

Notes

¹ This is a compilation 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> 7 Dec 1979 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)			
<i>Road Traffic Amendment (Impounding and Confiscation of Vehicles) Act 2004</i> s. 4-14	10 of 2004	23 Jun 2004	4 Sep 2004 (see s. 2 and <i>Gazette</i> 3 Sep 2004 p. 3849)

1a On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. 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)

Short title	Number and year	Assent	Commencement
<i>Road Traffic Amendment (Dangerous Driving) Act 2004</i> s. 4-12 ²²	44 of 2004	9 Nov 2004	To be proclaimed (see s. 2)
<i>Courts Legislation Amendment and Repeal Act 2004</i> s. 141 and 142 ²³	59 of 2004	23 Nov 2004	To be proclaimed (see s. 2)
<i>Criminal Law Amendment (Simple Offences) Act 2004</i> s. 82 ²⁴	70 of 2004	8 Dec 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 compilation 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 compilation 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 compilation 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 compilation 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 compilation was prepared the *Road Traffic Amendment (Dangerous Driving) Act 2004* s. 4-12 had not come into operation. They read as follows:

“

4. Section 51 amended

Section 51(1)(a)(iii) is amended by inserting before “61” —
“ 59A, ”.

5. Section 59 amended

- (1) Section 59(1) (other than the summary conviction penalty) is repealed and the following is inserted instead —

“

- (1) If a motor vehicle driven by a person (the “**driver**”) is involved in an incident occasioning the death of, or grievous bodily harm to, another person and the driver was, at the time of the incident, driving the motor vehicle —
- (a) while under the influence of alcohol, drugs, or alcohol and drugs to such an extent as to be incapable of having proper control of the vehicle; or
 - (b) in a manner (which expression includes speed) that is, having regard to all the circumstances of the case, dangerous to the public or to any person,

the driver commits a crime and is liable to the penalty in subsection (3).

”.

- (2) Section 59(2) is amended as follows:

- (a) by deleting paragraph (a);
- (b) in paragraph (c), by deleting “ when a person causes grievous bodily harm to another person and that other person receives surgical or medical treatment, and death results either from the harm or the treatment, he is deemed to have caused the death of that other person” and inserting instead —

“

when an incident occasions grievous bodily harm to a person and that person receives surgical or medical treatment, and death results either from the harm or the treatment, the incident is deemed to have occasioned the death of that person

”.

- (3) Section 59(3)(a) is amended by deleting “ if at the time of the offence the motor vehicle was unlawfully being driven without the consent of the owner or person in charge of the motor vehicle” and inserting instead —

“

if the offence is against subsection (1)(a), or the offence is against subsection (1)(b) and is committed in circumstances of aggravation

”

6. Section 59A amended

- (1) Section 59A(1) is repealed and the following subsection is inserted instead —

“

- (1) If a motor vehicle driven by a person (the “**driver**”) is involved in an incident occasioning bodily harm to another person and the driver was, at the time of the incident, driving the motor vehicle —

- (a) while under the influence of alcohol, drugs, or alcohol and drugs to such an extent as to be incapable of having proper control of the vehicle; or
- (b) in a manner (which expression includes speed) that is, having regard to all the circumstances of the case, dangerous to the public or to any person,

the driver commits an offence.

”

- (2) Section 59A(2)(a) is deleted.
- (3) Section 59A(3) is amended by deleting “A” and inserting instead —

“ Subject to subsection (3a), a ”.

- (4) After section 59A(3) the following subsection is inserted —

“

- (3a) In the case of an offence under subsection (1)(a), or an offence under subsection (1)(b) committed in circumstances of aggravation, the offence is a crime and a person convicted of it is liable to a fine of any amount and imprisonment for 7 years and in any event the court convicting the person shall order that he be disqualified from holding or obtaining a driver’s licence for a period of not less than 2 years.

Summary conviction penalty: imprisonment for 18 months or a fine of 160PU and in any event the court convicting the person shall order that he be disqualified from holding or obtaining a driver’s licence for a period of not less than 18 months.

