

**TRAFFIC.**

10° and 11° GEO. VI., No. XLVIII.

No. 48 of 1946.

AN ACT to amend the Traffic Act, 1919-1941.

[Assented to 24th January, 1947.]

**B**E 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:—

Short title.  
of. No. 16 of  
1941, s. 14.

1. This Act may be cited as the *Traffic Act Amendment Act, 1946*, and shall be read as one with the Traffic Act, 1919-1941 (No. 60 of 1919 as reprinted in the Appendix to the Sessional Volume of the Statutes for the year 1935 and amended by the Acts No. 16 of 1941 and No. 32 of 1943), hereinafter referred to as the principal Act.

Amendment  
of s. 4.

2. Section four of the principal Act is amended by inserting therein after the definition of "sub-district" a new definition as follows:—

"Taxi-car" means a motor vehicle plying for hire or reward and licensed to carry not more than seven passengers at any one time.

Amendment  
of s. 5.

3. Section five of the principal Act is amended by inserting in subsection (2) in paragraph (1) of the penalty clause after the word "is" in line one of such paragraph the words "one pound or."

4. Section six of the principal Act is amended by the insertion after subsection (6) thereof of a new subsection as follows:—

Amendment  
of s. 6.

(7) The person to whom a passenger-vehicle or carrier's license is issued under this Part shall, within fourteen days of such issue, cause the vehicle to be plainly and conspicuously marked as prescribed with the name and address of such person, and shall keep the vehicle so marked during the currency of the license.

5. Section eight of the principal Act is amended by adding thereto a further proviso as follows:—

Amendment  
of s. 8.

Provided also that this section shall not apply to a taxi-car, and that in relation to such class of vehicle the following provisions shall apply:—

- (a) The license issued in respect of a taxi-car shall, subject to paragraphs (b) and (c) of this proviso, be effective and operative within the district of the licensing authority which issued the license;
- (b) Notwithstanding paragraph (a) of this proviso, where the license in respect of a taxi-car has been issued by one licensing authority and the owner of the taxi-car desires to ply for hire or reward in the district of another licensing authority, and such other licensing authority grants such owner in writing permission so to do for a stated period or periods the license issued in respect of the taxi-car as aforesaid shall be effective and operative in the district of such other licensing authority for such stated period or periods; and
- (c) the license issued in respect of a taxi-car by one licensing authority shall be effective and operative in the district of another licensing authority without any permission when the taxi-car is engaged to carry

a passenger or passengers from a place within the district of the licensing authority which issued the license to any place outside such district, or is engaged to carry a passenger or passengers upon a journey which begins and ends at a place within the district of the licensing authority which issued the license although part of such journey is made outside such district.

Amendment  
of s. 9.

Provisions as  
to licensing  
of vehicles.  
cf. S.A. Road  
Traffic Act,  
1934-1944,  
s. 6.

6. Section nine of the principal Act shall from and after the passing of this Act apply and have effect only outside the metropolitan area. Within the metropolitan area the following provisions shall apply:—

(1) Every application for a license for a motor vehicle shall be made to the proper local authority prescribed by section seven of this Act 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 local authority aforesaid.

(2) Upon application duly made and payment of the fee as required by subsection (1) of this section, but subject to the provisions of this Act and of the Motor Vehicle (Third Party Insurance) Act, 1943-1944, the local authority shall grant a license for a period of either three, six, or twelve months at the option of the person applying for the license, and shall assign a number to the vehicle.

(3) Application for a license for a vehicle which is not licensed at the commencement of this Act (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:

Provided that, if such vehicle has within the period of three months immediately prior to such Act, been the subject of a license under this Act, and application for a new license under this subsection is made within three months after the commencement of such amending Act, the local authority concerned may, before issuing such new license and in addition to the prescribed license fee, require payment of a fee

equal to the fee for a license for three months, unless the holder of such license shall, within twenty-one days of the expiry of the former license, have returned the number plates of such vehicle to the local authority which issued the same.

(4) Application for a license for a vehicle which is already licensed at the commencement of the Traffic Act Amendment Act, 1946, or which shall become licensed under the provisions of subsection (3) 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 local authority which issued the same; and in default thereof such holder shall be liable to pay to the local authority a fee which shall be the fee payable for a license for three months, 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.

(5) In respect of any motor vehicle for which a license granted under this section shall expire prior to the first day of July, one thousand nine hundred

and forty-seven, the local authority 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 not exceeding the number applied for as the local authority 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 local authority shall make any necessary refund accordingly.

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

Provided that the local authority 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.

(7) 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 two shillings and sixpence.

