

TRAFFIC.

9° Elizabeth II., No. XLVIII.

No. 48 of 1960.

AN ACT to amend the Traffic Act, 1919-1959.

[Assented to 15th November, 1960.]

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:—

Short title
and citation.

1. (1) This Act may be cited as the *Traffic Act Amendment Act, 1960*.

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Acts, as
approved for
reprint
23/4/58 and
amended by
Acts Nos. 57
of 1958,
58 of 1958,
12 of 1959,
52 of 1959
and 67 of
1959.

(2) In this Act the Traffic Act, 1919-1959, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Traffic Act, 1919-1960.

2. Section five of the principal Act is amended ^{S. 5} amended. by adding after paragraph (b) of subsection (1) the following paragraph:—

(c) Notwithstanding the provisions of paragraph (a) of this subsection, on and after the first day of July, one thousand nine hundred and sixty-one, a vehicle license shall not be required for any vehicle described in the item Cycle in the Second Schedule to this Act.

3. Section eight of the principal Act is amended— ^{S. 8} amended.

(a) by substituting for the last proviso the following proviso:—

Provided further that—

(a) subject to the provisions of paragraph (b) of this proviso, no taxi-car license shall be permitted to be transferred;

(b) in any case where he is of opinion that exceptional circumstances warrant a taxi-car license being transferred, the Minister may on the recommendation of the Commissioner of Police permit that taxi-car license to be transferred. ;

(b) by adding after the last proviso the following paragraphs:—

(e) A person to whom a license in respect of a taxi-car has been granted in any district, if he ceases or has ceased to be the owner of the taxi-car, or parts with or has parted with the possession of the taxi-car in such circumstances that another person becomes or has become an owner of the taxi-car, shall forthwith—

(i) notify in writing the licensing authority of that district that he has ceased to be the owner

of the taxi-car and of the name and address of the new owner of the taxi-car; and

- (ii) return to the licensing authority the license and the appropriate number plates in any case where the transfer of the license is not permitted under this Act, or if so permitted, is refused.
- (f) Every person who on the date of the coming into operation of the Traffic Act Amendment Act, 1960, is owner of a taxi-car the license in respect of which has not been granted or transferred to him shall, within fourteen days after that date, notify in writing the licensing authority which issued that license that he is the owner of that taxi-car and, unless a transfer of that license is not permitted under this Act, shall apply for the transfer thereof to him and pay the prescribed fee.
- (g) A person who on or after the date of the coming into operation of the Traffic Act Amendment Act, 1960, becomes owner of a taxi-car a license in respect of which has been granted, shall forthwith on becoming such owner, unless a transfer of that license is not permitted under this Act, apply to the licensing authority which issued that license for the transfer thereof to him and pay the prescribed fee.
- (h) Where the transfer of the license in respect of a taxi-car is not permitted under this Act, or where if so permitted the transfer of the license is

refused, the new owner of the taxi-car shall return to the licensing authority the license and the appropriate number plates if they are in his possession.

- (i) A person who fails to comply with any of the provisions of paragraphs (e), (f), (g) and (h) of this section commits an offence.

Penalty: For a first offence, a fine not exceeding twenty pounds; for any subsequent offence, a fine not exceeding fifty pounds.

- (j) The court before which the person is convicted under paragraph (i) of this section may, in addition to any other penalty which may be inflicted under that paragraph, cancel the license granted in respect of the taxi-car and order the immediate return to the licensing authority of the appropriate number plates.

4. Section fourteen of the principal Act is amended by substituting for the word, "forty" in line five of subsection (2a), the word, "sixty." S. 14
amended.

5. Section twenty-two AC of the principal Act is amended— S. 22AC
amended.

- (a) by substituting for paragraphs (b) and (c) of subsection (3) the following paragraphs:—

(b) Where after the inquiries are so made it appears to the Commissioner of Police or the member of the Police Force that the applicant for a license or, as the case may be, the renewal of a license, is a fit and proper person to hold a dealer's license, the application shall be granted and a license or renewal of the

license in the appropriate form as determined by the Minister and published in the *Gazette* shall be granted and issued to the applicant.