”

7. Section 59B inserted

After section 59A the following section is inserted —

59B. Section 59 and 59A offences: ancillary matters and defence

- (1) For the purposes of sections 59 and 59A, the circumstances in which a motor vehicle is involved in an incident occasioning the death of, or grievous bodily harm or bodily harm to, a person include those in which the death or harm is occasioned through —
 - (a) the motor vehicle overturning or leaving a road while the person is being conveyed in or on the motor vehicle (whether as a passenger or otherwise);
 - (b) the person falling from the motor vehicle while being conveyed in or on it (whether as a passenger or otherwise);
 - (c) an impact between any object or thing and the motor vehicle while the person is being conveyed in or on the motor vehicle (whether as a passenger or otherwise);
 - (d) an impact between the person and the motor vehicle;
 - (e) an impact of the motor vehicle with another vehicle or an object or thing in, on or near which the person is at the time of impact;
 - (f) an impact with any object on or attached to the motor vehicle; or
 - (g) an impact with any object that is in motion through falling from the motor vehicle.
- (2) For the purposes of sections 59 and 59A, a motor vehicle is also involved in an incident occasioning the death of, or grievous bodily harm or bodily harm to, a person if the death or harm is occasioned through the motor vehicle —
 - (a) causing an impact between other vehicles or between another vehicle and any object, thing or person;
 - (b) causing another vehicle to overturn or leave a road; or
 - (c) causing a person being conveyed in or on another vehicle to fall from that other vehicle.
- (3) For the purposes of sections 59 and 59A a person commits an offence in **“circumstances of aggravation”** if at the time of the alleged offence —
 - (a) the person was unlawfully driving the vehicle concerned without the consent of the owner or person in charge of the vehicle;
 - (b) the person was driving the vehicle concerned on a road at a speed that exceeded, by more than 45 kilometres per hour, the speed limit (if any) applicable to that length of road; or
 - (c) the person was driving the vehicle concerned to escape pursuit by a member of the Police Force.
- (4) For the purposes of subsection (3)(c) it does not matter whether the pursuit was still proceeding, or had been suspended or terminated, at the time of the alleged offence.
- (5) In any proceeding for an offence against section 59 or 59A a person who had at the time of the alleged offence a percentage of alcohol in his blood of or exceeding 0.15% shall be deemed to

have been under the influence of alcohol to such an extent as to be incapable of having proper control of a motor vehicle at the time of the alleged offence.

- (6) In any proceeding for an offence against section 59 or 59A it is a defence for the person charged to prove that the death, grievous bodily harm or bodily harm occasioned by the incident was not in any way attributable (as relevant) —
- (a) to the fact that the person charged was under the influence of alcohol, drugs, or alcohol and drugs; or
 - (b) to the manner (which expression includes speed) in which the motor vehicle was driven.

”.

8. Section 65 amended

Section 65 is amended by inserting before “sections” —
“ section 59B(5) and ”.

9. Section 66 amended

- (1) Section 66(2) is amended by inserting after paragraph (c) —

“

- (ca) a member of the Police Force —
 - (i) has reasonable grounds to believe that an offence against section 59(1)(a) or 59A(1)(a) has been committed; and
 - (ii) does not know, or has doubt as to, who was the driver of the motor vehicle concerned,but has reasonable grounds to believe that a person may have been the driver of the motor vehicle; or

”.

- (2) Section 66(6a)(a), (8a)(a) and (b) and (11) are amended by inserting after “(2)(c)” —

“ , (ca) ”.

10. Section 67 amended

- (1) Section 67(3) is amended by deleting “A” and inserting instead —

“ Subject to subsection (3a), a ”.

- (2) After subsection 67(3) the following subsection is inserted —

“

- (3a) If when a requirement is made a member of the Police Force —
- (a) advises the person concerned that the member of the Police Force believes that the motor vehicle of which the person was, or is believed to have been, the driver has been involved in an incident occasioning the death of, or grievous bodily harm or bodily harm to, another person; and
 - (b) explains to the person the consequences under this subsection of failure to comply with the requirement,
- an offence against this section of failing to comply with that requirement is a crime and a person convicted of it is liable to a

fine of any amount and imprisonment for 14 years and in any event the court convicting the person shall order that the person be disqualified from holding or obtaining a driver's licence for a period of not less than 2 years.

Summary conviction penalty: imprisonment for 18 months or a fine of 160PU and in any event the court convicting the person shall order that he be disqualified from holding or obtaining a driver's licence for a period of not less than 18 months.

”.

11. Section 72 amended

Section 72(1) is amended by inserting before “sections” —
“ section 59B(5) and ”.

12. Review

- (1) The Minister is to carry out a review of the operations and effectiveness of the amendments made to the *Road Traffic Act 1974* by this Act as soon as is practicable after the expiry of 18 months from the commencement of the *Road Traffic Amendment (Dangerous Driving) Act 2004*.
- (2) The Minister is to prepare a report based on the review carried out under subsection (1) and is to cause that report to be laid before each House of Parliament as soon as practicable.

