

TRAFFIC.

11° GEO. VI., No. XXIV.

No. 24 of 1947.

AN ACT to amend the Traffic Act, 1919-1946.

[Assented to 7th November, 1947.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and 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, 1947*, and shall be read as one with the Traffic Act, 1919-1946 (No. 60 of 1919 as reprinted with amendments up to and including No. 39 of 1935 in the Appendix to the Sessional Volume of the Statutes for the year 1935, and amended by the Acts No. 16 of 1941, No. 32 of 1943 and No. 48 of 1946), hereinafter referred to as the principal Act.

Short title.
cf. No. 48 of
1946, s. 14.

(2) The principal Act as amended by this Act may be cited as the Traffic Act, 1919-1947.

Citation.

2. Section six of the Traffic Act Amendment Act, 1946, is repealed.

Repeal of s. 6
of No. 48 of
1946.

Amendment
of s. 9.

3. Section nine of the principal Act is amended as follows:—

(a) By inserting at the commencement thereof a new subsection as follows:—

(1A.) From and after the commencement of the Traffic Act Amendment Act, 1946, and with operation retrospective to such commencement, the provisions of this section shall apply and have effect in relation to the issue of vehicle licenses in every district and subdistrict other than the metropolitan area, but shall have no operation in relation to the issue of vehicle licenses within the metropolitan area.

(b) By deleting paragraph (f) of subsection (2) and inserting in lieu thereof a paragraph as follows:—

(f) in respect of a road tractor, semi-trailer, trailer or caravan for a period of one or two months from the date on which the application is made.

(c) By deleting subsection (7) and inserting in lieu thereof a subsection as follows:—

(7) When a license is granted for a road tractor, semi-trailer, trailer or caravan pursuant to paragraph (f) of subsection (2) of this section, the fee for such license shall be that proportion of the prescribed annual license fee for a road tractor, semi-trailer, trailer or caravan, as the case may be, that the period for which the license applied for bears to a full year.

New section
9A.

4. A section is inserted in the principal Act after section nine as follows:—

Licensing of
vehicles
within the
metropolitan
area.

9A. (1) From and after the commencement of the Traffic Act Amendment Act, 1946, and with operation retrospective to such commencement, the provisions of this section shall apply and have effect in relation to the issue of vehicle licenses in every district and subdistrict comprising the metropolitan area, but shall have no operation in relation to the issue of vehicle licenses outside the metropolitan area.

(2) Every application for a license for a motor vehicle shall be made to the Commissioner of Police by or on behalf of the owner of the motor vehicle in accordance with the regulations, and at the time of making the application the fee for the license applied for as prescribed by or under this Act shall be paid to the Commissioner of Police.

(3) Upon application duly made and payment of the fee as required by subsection (2) of this section, but subject to the provisions of this Act and of the Motor Vehicle (Third Party Insurance) Act, 1943-1944, the Commissioner of Police shall grant a license for a period of three, six or twelve months, at the option of the person applying for the license, and shall assign a number to the vehicle.

(4) Application for a license for a vehicle which is not licensed at the commencement of the Traffic Act Amendment Act, 1946, may be made at any time, and the license shall commence and have effect from and including its date of issue.

(5) Application for a license for a vehicle already licensed 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, may be made during the month preceding the date on which the existing license shall expire, and the new license, when issued, shall commence and have effect from and after the date of expiry of the expired license.

Provided that—

- (a) when and as often as a license under this section has expired, the holder of such license shall, within twenty-one days of such expiry, return the number plates of such vehicle to the Commissioner of Police; and in default thereof such holder shall be liable to pay to the Commissioner of Police a fee which shall be the fee payable for a license for three months or such lesser sum as the Commissioner of Police may demand, notwithstanding that such holder may not have obtained such license or may have ceased to be the owner of the vehicle; and

(b) any fee payable by the holder of a license under the provisions of proviso (a) of this subsection may be recovered as a penalty by complaint before any two justices of the peace and may be added to any other penalty imposed upon such holder in connection with the failure to license the vehicle; but in no case shall the minimum penalty be increased beyond the amount applicable to the case under subsection (2) of section five of this Act.

(6) In respect of any motor vehicle for which a license granted under this section shall have expired prior to the first day of July, one thousand nine hundred and forty-seven, the Commissioner of Police may, on application duly made for a further license for such vehicle, and notwithstanding the provisions of the preceding subsections of this section, grant a license for such number of months or portions of months not exceeding the period applied for as the Commissioner of Police shall determine. The fee payable for the license granted shall be such amount as bears to the license fee for a license for twelve months the same ratio as the period for which the license is granted bears to a period of twelve months, and the Commissioner of Police shall make any necessary refund accordingly.