(c) Without prejudice to any of the other provisions of this Part, where the applicant for a license or the renewal of a license intends to carry on the business of a dealer only as the agent of another dealer whose name and address are specified in the application and who is licensed under this Part, a license or renewal of a license granted to that applicant ceases to have effect if and when—

(i) the person to whom it is granted ceases to be the agent of that other dealer; or

(ii) the license granted to the other dealer is cancelled, expires, or otherwise ceases to have effect. ;

(b) by repealing subsections (3a), (3b), (3c), (3d), (3e), (3f) and (3g).

S. 22AF
amended.

6. Section twenty-two AF of the principal Act is amended—

(a) by substituting for paragraph (a) the following paragraph—

(a) at any premises where he transacts or purports to transact the business of a dealer keep and maintain, or cause to be kept and maintained, a register containing a full and accurate record of every transaction entered into at those premises by him as a dealer;

(b) by substituting for the words, “the register so kept for inspection by that member of the Police Force or inspector” in lines two, three and four of paragraph (b), the words,

“for inspection by him the register so kept and maintained at the premises where any transaction has taken place”;

(c) by substituting for paragraph (c) the following paragraph—

(c) on acquiring or disposing of a used motor vehicle, forthwith notify on a form prescribed for that purpose the licensing authority in the area or district wherein the vehicle is licensed, of such acquisition or disposal;

(b) by substituting for the word, “the” in line two of paragraph (e), the word, “any.”

7. Section twenty-four A of the principal Act is amended by substituting for the words, “and cancel” in line four of subsection (2), the passage, “cancel, and renew.” S. 24A
amended.

8. Section forty-seven of the principal Act is amended— S. 47
amended.

(a) by substituting for the words, “and cancellation” in line two of subparagraph (zk) of paragraph (i) of subsection (1), the passage, “cancellation, and renewal”;

(b) by substituting for subparagraph (zn) of paragraph (i) of subsection (1) the following subparagraph—

(zn) prohibit the use of a motor vehicle on a road unless each of the engine and the chassis of that vehicle has affixed or attached to it a prescribed identification mark; require a similar identification mark to be affixed or attached to every engine capable of being used in a vehicle, and to every

chassis of a vehicle; prohibit the alteration or defacement of a prescribed identification mark on an engine or chassis;

(c) by adding after subparagraph (t) of paragraph (ii) of subsection (1) the following subparagraph—

(u) prescribe special provisions for the control, operation and movement, in any prescribed area, of taxi-cars, generally; require any taxi-car to be equipped with any mechanical device for the computing and recording of charges made to passengers and prescribe the maintenance and inspection of any such device; prohibit or control the carrying or exhibiting of notices, signs, posters, placards or advertisements, in or on taxi-cars generally; and make provisions requiring drivers of taxi-cars to carry and produce any regulations for inspection by any person.

S. 69
amended.

9. Section sixty-nine of the principal Act is amended—

(a) by adding immediately after the section designation, "69" in line one, the subsection designation, "(1)";

(b) by adding the following subsection:—

(2) In any prosecution or proceedings for an offence against this Act in respect of any vehicle, any certificate or document purporting to be issued pursuant to this Act, or to any corresponding legislation or ordinance of any State or Territory of the Commonwealth, which states that on any date or during any period—

(a) the vehicle was registered in the name of any person specified in the certificate or document; or

Cf. Vict.
No. 6222 of
1953, s. 34.

- (b) the vehicle was not registered in this State or in the State or Territory in respect of which the certificate or document is issued,

shall be *prima facie* proof of the matters stated in the certificate or document.

10. Section seventy-one of the principal Act is amended— S. 71 amended.

- (a) by inserting immediately after the section designation, "71" in line one, the subsection designation, "(1)";

- (b) by adding the following subsection:—

(2) Notwithstanding the provisions of subsection (1) of this section, where the license of a vehicle owned and used by the State Government (except vehicles used by Ministers of the Crown or heads of State Boards and Departments) is renewed, the provisions of this Act requiring the issue of a renewal of the license or of a certificate of registration shall not apply to such vehicle, but this subsection shall not render lawful the driving of a vehicle upon any road without having the prescribed identification tablets or number plates affixed thereto.

"This Act" includes regulations. No. 30 of 1918, s. 4.