Gazette</i> 1 Oct 1982 p. 3885) |

| Short title | Number and year | Assent | Commencement |
|--------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Road Traffic Amendment Act (No. 2) 1982</i> ⁷ | 82 of 1982 | 11 Nov 1982 | Act other than s. 5, 7, 9, 11-14, 15(d), (e), (g), (j), (l) and (n), 16, 17, 18(a)(ii), (b), (d)-(e), 19, 20(a)-(c) and (e), 21(1), 25 and 26: 11 Nov 1982 (see s. 2(1)); s. 5, 7, 9, 11-13, 14(b), 15(d), 16, 20(a)-(c) and (e), 21(1), 25 and 26: 9 Dec 1982 (see s. 2(2)); s. 14(a), 15(e), (g), (j), (l), and (n), 17, 18(a)(ii), (b), (d) and (e) and 19: 1 Mar 1983 (see s. 2(3) and <i>Gazette</i> 25 Feb 1983 p. 638) |
| <i>Road Traffic (Fees for Vehicle Licences) Regulations 1983</i> (see <i>Gazette</i> 20 May 1983 p. 1525-32) | | | 20 May 1983 |
| Reprint of the Road Traffic Act 1974 approved 9 Jul 1983 (includes amendments listed above) | | | |
| <i>Road Traffic (Fees for Vehicle Licences) Regulations 1984</i> (see <i>Gazette</i> 28 Jun 1984 p. 1741-51) | | | 28 Jun 1984 |
| <i>Road Traffic Amendment Act 1984</i> | 95 of 1984 | 7 Dec 1984 | 4 Jan 1985 |
| <i>Acts Amendment and Repeal (Credit) Act 1984</i> Pt. VII | 102 of 1984 | 19 Dec 1984 | 31 Mar 1985 (see s. 2 and <i>Gazette</i> 8 Mar 1985 p. 867) |
| <i>Acts Amendment and Repeal (Transport Co-ordination) Act 1985</i> Pt. VI | 54 of 1985 | 28 Oct 1985 | 1 Jan 1986 (see s. 2 and <i>Gazette</i> 20 Dec 1985 p. 4822) |
| <i>Road Traffic Amendment Act 1985</i> | 89 of 1985 | 4 Dec 1985 | 4 Dec 1985 (see s. 2) |
| <i>Road Traffic (Fees for Vehicle Licences) Regulations 1986</i> (see <i>Gazette</i> 30 May 1986 p. 1769-75) (erratum 13 Jun 1986 p. 1979) | | | 30 May 1986 |
| <i>Road Traffic Amendment Act (No. 2) 1986</i> | 78 of 1986 | 4 Dec 1986 | 4 Dec 1986 (see s. 2) |
| <i>Road Traffic (Fees for Vehicle Licences) Regulations 1987</i> (see <i>Gazette</i> 29 May 1987 p. 2263-73) | | | 29 May 1987 |
| <i>Road Traffic Amendment Act (No. 2) 1987</i> ^{8, 18} | 121 of 1987 | 24 Dec 1987 | s. 3-6, 8-10: 24 Dec 1987 (see s. 2 and <i>Gazette</i> 24 Dec 1987 p. 4561); s. 7: 1 Oct 1988 (see s. 2 and <i>Gazette</i> 30 Sep 1988 p. 3967); s. 11(a): 21 Dec 1990 (see s. 2 and <i>Gazette</i> 21 Dec 1990 p. 6212) |

| Short title | Number and year | Assent | Commencement |
|--------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Road Traffic Amendment Act 1988</i> ⁹ | 11 of 1988 | 6 Sep 1988 | s. 3, 20, 21 and 23: 28 Oct 1988 (see s. 2 and <i>Gazette</i> 28 Oct 1988 p. 4274); s. 8(a) and (b): 4 Nov 1988 (see s. 2 and <i>Gazette</i> 4 Nov 1988 p. 4365); s. 4-7, 9-17, 19, 22 and 24: 16 Nov 1988 (see s. 2 and <i>Gazette</i> 16 Nov 1988 p. 4517); s. 8(c) and 18 (other than paragraph (b)): 21 Jul 1989 (see s. 2 and <i>Gazette</i> 21 Jul 1989 p. 2212); s. 18(b): 19 Sep 1989 (see s. 2 and <i>Gazette</i> 21 Jul 1989 p. 2212) |
| <i>Road Traffic Amendment (Random Breath Tests) Act 1988</i> | 16 of 1988 (as amended by No. 46 of 1989 s. 4; No. 76 of 1996 s. 41 and No. 39 of 2000 s. 67 ¹⁰) | 9 Sep 1988 | 1 Oct 1988 (see s. 2 and <i>Gazette</i> 30 Sep 1988 p. 3967) |
| <i>Road Traffic Amendment Act (No. 3) 1988</i> | 32 of 1988 | 24 Nov 1988 | 21 Jul 1989 (see s. 3 and <i>Gazette</i> 21 Jul 1989 p. 2212) |
| <i>Road Traffic Amendment Act (No. 2) 1988</i> | 57 of 1988 | 8 Dec 1988 | 1 Feb 1989 (see s. 2 and <i>Gazette</i> 23 Dec 1988 p. 4937) |
| <i>Acts Amendment (Events on Roads) Act 1988 Pt. 2</i> | 64 of 1988 | 8 Dec 1988 | 1 Feb 1991 (see s. 2 and <i>Gazette</i> 1 Feb 1991 p. 511) |
| <i>Acts Amendment (Children's Court) Act 1988 Pt. 7</i> | 49 of 1988 | 22 Dec 1988 | 1 Dec 1989 (see s. 2 and <i>Gazette</i> 24 Nov 1989 p. 4327) |
| <i>Road Traffic (Fees for Vehicle Licences) Regulations 1989</i> (see <i>Gazette</i> 11 Aug 1989 p. 2695-704) | | | 11 Aug 1989 |
| <i>Road Traffic (Fees for Vehicle Licences) Regulations (No. 2) 1989</i> (see <i>Gazette</i> 22 Sep 1989 p. 3463) | | | 22 Sep 1989 |
| <i>Road Traffic (Fees for Vehicle Licences) Regulations (No. 3) 1989</i> (see <i>Gazette</i> 17 Nov 1989 p. 4161-5) (erratum 8 Dec 1989 p. 4463) | | | 17 Nov 1989 |
| <i>Acts Amendment (Chemistry Centre (WA)) Act 1990 Pt. 3</i> ¹¹ | 19 of 1990 | 24 Jul 1990 | 9 Aug 1991 (see s. 2 and <i>Gazette</i> 9 Aug 1991 p. 4101) |
| <i>Road Traffic (Fees for Vehicle Licences) Regulations 1990</i> (see <i>Gazette</i> 29 Aug 1990 p. 4383-90) (erratum 7 Dec 1990 p. 6051) | | | 29 Aug 1990 |
| <i>Road Traffic (Fees for Vehicle Licences) Regulations (No. 2) 1990</i> (see <i>Gazette</i> 23 Nov 1990 p. 5850-1) | | | 23 Nov 1990 |

| Short title | Number and year | Assent | Commencement |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------|---------------------------------------------------------------------------------------------------------------|
| <i>Road Traffic Amendment Act (No. 3) 1990</i> | 60 of 1990 | 17 Dec 1990 | 21 Dec 1990 (see s. 2 and <i>Gazette</i> 21 Dec 1990 p. 6212) |
| Reprint of the Road Traffic Act 1974 as at 4 Apr 1991 (includes amendments listed above except those in the <i>Acts Amendment (Chemistry Centre (WA)) Act 1990</i>) | | | |
| <i>Road Traffic (Fees for Vehicle Licences) Regulations 1991</i> (see <i>Gazette</i> 23 Aug 1991 p. 4417-22) | | | 23 Aug 1991 |
| <i>Road Traffic (Fees for Vehicle Licences) Regulations (No. 2) 1991</i> (see <i>Gazette</i> 22 Nov 1991 p. 5958-9) | | | 22 Nov 1991 |
| <i>Criminal Law Amendment Act 1991</i> s. 6(2) and 21 ¹² | 37 of 1991 | 12 Dec 1991 | s. 6(2): 12 Dec 1991 (see s. 2(1)); s. 21: 10 Feb 1992 (see s. 2(2) and <i>Gazette</i> 31 Jan 1992 p. 477) |
| <i>Road Traffic (Bicycle Helmets) Amendment Act 1991</i> | 46 of 1991 | 17 Dec 1991 | 17 Dec 1991 (see s. 2) |
| <i>Road Traffic Amendment (Power Assisted Pedal Cycles) Act 1991</i> | 50 of 1991 | 17 Dec 1991 | 24 Dec 1991 (see s. 2 and <i>Gazette</i> 24 Dec 1991 p. 6395) |
| <i>Criminal Law Amendment Act 1992</i> Pt. 3 | 1 of 1992 | 7 Feb 1992 | 9 Mar 1992 (see s. 2) |
| <i>Road Traffic Amendment Act 1992</i> | 13 of 1992 | 16 Jun 1992 | 16 Jun 1993 (see s. 2) |
| <i>Road Traffic (Fees for Vehicle Licences) Regulations 1992</i> (see <i>Gazette</i> 21 Aug 1992 p. 4162-6) | | | 21 Aug 1992 |
| <i>Road Traffic (Fees for Vehicle Licences) Regulations (No. 2) 1992</i> (see <i>Gazette</i> 13 Nov 1992 p. 5591-2) | | | 13 Nov 1992 |
| <i>Financial Administration Legislation Amendment Act 1993</i> s. 6 and 11 | 6 of 1993 | 27 Aug 1993 | s. 6: 27 Aug 1993 (see s. 2(2)); s. 11: 1 Jul 1993 (see s. 2(1)) |
| <i>Acts Amendment (Vehicles on Roads) Act 1994</i> Pt. 3 | 13 of 1994 | 15 Apr 1994 | 17 May 1994 (see s. 2 and <i>Gazette</i> 17 May 1994 p. 2065) |
| <i>Taxi Act 1994</i> s. 48 | 83 of 1994 | 20 Dec 1994 | 10 Jan 1995 (see s. 2 and <i>Gazette</i> 10 Jan 1995 p. 73) |
| <i>Acts Amendment (Fines, Penalties and Infringement Notices) Act 1994</i> Pt. 19 | 92 of 1994 | 23 Dec 1994 | 1 Jan 1995 (see s. 2(1) and <i>Gazette</i> 30 Dec 1994 p. 7211) |
| Reprint of the Road Traffic Act 1974 as at 1 Jun 1995 (includes amendments listed above) | | | |
| <i>Road Traffic Amendment Act 1995</i> | 21 of 1995 | 13 Jul 1995 | 25 Nov 1995 (see s. 2 and <i>Gazette</i> 24 Nov 1995 p. 5390) |
| <i>Acts Amendment (Vehicle Licences) Act 1995</i> Pt. 2 | 57 of 1995 | 20 Dec 1995 | 20 Dec 1995 (see s. 2) |
| <i>Sentencing (Consequential Provisions) Act 1995</i> Pt. 71 and s. 147 | 78 of 1995 | 16 Jan 1996 | 4 Nov 1996 (see s. 2 and <i>Gazette</i> 25 Oct 1996 p. 5632) |
| <i>Road Traffic (Fees for Vehicle Licences) Regulations 1996</i> (see <i>Gazette</i> 24 May 1996 p. 2181-9) | | | 24 May 1996 |

