

WESTERN AUSTRALIA.

TRAFFIC ACT, 1919-1970.

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NOTE.

In this reprint—

(1) any reference in the marginal or foot notes to—

(i) the 1926 reprint

is to the reprint of the Traffic Act, 1919-1926, published in the Appendix to the Sessional Volume of Statutes for the year 1926;

(ii) the 1930 reprint

is to the reprint of the Traffic Act, 1919-1930, published in the Appendix to the Sessional Volume of Statutes for the year 1930;

(iii) the 1935 reprint

is to the reprint of the Traffic Act, 1919-1935, published in the Appendix to the Sessional Volume of Statutes for the year 1935;

(iv) the 1947 reprint

is to the reprint of the Traffic Act, 1919-1947, reprinted pursuant to the Amendments Incorporation Act, 1938 (but not included in any Volume of Statutes or reprinted Acts);

(v) the 1950 reprint

is to the reprint of the Traffic Act, 1919-1949, reprinted pursuant to the Amendments Incorporation Act, 1938, and included in Vol. 3 of the Reprinted Acts of the Parliament of W.A. (1950);

(vi) the 1954 reprint

is to the reprint of the Traffic Act, 1919-1954, reprinted pursuant to the Amendments Incorporation Act, 1938, and included in Vol. 9 of the Reprinted Acts of the Parliament of W.A. (1956);

(vii) the 1958 reprint

is to the reprint of the Traffic Act, 1919-1957, reprinted pursuant to the Amendments Incorporation Act, 1938, and included in Vol. 12 of the Reprinted Acts of the Parliament of W.A.

(2) the numbering of the Parts, Divisions, Sections, etc., as contained in the 1950 reprint is retained.

TRAFFIC.

No. 60 of 1919.

(Affected by Acts No. 42 of 1933; No. 32 of 1943; No. 86 of 1956, S. 6; and No. 81 of 1963.)

[As Amended by Acts—

| | |
|--|--|
| No. 16 of 1922, assented to 31/1/1922; | No. 57 of 1958, assented to 23/12/1958; |
| No. 37 of 1924, ¹ assented to 31/12/1924; | No. 59 of 1958, assented to 23/12/1958; |
| No. 46 of 1925, assented to 31/12/1925; | No. 7 of 1959, assented to 7/9/1959; |
| No. 22 of 1926, assented to 30/10/1926; | No. 12 of 1959, assented to 25/9/1959; |
| No. 11 of 1927, assented to 11/11/1927; | No. 18 of 1959, assented to 8/10/1959; |
| No. 20 of 1930, ² assented to 11/12/1930; | No. 52 of 1959, ³ assented to 25/11/1959; |
| No. 3 of 1931, assented to 24/6/1931; | No. 67 of 1959, ⁴ assented to 10/12/1959; |
| No. 21 of 1932, assented to 15/6/1932; | No. 48 of 1960, assented to 15/11/1960; |
| No. 43 of 1933, assented to 4/1/1934; | No. 65 of 1961, assented to 28/11/1961; |
| No. 39 of 1935, ⁵ assented to 7/1/1936; | No. 36 of 1963, ¹⁰ assented to 19/11/1963; |
| No. 16 of 1941, assented to 7/11/1941; | No. 73 of 1963, assented to 19/12/1963; |
| No. 32 of 1943, ⁴ assented to 12/11/1943; | No. 74 of 1963, ¹¹ assented to 19/12/1963; |
| No. 24 of 1946, assented to 14/1/1947; | No. 51 of 1964, ¹² assented to 30/11/1964; |
| No. 48 of 1946, ⁵ assented to 24/1/1947; | No. 67 of 1964, ¹³ assented to 4/12/1964; |
| No. 24 of 1947, assented to 7/11/1947; | No. 80 of 1964, assented to 14/12/1964; |
| No. 51 of 1948, assented to 7/1/1949; | No. 38 of 1965, assented to 8/11/1965; |
| No. 29 of 1949, assented to 22/10/1949; | No. 62 of 1965, assented to 19/11/1965; |
| No. 24 of 1950, assented to 5/12/1950; | No. 77 of 1965, ¹⁴ assented to 30/11/1965; |
| No. 57 of 1951, assented to 7/1/1952; | No. 84 of 1965, ¹⁵ assented to 7/12/1965; |
| No. 29 of 1952, assented to 5/12/1952; | No. 113 of 1965, ¹⁶ assented to 21/12/1965; |
| No. 35 of 1952, assented to 17/12/1952; | No. 57 of 1966, ¹⁷ assented to 12/12/1966; |
| No. 74 of 1953, assented to 9/1/54; | No. 87 of 1966, ¹⁸ assented to 12/12/1966; |
| No. 47 of 1954, assented to 8/12/1954; | No. 56 of 1967, ¹⁹ assented to 5/12/1967; |
| No. 37 of 1955, assented to 28/11/1955; | No. 35 of 1968, ²⁰ assented to 4/11/1968; |
| No. 74 of 1956, assented to 14/1/1957; | No. 57 of 1968, ²¹ assented to 13/11/1968; |
| No. 86 of 1956, ⁶ assented to 18/1/1957; | No. 37 of 1969, ²² assented to 19/5/1969; |
| No. 49 of 1957, assented to 9/12/1957; | No. 48 of 1969, ²³ assented to 30/6/1969; |
| No. 76 of 1957, ⁷ assented to 16/12/1957; | No. 60 of 1970, ²⁴ assented to 5/11/1970; |
| No. 78 of 1957, assented to 16/12/1957; | No. 83 of 1970, assented to 30/11/1970; |