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

7. (1) Subject to subsection (2) of this section, section ten of the principal Act is amended by deleting the whole of subsection (1a). Amendment  
of s. 10.

(2) Subsection (1) of this section shall come into operation on a date to be fixed by Proclamation.

8. Subsection (3) of section twenty-two of the principal Act is repealed and the following subsection inserted in lieu thereof:— Amendment  
of s. 22.

(3) Every license under this section shall, subject to the provisions of this Act, remain in force for twelve months from the date upon which it was issued.

Provided that, in respect of any license under this section which may be granted and issued during the year one thousand nine hundred and forty-seven, the license shall remain in force for such number of months not being less than six nor more than eighteen as the Commissioner of Police or member of Police Force granting the same shall determine and shall specify in the license issued.

9. Section twenty-eight of the principal Act is amended by deleting from subsection (1) the words "Penalty: Fifty pounds or imprisonment for any term not exceeding six months" at the end of the subsection, and inserting in lieu thereof the following:— Amendment  
of s. 28.

Any person convicted under this subsection of an offence of which the failing to stop immediately after the occurrence of any accident by reason whereof any person is injured, is an ingredient, shall be liable to imprisonment for a term not less than three months nor exceeding twelve months.

Provided that if the Court shall be satisfied that the person convicted was not aware of the occurrence of the accident or if in the opinion of the Court there are special reasons why a sentence of imprisonment should not be imposed the Court may in lieu of imprisonment impose a fine not more than One hundred pounds.

Any person convicted of any other offence under this subsection shall be liable to a fine not exceeding fifty pounds or for imprisonment for a term not exceeding six months.

Amendment  
of s. 31.

10. Section thirty-one of the principal Act is amended as follows:—

(1) By adding at the end of subsection (3) thereof the words “and the Court before whom such person is convicted, shall—

(a) in the case of a first offence under this section, suspend any license to drive held by such person under this division for a period of three months and shall disqualify such person from obtaining a license under this division for the same period;

(b) in the case of a second offence under this section by such person, suspend any such license for a period of six months and shall disqualify such person from obtaining a license under this division for the same period;

(c) in the case of a third offence under this section by such person, cancel any such license permanently and shall permanently disqualify such person from obtaining a license under this division; and

(d) in each case cause particulars of the conviction and of the order of the Court to be endorsed on any license held by such person under this division and shall cause a copy of those particulars to be sent to the Commissioner of Police.”

(2) By inserting after subsection (3) as amended by this section a new subsection as follows:—

(4) A license so suspended by the Court shall, during the term of suspension be of no effect and the person whose license is suspended or who is declared by the Court to be disqualified from obtaining a license shall, during the period of suspension or disqualification, be disqualified from obtaining a license under this division.

Amendment  
of s. 46.

11. Section forty-six of the principal Act is amended by inserting in paragraph (ii) of subsection (1) after sub-paragraph (b1) new sub-paragraphs as follows:—

(b2) Prescribe working hours and conditions in relation to drivers and conductors respectively employed on passenger vehicles;

- (b3) provide for the employment of conductors on omnibuses;
- (b4) regulate the queuing of intending passengers at points upon the routes of omnibuses where such omnibuses stop to take on passengers.

Provided that if any award of the State Court of Arbitration covers or deals with any of the matters set out in paragraphs (b2) or (b3) above, the provisions of such award shall prevail and any order or regulation made under the said paragraphs (b2) or (b3) which conflicts with any such award shall have no force or effect.

12. The Second Schedule to the principal Act is amended by inserting in the first column thereof immediately below the word "cycle" the words "external power vehicle," and opposite thereto in the second column of the said schedule a description as follows:—"A vehicle which derives its motive power from a source external to the vehicle or from an electrical storage battery which is not connected to any source of power when the vehicle is in motion."

Amendment  
of Second  
Schedule.

13. The Third Schedule to the principal Act is amended as follows:—

Amendment  
of Third  
Schedule.

- (a) By adding to the subheading "For a trailer or semi-trailer" in Part I. of the said schedule, words in brackets as follows:—" (including a tractor or semi-trailer type of omnibus)."
- (b) By adding to Part III. of the said schedule a paragraph as follows:—

5. The horsepower (H.P.) of an electrically propelled vehicle shall be ascertained by the following formula, that is to say—The product of the volts and amperes (divided by 1,000) taken by the motor when full battery voltage is applied to the motor and such motor is running at a speed of 1,000 revolutions per minute shall be taken as the horsepower of the vehicle.

14. The principal Act as amended by this Act may be cited as The Traffic Act, 1919-1946.

Citation of  
principal Act  
as amended.