| Short title | Number and year | Assent | Commencement |
|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|---------------|-------------------------------------------------------------------------------------------------------|
| <i>Local Government (Consequential Amendments) Act 1996</i> s. 4 | 14 of 1996 | 28 Jun 1996 | 1 Jul 1996 (see s. 2) |
| <i>Consumer Credit (Western Australia) Act 1996</i> s. 13 | 30 of 1996 | 10 Sep 1996 | 1 Nov 1996 (see s. 2) |
| <i>Road Traffic Amendment (Measuring Equipment) Act 1996</i> | 37 of 1996 | 27 Sep 1996 | 27 Sep 1996 (see s. 2) |
| <i>Financial Legislation Amendment Act 1996</i> s. 27(3) and 64 | 49 of 1996 | 25 Oct 1996 | 25 Oct 1996 (see s. 2) |
| <i>Road Traffic Amendment Act 1996</i> ¹³ | 76 of 1996 (as amended by No. 49 of 1996 s. 27(4)) | 14 Nov 1996 | Act other than s. 8(3) ¹⁹ : 1 Feb 1997 (see s. 2 and <i>Gazette</i> 31 Jan 1997 p. 613) |
| <i>Road Traffic (Fees for Vehicle Licences) Regulations (No. 2) 1996</i> (see <i>Gazette</i> 17 Dec 1996 p. 7014-15) | | | 17 Dec 1996 |
| Reprint of the Road Traffic Act 1974 as at 25 Mar 1997 (includes amendments listed above) | | | |
| <i>Road Traffic (Fees for Vehicle Licences) Regulations 1997</i> (see <i>Gazette</i> 13 May 1997 p. 2344-9) | | | 13 May 1997 |
| <i>Road Traffic Amendment Act 1997</i> ¹⁴ | 50 of 1997 | 12 Dec 1997 | 1 Jan 1998 (see s. 2 and <i>Gazette</i> 23 Dec 1997 p. 7400) |
| <i>Statutes (Repeals and Minor Amendments) Act 1997</i> s. 106 | 57 of 1997 | 15 Dec 1997 | 15 Dec 1997 (see s. 2(1)) |
| <i>Road Traffic (Fees for Vehicle Licences) Regulations 1998</i> (see <i>Gazette</i> 12 May 1998 p. 2799-800) | | | 15 May 1998 (see r. 2) |
| <i>Road Traffic (Fees for Vehicle Licences) Regulations (No. 2) 1998</i> (see <i>Gazette</i> 3 Jul 1998 p. 3603-4) | | | 3 Jul 1998 (see r. 2) |
| <i>Road Traffic Amendment Act 1998</i> | 52 of 1998 | 7 Dec 1998 | 7 Dec 1998 (see s. 2) |
| <i>Perth Parking Management (Consequential Provisions) Act 1999</i> s. 7(4) | 16 of 1999 | 19 May 1999 | 7 Aug 1999 (see s. 2 and <i>Gazette</i> 6 Aug 1999 p. 3727) |
| <i>Road Traffic (Fees for Vehicle Licences) Regulations 1999</i> (see <i>Gazette</i> 25 May 1999 p. 2070-1) | | | 25 May 1999 (see r. 2) |
| <i>Revenue Laws Amendment (Assessment) Act 1999</i> Pt. 3 | 24 of 1999 | 29 Jun 1999 | 1 Jul 1999 (see s. 2(3)) |
| Reprint of the Road Traffic Act 1974 as at 17 Sep 1999 (includes amendments listed above) | | | |
| <i>School Education Act 1999</i> s. 247 | 36 of 1999 | 2 Nov 1999 | 1 Jan 2001 (see s. 2 and <i>Gazette</i> 29 Dec 2000 p. 7904) |
| <i>Acts Amendment (Police Immunity) Act 1999</i> s. 9 | 42 of 1999 | 25 Nov 1999 | 25 Nov 1999 (see s. 2) |

| Short title | Number and year | Assent | Commencement |
|---------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Road Traffic (Fees for Vehicle Licences) Regulations 2000</i> (see <i>Gazette</i> 17 May 2000 p. 2421-3) | | | 31 May 2000 (see r. 2 and <i>Gazette</i> 17 May 2000 p. 2426) |
| <i>Statutes (Repeals and Minor Amendments) Act 2000</i> s. 39 and 55 | 24 of 2000 | 4 Jul 2000 | 4 Jul 2000 (see s. 2) |
| <i>Road Traffic Amendment Act 2000</i> Pt. 2 ^{15, 20} | 39 of 2000 (as amended by No. 5 of 2002 s. 15 ¹⁶) | 10 Oct 2000 | s. 3, 17(1), 34-37 and 47(3): 30 Jan 2001 (see s. 2 and <i>Gazette</i> 30 Jan 2001 p. 615); s. 18, 23, 24, 27, 29 and 48 and Sch. 1 (except cl. 3 and 5): 5 Feb 2001 (see s. 2 and <i>Gazette</i> 30 Jan 2001 p. 615); s. 19-22, 25, 26, 28 and 45 and Sch. 1 cl. 3 and 5: 7 May 2001 (see s. 2 and <i>Gazette</i> 23 Mar 2001 p. 1665) |
| <i>Acts Amendment (Fines Enforcement and Licence Suspension) Act 2000</i> Pt. 3 | 51 of 2000 | 28 Nov 2000 | 5 Feb 2001 (see s. 2 and <i>Gazette</i> 30 Jan 2001 p. 615) |
| <i>Road Traffic (Fees for Vehicle Licences) Regulations 2001</i> (see <i>Gazette</i> 29 Jun 2001 p. 3247) | | | 29 Jun 2001 (see r. 2) |
| <i>Road Traffic (Fees for Vehicle Licences) Regulations (No. 2) 2001</i> (see <i>Gazette</i> 14 Aug 2001 p. 4256-8) | | | 14 Aug 2001 (see r. 2) |
| Reprint of the Road Traffic Act 1974 as at 19 Oct 2001 (includes amendments listed above) | | | |
| <i>Road Traffic Amendment Act 2001</i> | 27 of 2001 | 21 Dec 2001 | 10 Aug 2002 (see s. 2 and <i>Gazette</i> 9 Aug 2002 p. 3853-4) |
| <i>Road Traffic (Fees for Vehicle Licences) Regulations 2002</i> (see <i>Gazette</i> 17 May 2002 p. 2558-60) | | | 17 May 2002 (see r. 2) |
| <i>Motor Vehicle Dealers Amendment Act 2002</i> s. 72 | 4 of 2002 | 4 Jun 2002 | 1 Sep 2002 (see s. 2 and <i>Gazette</i> 13 Aug 2002 p. 4151) |
| <i>Road Safety Council Act 2002</i> s. 15 | 5 of 2002 | 4 Jun 2002 | 1 Jul 2002 (see s. 2(1) and <i>Gazette</i> 1 Jul 2002 p. 3205) |
| <i>Machinery of Government (Planning and Infrastructure) Amendment Act 2002</i> Pt. 7 ⁴ | 7 of 2002 | 19 Jun 2002 | 1 Jul 2002 (see s. 2 and <i>Gazette</i> 28 Jun 2002 p. 3037) |
| <i>Taxation Administration (Consequential Provisions) Act 2002</i> s. 27 | 45 of 2002 | 20 Mar 2003 | 1 Jul 2003 (see s. 2(1) and (2) and <i>Gazette</i> 22 Jun 2003 p. 2383) |
| <i>Nurses Amendment Act 2003</i> Pt. 3 Div. 7 | 9 of 2003 | 9 Apr 2003 | 9 Apr 2003 (see s. 2) |
| <i>Road Traffic (Fees for Vehicle Licences) Regulations 2003</i> (see <i>Gazette</i> 20 May 2003 p. 1804-6) | | | 31 May 2003 (see r. 2) |

| Short title | Number and year | Assent | Commencement |
|-------------------------------------------------------------------------------------------------------------|-----------------|-------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Sentencing Legislation Amendment and Repeal Act 2003</i> Pt. 3 and s. 92 | 50 of 2003 | 9 Jul 2003 | Pt. 3: 30 Aug 2003 (see s. 2 and <i>Gazette</i> 29 Aug 2003 p. 3833); s. 92: 15 May 2004 (see s. 2 and <i>Gazette</i> 14 May 2004 p. 1445) |
| <i>Statutes (Repeals and Minor Amendments) Act 2003</i> s. 105 ¹⁷ | 74 of 2003 | 15 Dec 2003 | 15 Dec 2003 (see s. 2) |
| <i>Criminal Code Amendment Act 2004</i> s. 58 | 4 of 2004 | 23 Apr 2004 | 21 May 2004 (see s. 2) |
| <i>Road Traffic (Fees for Vehicle Licences) Regulations 2004</i> (see <i>Gazette</i> 28 May 2004 p. 1843-5) | | | 31 May 2004 (see r. 2) |
| <i>Road Traffic Amendment Act 2004</i> | 6 of 2004 | 10 Jun 2004 | 10 Jun 2004 (see s. 2) |

Reprint 8: The Road Traffic Act 1974 as at 16 Jul 2004 (includes amendments listed above)

1a On the date as at which this reprint was prepared, provisions referred to in the following table had not come into operation and were therefore not included in compiling the reprint. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

| Short title | Number and year | Assent | Commencement |
|----------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|-------------|-----------------------------|
| <i>Road Traffic Amendment Act (No. 2) 1987</i> s. 11(b) ¹⁸ | 121 of 1987 | 24 Dec 1987 | To be proclaimed (see s. 2) |
| <i>Road Traffic Amendment Act 1996</i> s. 8(3) ¹⁹ | 76 of 1996 | 14 Nov 1996 | To be proclaimed (see s. 2) |
| <i>Road Traffic Amendment Act 2000</i> s. 4-5, 7-16, 17(2), 30-33, 38-44, 46, 47(1), (2) and (4) ²⁰ | 39 of 2000 (as amended by Nos. 5 of 2002 s. 15 and 45 of 2002 s. 28(2)) | 10 Oct 2000 | To be proclaimed (see s. 2) |
| <i>Road Traffic Amendment (Vehicle Licensing) Act 2001</i> Pt. 2 ²¹ | 28 of 2001 (as amended by No. 45 of 2002 s. 29(2)) | 21 Dec 2001 | To be proclaimed (see s. 2) |
| <i>Road Traffic Amendment (Impounding and Confiscation of Vehicles) Act 2004</i> s. 3-14 ²² | 10 of 2004 | 23 Jun 2004 | To be proclaimed (see s. 2) |

² Repealed by the *Interpretation Act 1984*.

- 3 The *Traffic Act Amendment Act (No. 2) 1968* came into operation on
20 December 1968 (see s. 2 and *Gazette* 19 December 1968 p. 3885).
- 4 The *Machinery of Government (Planning and Infrastructure) Amendment
Act 2002* s. 67-69 read as follows:

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**67. Agreements under former *Transport Co-ordination Act 1966*
section 15C**

- (1) To the extent that, immediately before the commencement of this Act, an agreement under the former section 15C made provision about the performance of functions of the former Director General under a relevant Act, the agreement continues, when this Act comes into operation, as an agreement under the new provision of the relevant Act.
- (2) To the extent that the agreement continues under subsection (1), it applies as if —
- (a) instead of being made by the Minister referred to in the former section 15C, the agreement had been made by the Director General referred to in the new provision of the relevant Act; and
 - (b) instead of providing for the performance of functions of the former Director General, the agreement made similar provision for the performance of the corresponding functions of the Director General referred to in the new provision of the relevant Act.

