

TRAFFIC.

14° Geo. VI., No. XXIV.

No. 24 of 1950.

AN ACT to amend the Traffic Act, 1919-1949.

[Assented to 5th December, 1950.]

BE 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, 1950*, and shall be read as one with the Traffic Act, 1919-1949 (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), hereinafter referred to as the principal Act. Short title.

2. The principal Act as amended by this Act may be cited as the Traffic Act, 1919-1950. Citation of the principal Act as amended by this Act.

s. 5 amended.

3. Subsection (2) of section five of the principal Act is amended by—

(a) adding after the subsection number “(2)” the following paragraph:—

(a) In this section “minimum penalty” means a penalty irreducible in mitigation, notwithstanding the provisions of section one hundred and sixty-six of the Justices Act, 1902-1948, and of sections nineteen and six hundred and sixty-nine of the Criminal Code, 1913.

(b) Adding before the word “If” in line one the letter “b” in brackets thus (b).

(c) substituting for paragraphs (i) and (ii) of the penalty provisions the following paragraphs:—

(i) Where the annual license fee is one pound or less than one pound the minimum penalty shall be not less than the annual license fee.

(ii) Where the annual license fee is greater than one pound the minimum penalty shall be—

(A) for a first offence: one pound;

(B) for a second and any subsequent offence: one half of the annual license fee.

s 12
amended

4. Section twelve of the principal Act is amended by—

(a) substituting for the words “this section” in line two of subsection (1) the words “the Traffic Act Amendment Act, 1950”;

(b) adding the following subsection:—

(3) (a) In this subsection “mileage” means mileage travelled during the period for which the license was issued.

(b) The amount of the fair proportion of the fee payable to the local authority of such last-mentioned district, shall bear the same ratio to the amount of the whole fee, as the mileage travelled by the vehicle on roads wholly maintained by that local authority bears to the total of the mileage so travelled on those roads plus the mileage travelled by the vehicle on roads wholly maintained by the local authority which has received the fee.

(c) There shall be excluded from the computation of the mileage referred to in the last preceding paragraph, the mileage travelled by the vehicle on—

(i) roads maintained by the Commissioner of Main Roads pursuant to the provisions of the Main Roads Act, 1930-1939, with the exception of roads so maintained pursuant to the provisions of section twenty-seven of that Act; and

(ii) roads, which are not wholly maintained by the local authority of such last-mentioned district, nor by the local authority, which has received the fee.

5. Subsection (5) of section 23 of the principal Act is amended by— s. 23
amended.

(a) adding after the word “by” in line one, the words “the suspension or cancellation of, or by”;

(b) adding after the word “such” in line five, the words “suspension, cancellation or”;

- (c) adding after the word "was" in line eight, the words "issued in the case of suspension or cancellation or was";
- (d) adding after the word "refused" in line eight, the words "as the case may be".

s. 24
amended.

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

- (a) adding before the word "suspend" in line two of subsection (1), the words "refuse to grant and issue any license, or";
- (b) substituting for the word "same" in line four of subsection (2), the words "Commissioner of Police shall, where a license has been applied for, refuse the issue and grant of the license, and where a license has already been granted and issued, it";
- (c) adding after the word "and" in line two of subsection (3), the words, "where a license has been applied for, the consequent refusal of the grant and issue of the license, or, where the license has already been issued,";
- (d) substituting for the word "issued" in line seven of subsection (3) the words "applied for or was already issued, as the case may be,";
- (e) adding the following subsection:—

(4) The provisions of this section are in addition to and not in derogation of those of the last preceding section.

s. 32.
amended.

7. Section thirty-two of the principal Act is amended by deleting the word "motor" in line two of subsection (1).

8. The principal Act is amended by adding after section forty-six the following section:—

46A. No vehicle having a greater overall width, including the load, than eight feet, shall be licensed or driven on any road.

Provided that, with the permission of the Minister given on the recommendation of the Commissioner of Police, and under such special circumstances and conditions as may be set out in the permit, a vehicle having a greater over-all width, including the load, than eight feet may be licensed and driven on any road.

And where, prior to the commencement of the Traffic Act Amendment Act, 1950, a permit has been given by the Minister authorising or purporting to authorise the licensing and driving on any road of a vehicle exceeding seven feet six inches in width, including the load, the authority so given or purporting to have been so given, is hereby ratified and validated.

9. Subparagraph (zb) of paragraph (i) of subsection (1) of section forty-seven of the principal Act is hereby repealed. s. 47
amended.

10. Section forty-nine of the principal Act is amended by adding the following subsection:— s. 49
amended.

(4) Every order made pursuant to the provisions of this section—

whether made before or after the coming into operation of the Traffic Act Amendment Act, 1950,—

shall be deemed to empower and to have always empowered the local authority to prescribe a penalty—

not exceeding twenty pounds or imprisonment not exceeding one month, with or without hard labour—

for the breach of any regulation or by-law made by the local authority pursuant to the order—

unless the order either expressly or by implication from its context provides otherwise.