

TRAFFIC (No. 2).

No. 87 of 1966.

AN ACT to amend the Traffic Act, 1919-1965.

[Assented to 12th December, 1966.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Traffic Act Amendment Act (No. 2), 1966.* Short title and citation

(2) In this Act the Traffic Act, 1919-1965, is referred to as the principal Act. Reprinted as approved for reprint 31st August, 1966.

(3) The principal Act as amended by this Act may be cited as the Traffic Act, 1919-1966.

Commence-
ment.

2. This Act shall come into operation on a date to be fixed by proclamation.

S. 5
amended.

3. Section five of the principal Act is amended by deleting paragraph (d) of subsection (2).

S. 6
amended.

4. Section six of the principal Act is amended—

(a) by repealing subsection (2);

(b) as to subsection (3), by deleting the words, “or carrier’s license”, in lines two and three, and the passage, “or for the carriage of goods for reward,”, in lines four and five; and

(c) by deleting the words, “or carrier’s”,

(i) in lines one and two of subsection (4);

(ii) in lines one and two of subsection (5); and

(iii) in lines one and two of subsection (7).

S. 10
amended.

5. Section ten of the principal Act is amended—

(a) as to subsection (5),

(i) by deleting the passage, “, but the license shall not be renewed for the period of twelve months unless such period will expire prior to the next ensuing anniversary of the annual licensing date”, in lines five to eight of paragraph (a); and

(ii) by deleting the passage, “, but the license shall not be renewed for a period exceeding one month unless that period will expire prior to the next ensuing anniversary of the annual licensing date”, in lines seven to ten of paragraph (b);

- (b) as to subsection (6), by deleting the words, "if that period will expire prior to the next ensuing anniversary of the annual licensing date", in each case, where occurring in lines twelve to fourteen, and in lines seventeen and eighteen, of paragraph (b); and
- (c) by deleting paragraph (c) of subsection (7).

6. Section eleven of the principal Act is amended by repealing subsection (6) and re-enacting it with amendments, as follows—

S. 11
amended.

(6) A local authority shall issue a license for a tractor, other than a prime mover, that is owned by a person carrying on the business of farming or grazing and that is used, or will during the currency of the license be used, solely in connection with the owner's business of farming or grazing, on payment of a fee of four dollars, per annum.

7. Section eleven AA of the principal Act is amended—

S. 11AA
amended.

- (a) by adding, after subsection (1), the following subsection—

(1a) Every local authority shall, on or before the fifteenth day of the month next following that in which it receives any fees for the transfer of licenses, pay to the Treasury, to the credit of the Railway Crossing Protection Fund Account established by section fourteen A of this Act, one-half of the sum of the fees so received. ;

- (b) by repealing subsection (2) and re-enacting it with amendments, as follows—

(2) A local authority is authorised to retain—

- (a) the amount of any fees paid to it pursuant to subsection (6) of section eleven of this Act; and

(b) out of the moneys representing—

(i) the fees, other than such as are mentioned in paragraph (a) of this subsection, paid to it for the issue and renewal of licenses; and

(ii) one-half of the fees paid to it for the transfer of licenses,

in any financial year, an amount not exceeding the base year sum of that local authority;

and the local authority shall expend at least three-fourths of the amounts so retained on road construction, in its district. ;

and

(c) by substituting for the words, “in this section mentioned”, in line two of subsection (3), the passage, “mentioned in paragraph (b) of subsection (2) of this section”.

S. 11AC
amended.

8. Section eleven AC of the principal Act is amended—

(a) as to subsection (1), by substituting for the word, “registrations”, being the last word in the subsection, the passage, “, in so doing, shall specify the amount of any fees paid to him pursuant to subsection (6) of section eleven of this Act”;

(b) as to subsection (2), by substituting for the word, “The”, being the first word in the subsection, the passage, “Subject to subsection (3) of this section, the”; and

(c) by adding, after subsection (2), the following subsection—

(3) In assessing the amount by which payments made by the Commissioner of Police pursuant to subsection (1) of this

section exceed, in the aggregate, the base year sum for the metropolitan area, the Treasurer shall not take into account any part of those payments that represents fees paid to the Commissioner of Police pursuant to subsection (6) of section eleven of this Act.

9. Section fourteen of the principal Act is amended— S. 14
amended.

(a) by adding, after subsection (4), the following subsection—

(4a) The Commissioner of Main Roads shall, in each financial year, pay out of the Central Road Trust Fund, to the credit of the Railway Crossing Protection Fund Account established by section fourteen A of this Act, an amount equal to that paid, in the aggregate, by local authorities, to the credit of the Railway Crossing Protection Fund Account, pursuant to section eleven AA of this Act. ;

and

(b) by substituting for the passage, “(1) and (4)”, in line three of subsection (5), the passage, “(1), (4) and (4a)”.

10. Section fourteen A of the principal Act is amended— S. 14A
amended.

(a) by substituting for paragraph (d) of subsection (6) the following paragraph—

(d) in payment to the Treasury, to the credit of the Railway Crossing Protection Fund Account established by this section, of an amount equal to one-half of the sum of the fees

received by the Commissioner of Police for the transfer of licenses, in the metropolitan area;

and

(b) by adding, after subsection (6), the following subsection—

(6a) Any moneys standing to the credit of the account at the Treasury called The Metropolitan Area Railway Crossing Fund Account, at the date of the coming into operation of this subsection, shall be paid to the credit of an account established by this subsection and called the Railway Crossing Protection Fund Account and those moneys and any other moneys thereafter paid to credit of the account so established are chargeable with the cost of providing, improving, maintaining and repairing crossings under, across or above any railway in the State as the Minister may, on the recommendation of the Commissioner of Main Roads, from time to time determine. .

S. 23C
amended.

11. Section twenty-three C of the principal Act is amended by adding, after subsection (2), the following subsection—

(3) Where a person satisfies the Commissioner of Police that he has, under the law in force in any other State or in a Territory or other country, been authorised to drive a motor vehicle for a period of, or for periods amounting in the aggregate to, less than three years, he is deemed, for the purposes of paragraph (c) of subsection (1) of this section, to have been the holder of a driver's license issued on probation during that period or those periods and the period or periods shall be taken into account, accordingly. .

12. Section twenty-three D of the principal Act is amended by adding, immediately after the word, "Act", being the last word in subsection (3), the passage, "and, where the applicant is required to demonstrate, again, his ability to control the class of vehicle in respect of which the license was issued, the application for renewal is deemed, for the purposes of Part III of the Third Schedule to this Act, to be a first application for a driver's license".

S. 23D
amended.

13. Section twenty-five C of the principal Act is amended by adding, after subsection (3), the following subsection—

S. 25C
amended.

(4) The provisions of section eleven B of this Act apply, with such adaptations as may be necessary, where the fee payable for the issue or renewal of a driver's license is paid by a cheque. .

14. Section thirty-two B of the principal Act is amended by substituting for the expression, "(4)", in line six of subsection (2), the expression, "(5)".

S. 32B
amended.

15. Section sixty-nine of the principal Act is amended by adding, after subsection (2), the following subsection—

S. 69
amended.

(3) In any prosecution under this Act or the regulations, an averment in the complaint that an offence was committed within the district of a local authority therein specified shall be deemed to be proved in the absence of proof to the contrary. .

16. The Third Schedule to the principal Act is amended—

Third
Schedule
amended.

- (a) by deleting the words, "or carrier's", in item 11 of Part I; and
- (b) by adding, immediately after the word, "refusal", in line four of paragraph (a) of Part III, the passage, ", or made after the cancellation,".