- (3) In this section —

“former Director General” means the Director General of Transport under the *Transport Co-ordination Act 1966* section 8 as in force before it was repealed by this Act;

“former section 15C” means the *Transport Co-ordination Act 1966* section 15C as in force before it was repealed by this Act;

“new provision” means —

- (a) the *Control of Vehicles (Off-road Areas) Act 1978* section 4B;
- (b) the *Motor Vehicle Drivers Instructors Act 1963* section 4A;
- (c) the *Motor Vehicle (Third Party Insurance) Act 1943* section 3QA; or
- (d) the *Road Traffic Act 1974* section 6B;

“relevant Act” means —

- (a) the *Control of Vehicles (Off-road Areas) Act 1978*;
- (b) the *Motor Vehicle Drivers Instructors Act 1963*;
- (c) the *Motor Vehicle (Third Party Insurance) Act 1943*;
- or
- (d) the *Road Traffic Act 1974*.

68. Delegations under former *Transport Co-ordination Act 1966* section 18

- (1) To the extent that, immediately before the commencement of this Act, a delegation under the former section 18 applied to the performance of functions or powers of the former Director General under a relevant Act, the delegation continues, when this Act comes into operation, as a delegation under the new provision of the relevant Act.
- (2) To the extent that the delegation continues under subsection (1), it applies as if —
 - (a) instead of being made by the former Director General, the delegation had been made by the Director General referred to in the new provision of the relevant Act;
 - (b) instead of delegating the performance of functions of the former Director General, the performance of the corresponding functions of the Director General referred to in the new provision of the relevant Act were delegated; and
 - (c) any Ministerial approval that would have been required in order for the delegation to be made under the new provision of the relevant Act had been given.
- (3) In this section —

“former Director General” means the Director General of Transport under the *Transport Co-ordination Act 1966* section 8 as in force before it was repealed by this Act;

“former section 18” means the *Transport Co-ordination Act 1966* section 18 as in force before it was amended by this Act;

“new provision” means —

 - (a) the *Control of Vehicles (Off-road Areas) Act 1978* section 4A;
 - (b) the *Motor Vehicle Drivers Instructors Act 1963* section 4;
 - (c) the *Motor Vehicle (Third Party Insurance) Act 1943* section 3QB;
 - (d) the *Rail Safety Act 1998* section 57A;
 - (e) the *Road Traffic Act 1974* section 6A; or
 - (f) the *Transport Co-ordination Act 1966* section 18;

“relevant Act” means —

 - (a) the *Control of Vehicles (Off-road Areas) Act 1978*;
 - (b) the *Motor Vehicle Drivers Instructors Act 1963*;
 - (c) the *Motor Vehicle (Third Party Insurance) Act 1943*;
 - (d) the *Rail Safety Act 1998*;
 - (e) the *Road Traffic Act 1974*; or
 - (f) the *Transport Co-ordination Act 1966*.

69. Regulations about transitional matters

- (1) If there is no sufficient provision in this Act for dealing with a transitional matter, regulations under an Act amended by this Act may include any provision that is required, or is necessary or convenient, for dealing with the transitional matter.
- (2) In subsection (1) —
“**transitional matter**” means a matter that needs to be dealt with for the purpose of effecting the transition from the provisions of the Acts amended by this Act as in force before this Act comes into operation to the provisions of those Acts as in force after this Act comes into operation.
- (3) Regulations including a provision described in subsection (1) may be expressed to have effect before the day on which they are published in the *Gazette*.
- (4) To the extent that a regulation including a provision described in subsection (1) may have effect before the day of its publication in the *Gazette*, it does not —
 - (a) affect in a manner prejudicial to any person (other than the State or an agency of the State), the rights of that person existing before the day of its publication; or
 - (b) impose liabilities on any person (other than the State or an agency of the State) in respect of anything done or omitted to be done before the day of its publication.

”.

5 The *Road Traffic Amendment Act (No. 2) 1982* s. 30 and 31 deleted s. 16(a), (b) and (c) and repealed s. 23 of the *Road Traffic Amendment Act 1978*.

6 The *Road Traffic Amendment Act (No. 2) 1980* s. 10(2) reads as follows:

“

- (2) A traffic sign or traffic control signal or similar device purported to have been erected for the purposes of the principal Act and the regulations made thereunder before the coming into operation of this section shall be and always have been a valid and effective traffic sign, traffic control signal, or device for those purposes.

”.

7 The *Road Traffic Amendment Act (No. 2) 1982* s. 21(2) reads as follows:

“

- (2) Subsections (1a) and (12) of section 76 of the principal Act as in force before the date of the coming into operation of subsection (1) of this section shall apply to and in relation to an application made by a person under section 76 of the principal Act during a period of disqualification imposed on him, before, on or after that date, by a court convicting him of an offence against section 67 of the principal Act as in force before that date.

”.

8 The *Road Traffic Amendment Act (No. 2) 1987* s. 10(2) reads as follows:

“

- (2) A certificate that was in force under section 72(3)(b) of the principal Act immediately before the commencement of

subsection (1)(d) shall have effect after that commencement as if it certified the person named in the certificate as being competent to operate all types of breath analysing equipment.

”.

9

The *Road Traffic Amendment Act 1988* s. 17(2) and (3) read as follows:

“

- (2) In subsection (3) “**the relevant regulations**” means any regulations purporting to have been made under the principal Act before 1 July 1984 that would have been authorised under section 43(7) or (8) of the *Interpretation Act 1984* if they had been made on or after 1 July 1984.
- (3) The principal Act as enacted from time to time before 1 July 1984 is deemed to have authorised the making of the relevant regulations and those regulations shall be deemed to have taken effect and had the force of law accordingly.

”.

10

The *Road Traffic Amendment (Random Breath Tests) Act 1989* s. 4 and the *Road Traffic Amendment Act 1996* s. 41 amended the *Road Traffic Amendment (Random Breath Tests) Act 1988* s. 5 which was repealed by the *Road Traffic Amendment Act 2000* s. 67.

11

The *Acts Amendment (Chemistry Centre (WA)) Act 1990* s. 9 and 10 read as follows:

“

9. Saving of certificates and labels

A certificate or label issued under the principal Act that purports to have been signed by the director of the Government Chemical Laboratories or prepared by the Government Chemical Laboratories before the commencement of this Act shall continue to have effect as if this Act had not come into operation.

10. Validation

Every act or thing purporting to have been done by the Director or any other officer of the Chemistry Centre (WA) under the principal Act before the commencement of this Act that would have been lawful if this Act had been in force at the time when it was done is hereby validated and declared to have been lawfully done.

”.

12

The *Criminal Law Amendment Act 1991* It. 1(2) of Pt. A of the Sch. reads as follows:

“

- (2) Notwithstanding subclause (1), section 59(2), as it was immediately before the commencement of this clause, continues to apply in relation to —
 - (a) any death that occurred before the commencement of this clause; and
 - (b) any death that occurs after the commencement of this clause if the driving which directly or indirectly causes the death occurs not less than a year and a day before the commencement of this clause.

13

The *Road Traffic Amendment Act 1996* s. 52 reads as follows:

“

52. Actions of delegates validated

- (1) Anything done before the commencement of this section by a person acting under any delegation purporting to have been made by the Traffic Board under any written law, is as valid and has the same force and effect, and is to be regarded as having always been as valid and had the same force and effect, as if it had been done by the Traffic Board.
- (2) In subsection (1) —
“Traffic Board” means the Traffic Board constituted under section 6 of the *Road Traffic Act 1974* as it was before the commencement of this Act.

”

14

The amendment to s. 20(2) referred to in the *Road Traffic Amendment Act 1997* s. 13 did not come into operation because of an error in the reference to the provision to be amended.

15

The *Road Traffic Amendment Act 2000* s. 48, which gives effect to Schedule 1, reads as follows:

“

48. Savings and transitional

Schedule 1 has effect.

”

Schedule 1 reads as follows:

“

Schedule 1 — Savings and transitional

[s. 48]

1. Interpretation

In this Part —

“commencement day” means the day on which this Act comes into operation under section 2.

2. Section 18 amendments have no effect in relation to certain applications

The amendments made by section 18 have no effect in relation to an application for a driver’s licence by a person who holds a permit issued under section 48C of the *Road Traffic Act 1974* before the commencement day.

3. Licences to drive vehicles formerly classified by reference to use

If —

- (a) immediately before the commencement day, a person was the holder of a driver’s licence authorising the person to drive a motor vehicle classified under section 43(2) by reference to the purpose for which or manner in which it is being used; and

- (b) on and after the commencement day the purpose or manner is prohibited by regulations under section 43(1)(aa) of the *Road Traffic Act 1974*,

the licence, or any new class of licence held by the person under section 43(1)(e) of the *Road Traffic Act 1974*, is to be regarded as having been endorsed to confer the authority to drive for that purpose or in that manner.

4. Section 23 amendments have effect only in relation to licences issued after commencement

The amendments made by section 23 have effect only in relation to a driver's licence issued after the commencement day.

5. Duplicate licences

If —

- (a) after the commencement day a person applies for a duplicate of a driver's licence under section 48B of the *Road Traffic Act 1974*; and
- (b) the licence was issued before the commencement day without the photograph and signature of the licence holder,

then section 42B of the *Road Traffic Act 1974* applies to the issue of the duplicate as if it were the issue of a driver's licence.

”.

16 The *Road Traffic Amendment Act 2000* s. 6 was repealed by the *Road Safety Council Act 2002* s. 15.

17 The amendments in the *Statute (Repeals and Minor Amendments) Act 2003* s. 105(4) is not included because the section it sought to amend had been replaced by the *Sentencing Legislation Amendment and Repeal Act 2003* s. 28.

18 On the date as at which this reprint was prepared, the *Road Traffic Amendment Act (No. 2) 1987* s. 11(b) had not come into operation. It reads:

“

11. Section 89 amended

Section 89 of the principal Act is amended —

- (b) by repealing subsection (3) and substituting the following subsections —

“

- (3) If a complaint of an offence under this section has been made by a member of the Police Force and the owner of the vehicle has informed a member of the Police Force of loss or damage arising out of the alleged offence, it shall be the duty of the member of the Police Force by whom the complaint was made to make application to the Court by which the complaint is heard for compensation under this section on behalf of the owner of the vehicle.

- (4) The Court shall enquire into such application and may, on or after conviction and in addition to any penalty imposed under this section, make such orders for compensation including loss of hire, time, fuel, or other loss and damage sustained by the owner and for the costs of the application against any or all persons convicted of an offence under this section in respect of the vehicle as seems just.
- (5) In determining the application, the Court shall take into account the circumstances of the offence and whether the owner had left the vehicle unlocked or otherwise unsecured and may reduce wholly or in part the amount of compensation accordingly.
- (6) Until the contrary is proved, any loss or damage sustained to the vehicle or by the owner shall be deemed for the purposes of this section to be the responsibility of the person or persons convicted of an offence under this section in respect of the vehicle.
- (7) In the exercise of its jurisdiction under this section —
 - (a) the Court shall have the powers of a Local Court under the *Local Courts Act 1904* and all such orders that it shall make shall be final but the Court shall not make any order for compensation against any person unless an opportunity has been given to that person to show why the order should not be made;
 - (b) the Court shall not be bound by the strict rules of evidence and may receive any written affidavit or statutory declaration evidencing loss or damage as it considers to be reliable.
- (8) No order for compensation under this section shall affect the right of any person to recover by civil proceedings any sum in excess of the amount of the order, and refusal or reduction of compensation under this section shall be no bar to civil proceedings, but no order for compensation against a convicted person shall deprive that person of the right in civil proceedings to contribution from any tortfeasor.
- (9) In this section “**owner of the vehicle**”, in relation to an offence under this section, means the owner of the vehicle at the time of

the offence and includes a person who was in lawful possession or charge of the vehicle at the time of the offence.

- (10) Section 719 of *The Criminal Code* does not apply to an offence under this section.