”.

23

On the date as at which this compilation was prepared, the *Courts Legislation Amendment and Repeal Act 2004* s. 141 and 142, which give effect to Sch. 1 and 2 had not come into operation. They read as follows:

“

141. Various Acts amended

Each Act listed in Schedule 1 is amended as set out in that Schedule immediately below the short title of the Act.

”.

Schedule 1 cl. 139 reads as follows:

“

Schedule 1 — Amendments to various Acts

139. Road Traffic Act 1974

s. 76(2)(b)	Delete the paragraph and insert instead — “ (b) In the case of a disqualification imposed by a court of summary jurisdiction, or a disqualification that takes effect by the operation of the provisions of this Act, an application under subsection (1) shall be made to the Magistrates Court or, in the case of a person under 18 years of age, the Children's Court. ”.
-------------	---

After s. 76(2)(b)	Insert the following — “ (c) If an application under subsection (1) is a special application, it shall be made to the District Court, the Magistrates Court or, in the case of a person under 18 years of age, the Children’s Court. ”.
After s. 76(2)	Insert the following — “ (2a) An application made under subsection (1) that is made to the Magistrates Court or the Children’s Court shall be heard by the court constituted by a magistrate. ”.
s. 76(3a)	Delete “a court of petty sessions” and insert instead — “ the Magistrates Court or the Children’s Court ”.
s. 76(4a)	Delete “a court of petty sessions” and insert instead — “ the Magistrates Court or the Children’s Court ”.
s. 76(8)(b)	Delete the paragraph and insert instead — “ (b) An application under subsection (7) in relation to an extraordinary licence issued at the direction of the Magistrates Court or the Children’s Court shall be made to the court that made the direction, which shall be constituted by a magistrate. ”.
s. 76(10)(b)	Delete the paragraph and insert instead — “ (b) made to the Magistrates Court or the Children’s Court shall be made in accordance with rules of court. ”.
s. 76(10a)	Repeal the subsection.
s. 86(5)	Delete “on complaint made in a court of petty sessions.” and insert instead — “ in a court of competent jurisdiction. ”.
s. 100(1)	Delete “ <i>Justices Act 1902</i> ” and insert instead — “ <i>Criminal Procedure (Summary) Act 1902</i> ”.
s. 103(6)	Delete “a court of petty sessions, by way of complaint against the Director General,” and insert instead — “ the Magistrates Court ”.
After s. 103(6)	Insert the following subsection — “ (6a) The Director General is to be named as the respondent to an application made under subsection (6). ”.
s. 103(7)	Delete “comprise a stipendiary magistrate” and insert instead — “ be constituted by a magistrate ”.

”.

“

142. Other amendments to various Acts

Each Act listed in Schedule 2 is amended as set out in that Schedule immediately below the short title of the Act.

”

Schedule 2 cl. 46 reads as follows:

“

Schedule 2 — Other Amendments to Acts

46. Road Traffic Act 1974

s. 25(1)	Delete “a court of petty sessions” and insert instead — “ the Magistrates Court ”.
s. 48(4)	Delete “apply, by way of a complaint, to a court of petty sessions” and insert instead — “ apply to the Magistrates Court ”.
s. 48(5)	Delete “stipendiary”.
s. 48(6)(a)	Delete “apply by way of a complaint to a court of petty sessions constituted by a stipendiary magistrate” and insert instead — “ apply to the Magistrates Court ”.
s. 48(6)(b)	After “court” insert — “ , which shall be constituted by a magistrate, ”.

”

24 On the date as at which this compilation was prepared, the *Criminal Law Amendment (Simple Offences) Act 2004* s. 82, which gives effect to Sch.1, had not come into operation. It reads as follows:

“

82. Various Acts amended (Sch. 1)

Each Act listed in Schedule 1 is amended as set out in that Schedule immediately below the short title of the Act.

”

Schedule 1 item 26 reads as follows:

“

26. Road Traffic Act 1974

s. 81A	In the definition of “event” delete “ <i>Meetings and Processions</i> ” and insert instead — “ <i>Order in Streets</i> ”.
s. 81E(1)	Delete “section 52 of the <i>Police Act 1892</i> ” and insert instead — “ section 9A of the <i>Public Order in Streets Act 1984</i> ”.
s. 89	Repeal the section.

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