

## TRAFFIC.

15° and 16° Geo. VI., No. LVII.

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No. 57 of 1951.

**AN ACT to amend the Traffic Act, 1919-1950.**

[Assented to 7th January, 1952.]

**B**E it enacted by the King'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. This Act may be cited as the *Traffic Act Amendment Act, 1951*, and shall be read as one with the Traffic Act, 1919-1950 (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 as approved for reprint, 20th February, 1950, in Volume 3 of the Reprinted Acts of the Parliament of Western Australia, 1950, and further amended by Act No. 24 of 1950), referred to in this Act as the principal Act. Short title.

2. The principal Act, as amended by this Act, may be cited as the Traffic Act, 1919-1951. Citation of the principal Act as amended by this Act.

S. 4  
amended.

3. Section four of the principal Act is amended by substituting for the interpretation, "motor vehicle", the following interpretation—

"motor vehicle" means any vehicle propelled or designed for propulsion wholly or partly by gas, motor spirit, oil, electricity, steam, or any other mechanical power, and includes a motor car, motor cycle, omnibus, motor truck, motor utility truck, tractor or traction engine and also a trailer, semi-trailer, or caravan, attached to or drawn by a motor vehicle.

S. 5  
amended.

4. Section five of the principal Act is amended by inserting a new subsection to stand as subsection (6) as follows:—

(6) For the purpose of this section, a vehicle license issued in any other State or territory of the Commonwealth shall, during the currency of such license, be deemed to be a license under this Act in respect of the vehicle so licensed when used on any road within the State of Western Australia by a visitor thereto.

S. 10  
amended.

5. Section ten of the principal Act is amended by—

- (a) substituting for the words, "at the commencement of the Traffic Act Amendment Act, 1946," in lines two and three of subsection (4), the words, "or for a vehicle for which the previous license has expired for more than fifteen days prior to the date of the application";
- (b) adding the words, "a renewal of", after the words, "Application for" in line one of subsection (5);
- (c) deleting the words, "at the commencement of the Traffic Act Amendment Act, 1946, or which shall have become licensed under the provisions of subsection (4) of this section" in lines two, three and four of subsection (5);

- (d) adding after the word, "expire" in line six of subsection (5) the words, "or within fifteen days of that date";
- (e) adding a paragraph to precede paragraph (a) of the proviso to subsection (5), as follows—
  - (Aa) if an application is made for the renewal of a license which has expired, the license shall, if renewed within fifteen days of the expiry date of the previous license, be deemed to be a continuation of the previous license, and to have had effect on and from the day next succeeding the day upon which the previous license expired;
- (f) substituting for the word, "minimum", in line eight of paragraph (b) of the proviso to subsection (5), the word, "maximum";
- (g) deleting the words, "prior to the first day of July, one thousand nine hundred and forty-seven", in lines two, three and four of subsection (6).

6. Section twenty-three of the principal Act is amended by— S. 23  
amended.

- (a) adding after the word, "specified" in line five of subsection (1) the words, "or act as conductor of an omnibus or other passenger vehicle";
- (b) adding after the word, "required" in line five of the first proviso to subsection (1) the words, "or act as a conductor of an omnibus or other passenger vehicle, as the case may be";
- (c) adding after the second proviso to subsection (1) the following proviso:—

Provided also that, where an application is made for a license to act as a conductor of an omnibus or other passenger vehicle, the applicant shall establish, in accordance with the regulations, that he is a fit and proper person to hold the license.;

- (d) adding after the word, "vehicle" in line two of the third proviso to subsection (1) the words, "or act as conductor of an omnibus or other passenger vehicle";
- (e) adding after the word, "license" appearing firstly in line six and secondly in line seven of the third proviso to subsection (1) the words, "or a license to act as conductor of an omnibus or other passenger vehicle";
- (f) adding after the word, "license" in line one of subsection (4) the words, "or a license to act as conductor of an omnibus or other passenger vehicle";
- (g) adding after the word, "vehicle" in line four of subsection (4) the words, "or to act as conductor of an omnibus or other passenger vehicle";
- (h) adding after the word, "prescribed" in line five of subsection (4), the words, "and every applicant shall establish his age and good character as required by the regulations".

Cf. s. 47 (1)  
(11) (a), (b),  
(d) and (e).

S. 24  
amended

7. Section twenty-four of the principal Act is amended by—

- (a) adding after the words, "on account of" in line four of subsection (1) the words, "habitual addiction to alcoholic drink or drugs to such an extent as to render such person a danger to public safety when in control of a motor vehicle on the road or";
- (b) adding after the word, "Commissioner" in line seven of subsection (1) the words, "or if the Commissioner of Police is of opinion that the person is not of good character or the prescribed age";
- (c) adding after the words "on account of" in line three, subsection (2), the words, "habitual addiction to alcoholic drink or drugs to such an extent as to render such person a danger to public safety when in control of a motor vehicle on the road or";

- (d) adding after the word, "disability" in line three of subsection (2) the words, "or the Commissioner of Police is of opinion that the person concerned is not of good character or the prescribed age";
- (e) adding after the word, "practitioner" in line two of subsection (3) the words, "concerning mental incapacity or physical disability or the opinion of the Commissioner of Police concerning age or character".

8. The following section is added to the principal Act:— S. 24A  
added.

24A. (1) In this section—

"extraordinary license" means a license, authorising, in unusual circumstances, the holder to drive motor vehicles on roads so as to avoid unnecessary hardship and inconvenience which otherwise would result from denial of authority to do so.

(2) The Commissioner of Police and any member of the Police Force acting with his authority may, in accordance with the regulations, grant applications for, issue, suspend, and cancel, extraordinary licenses.