”
”

19 On the date as at which this reprint was prepared, the *Road Traffic Amendment Act 1996* s. 8(3) had not come into operation. It reads:

“

8. Section 42 amended

- (3) After section 42(3) of the principal Act the following subsections are inserted —

“

- (3a) Subject to subsection (3b), the requirement imposed by subsection (2)(d) can only be satisfied by the production to the Director General of evidence of a prescribed kind showing that the applicant has undertaken and passed a course of instruction —
- (a) conducted by a body authorised by the Director General for that purpose; and
 - (b) complying with syllabus and examination requirements imposed by the Director General.
- (3b) In circumstances provided for in the regulations the Director General may accept other evidence in satisfaction of the requirement imposed by subsection (2)(d).

”
”

20 On the date as at which this reprint was prepared, the *Road Traffic Amendment Act 2000* s. 4-5, 7-16, 17(2), 30-33, 38-44, 46, 47(1), (2) and (4) (as amended by the *Taxation Administration (Consequential Provisions) Act 2002* s. 28(2)) had not come into operation. They read:

“

4. Section 5 amended

- (1) Section 5(1) is amended by deleting the definitions of “district”, “moped”, “owner”, “regulation” and “this Act” and inserting into the appropriate alphabetical positions the following definitions —

“

“**district**” means a district under the *Local Government Act 1995*;

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

- (a) the person who is entitled to the immediate possession of the vehicle; or
- (b) if there are several persons entitled to its immediate possession, the person whose entitlement is paramount,

but if one of 2 or more persons fitting that description has been nominated for the purposes of section 5(4), it means only the person nominated;

“**responsible person**”, for a vehicle, means a person responsible for the vehicle under section 5A;

“**traffic infringement notice**” has the meaning given by section 102(1);

”.

- (2) Section 5(4) is amended as follows:
 - (a) by deleting “as owner or otherwise, only one of those persons, to be” and inserting instead —
“ and one of those persons is ”;
 - (b) by inserting after “Director General” —
“ , the nominated person ”.
- (3) Section 5(5) is repealed.

5. Section 5A inserted

After section 5 the following section is inserted in Part 1 —

“

5A. Person responsible for a vehicle

- (1) For the purposes of this Act a person responsible for a vehicle is —
 - (a) if the vehicle is licensed — any licence holder who has not given a notice as described in paragraph (b);
 - (b) if a licence holder has given notice under section 24(1), or a corresponding law of another State or Territory or the Commonwealth, of a change in ownership of the vehicle and subsection (2) does not apply — the new owner as specified in the notice or, if more than one is specified, each of them;
 - (c) if the vehicle is not licensed but was previously licensed and subsection (2) does not apply — a person responsible under paragraph (a) or (b) before the vehicle last ceased to be licensed; or
 - (d) in any other case —
 - (i) the person who is entitled to the immediate possession of the vehicle; or
 - (ii) if there are several persons entitled to its immediate possession, the person whose entitlement is paramount.
- (2) Despite subsection (1), a person is not responsible for a vehicle under subsection (1)(b), if it can be shown that the person did not agree to becoming an owner of the vehicle and has notified the Director General in writing accordingly or has given a notice to a similar effect to a licensing authority of another State or Territory or the Commonwealth.
- (3) The Minister may by notice published in the *Gazette* declare a law of another State or Territory or the Commonwealth to be a corresponding law for the

purposes of this section and may by subsequent notice so published vary or cancel any such declaration.

(4) In this section —

“**licence holder**”, in relation to a vehicle, means a person in whose name the vehicle is licensed;

“**licensed**” means licensed under this Act, registered under the *Control of Vehicles (Off-road areas) Act 1978* or licensed or registered under a corresponding law of another State or Territory or the Commonwealth.

”.

[6. *Repealed by No. 5 of 2002 s. 15.*]

7. Section 15 amended

(1) Section 15(3) is amended by deleting “the owner of” in both places where it occurs and inserting instead —

“ a responsible person for ”.

(2) Section 15(6) is amended by deleting “of which the owner” and inserting instead —

“ for which each responsible person ”.

8. Section 16 amended

Section 16(1) is amended by deleting “the owner of” and inserting instead —

“ a responsible person for ”.

9. Section 17 inserted

After section 16 the following section is inserted —

“

17. Applications for issue, renewal and transfer of vehicle licences

(1) An owner of a vehicle may apply for the issue, renewal or transfer of a licence for a vehicle by —

(a) submitting an application in a form approved by the Director General; and

(b) paying the amount of —

(i) any fee that would be required by section 19; and

(ii) the stamp duty, and any penalty tax, payable under the *Stamp Act 1921* on the grant or transfer of the licence.

(2) Upon an application under subsection (1), the Director General shall issue, renew or transfer a licence for a vehicle if —

(a) the vehicle meets the prescribed standards and requirements and is otherwise fit for the purpose for which the licence is required;

(b) in the case of an application by an individual, the applicant has attained any minimum

age prescribed by regulations under section 111(2)(i) and provided any proof of age and identity required by those regulations; and

- (c) the applicant has complied with any applicable provisions of the *Stamp Act 1921* relating to the issue or transfer of motor vehicles.
- (3) A vehicle cannot be licensed in the name of more than one person at a particular time.
- (4) Any one of 2 or more owners may apply for the issue or transfer of a licence and the application is to be signed by each of them.
- (5) An application under subsection (4) is to be regarded as notice of the nomination of the applicant for the purposes of section 5(4).
- (6) Nothing in this section authorises or permits the Director General to issue or renew a vehicle licence contrary to any provision of the Motor Vehicle (Third Party Insurance) Act 1943 or any other provision of this Act or the regulations.
- (7) The Director General shall refund any amount paid by a person in connection with —
 - (a) an application under this section that is refused; or
 - (b) an application for the transfer of a licence upon which the licence is not transferred but cancelled.

[Section 9 amended by No. 45 of 2002 s. 28(2).]

”.

10. Section 18 amended

Section 18(1) and (13) are repealed.

11. Section 23 repealed

Section 23 is repealed.

12. Section 23A amended

Section 23A(c) is amended by deleting “the owner has failed to present the vehicle” and inserting instead —

“

a responsible person for the vehicle has failed to present it

”.

13. Section 24 amended

- (1) Section 24(2) is amended by deleting “and apply for the transfer of the licence to the person”.

(2) Section 24(2a) to (2d) are repealed and the following subsections are inserted instead —

“

(2a) As soon as practicable after receiving notice under subsection (1)(a) or (2), or otherwise, of a change in the ownership of a vehicle in respect of which a licence has been granted —

- (a) if the Director General reasonably suspects that the vehicle does not meet a prescribed standard or requirement relating to the security of the vehicle, the Director General may issue to the new owner a notice requiring that the vehicle be modified so that it does meet the prescribed standard or requirement; or
- (b) if the Director General is satisfied that the licence may be transferred under section 17(2) and no application has been made under section 17(1), the Director General may issue to the new owner a notice requiring that an application for the transfer of the licence be made under section 17.

(2b) In subsection (2a) —

“new owner”, in relation to a vehicle, means a person who, according to the notice received by the Director General, has become a new owner of the vehicle and, if there is more than one such person, each or any of them.

(2c) If a vehicle has not been modified in accordance with a notice issued under subsection (2a)(a) within 28 days after the notice is issued, or any longer period that the Director General allows, the Director General shall cancel the licence in respect of the vehicle.

(2d) A person to whom a notice is issued under subsection (2a)(b) commits an offence if an application for the transfer of the licence for the vehicle is not made within 28 days after the notice is issued, or any longer period that the Director General allows, unless it can be shown that —

- (a) the person did not agree to becoming an owner of the vehicle and has notified the Director General in writing accordingly;
- (b) another person has been nominated for the purposes of section 5(4);
- (c) there is more than one owner of the vehicle and there is good reason why a person was not nominated under section 5(4); or
- (d) there was some other good reason why the application for the transfer of the licence was not made.

”.

- (3) Section 24(3) is amended by deleting “subsection (2c)” and inserting instead —
“ subsection (2d) ”.
- (4) Section 24(4) is repealed and the following subsection is inserted instead —
“
(4) The other subsections of this section do not apply if a person to whom a licence in respect of a vehicle has been issued dies, and in that case the Director General shall on an application under section 17, if any, by the executor or administrator of the estate of that person endorse on the licence the transfer of the licence to that executor or administrator.
”.

- (5) Section 24(5) is repealed.

14. Section 24A amended

Section 24A(2) is amended by deleting “section 23(a)” and inserting instead —

“ section 17(2)(a) ”.

15. Section 24B inserted

After section 24A the following section is inserted —

“

24B. Change of nominated owner

- (1) If a person is the owner of a vehicle as the result of a nomination for the purposes of section 5(4), the person may apply to the Director General, in a form approved by the Director General, to cancel the nomination.
- (2) The application is to include a statement, signed by each person who would be an owner if there had been no nomination, to the effect that they agree to another of them being the owner of the vehicle for the purposes of this Act.
- (3) If the Director General approves the application and the applicant pays the prescribed fee, if any —
- (a) the current nomination ceases to have effect;
 - (b) the statement under subsection (2) is to be treated as being a nomination for the purposes of section 5(4); and
 - (c) the Director General is to vary the licence by changing the name of the person to whom the licence is issued in accordance with the application.

”.

16. Section 25 amended

- (1) Section 25(1) is amended by deleting “a licence, or a transfer of a licence,” and inserting instead —

“

an application for the issue, renewal, transfer, or variation of a licence

(2) Section 25(2) is amended by deleting “licence” and inserting instead —

“ application ”.

17. Section 27 amended

(2) Section 27(3) is amended by deleting “Every owner” and inserting instead —

“ The licence holder ”.

30. Section 54 amended

Section 54(1) is amended by deleting “the owner of the vehicle,” and inserting instead —

“ a responsible person for the vehicle, ”.

31. Section 57 amended

Section 57(1) is amended by deleting “the owner of” and inserting instead —

“ a responsible person for ”.

32. Section 58 replaced

Section 58 is repealed and the following sections are inserted instead —

“

58. Duty to identify offending driver or person in charge of vehicle

(1) A responsible person for a vehicle commits an offence if —

- (a) an offence against any written law is alleged to have occurred of which the driving or being in charge of the vehicle is an element;
- (b) a member of the Police Force requests the responsible person to give information which may lead to the identification of the driver or person in charge of the vehicle at the time of the alleged offence;
- (c) the responsible person has, or could reasonably have ascertained, the information; and
- (d) the responsible person fails to give the information.

Penalty: For a first offence by an individual, 24 PU.

For a subsequent offence by an individual, 48 PU.

For an offence by a person other than an individual, 100 PU.

(2) A responsible person for a vehicle commits an offence if —

- (a) an offence against any written law is alleged to have occurred of which the driving or being in charge of the vehicle is an element;

- (b) a member of the Police Force requests the responsible person to give information which may lead to the identification of the driver or person in charge of the vehicle at the time of the alleged offence; and
- (c) the responsible person gives false information in response to the request.

Penalty: For a first offence by an individual, 24 PU.

For a subsequent offence by an individual, 48 PU.

For an offence by a person other than an individual, 100 PU.

- (3) In subsections (1) and (2) —

“**responsible person**” includes a person to whom the possession or control of the vehicle was entrusted at the time of the alleged offence referred to in subsection (1)(a) or (2)(a), as the case may be.

- (4) Subsection (1) does not apply if the request for information was made in a notice under section 102C.
- (5) On a complaint charging a person with an offence against subsection (1) the person may be convicted of an offence against section 58A.

58A. Duty to take reasonable measures to be able to comply with a driver identity request

- (1) In this section —

“**driver identity request**” means a request made under this Act for information as to the identity of the person who was driving or in charge of a vehicle at any particular time.

