

TRAFFIC.

2° Elizabeth II., No. LXXIV.

No. 74 of 1953.

AN ACT to amend the Traffic Act, 1919-1952.

[Assented to 9th January, 1954.]

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, 1953*.

Short title
and citation.

(2) In this Act the Traffic Act, 1919-1952,

Act No. 60 of 1919 as reprinted with amendments to and including Act No. 29 of 1949 incorporated pursuant to the provisions of the Amendments Incorporation Act, 1938, and further amended by Acts Nos. 24 of 1950, 57 of 1951, 29 of 1952 and 35 of 1952,

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is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Traffic Act, 1919-1953.

S. 9
amended.

2. Section nine of the principal Act is amended by—

(a) substituting for subsection (2) the following subsection:—

(2) An application for a license for a motor vehicle or a renewal of the license shall be made to the appropriate local authority as provided by section seven of this Act, by or on behalf of the owner of the motor vehicle and at the time of making the application the prescribed fee shall be paid by the applicant to the local authority. ;

(b) substituting for subsection (3) the following subsection:—

(3) (a) Where an application is made and the prescribed fee paid in accordance with the provisions of subsection (2) of this section, the local authority shall, subject to the provisions of this Act and the Motor Vehicle (Third Party Insurance) Act, 1943-1951, grant to the applicant a license or a renewal of the license as the case may be for any period at his option not exceeding one year, expiring on the last day of the months of June, September, December or March in any year and next following the date of the application.

(b) The local authority shall at the time the license is granted assign a number to the vehicle. ;

(c) substituting for subsection (4) the following subsection:—

(4) An application for a license for a vehicle which is not licensed or for a vehicle for which the previous license expired more than fifteen days prior to the date of the application, may be made at any time and the license commences and has effect from and including its date of issue. ;

(d) substituting for subsection (5) the following subsection:—

(5) (a) An application for a renewal of a license may be made—

- (i) at any time within the period of thirty days immediately preceding the date on which the license expires; or
- (ii) within the period of fifteen days after the date of the expiry of the license.

(b) Where the application is granted the renewal is deemed to be a continuation of the license and to have effect on and from the day next succeeding the day upon which the license expires or expired. ;

(e) substituting for subsection (6) the following subsection:—

(6) Where a vehicle has been previously licensed in the State under the provisions of this Act, a license shall not be granted for any period unless—

- (a) the vehicle is licensed for a period immediately preceding the proposed period of the license which is being applied for; or
- (b) the number plate or plates assigned to the vehicle have been returned to the authority which issued them within a period of fifteen days after the expiration of the last license issued in respect of the vehicle; or
- (c) the appropriate fee as required by subsection (7) of this section is paid to the local authority to which the application for a license is made. ;

- (f) substituting for subsection (7) the following subsection:—

(7) (a) Where a license expires, the holder of the license shall within fifteen days of the date of its expiry return the number plate or plates assigned to the vehicle the subject of the license, to the local authority which issued them, and if the number plate or plates are not so returned the holder shall be liable to pay to the local authority either the license fee calculated in accordance with subsection (9) of this section for a period commencing on the date the license expired up to and including the date when the number plate or plates are so returned or a license fee for a period of six months whichever is the lesser fee.

(b) The local authority which granted the license may recover in a court of competent jurisdiction as a debt due from the person who last held the license the amount required to be paid under the provisions of paragraph (a) of this subsection. ;

- (g) substituting for subsection (8) the following subsection:—

(8) Notwithstanding the provisions of paragraph (a) of subsection (3) of this section a license in respect of a road tractor, semi-trailer, trailer, or caravan may be granted for a period of one or two months on and from the date on which the application for the license is made. ;

- (h) adding a subsection as follows:—

(9) The fee for any license or renewal of a license granted under the provisions of this section, for a period of less than one year, shall be in the same proportion to the prescribed license fee for one year for the same kind of license as the period

for which the license is granted bears to one year plus an additional sum of one shilling.

3. Section eleven of the principal Act is amended ^{S. 11} amended.
by—

(a) adding after the word "license" in the last line of the third proviso to subsection (1) the words, "but if in the opinion of the local authority which granted a license for a vehicle without fee the vehicle is not being used solely or mainly for the purpose mentioned in the first and second provisos to this subsection by reason of which the license was granted without fee or the conditions as stated in the license granted under this proviso are not being complied with, the local authority may by notice in writing sent to the holder of the license at his last known place of abode revoke the license and the revocation shall have effect unless and until the person to whom the notice is sent pays the appropriate fee for a license for the vehicle";

(b) adding after subsection (2) a subsection as follows:—

(2a) Where a license is issued pursuant to the provisions of this Act and the fees paid in respect of the license are subsequently found to be either in excess of or less than the fees which are properly payable in respect of the license, the local authority which issued the license—

(a) shall forthwith upon demand refund the amount of the excess to the person to whom the license was issued;

(b) may recover the deficiency in a court of competent jurisdiction from the person to whom the license was issued, if that person fails to pay the deficiency to the local authority within seven days

after the amount of the deficiency has been demanded in writing from him.