and reprinted pursuant to the Amendments Incorporation Act, 1938.]

¹ By s. 1 (2) this Act came into operation on 1st January, 1925, except s. 4 which was proclaimed to commence on 15th May, 1925 (*Gazette* dated 15/5/25, p. 876). See also Act No. 22 of 1926, s. 38.

² Came into operation on 31st January, 1931—*Gazette* 30/1/31, p. 160.
[NOTE.—The operation of s. 10a of the principal Act as inserted by s. 5 of this Act expired on 30th June, 1934: See No. 43 of 1933, s. 2.]

³ Came into operation on 1st July, 1936—*Gazette* 8th May, 1936, p. 633.

⁴ Came into operation on 1st July, 1944—*Gazette* 12th May, 1944, p. 375.

⁵ S. 7 (1) came into operation on 1st July, 1947—*Gazette* 19th May, 1947, p. 875.

⁶ Came into operation on 28th July, 1958—*Gazette* 18th July, 1958, p. 1606.

⁷ Came into operation on 1st January, 1958—*Gazette* 24th December, 1957, p. 3673.

⁸ Came into operation on 1st January, 1960—See No. 52 of 1959, s. 2.

⁹ Came into operation on 22nd January, 1960—*Gazette* 22nd January, 1960, p. 59.

¹⁰ Came into operation on 1st January, 1964—*Gazette* 24th December, 1963, p. 3975.

¹¹ Came into operation on 1st March, 1964—*Gazette* 28th February, 1964, p. 906.

¹² Came into operation on 1st October, 1965—*Gazette* 1st October, 1965, p. 3407.

¹³ Came into operation on 1st January, 1965—*Gazette* 24th December, 1964, p. 4094.

¹⁴ Came into operation on 1st December, 1965, except s. 14A which, under provisions of s. 2, comes into operation on 1st July, 1966.

¹⁵ Came into operation on 1st October, 1966—*Gazette* 2nd September, 1966, p. 2336.

¹⁶ Decimal Currency Act, 1965. Came into operation 14th February, 1966.

¹⁷ Came into operation on 1st July, 1966—s. 2 of Act No. 57 of 1966.

¹⁸ Came into operation on 1st January, 1967—*Gazette* 30th December, 1966, p. 3429.

¹⁹ Sections 5, 6 and 7 came into operation on 1st January, 1968—s. 2 of Act No. 56 of 1967.

²⁰ Sections 1 to 4 and 6 to 9 came into operation on 20th December, 1968—*Gazette* 20th December, 1968, p. 3887; s. 5 operative on 28th March, 1969—*Gazette* 28th March, 1969, p. 1088; ss. 10 and 11 operative on 1st July, 1969—*Gazette* 27th June, 1969, p. 1875.