- (2) A responsible person for a vehicle commits an offence if the responsible person fails to take reasonable measures, or make reasonable arrangements, to ensure that if a driver identity request is made in relation to the vehicle, the responsible person will be able to comply with it.

Penalty: For a first offence by an individual, 24 PU.

For a subsequent offence by an individual, 48 PU.

For an offence by a person other than an individual, 100 PU.

”.

33. Section 59 amended

- (1) Section 59(1a)(a) is amended by deleting “the owner or” and inserting instead —

“ a responsible person for, or a ”.

- (2) Section 59(3)(a) is amended by deleting “the owner or person in charge of” and inserting instead —

“ a responsible person for, or a person in charge of, ”.

38. Section 84 amended

- (1) Section 84(1) is amended by deleting “The owner of a vehicle shall be” and inserting instead —

“

Each responsible person for a vehicle shall be jointly and severally

”.

- (2) Section 84(3) is amended by deleting “the ownership of a vehicle” and inserting instead —

“ who is a responsible person for the vehicle ”.

39. Section 89 amended

- (1) Section 89(2) is amended by deleting “the owner or” and inserting instead —

“ a responsible person for the vehicle or a ”.

- (2) Section 89(3) is amended as follows:

(a) by deleting “the owner of” and inserting instead —

“ a responsible person for ”;

(b) by deleting “by the owner” and inserting instead —

“ by the responsible person ”.

40. Section 98 amended

Section 98(1) is amended by deleting “the owner of” in both places where it occurs and inserting instead —

“ an owner of, or a responsible person for, ”.

41. Section 99 amended

Section 99 is amended by deleting “or owner of” and inserting instead —

“ of, an owner of, or a responsible person for, ”.

42. Section 100 amended

Section 100(2) is amended by deleting “owned” and inserting instead —

“ licensed in the name of ”.

43. Section 102 amended

- (1) Section 102(1) is amended by deleting “in this section called”.

- (2) Section 102(2) is amended by deleting “; and, where the allegation is of an offence of which the standing, parking or leaving of a vehicle is an element and the identity of the driver or person in charge of the vehicle is not known and cannot immediately be ascertained, the traffic infringement notice may be addressed to the owner of the vehicle, without naming him or stating his address, and be served by leaving it in or upon, or attaching it to, the vehicle”.

- (3) Section 102(2a) is amended by deleting “section 24(2c)” and inserting instead —

“ section 24(2d) ”.

- (4) Section 102(2b) is amended by deleting “section 24(2c)” and inserting instead —
“ section 24(2d) ”.
- (5) Section 102(3), (3a), (3b), (3c), (3d) and (3e) are repealed.
- (6) Section 102(5a) is repealed and the following subsection is inserted instead —

“

- (5a) In subsection (5) —
“**alleged offender**”, in relation to a traffic infringement notice served on a responsible person under section 102A or 102B, means the responsible person.

”.

44. Sections 102A to 102D inserted

After section 102 the following sections are inserted —

“

102A. Traffic infringement notices left on vehicles

- (1) Where —
- (a) an offence against this Act, of which the standing, parking or leaving of a vehicle is an element, is alleged to have occurred; and
 - (b) the identity of the driver or person in charge of the vehicle is not known and cannot immediately be ascertained,

a traffic infringement notice for the alleged offence may be addressed to the responsible person for the vehicle, without naming the person or stating the person’s address, and may be served on the responsible person by leaving it in or upon, or attaching it to, the vehicle.

- (2) If a traffic infringement notice is served on a responsible person under subsection (1) and there is more than one responsible person, the notice is to be regarded as having been served on —
- (a) if not more than one responsible person responds to the notice, that responsible person; or
 - (b) in any other case, not more than one responsible person chosen by the Commissioner of Police.
- (3) If a traffic infringement notice is served on a responsible person under subsection (1), the responsible person is to be presumed to have committed the offence alleged in the notice unless, within the period of 28 days after the day specified in the notice (being the day of the service of the notice or a subsequent day) —
- (a) the penalty prescribed under section 102(1) for the alleged offence is paid; or
 - (b) the responsible person informs an officer specified in the notice that the responsible person

was not the driver or person in charge of the vehicle at the time of the alleged offence and supplies to the officer —

- (i) the name and address of the driver or person in charge of the vehicle at that time; or
 - (ii) information showing that the vehicle was stolen or unlawfully taken or used at that time.
- (4) The presumption under subsection (3) applies even if the responsible person is not an individual.
 - (5) A traffic infringement notice served under subsection (1) must contain or be accompanied by a statement explaining the operation of subsections (3) and (4).

102B. Traffic infringement notices issued on photographic evidence

- (1) Where —
 - (a) an offence against this Act of which the driving or being in charge of a vehicle is an element is alleged to have occurred;
 - (b) the belief referred to in section 102(1) is based on photographic evidence;
 - (c) the name and address of the driver or person in charge of the vehicle are not known and cannot immediately be ascertained;
 - (d) the identity of the vehicle can be ascertained from the photographic evidence; and
 - (e) a responsible person for the vehicle is an individual,

a traffic infringement notice for the alleged offence may be addressed to the responsible person and may be served on the responsible person, personally or by post.

- (2) If there is more than one responsible person referred to in subsection (1), a traffic infringement notice under that subsection may be addressed to and served on not more than one of those persons chosen by the Commissioner of Police.
- (3) If a traffic infringement notice is served on a responsible person under subsection (1) without enclosing the photographic evidence referred to in subsection (1)(b) and, at the end of the period of 14 days after the day specified in the notice (being the day of the service of the notice or a subsequent day) —
 - (a) the penalty prescribed under section 102(1) for the alleged offence has not been paid; and
 - (b) the responsible person has not informed an officer specified in the notice that the responsible person was not the driver or person in charge of the vehicle at the time of the alleged offence and supplied to the officer —

- (i) the name and address of the driver or person in charge of the vehicle at that time; or
- (ii) information showing that the vehicle was stolen or unlawfully taken or used at that time,

a further traffic infringement notice may be served on the responsible person enclosing the photographic evidence.

- (4) If a traffic infringement notice enclosing photographic evidence is served on a responsible person under subsection (1) or (3), the responsible person is to be presumed to be the driver or person in charge of the vehicle at the time of the offence alleged in the notice unless, within the period of 28 days after the day specified in the notice (being the day of the service of the notice or a subsequent day) —
 - (a) the penalty prescribed under section 102(1) for the alleged offence is paid; or
 - (b) the responsible person informs an officer specified in the notice that the responsible person was not the driver or person in charge of the vehicle at the time of the alleged offence and supplies to the officer —
 - (i) the name and address of the driver or person in charge of the vehicle at that time;
 - (ii) information showing that the vehicle was stolen or unlawfully taken or used at that time; or
 - (iii) a statutory declaration that the responsible person did not know, and could not reasonably have ascertained, the name and address of the driver or person in charge of the vehicle at that time.
- (5) A traffic infringement notice enclosing photographic evidence served under subsection (1) or (3) must contain or be accompanied by a statement explaining the operation of subsection (4).
- (6) A statutory declaration under subsection (4)(b)(iii) must be contained in or accompanied by the traffic infringement notice to which it relates and must be posted to an officer specified in the notice or delivered personally to the officer or the officer in charge of a police station.
- (7) In this section —
 - “**photographic evidence**” means —
 - (a) a photograph; or
 - (b) a cinematographic or other type of film, or video tape, video disc, slide or digital, electronic or other form of recording, from which a visual image can be produced.

102C. Notices requesting information

- (1) If a traffic infringement notice could be addressed to and served on a responsible person under section 102B but for there not being any individual who is a responsible person for the vehicle, a member of the Police Force or warden may serve a notice on a responsible person for the vehicle —
 - (a) describing the offence that is alleged to have been committed; and
 - (b) requesting the name and address of the driver or person in charge of the vehicle at the time of the offence so described.
- (2) If a notice is served on a responsible person under subsection (1) without enclosing the photographic evidence referred to in section 102B(1)(b) and, at the end of 14 days after the day specified in the notice (being the day of the service of the notice or a subsequent day), the responsible person has not supplied to an officer specified in the notice —
 - (a) the name and address of the driver or person in charge of the vehicle at the time of the offence described in the notice; or
 - (b) information showing that the vehicle was stolen or unlawfully taken or used at that time,

a further notice of the kind described in subsection (1) may be served on the responsible person enclosing the photographic evidence.

- (3) A responsible person on which a notice enclosing photographic evidence is served under subsection (1) or (2) commits an offence unless, within the period of 14 days after the day specified in the notice (being the day of the service of the notice or a subsequent day) the responsible person supplies to an officer specified in the notice —
 - (a) the name and address of the driver or person in charge of the vehicle at the time of the offence described in the notice;
 - (b) information showing that the vehicle was stolen or unlawfully taken or used at the time of the offence described in the notice; or
 - (c) a statutory declaration that the responsible person did not know, and could not reasonably have ascertained, the name and address of the driver or person in charge of the vehicle at the time of the offence described in the notice.

Penalty: Double the amount of the fine provided under this Act for the offence described in the notice or, if more than one amount is so provided, double the lower or lowest of those amounts.

- (4) On a complaint charging a person with an offence against subsection (3) the person may be convicted of an offence against section 58A.
- (5) A notice served on a person under subsection (1) or (2) may be withdrawn at any time before the end of the period referred to in subsection (2) or (3) respectively by sending a notice to that effect, in the prescribed form and signed by a prescribed officer, to the person at the person's last known place of business.
- (6) If the amount of the modified penalty referred to in section 102D has been paid before a notice is withdrawn under subsection (5), any amount so paid is to be refunded.
- (7) Subsections (5) and (6) do not affect the operation of section 102(5) in relation to a notice when it is regarded under section 102D(2) as a traffic infringement notice.
- (8) A notice served under subsection (2) must contain or be accompanied by a statement explaining the operation of subsection (3) and section 102D.
- (9) A statutory declaration under subsection (3)(c) must be contained in or accompanied by the notice to which it relates and must be posted to an officer specified in the notice or delivered personally to the officer or the officer in charge of a police station.

102D. Notice under section 102C may become a traffic infringement notice

- (1) An offence against section 102C(3) is prescribed for the purposes of section 102 and the penalty for that offence if dealt with under section 102 (the **“modified penalty”**) is an amount of double the penalty prescribed under section 102(1) for the offence described in the notice under subsection 102C(1).
- (2) If a person on which a notice is served under section 102C(2) fails to comply with the notice, the notice is to be regarded as also being a traffic infringement notice served on the person for the offence against section 102C(3) constituted by that failure to comply.
- (3) For the purposes of section 102(1) and (4) and any other enactment, the specified time for the payment of the modified penalty is the period of 14 days after the end of the period referred to in section 102C(3).
- (4) Subject to section 102C(5), if the amount of the modified penalty has been paid before the day on which a notice is to be regarded under this section as a traffic infringement notice, the amount may be held until that day and then treated as an amount received in payment of the modified penalty.
- (5) Despite section 102(7), the payment of the modified penalty does not constitute a conviction of an offence for any purpose.

”.

46. Section 111 amended

- (1) Section 111(2) is amended as follows:
- (a) in paragraph (b) by inserting after “owners,” —
“ responsible persons, ”;
 - (b) by deleting paragraph (i) and inserting instead —
“
 - (i) prescribing a minimum age at which an individual may apply for the issue or transfer of a vehicle licence and providing for the applicant to provide proof of age and identity;”.
- (2) Section 111(2b) is amended by deleting “the owner of” and inserting instead —
“ a responsible person for ”.

