

## TRAFFIC.

12° Elizabeth II., No. LXXIII.

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No. 73 of 1963.

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### AN ACT to amend the Traffic Act, 1919-1961.

[Assented to 19th December, 1963.]

**B**E 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:—

Short title  
and citation.

1. (1) This Act may be cited as the *Traffic Act Amendment Act, 1963*.

Vol. 12 of  
the Re-  
printed Acts.  
Approved for  
reprint  
23rd April,  
1958, and  
amended by  
Acts Nos. 57  
and 59 of  
1958, Nos. 7,  
12, 18, 52  
and 67 of  
1959, No. 48  
of 1960, and  
No. 65 of  
1961.

(2) In this Act the Traffic Act, 1919-1961 is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Traffic Act, 1919-1963.

2. Section four of the principal Act is amended— S. 4  
amended.

(a) by substituting for the interpretation, “drive”, the following interpretation—

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

(b) by substituting for the passage, commencing with the word, “any”, in line two of the interpretation, “owner”, and ending with the word, “otherwise”, in line six of that interpretation, the words, “includes the hirer of the vehicle under a hire purchase agreement”.

and

(c) by substituting for the interpretation, “road”, the following interpretation—

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

3. Section five of the principal Act is amended— S. 5  
amended.

(a) by deleting the words, “and which is owned by a person carrying on the business of farming or grazing”, in lines nine and ten of paragraph (b) of subsection (1); and

(b) by adding, after paragraph (c) of subsection (1), the following paragraph—

(d) Notwithstanding the provisions of paragraph (a) of this subsection, on and after the first day of July one thousand nine hundred and sixty-four, a vehicle license shall not be required for any of the vehicles described in the items, Carriage, Cart and Handcart, in the Second Schedule to this Act. .

S. 11  
amended.

4. Section eleven of the principal Act is amended—

- (a) by adding, immediately after subsection (3), the following subsection—

(3a) Upon receiving a statutory declaration, made by, or on behalf of, a person ordinarily resident in the State, declaring that a motor vehicle therein identified will be used for interstate transport, only, a local authority shall issue a vehicle license for that vehicle, without requiring the payment of a license fee. ;

and

- (b) by repealing subsection (8) and re-enacting it with amendments, as follows—

(8) Where a vehicle license has been issued by a local authority, without the payment of a fee, or upon the payment of a reduced fee, subject to conditions stated in the license or subject to the ownership or use of the vehicle, under the provisions of this section, and the conditions are not observed or the ownership is changed to that of some person who would not be entitled to a license issued, or the vehicle is put to some use that would not occasion the license to be issued, without payment of a fee or at a reduced fee, then, unless, or until, the fee, or the difference between the fee and the reduced fee, has been paid in respect of that vehicle license, every person using that vehicle on a road contravenes the provisions of section five of this Act.

S. 31  
amended.

5. Section thirty-one of the principal Act is amended by substituting for the passage, commencing with the word, "If", in line one of subsection (1) and ending with the word, "Act", in line nine of that subsection, the following passage—

Every person who drives a vehicle, on a road or in any place commonly used by the public or to which the public is permitted to have

access, negligently, recklessly or at a speed, or in a manner, that is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road or place and to the amount of traffic that is at the time, or that might reasonably be expected to be, on the road or in that place, commits an offence.

6. Section thirty-two of the principal Act is amended by substituting for the passage, commencing with the word, "Any" in line one of subsection (1) and ending with the word, "Act", in line nine of that subsection, the following passage—

S. 32  
amended.

Every person who, while—

- (a) driving or attempting to drive a vehicle; or
- (b) in charge of a vehicle in motion; or
- (c) in charge of any horse, other animal or drove of animals,

on a road or in any place commonly used by the public or to which the public is permitted to have access, is under the influence of drink or drugs to such an extent as to be incapable of having proper control of the vehicle, horse, other animal or drove of animals commits an offence.

7. Section forty-three of the principal Act is amended—

S. 43  
amended.

- (a) by substituting for the passage, "Act; or", being the final passage of subparagraph (ii) of paragraph (a) of subsection (3), the passage, "Act." ;
- (b) by repealing subparagraph (iii) of paragraph (a) of subsection (3);
- (c) by deleting the passage, commencing with the word, "Penalty" and ending with the word, "pounds", at the end of paragraph (a) of subsection (3); and

(d) by adding, immediately after subsection (3), the following subsection—

(4) Every person committing an offence against subsection (3) of this section is liable, for a first offence, to a penalty of twenty-five pounds and, for a second or subsequent offence, to a penalty of one hundred pounds; and the court convicting a person of any such offence, may, whether imposing any other penalty, or not, impose a penalty not exceeding ten shillings for every hundredweight, up to, and including, twenty hundredweights, and ten pounds for every ton, or part of a ton, over twenty hundredweights, by which the weight that is an element of the offence exceeds the prescribed weight.

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