(7) On application by or on behalf of the owner of two or more vehicles licensed under the provisions of this section, the Commissioner of Police may issue licenses in respect of all or any two or more of such vehicles to expire on such date as the Commissioner may decide, and the license fee payable in respect of each such vehicle shall be adjusted proportionately to the license fee payable under this Act in respect of each such vehicle respectively for a period of twelve months.

(8) If a motor vehicle licensed under this section has been previously licensed by the Commissioner of Police, and the applicant for a subsequent license in respect of the same vehicle so requests, the Commissioner of Police shall assign to the motor vehicle on being again licensed the number assigned to the vehicle when previously licensed as aforesaid.

Provided that the Commissioner of Police may refuse so to assign the latter number if more than three months have elapsed between the expiration of the previous license and the application for a further license.

(9) Notwithstanding anything to the contrary contained in section ten of this Act or in the Third Schedule to this Act, where any motor vehicle is licensed under this section for any period less than twelve months the fee payable for the license applied for and granted shall be such amount as bears to the license fee for a license for twelve months the same ratio as the period for which the license is granted bears to a period of twelve months, plus one shilling.

Provided that such fee of one shilling shall not be payable in respect of licenses granted pursuant to subsection (6) of this section.

(10) Notwithstanding anything to the contrary in this section, a license in respect of a road tractor, semi-trailer, trailer or caravan may be granted for a period of one month or two months from the date on which the application is made, and when any such license is granted, the fee for such license shall be that proportion of the prescribed annual license fee for a road tractor, semi-trailer, trailer or caravan, as the case may be, that the period for which the license is applied for bears to a full year.

(11) All acts, matters and things done or executed and licenses issued by the Commissioner of Police since the commencement of the Traffic Act Amendment Act, 1946, but prior to the commencement of the Traffic Act Amendment Act, 1947, which if hereafter done, executed or issued in purported exercise of any such power or authority as is mentioned in this section, would be valid and lawful, shall be deemed always to have been valid and lawful, and are hereby authorised, approved, ratified, confirmed and validated accordingly.

Ratification.

5. Section twenty-two of the principal Act is amended by adding to subsection (1) a further proviso as follows:—

*Amendment
of s. 22.*

Provided further that in the case of an application to drive a passenger vehicle, but subject to the

right of appeal mentioned in subsection (5) of this section, the Commissioner of Police may from time to time, by notice in writing disclosing his reasons, refuse to grant a driver's license to the applicant, or suspend or cancel any such driver's license after its issue.

Amendment
of s. 30.

6. Section thirty of the principal Act is amended by adding thereto subsections as follows:—

(3) For the purposes of subsection (1) of this section, the term "vehicle" includes a tram motor, tram car and trolley bus.

(4) Where any person convicted of an offence under this section is an employee, the Court in deciding what penalty, if any it should inflict upon such person, shall take into consideration any punishment proved to have been already inflicted upon such person by his employer in relation to the circumstances constituting such offence.

Amendment
of s. 31.

7. Section thirty-one of the principal Act is amended by adding thereto a subsection as follows:—

(4) For the purposes of this section, the words "motor vehicle" and "vehicle" include a tram motor, tram car and trolley bus, but so that the Court before whom any person as the driver of any tram motor, tram car or trolley bus is convicted of an offence under this section shall have no jurisdiction to punish such driver for any such offence otherwise than by inflicting the penalty or sentencing to the term of imprisonment mentioned in this section.

Amendment
of s. 35.

8. Section thirty-five of the principal Act is amended as follows:—

(a) By deleting the words "motor car" where they appear in line three of subsection (1) and again in lines one and two of subsection (3), and inserting in lieu thereof in each case the word "vehicle."

(b) By deleting the words "on payment of the prescribed fee" in line five of subsection (1) and inserting in lieu thereof the words "on application."

(c) By deleting subsection (2) thereof.

9. Section forty-six of the principal Act is amended as follows:— Amendment
of s. 46.

- (a) By deleting subparagraph (a) of paragraph (ii) of subsection (1) and inserting in lieu thereof a subparagraph as follows:—

Subject to the right of appeal mentioned in subsection (5) of section twenty-two of this Act, prevent any person not being of good character and of a prescribed age from becoming or remaining licensed to drive a passenger vehicle, or from acting as driver or conductor of any such vehicle.

- (b) By inserting after the words “any unlicensed person” in line four of subparagraph (b) of paragraph (ii) of subsection (1) the words—
“or (subject to the right of appeal mentioned in subsection (5) of section twenty-two of this Act) prohibit any person of bad character.”

10. Section seventy of the principal Act is amended by inserting after the word “persons” in line one the words “and vehicles.” Amendment
of s. 70.

11. The Third Schedule to the principal Act is amended by deleting from the subheading “For a trailer or semi-trailer” in Part I. of the said Schedule the words and brackets “(including a tractor or semi-trailer type of omnibus)” and inserting in lieu thereof the words and brackets “(including a semi-trailer type of omnibus).” Amendment
of Third
Schedule.