47. Section 112 amended

- (1) Section 112(2) is amended as follows:
- (a) by deleting “the owner or one of the owners of” and inserting instead —
“ a responsible person for ”;
 - (b) by deleting “the owner of” and inserting instead —
“ a responsible person for ”.
- (2) Section 112(4) is amended as follows:
- (a) by deleting “one person” and inserting instead —
“ one director ”;
 - (b) by deleting “owner of” and inserting instead —
“ a responsible person for ”;
 - (c) by deleting “upon the owner” and inserting instead —
“ upon a responsible person ”;
 - (d) by deleting “those persons” and inserting instead —
“ those directors ”.
- (4) Section 112(7) is amended by deleting “the owner or one of the owners of” and inserted instead —
“ a responsible person for ”.
- ”.

21 On the date as at which this reprint was prepared, the *Road Traffic Amendment (Vehicle Licensing) Act 2001* Pt. 2 (as amended by No. 45 of 2002 s. 29(2)) had not come into operation. It reads as follows:

“

Part 2 — Road Traffic Act 1974 amended

3. The Act amended

The amendments in this Part are to the *Road Traffic Act 1974*.

4. Section 5 amended

Section 5(1) is amended as follows:

- (a) by deleting the definition of “agricultural implement”;
- (b) in the definition of “licensing provisions of this Act”, by deleting “and the First and Second Schedules” in paragraph (a);
- (c) by deleting the definition of “vehicle licence fee” and inserting instead —

“

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

”.

5. Section 8 amended

Section 8(5) is amended by deleting “issue or”.

6. Section 15 amended

- (1) Section 15(1) is repealed and the following subsection is inserted instead —

“

- (1) A vehicle licence is required for a vehicle prescribed in the regulations.

”.

- (2) Section 15(2) and (2a) are repealed.

- (3) Section 15(3) is amended as follows:

- (a) by deleting “or issued” in both places where it occurs;
- (b) by deleting paragraph (a) and inserting instead —

“

- (a) if the regulations provide that when a vehicle licence is renewed on an application made within a prescribed period after the expiry of the licence the renewal is to be regarded as having taken effect immediately after the licence expired, this subsection does not apply to the use of the vehicle within that prescribed period;

”.

- (4) Section 15(4) is amended as follows:

- (a) by deleting “fees” and inserting instead —
“ charges ”;

- (b) by deleting “, except where the licence for the vehicle has, prior to the conviction being recorded, been renewed under section 18(5)”.

- (5) Section 15(5) is amended by deleting “fees” in both places where it occurs and inserting instead —

“ charges ”.

- (6) Section 15(6) is amended by inserting after “vehicle licence” —

“ document ”.

7. Section 16 repealed

Section 16 is repealed.

8. Section 17 amended

(1) Section 17(1)(b)(i) is amended by inserting after “fee” —
“ or charge ”.

(2) After section 17(1) the following subsection is inserted —

“

(1a) On the payment of —

- (a) a sum ordered under section 24(3) to be paid; or
- (b) a sum specified under section 102(2a) in a traffic infringement notice,

an application for a transfer under subsection (1) is to be taken to have been made, and the payment is to be taken to have been a payment under subsection (1)(b).

”.

(3) Section 17(2) is amended as follows:

- (a) by inserting after “shall” —
“ , subject to the regulations, ”;
- (b) after paragraph (b) by deleting “and”;
- (c) after paragraph (c) by deleting the full stop and inserting —

“

;

(d) the Director General is satisfied that —

- (i) the vehicle is kept primarily in this State; or
- (ii) the vehicle is not kept primarily in any State or Territory;

and

(e) the applicant would not be prevented by or under the law of another State or a Territory from holding a licence for, or being registered in respect of, the vehicle.

”.

9. Section 18 replaced

Section 18 is repealed and the following section is inserted instead —

“

18. Regulations for the grant and renewal of vehicle licences

(1) The regulations may provide for the grant or renewal of a vehicle licence by the Director General to the extent that a matter is not provided for in section 17.

(2) Without limiting subsection (1), the regulations may —

- (a) fix the periods for which a vehicle licence may be granted or renewed;

- (b) fix the period, whether before or after the expiry of a licence, within which the licence may be renewed;
- (c) if the regulations enable a licence to be renewed after its expiry, provide that renewal within a specified period after the expiry continues the licence, except that the licence is to be regarded as having been suspended on and from the day of its expiry to the day before the renewal; and
- (d) provide for 3 or more vehicle licences held by the same person to expire on the same day.

”.

10. Section 19 amended

- (1) Section 19(3) is amended by deleting “fee specified in Part III of the Second Schedule” and inserting instead —
“ charge prescribed in the regulations ”.
- (2) Section 19(18) is amended by inserting after “fees” in both places where it occurs —
“ or charges ”.

11. Section 20 amended

Section 20(1) is amended by inserting after “fees” —
“ or charges ”.

12. Section 22 amended

Section 22(1) is amended by deleting “fees received for the issue and renewal of motor vehicle licences, other than recording fees.” and inserting instead —
“ vehicle licence charges. ”.

13. Section 23A amended

- (1) Section 23A is amended as follows:
 - (a) by inserting before “The” the subsection designation “(1)”;
 - (b) by deleting “fee has” and inserting instead —
“ fees and charges have ”.
- (2) At the end of section 23A the following subsection is inserted —
“
(2) The Director General may, in circumstances described in subsection (1), suspend the licence in respect of a vehicle until the circumstances giving rise to the suspension are remedied.

”.

14. Section 25 amended

Section 25(1) is amended by deleting the full stop and inserting instead —
“
, or where a licence is cancelled or suspended under section 23A.

”.

15. Section 28A amended

- (1) Section 28A(1) is repealed.
- (2) Section 28A(2) is amended as follows:
 - (a) by deleting “Where Part III of the Second Schedule is amended or substituted by regulations made under this section, that Part as in force immediately before the commencement day of those regulations” and inserting instead —

“

Where regulations made under section 19(3) are amended or replaced, the regulations as in force immediately before the commencement day of the amending or replacing regulations

”;

- (b) in paragraph (b) by deleting “pursuant to section 18 (4)” and inserting instead —

“

in accordance with regulations made under section 18

”.

- (3) Section 28A(3) is amended by deleting “section 36 of the *Interpretation Act 1918*” and inserting instead —

“ section 41 of the *Interpretation Act 1984* ”.

16. Section 31 amended

Section 31 is amended by deleting “issues” and inserting instead —

“ grants ”.

17. Section 35 amended

Section 35 is amended by deleting “issue,”.

18. Section 48C amended

Section 48C(1)(a) is amended by deleting “issued”.

19. Section 49 amended

Section 49(4) is repealed and the following subsection is inserted instead —

“

- (4) Regulations may except a prescribed vehicle from the application of subsection (1) when it is being driven by a person with a physical disability.

”.

20. Section 75 amended

Section 75(2) is amended by deleting “of its issue.” and inserting instead —

“ it was granted. ”.

21. Section 100 amended

Section 100(2) is amended by deleting “the issue of a renewal of the licence or of a registration label” and inserting instead —

“

the renewal of the licence or the issue of a registration label

”.

22. First and Second Schedules repealed

The First and Second Schedules are repealed.

23. Various references to “issue” changed to “grant”

- (1) The Act is amended by deleting “issue” in each place where it occurs that is specified in the Table to this subsection and inserting instead —

“ grant ”.

Table

| | |
|-----------------------------------|------------------------|
| s. 15(4) | s. 43(1)(d) (2 places) |
| s. 17(1) | s. 44(1) |
| s. 17(2) | s. 47(1) |
| s. 17(4) | s. 47(2) |
| s. 17(6) | s. 48(1) |
| s. 20(1) (2 places) | s. 48(3)(a) |
| s. 22(4) | s. 48(5) |
| s. 25(1) | s. 48(10)(a) |
| s. 26(1) | s. 48C(1) |
| s. 26(3)(a) | s. 48C(1a) |
| s. 27(1) (first and third places) | s. 48C(2) |
| s. 29(1) | s. 49(2)(a)(i) |
| s. 42(2) | s. 76(1) |
| s. 42(7) (2 places) | s. 76(3) |
| s. 42(8) | s. 76(3a) |
| s. 42B(1) | s. 76(5)(a) |
| s. 42B(2) | s. 111(2)(i) |

- (2) The Act is amended by deleting “issued” in each place where it occurs that is specified in the Table to this subsection and inserting instead —

“ granted ”.

Table

| | |
|------------------------------------------------|----------------------|
| s. 5(1) (definition of “driver’s licence”) | s. 45(1a) |
| s. 5(1) (definition of “unrestricted licence”) | s. 45(3) |
| s. 8(2) (2 places) | s. 45(4) (2 places) |
| s. 8(5) | s. 46(1)(a) |
| s. 19(17) (3 places) | s. 48(6)(a) |
| s. 19(18) (3 places) | s. 48(8) (2 places) |
| s. 20(2) | s. 48A(1) |
| s. 20(3) | s. 48C(2) |
| s. 24(4) | s. 48C(3) |
| s. 24B(3)(c) | s. 48C(4) |
| | s. 48D(1) (2 places) |
| | s. 48E(1)(b) |

| | |
|------------------------|------------------------|
| s. 26(3)(a) | s. 49(2)(b) (2 places) |
| s. 26(4) | s. 50 |
| s. 26(5)(b) | s. 51(1) |
| s. 27(1) | s. 51(3) |
| s. 27(2) | s. 64A(3)(b) |
| s. 27A(2) | s. 75(2) |
| s. 28(b) | s. 75(2c)(a) |
| s. 28(c) | s. 76(3) |
| s. 32 | s. 76(5)(a)(i) |
| s. 33 (2 places) | s. 76(6) |
| s. 36 (2 places) | s. 76(7)(a) |
| s. 37 (2 places) | s. 76(7)(b) |
| s. 38(1) | s. 76(8)(a) |
| s. 38(2) (first place) | s. 76(8)(b) |
| s. 42(7)(b) | s. 77(1) |
| s. 45(1) (4 places) | s. 77(1)(b) |

- (3) The Act is amended by deleting “issued with” in each place where it occurs that is specified in the Table to this subsection and inserting instead —
“ granted ”.

Table

| | |
|-------|----------|
| s. 31 | s. 51(5) |
| s. 34 | |

- (4) The Act is amended by deleting “of issue” in each place where it occurs that is specified in the Table to this subsection and inserting instead —
“ it is granted ”.

Table

| | |
|-------------|-----------|
| s. 45(1a) | s. 48C(3) |
| s. 46(1)(a) | |

[Section 23 amended by No. 45 of 2002 s. 29(2).]

24. Various references to “fee” changed to “charge”

The Act is amended by deleting “fee” in each place where it occurs that is specified in the Table to this section and inserting instead —
“ charge ”.

Table

| | |
|-------------------------|------------------|
| s. 19(1) (second place) | s. 33 (2 places) |
| s. 19(17) (7 places) | s. 34 (2 places) |
| s. 24(1)(b) (2 places) | s. 37 (3 places) |
| s. 31 | s. 38(1) |

”.

22

On the date as at which this reprint was prepared, the *Road Traffic Amendment (Impounding and Confiscation of Vehicles) Act 2004* s. 3-14 had not come into operation. They read as follows:

“

3. The Act amended

The amendments in this Act, except in sections 15 and 16, are to the *Road Traffic Act 1974*.

4. Section 5 amended

After section 5(5) the following subsection is inserted —

“

- (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.

”

5. Section 48 amended

After section 48(10) the following subsection is inserted —

“

- (11) Both the Commissioner of Police and the Director General have a right to be heard in proceedings in relation to an application under this section.