S. 12
amended.

4. Subsection (3) of section twelve of the principal Act is amended by adding a paragraph as follows:—

- (d) The provisions of this subsection apply only in the case of a dispute between local authorities whose districts are situate wholly or partly outside the Metropolitan Area.

S. 14
amended.

5. Paragraph (b) of subsection (2) of section fourteen of the principal Act is amended by adding after the word, "area;" in line twenty-two, the words, "that portion of the Guildford Road from the Mount Lawley subway to Johnson Street, Guildford".

S. 17
amended.

6. Subsection (1) of section seventeen of the principal Act is amended by—

- (a) substituting for the words, "If two convictions for offences" in line one the words, "If a conviction for an offence";
- (b) deleting the words, "on the second occasion" in line five.

S. 22A
added.

7. The principal Act is amended by adding after section twenty-two a section as follows:—

22A. (1) The local authorities of two or more districts may and if required by the Minister shall join in the appointment and remuneration of an inspector or inspectors for their districts or part of their districts which are situated wholly or partly outside the Metropolitan Area.

(2) Where the local authorities of two or more districts fail when required by the Minister, to join in the appointment and remuneration of an inspector or inspectors as provided in the last preceding subsection the Minister may, with the approval of the Governor—

- (a) appoint an inspector or inspectors for the local authorities;

- (b) fix his or their remuneration and the proportional part of the remuneration to be paid by the local authorities; and
- (c) determine which of the local authorities is responsible for the keeping of the accounts and records relating to the appointment of the inspector or inspectors and the carrying out of his or their duties under the provisions of this Act.

(3) An appointment made by the Minister under the provisions of subsection (2) of this section shall continue during the pleasure of the Minister or unless and until the local authorities acting pursuant to the provisions of subsection (1) of this section join in the appointment and remuneration of an inspector or inspectors.

(4) (a) While the appointment of an inspector made by the Minister continues, the Minister may at any time and from time to time vary both the remuneration to be paid to the inspector and also the proportional part of the remuneration to be paid by each of the local authorities.

(b) The amount of remuneration fixed by the Minister, whether so varied from time to time or not, is a charge upon the general revenue of the local authority in accordance with the proportional part of the remuneration to be paid by it as fixed by the Minister.

(c) Where the local authority defaults in the payment of the remuneration or proportional part of it as the case may be the inspector to whom the payment is due may, subject to the right of contribution between the local authorities concerned, recover in a court of competent jurisdiction the amount due to him from the local authority.

(5) The provisions of subsection (2) of section twenty-two of this Act apply to any inspector appointed under the provisions of this section.

S. 23
amended.

8. Section twenty-three of the principal Act is amended by—

- (a) substituting for the words, “an annual license” in line four of subsection (1) the words, “a license or renewal of a license”;
- (b) adding after the word, “license” in line one of the first proviso to subsection (1) the words, “or renewal of the license”;
- (c) adding after the word, “license” where first appearing in line two and secondly appearing in the last line of the second proviso to subsection (1) the words, “or renewal of a license”;
- (d) adding after the word, “license” in line two of the third proviso to subsection (1) the words, “or renewal of a license”;
- (e) adding after the word, “application” in line one of the fourth proviso to subsection (1) the words, “for a license or renewal of a license”;
- (f) adding after the word, “vehicle” in line six of the fourth proviso to subsection (1) the words, “or any renewal of either license as the case may be”;
- (g) adding after the word, “license” wherever appearing in subsection (2) the words, “or renewal thereof”;
- (h) adding after the word, “issued” in line three of subsection (3) the words, “and may from time to time be renewed as provided in this section”;
- (i) adding after the word, “vehicle” where first appearing in line one and secondly appearing in line four of subsection (4) the words, “or any renewal of either license as the case may be”;
- (j) substituting for the words, “an annual” in line four of subsection (5) the word, “a”;

(k) adding after the word, "license" appearing firstly in line four and secondly in line eight of subsection (5) the words, "or renewal of the license";

(l) adding the following subsections:—

(6) (a) An application for a renewal of a license may be made at any time within the period of thirty days before the date on which the license expires or subject to the provisions of this Act at any time within twelve months after the date of expiry.

(b) Where the holder of a license does not intend to renew it he shall notify in writing the Commissioner of Police of his intention at any time not later than fifteen days after the date of expiry of the license.

(c) Except as provided in the next succeeding paragraph where the holder of a license fails to renew it prior to the date of its expiry, if the holder subsequently applies for a renewal of the license within a period of twelve months from the date of expiry and the application is granted the renewal shall be deemed to be a continuation of the expired license as from the date of the renewal and shall operate for a period expiring twelve months from the date of expiration of the license for which the renewal is granted.