(3) An extraordinary license may limit the hours and locality in which the holder is authorised to drive, and limit the authority of the holder to drive any vehicle or vehicle of a class of vehicles, and may impose other conditions subject to the observance of which the authority to drive on roads pursuant to the license may be exercised.

(4) Regulations giving effect to this section shall not be regarded as invalid on the ground that they delegate to or confer on any person or any class of persons a discretionary authority. Cf. subpara.  
(zk) added  
to s. 47 (1)  
(1) by s. 13  
post.

9. Section twenty-five of the principal Act is amended by adding after the word, "months" in line nine, the words, "and where a person commits an S. 25  
amended.

offence by driving a motor vehicle on a road without being so licensed and is not so licensed because—

having applied for the license, the grant and issue of the license has been refused; or  
 having held a license, the license has been suspended or cancelled, or he has been disqualified from obtaining the license;

the person may be arrested by any member of the Police Force without warrant, and on conviction of the offence, shall be liable to—

a fine of not more than one hundred pounds or imprisonment for a term of not more than twelve months,

and shall be disqualified from holding such a license for a period of not less than six months and not more than two years as may be adjudged by the Court from the date of the offence.

S. 32  
 amended.

10. Section thirty-two of the principal Act is amended by—

- (a) adding after the word, “road” in line three of subsection (1) the words, “or when attempting to drive a vehicle on a road”;
- (b) adding to subsection (2) a proviso as follows:—

Provided that immediately after such person is charged he shall be told by the person laying the charge that he has the right to be examined by a medical practitioner nominated by him, if one is available, and if he desires to exercise this right, every facility in this regard shall be afforded him.;

- (c) substituting for the words, “a penalty of fifty pounds, or to imprisonment with or without hard labour for three months” in lines two and three of subsection (3), the words, “the appropriate penalty mentioned respectively at the foot of the following paragraphs of this subsection”;
- (d) adding at the foot of paragraphs (a), (b) and (c) of subsection (3), the following

Cf. Act No.  
 36 of 1918,  
 s. 29.

penalties, respectively:—

Penalty — Fifty pounds or imprisonment for three months;

Penalty — One hundred pounds or imprisonment for three months;

Penalty—One hundred and fifty pounds or imprisonment for six months;

11. Section thirty-five of the principal Act is amended by substituting for the words, “Any person being in the State”, in line one of subsection (1), the words, “A person who is a visitor to the State from any place not being a State or Territory of the Commonwealth of Australia”.

S. 35  
amended.

12. Section thirty-six of the principal Act is repealed and re-enacted as follows:—

S. 36 repealed  
and re-  
enacted.

36. (1) Where a person usually resident outside the State—

Validity of  
drivers'  
licenses  
issued in  
other  
States.

- (a) is temporarily within the State;
- (b) holds a license or permit to drive a vehicle, issued pursuant to the laws of the State or Territory of the Commonwealth of Australia in which he usually resides;
- (c) has not been served with notice pursuant to subsection (2) of this section; and
- (d) is not otherwise disqualified from obtaining or holding a driver's license in this State;

the license or permit shall, so long as it remains in force, authorise him to drive in this State any vehicle of the type or class to the driving of which the license or permit is applicable.

(2) Where, in the opinion of the Commissioner of Police, a person referred to in the last preceding subsection—

- (a) suffers from mental or physical disability likely to affect his ability to drive a motor vehicle efficiently, having regard to the safety of the public generally;
- (b) is otherwise unfit to drive a motor vehicle, or, having regard to the safety of the public generally, it is not desirable that he should be permitted to drive a motor vehicle; or
- (c) has been convicted of an offence in connection with the driving of a motor vehicle,

the Commissioner of Police may at any time by notice in writing served upon the person, withdraw the authority conferred by that subsection.

(3) A person referred to in subsection (1) of this section shall, while driving a motor vehicle pursuant to the authority conferred by that subsection—

- (a) carry the license or permit; and
- (b) produce the license or permit for inspection at the request of any member of the Police Force.

S. 46A  
amended.  
Cf. No. 24 of  
1950, s. 8  
and No. 30 of  
1918, s. 29.

13. Section forty-six A of the principal Act is amended by adding after the word, "road" in line three the following paragraphs:—

A person who drives a vehicle contrary to the provisions of this section commits an offence.

Penalty—Twenty pounds.

A person who employs or permits a person to drive a vehicle contrary to the provisions of this Act commits an offence.

Penalty—Twenty pounds.

14. Section forty-seven of the principal Act is amended by adding the following subparagraphs to paragraph (i) of subsection (1)—

S. 47  
amended.

- (zi) prescribe special provisions in relation to major roads and authorise the Minister to declare and define, by notice published in the *Gazette*, major roads for the purpose of the regulations pursuant to this subsection, and to cancel or vary any such notice by subsequent notice published in the *Gazette*;
- (zj) provide for the grant and issue of permits by or with the authority of the Minister, authorising the use of vehicles on any road in such circumstances and for such purposes as may be prescribed, and subject to such conditions as the Minister may impose, and may prescribe fees for such permits;
- (zk) provide for the grant, issue, suspension, and cancellation of extraordinary licenses and impose, or provide for the imposition by any person or class of persons, in exercise of a discretionary authority, of conditions subject to the observance of which, authority to drive on roads pursuant to an extraordinary license may be exercised, and may prescribe fees for such licenses;.

Of. s. 24A (4)  
added by  
s. 7 ante.

15. Section seventy-four of the principal Act is amended by—

S. 74  
amended.

- (a) inserting the figure one in brackets, thus, “(1)”, before the first word in line one; and
- (b) adding the following subsection:—

(2) Such regulations may require that the form of any license or of the certificate of registration to be issued to the owner of a licensed vehicle shall be in accordance with a form to be determined from time to time by the Minister and published in the *Gazette*.