”

6. Division 1 heading inserted in Part V

Before section 49 the following heading is inserted in Part V —

“

Division 1 — Driving of vehicles: general offences

”

7. Section 51 amended

Section 51(1)(a)(iii) is amended by inserting after “62,” —

“ 62A, ”.

8. Section 60 amended

After section 60(1) the following subsections are inserted —

“

- (1a) A person who drives a motor vehicle at a speed of 155 km/h or more commits an offence.
- (1b) A person who drives a motor vehicle at a speed exceeding the speed limit set under this Act for that vehicle or the place where the driving occurs by 45 km/h or more commits an offence.
- (1c) Despite subsections (1a) and (1b), the driver of a motor vehicle is not guilty of an offence under those subsections if —
- (a) either —
 - (i) the motor vehicle is being used to convey a member of the Police Force on official duty and the travelling at such speed is necessary to prevent the commission or continuation of an offence or to apprehend an offender or to assist a driver excused under subparagraphs (ii), (iii) or (iv);

- (ii) the driver is on official duty responding to a fire or fire alarm;
 - (iii) the driver is on official duty responding to an emergency or rescue operation where it is reasonable to assume that human life is likely to be in danger; or
 - (iv) the motor vehicle is an ambulance and is being used to answer an urgent call or to convey a person to a place for the provision of urgent medical treatment;
- (b) the driver is taking reasonable care; and
 - (c) the vehicle is displaying a blue or red flashing light or sounding an alarm unless, in the circumstances, it is reasonable for a light not to be displayed or an alarm not to be sounded.

”.

9. Section 62A and Division 2 heading inserted in Part V

After section 62 the following section and Division heading are inserted —

“

62A. Causing excessive noise, smoke

A person who wilfully drives a motor vehicle on a road or in a carpark so as to cause —

- (a) excessive noise to be made with one or more of the vehicle’s tyres; or
- (b) smoke to come from one or more of the vehicle’s tyres or a substance on the driving surface,

commits an offence.

Penalty: 12PU.

Division 2 — Driving of vehicles: alcohol and drug related offences

”.

10. Division 3 heading inserted in Part V

After section 72 the following heading is inserted in Part V —

“

Division 3 — General matters as to driving offences

”.

11. Section 73 amended

Section 73 is amended by inserting after “inclusive,” the following —

“ but not in section 62A, ”.

12. Section 74 inserted

After section 73 the following section is inserted —

“

74. Representation in proceedings under Part V

- (1) Both the Commissioner of Police and the Director General have a right to be heard in proceedings under section 76.
- (2) The Director General has a right to be heard in proceedings under section 78.
- (3) The Commissioner of Police has a right to be heard in proceedings under Division 4.
- (4) A person who, under this section, has a right to be heard in proceedings may be represented by any person he or she authorises for that purpose.

”

13. Sections 78A and 78B replaced with Division 4 in Part V

Sections 78A and 78B are repealed and the following Division is inserted instead in Part V —

“

Division 4 — Impounding and confiscation of vehicles for driving offences

Subdivision 1 — Preliminary

78A. Interpretation of Division 4

In this Division —

“**approved**” means approved by the Commissioner;

“**circumstances of aggravation**” means circumstances in which —

- (a) the vehicle is being used to race another vehicle;
- (b) the vehicle is being used in an attempt to establish or break a speed record;
- (c) the speed, or the acceleration, braking or steering capability, of the vehicle is being tested or contested in any way;
- (d) the skill of the vehicle’s driver is being tested or contested in any way;
- (e) the vehicle is driven in a manner that causes smoke to come from one or more of the vehicle’s tyres or a substance on the driving surface; or
- (f) the vehicle is driven in a manner that causes one or more of the vehicle’s driving wheels to lose traction with the driving surface;

“**Commissioner**” means the Commissioner of Police;

“**hired**”, in relation to a vehicle, means a vehicle that —

- (a) is owned by a person whose business is the short term hire of vehicles;
- (b) is part of the business’s fleet; and
- (c) under a written agreement, is hired for the hirer’s short term use;

“impounding offence (driver’s licence)” means an offence against section 49(1)(a) that is committed in circumstances in which —

- (a) the driver had applied for a driver’s licence and was refused the issue of the licence on a ground mentioned in section 48(1)(b), (c) or (f);
- (b) the driver had held a driver’s licence that is cancelled on a ground mentioned in section 48(1)(b), (c) or (f); or
- (c) the driver had held a driver’s licence the operation of which is suspended on a ground mentioned in section 48(1)(b), (c) or (f);

“impounding offence (driving)” means any of the following —

- (a) an offence against section 59, 59A, 60 or 61 that is committed in circumstances of aggravation;
- (b) an offence against section 62A;

“impounding period” —

- (a) in relation to a vehicle impounded under section 79 or 79A, means the period of 48 hours starting from the time when the vehicle was impounded;
- (b) in relation to a vehicle impounded on an order under section 80(1) or 80B(1), means the period of impoundment specified in the order;

“lent” in addition to the ordinary meaning of the word means hired in the ordinary meaning of that word, or subject to a hire purchase agreement within the meaning of that term in the *Hire Purchase Act 1959* or is subject to a goods mortgage in connection with a credit contract within the meaning of the Consumer Credit Code;

“licence holder”, in relation to a vehicle, means the person in whose name the vehicle is licensed under this Act, registered under the *Control of Vehicles (Off-road Areas) Act 1978* or licensed or registered under a corresponding law of another State or Territory or the Commonwealth;

“senior officer” means a member of the Police Force who has attained the rank of inspector or a rank higher than that of inspector if, for an impoundment that takes place outside the Perth Metropolitan Area, it is not reasonably practical for a member of the Police Force to inform a person of the rank of inspector or above for reasons that the member has recorded, then **“senior officer”** includes a member of the Police Force who has attained the substantive rank of sergeant;

“surrender period”, in relation to a vehicle, means the period specified under section 80F in an order as the period in which the vehicle is to be surrendered to the Commissioner.

78B. Penalties etc. not affected

- (1) The impounding or confiscation of a vehicle under this Division does not affect or in any way limit a provision of this Act relating to the imposition of any penalty or disqualification on a person convicted of an offence in respect of which the vehicle was impounded or confiscated.

- (2) For the purposes of the *Sentencing Act 1995* section 8 the fact that a vehicle may be, or has been, impounded or confiscated under this Division is not a mitigating factor.

78C. Powers for this Division

- (1) A member of the Police Force and any person assisting a member of the Police Force in the exercise of a power under section 79 or 79A may drive, tow or otherwise convey a vehicle impounded under that section —
- (a) to the place where the vehicle is to be stored; or
 - (b) at the place where the vehicle is stored.
- (2) A member of the Police Force and any person assisting a member of the Police Force giving effect to an order under section 80(1), 80A(1), 80B(1) or 80C(1) may drive, tow or otherwise convey a vehicle that is the subject of the order —
- (a) to the place where the vehicle is to be stored; or
 - (b) at the place where the vehicle is stored.
- (3) A member of the Police Force may seize the keys to a vehicle that is —
- (a) impounded under section 79 or 79A; or
 - (b) the subject of an order under section 80(1), 80A(1), 80B(1) or 80C(1) but which is not surrendered to the Commissioner within the surrender period.
- (4) A member of the Police Force may, without warrant, at any time, enter any premises for the purpose of —
- (a) seizing the keys to a vehicle that is the subject of an order under section 80(1), 80A(1), 80B(1) or 80C(1) but which is not surrendered to the Commissioner within the surrender period; or
 - (b) driving, towing or otherwise conveying such a vehicle to a place where the vehicle is to be stored.
- (5) A person may use reasonable force to exercise a power given by this section.
- (6) The powers that may be exercised under this section are —
- (a) subject to the provisions of an order under section 80(1), 80A(1), 80B(1) or 80C(1); and
 - (b) in addition to the powers under section 86A.

78D. Contracts for conveying, storing impounded or confiscated vehicles

The Commissioner may, on behalf of the State, enter into a written contract under which the contractor provides services in respect of any of the following —

- (a) the driving, towing or otherwise conveying of vehicles impounded under section 79 or 79A or that are the subject of orders under section 80(1), 80A(1), 80B(1) or 80C(1);
- (b) the storage of such vehicles;
- (c) otherwise assisting the Commissioner and members of the Police Force in the performance of their respective functions under this Division.

78E. Recovery of impounding expenses

The Commissioner may recover expenses for which a person is liable under section 79E, 80H or 80K from that person in a court of competent jurisdiction as a debt due to the Commissioner.

Subdivision 2 — Impounding of vehicles by police

79. Impounding of vehicles for racing etc.

A member of the Police Force may impound a vehicle for 48 hours if the member reasonably suspects that —

- (a) the driver of the vehicle has committed an impounding offence (driving); and
- (b) the vehicle was used in the commission of the offence.

79A. Impounding of vehicles for driving without driver's licence etc.

A member of the Police Force may impound a vehicle for 48 hours if the member reasonably suspects that —

- (a) the driver of the vehicle has committed an impounding offence (driver's licence);
- (b) the vehicle was used in the commission of the offence; and
- (c) the driver of the vehicle has previously been convicted of an impounding offence (driver's licence).

79B. Notice of impounding

- (1) The Commissioner is to ensure that, as soon as practicable after a vehicle is impounded under section 79 or 79A, notice of the impounding is given to the vehicle's licence holder and, if the driver is not the vehicle's licence holder, the driver.
- (2) The notice is to be in an approved form and contain the following information —
 - (a) the time when the vehicle was impounded;
 - (b) the address of the place where the vehicle is stored;
 - (c) how, when and to whom the vehicle can be released;
 - (d) the powers of a court under section 80, 80A, 80B and 80C in relation to the impounding and confiscation of vehicles.

79C. Senior officer to be informed if vehicle impounded

- (1) A member of the Police Force, other than a senior officer, who impounds a vehicle under section 79 or 79A is to inform a senior officer, as soon as practicable after the vehicle is impounded, of the grounds on which the member suspects the matters mentioned in section 79(a) and (b) or 79A(a) to (c), as is relevant to the case.
- (2) A senior officer who is informed by a member of the Police Force of a vehicle impoundment pursuant to subsection (1) is to make enquiries so as to satisfy him or herself in respect of the matters mentioned in section 79(a) and (b) or 79A(a) to (c) about which a member of the Police Force is required to have a suspicion, that there are reasonable grounds for the member to have that suspicion.

- (3) If a senior officer is not satisfied as required by subsection (2) the senior officer and the member of the Police Force are to take measures to ensure that the vehicle is released from impoundment and returned to the vehicle's licence holder, or if the licence holder is not available, to the driver of the vehicle.

79D. Release of impounded vehicles

- (1) In this section —
“impounded vehicle” means a vehicle impounded under section 79 or 79A.
- (2) The Commissioner is to ensure that an impounded vehicle is not released before the impounding period ends unless —
 - (a) a member of the Police Force is satisfied that, at the time that the offence in respect of which the vehicle was impounded was committed, the vehicle was a stolen vehicle or a hired vehicle;
 - (b) a senior officer is not satisfied as required by section 79C(2); or
 - (c) a senior officer is satisfied that unless the vehicle is released, exceptional hardship will be suffered in the particular case.
- (3) When the impounding period ends, the Commissioner is to ensure that an impounded vehicle is released on the application, in an approved manner, of the vehicle's licence holder.

79E. Expenses of impounding under section 79 or 79A payable by convicted driver

If a vehicle is impounded under section 79 or 79A, the person who is convicted of the impounding offence (driving) or the impounding offence (driver's licence) in respect of which the vehicle was impounded is liable to pay to the Commissioner all expenses reasonably incurred by the Commissioner in impounding the vehicle.