(d) Where the holder of a license notifies the Commissioner that he does not intend to renew the license as provided in paragraph (b) of this subsection and he subsequently makes an application for a renewal of the license, or where an application for renewal is made after a period of twelve months from the expiry of a license, if the application is granted, notwithstanding the expiration

of the license the granting of the application shall operate so as to renew the license and shall be deemed to be a continuation thereof on and from the date of the renewal for a period of twelve months, but if the application is made more than twelve months after the date of the expiration of the license, in addition to the test and examination referred to in subsection (4) of this section, the Commissioner of Police may require the applicant to submit himself to such test or examination as the Commissioner considers in the circumstances of the case to be appropriate.

(7) When and as often as a license is renewed under the provisions of this section, the Commissioner of Police may cause to be endorsed on the license so renewed particulars of any conviction or order made by any court under the provisions of sections thirty-two and thirty-three of this Act relating to the license or the holder of the license.

S. 31
amended.

9. Subsection (1) of section thirty-one of the principal Act is amended by substituting for the words, "Penalty—For a first offence, twenty pounds; for any subsequent offence fifty pounds, or imprisonment for three months" in lines nine, ten and eleven, the following:—

Penalty—for a first offence a fine not exceeding fifty pounds; for any subsequent offence a fine not exceeding one hundred pounds or imprisonment for three months and the court before whom the person is convicted shall in any case suspend any license to drive held by the convicted person for such period as the court thinks fit but in no case less than three months and shall disqualify him from obtaining a license under this division of this Act during the period of suspension.

10. (1) Subsection (3) of section thirty-two of the principal Act is repealed and re-enacted as follows:—

S. 32
amended.

(3) (a) A person who is convicted of an offence against the provisions of subsection (1) of this section is liable to the following penalties:—

- (i) For a first offence, a fine not exceeding fifty pounds or to imprisonment for three months and the court before whom the person is convicted shall in any case suspend any license to drive held by him for a period of three months and shall disqualify the person from obtaining a license under this division of this Act for the same period.
- (ii) For a second offence a fine not exceeding one hundred pounds or to imprisonment for six months and the court before whom the person is convicted shall in any case suspend any license to drive held by him for a period of twelve months and shall disqualify the person from obtaining a license under this division of this Act for the same period.
- (iii) For a third offence a fine not exceeding two hundred pounds or imprisonment for twelve months and the court before whom the person is convicted shall in any case permanently suspend any license to drive held by the person and shall permanently disqualify the person from obtaining a license under this division of this Act.

(b) The court before whom a person is convicted of an offence against the provisions of subsection (1) of this section or subsection (1) of section thirty-one of this Act shall in each case cause particulars of the conviction and of the order of the court to be endorsed on any

license held by the person under this division of this Act and shall cause a copy of the particulars to be sent to the Commissioner of Police.

(2) Subsection (4) of section thirty-two of the principal Act is amended by adding—

- (a) after the subsection number (4) in line one the letter, “a” in a bracket thus—(a);
- (b) after the word, “obtaining” in line six the words, “and holding”;
- (c) a paragraph as follows:—
 - (b) The provisions of this subsection also apply to a license suspended under subsection (1) of section thirty-one of this Act and to a person who is disqualified from obtaining a license under that subsection.

S. 46A
amended.

11. Section forty-six A of the principal Act is amended by—

- (a) substituting for the words, “or driven on any road” in line three the words, “, driven, used or towed on any road. For the purposes of this section ‘vehicle’ includes any implement”;
- (b) substituting for the words, “and driven on any road” in the last line of the proviso to the section the words, “, driven, used or towed on any road”;
- (c) substituting for the words, “and driving” in line fourteen the words, “, driving, using or towing”.

S. 47
amended.

12. Subsection (1) of section forty-seven of the principal Act is amended by—

- (a) substituting for paragraph (i), subparagraph (f) the following subparagraph:—
 - (f) prescribe the number and kind of lamps and reflectors and the lighting equipment with which a vehicle or

class of vehicle shall be equipped, the manner and position in which any lamp, reflector or lighting equipment shall be carried on a vehicle or class of vehicle and the occasions when they shall be carried or used and prohibit the use of lights, reflectors and lighting equipment other than those prescribed. ;

- (b) substituting for paragraph (i) subparagraph (y) the following subparagraph:—
- (y) provide for the placing, erection or installation on roads or footpaths of traffic signs, lights and directions for the control and direction of traffic, both vehicular and pedestrian and including the driving of animals, for the marking on roads or footpaths of signs for the control and direction of the traffic and for the regulation and prohibition of the traffic in relation to the signs, lights and directions;
- (c) substituting for paragraph (vii), subparagraph (1) the following subparagraph:—
- (1) prohibit the carriage by a vehicle on any road of a load which (including the weight of the vehicle) exceeds the weight prescribed as the maximum load that may be lawfully carried on the road, notwithstanding the fact that there may have been issued a license which authorises the carrying by the vehicle of a greater load.
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