Subdivision 3 — Impounding and confiscation of vehicles by court order

80. Impounding of vehicles for racing etc.

- (1) A court that convicts a person of an impounding offence (driving) may, by order, impound the vehicle used in the offence for a period starting on the date on which —
 - (a) the vehicle is surrendered; or
 - (b) under section 78C, the vehicle is conveyed to the place where it is to be stored,and being such period, not exceeding 3 months, as is specified in the order.
- (2) A court is not to make an order under subsection (1) unless it is satisfied that in the 3 years before the day on which the offence was committed the person was convicted of a previous impounding offence (driving).

80A. Confiscation of vehicles for racing etc.

- (1) A court that convicts a person of an impounding offence (driving) may, by order, confiscate the vehicle used in the offence.

- (2) A court is not to make an order under subsection (1) unless it is satisfied that in the 5 years before the day on which the offence was committed the person was convicted of 2 previous impounding offences (driving).

80B. Impounding of vehicles for driving without driver's licence etc.

- (1) A court that convicts a person of an impounding offence (driver's licence) may, by order, impound the vehicle used in the offence for a period starting on the date on which —
- (a) the vehicle is surrendered; or
 - (b) under section 78C, the vehicle is conveyed to the place where it is to be stored,

and being such period, not exceeding 3 months, as is specified in the order.

- (2) A court is not to make an order under subsection (1) unless it is satisfied that in the 3 years before the day on which the offence was committed the person was convicted of a previous impounding offence (driver's licence).

80C. Confiscation of vehicles for driving without driver's licence etc.

- (1) A court that convicts a person of an impounding offence (driver's licence) may, by order, confiscate the vehicle used in the offence.
- (2) A court is not to make an order under subsection (1) unless it is satisfied that in the 5 years before the day on which the offence was committed the person was convicted of 2 previous impounding offences (driver's licence).

80D. Effect of confiscation

- (1) The property in a vehicle that is confiscated under section 80A(1) or 80C(1) vests absolutely in the State when the order is made, free from all interests, rights, titles or claims in or to the ownership or possession of the vehicle.
- (2) Subsection (1) does not operate to prevent proceeds from the sale or disposal of a confiscated vehicle from being paid in accordance with section 80J(7).

80E. Stolen or hired vehicles not to be impounded, confiscated

- (1) A court is not to make an order under section 80(1), 80A(1), 80B(1) or 80C(1) if it is satisfied that at the time that the offence for which the person is convicted was committed, the vehicle was a stolen vehicle or a hired vehicle.
- (2) A court is not to make an order under section 80A(1) or 80C(1) if it is satisfied that at the time the offence for which the person is convicted was committed, the vehicle was a lent vehicle and instead may make an order under section 80 or 80B for a period not exceeding 6 months.

80F. Licence holder to surrender impounded, confiscated vehicle at time and place ordered by court

If a court makes an order under section 80(1), 80A(1), 80B(1) or 80C(1) in respect of a vehicle, the court is to specify in the order the time by which, and the place at which, the vehicle's licence

holder is to surrender the vehicle and its keys to the Commissioner.

80G. Applications for orders to impound or confiscate vehicles

- (1) In this section —
“interest”, in relation to a vehicle, means a legal or equitable interest, right or title in or to the ownership or possession of the vehicle;
“order” means an order under section 80(1), 80A(1), 80B(1) or 80C(1).
- (2) An application for an order —
 - (a) can only be made by the Commissioner; and
 - (b) is to be heard —
 - (i) as part of the proceedings in which the driver of the vehicle that is the subject of the application is convicted of the impounding offence (driving) or the impounding offence (driver’s licence), as is applicable to the case; or
 - (ii) in subsequent proceedings brought no later than 3 months after the proceedings in respect of the conviction.
- (3) The Commissioner is to give at least 14 days’ written notice of the Commissioner’s intention to make an application for an order to —
 - (a) the driver of the vehicle;
 - (b) the vehicle’s licence holder;
 - (c) the Director General;
 - (d) any other person whom the Commissioner is aware has or may have an interest in the vehicle; and
 - (e) the public generally, in a newspaper having State-wide circulation.
- (4) A court is not to make an order unless it has given the following persons a reasonable opportunity to show cause why the order should not be made —
 - (a) each person who is given notice under subsection (3)(a), (b) or (d) and who wishes to be heard on the application;
 - (b) any other person who satisfies the court that the person has an interest in the vehicle.
- (5) In determining an application for an order the court may have regard to —
 - (a) whether the impounding offence (driving) or the impounding offence (driver’s licence), as is applicable to the case, was committed with the knowledge and acquiescence of a person who has an interest in the vehicle;
 - (b) whether making the order will cause severe financial or physical hardship to a person who has an interest in the vehicle or the usual driver of the vehicle; and
 - (c) any other relevant matter.
- (6) A person —

- (a) who is given notice under subsection (3)(a), (b) or (d); or
- (b) other than a person mentioned in subsection (3)(a), (b), (c) or (d), who has satisfied the court that the person has an interest in the vehicle,

must not, before the application is decided, dispose of any interest that the person has in the vehicle unless a court has made an order approving of the proposed disposal.

Penalty: 50 PU.

- (7) If the Director General is given notice under subsection (3), the Director General must not, before the application is decided, transfer the licence of the vehicle that is the subject of the application.

80H. Expenses of court-ordered impounding payable by convicted driver

- (1) If a vehicle is impounded on an order under section 80(1) or 80B(1), the person who is convicted of the impounding offence (driving) or the impounding offence (driver's licence) in respect of which the vehicle was impounded is liable to pay to the Commissioner all expenses reasonably incurred by the Commissioner by way of giving effect to the order.
- (2) When the impounding period ends, the Commissioner may refuse to release the vehicle to the person who is liable under subsection (1) to pay expenses in respect of the vehicle until those expenses are paid.

Subdivision 4 — Miscellaneous provisions about impounded or confiscated vehicles

80I. Before impounded vehicles released, costs of storage for post-impounding period may be payable

- (1) The Commissioner may refuse to release a vehicle impounded under section 79 or 79A or on an order under section 80(1) or 80B(1) until the Commissioner is paid the expenses incurred in storing the vehicle after the impounding period ends.
- (2) The expenses referred to in subsection (1) are not to include the costs of storing the vehicle for any 24 hour period during which the place where the vehicle is stored is not open to the public.

80J. Disposing of confiscated, uncollected vehicles and items therein

- (1) In this section —
 - “**confiscated vehicle**” means a vehicle that is confiscated under section 80A(1) or 80C(1);
 - “**item**” means an item that was in or on a confiscated vehicle or an uncollected vehicle at the time when —
 - (a) the vehicle was impounded under section 79 or 79A;
 - (b) the vehicle was surrendered; or
 - (c) under section 78C, the vehicle was conveyed to a place for storage,as is relevant to the case;
 - “**uncollected vehicle**” means a vehicle that was impounded under section 79 or 79A or on an order under section 80(1) or

80B(1) and not collected within 2 months after the end of the impounding period.

- (2) The Commissioner may sell or otherwise dispose of a confiscated vehicle, an uncollected vehicle or an item.
- (3) The Commissioner is not to sell or otherwise dispose of a confiscated vehicle, an uncollected vehicle or an item unless —
 - (a) any appeal against the conviction for an offence in respect of which the vehicle was impounded or confiscated is determined; and
 - (b) any appeal against an order under section 80(1), 80A(1), 80B(1) or 80C(1) in respect of the vehicle is determined.
- (4) The Commissioner is not to sell or otherwise dispose of an uncollected vehicle or an item unless —
 - (a) the vehicle's licence holder is given at least 14 days' written notice of the Commissioner's intention to sell or dispose of the vehicle or item;
 - (b) a notice of the intention to sell or dispose of the vehicle or item is published, at least 14 days before the proposed sale or disposal, in a newspaper having State-wide circulation;
 - (c) in the case of an item, reasonable steps have been taken to return the item to its owner; and
 - (d) any proceedings under subsection (5) or (6) in relation to the vehicle or item and any appeal in respect of those proceedings are determined.
- (5) The owner of an uncollected vehicle may apply to the Magistrates Court for an order that the sale or disposal of the vehicle under subsection (2) not take place until after such time as is specified in the order but no later than 3 months after the day of the order.
- (6) The owner of an item may apply to the Magistrates Court for an order that the item be returned.
- (7) Proceeds of the sale or disposal under subsection (2) of a vehicle or item are to be paid in the following order of priority —
 - (a) for expenses incurred in selling the vehicle or item;
 - (b) in the case of a confiscated vehicle, for expenses incurred in impounding the vehicle;
 - (c) in satisfaction of an unpaid amount for which a person is liable under section 79E but only if the person who is liable to pay that amount is also the vehicle's licence holder;
 - (d) in satisfaction of an unpaid amount of a judgment debt arising out of a liability under section 79E, but only if the person who is liable to pay that amount is also the vehicle's licence holder;
 - (e) in satisfaction of an unpaid amount for which a person is liable under section 80H but only if the person who is liable to pay that amount is also the vehicle's licence holder;
 - (f) in satisfaction of an unpaid amount of a judgment debt arising out of a liability under section 80H, but only if

the person who is liable to pay that amount is also the vehicle's licence holder;

- (g) for the expenses incurred in storing the vehicle after the impounding period ends;
 - (h) in the case of an uncollected vehicle, in satisfaction of any unpaid amount known to the Commissioner for which the vehicle is nominated in writing as security for the payment of that amount;
 - (i) in the case of a confiscated vehicle, in satisfaction of any unpaid amount known to the Commissioner —
 - (i) for which the vehicle was nominated in writing as security for the payment of that amount; and
 - (ii) that, but for the confiscation of the vehicle, would have been payable to a person other than the person convicted of the offence in respect of which the vehicle was confiscated;
 - (j) the balance, in the case of a confiscated vehicle, to the Treasurer of the State for the public uses of the State;
 - (k) the balance, in the case of an uncollected vehicle or an item, to the Treasurer of the State to be dealt with under the *Unclaimed Money Act 1990* as prescribed retained money.
- (8) A person who acquires an uncollected vehicle or an item on a sale or disposal under subsection (2) of the vehicle or item obtains a good title to the vehicle or item if the person acquires it in good faith and without notice of any failure to comply with subsection (4) in relation to the sale or disposal.

80K. Expenses of confiscation not obtained on sale payable by convicted driver

If a confiscated vehicle is sold under section 80J(2) but the proceeds of the sale are insufficient to pay the expenses incurred in impounding and selling the vehicle, the person who is convicted of the impounding offence (driving) or the impounding offence (driver's licence) in respect of which the vehicle was confiscated is liable to pay to the Commissioner the difference between the amount of those expenses and the proceeds of the sale.

80L. Transfer of vehicle licence

- (1) If a vehicle is confiscated on an order under section 80A(1) or 80C(1) or is to be sold as an uncollected vehicle under section 80J(2) —
 - (a) the Commissioner of Police is to give notice in writing to the Director General of that fact; and
 - (b) the Director General is to transfer the vehicle's licence to the State of Western Australia.
- (2) Section 24(1)(a), (2), (2a), (2b) and (2c) do not apply if the Director General is given notice under subsection (1).

”.

14. Section 101 amended

Section 101 is amended as follows:

- (a) by inserting before “No matter” the subsection designation “(1)”;

(b) by inserting at the end of the section the following subsections —

“

(2) Subsection (1) does not relieve a contractor of any liability that the contractor might otherwise have for anything done or omitted to be done, as described in that subsection, by the contractor or another person.

(3) In subsection (2) —

“**contractor**” means a person who has entered into a contract with the Commissioner of Police under section 78D.

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