²¹ Came into operation on 20th December, 1968—*Gazette* 19th December, 1968, p. 3885.

²² Sections 8 and 9 came into operation on 1st July, 1969—s. 2 of Act No. 37 of 1969.

²³ Came into operation on 1st July, 1969—s. 2 of Act No. 48 of 1969.

²⁴ Sections 1, 2, 4, 6 and 7 came into operation on 1st January, 1971—*Gazette* 31st December, 1970, p. 3912; s. 3 operative from 1st January, 1971—s. 2 of Act No. 60 of 1970; s. 5 came into operation on 16th April, 1971—*Gazette* 16th April, 1971, p. 1161.

Part I.

Ss. 1-2.

AN ACT to consolidate and amend the Law relating to the Licensing and Use of Vehicles and the Regulation of Traffic, and for other incidental purposes.

[Assented to 10th December, 1919.]

BE it enacted—

PART I.—PRELIMINARY.

Short title.
Amended by
No. 83 of
1970, s. 1.

1. This Act may be cited as the *Traffic Act, 1919-1970*, and shall come into operation on a day to be fixed by proclamation,¹ and shall be read in conjunction with the Motor Vehicle (Third Party Insurance) Act, 1943.

Division.
Amended by
No. 20 of 1930,
s. 2; No. 39 of
1935, s. 28;
No. 35 of
1952, s. 6; No.
74 of 1956, s.
2; No. 76 of
1957, s. 2.

2. This Act is divided into Parts and Divisions, as follows:—

PART I.—PRELIMINARY [ss. 1-4].

PART II.—LICENSING OF VEHICLES [ss. 5-21].

PART IIA.—OVERSEAS MOTOR VEHICLES WHEN TEMPORARILY IN AUSTRALIA [ss. 21A-21M].

PART III.—TRAFFIC INSPECTORS [ss. 22-22A].

PART IIIA.—USED CAR DEALERS [ss. 22AA-22AF].

PART IV.—REGULATION OF TRAFFIC [ss. 23-55].

Division (1).—Motor and other Vehicles
[ss. 23-36].

Division (2).—Locomotive and Traction Engines
[ss. 37-39].

Division (3).—Width of Tyres [ss. 40-42].

Division (3A).—Weights, Loads and Dimensions
[43-46A].

Division (4).—Regulations [ss. 47-55].

Divisions (3)
and (3A) re-
pealed by No.
62 of 1965, s.
19.

Part IIIA re-
pealed by
No. 51 of
1964, s. 30.

¹ Came into operation on 1st January, 1920—*Gazette* 12th December, 1919, p. 2195.

PART V.—MISCELLANEOUS [ss. 56-74].

FIRST SCHEDULE.—REPEALS.

SECOND SCHEDULE.—DESCRIPTION OF LICENSES.

THIRD SCHEDULE.—LICENSE FEES.

FOURTH SCHEDULE.—WIDTH OF TYRES.

3. The Acts specified in the First Schedule are repealed to the extent therein mentioned.

Repeals.

4. (1) In this Act, subject to the context—

Interpretation.

“district” means the district of a municipality; and, for the purposes of section twenty-two of this Act, the term includes a county district or a regional district constituted under the Local Government Act, 1960, for the local government purpose of controlling traffic;

Amended by
No. 37 of 1924, s. 2;
No. 22 of 1926, s. 2; No. 39 of 1935, s. 2; No. 16 of 1941, s. 2; No. 48 of 1946, s. 2; No. 57 of 1951, s. 3; No. 35 of 1952, s. 2; No. 76 of 1957, s. 3; No. 65 of 1961, s. 2; No. 73 of 1963, s. 2; No. 74 of 1963, s. 3; No. 67 of 1964, s. 3; No. 62 of 1965, s. 2; No. 35 of 1968, s. 3; No. 48 of 1969, s. 3.

“driver” means any person driving, or in control of, a vehicle or animal;

“driver’s license” means a license issued under the provisions of section twenty-three or thirty-three A of this Act authorising a person to drive a motor vehicle of the class or classes therein specified, on a road;

“Government road” means a road declared by Order in Council under the Public Works Act, 1902, to be a Government road;

“inspector” means a traffic inspector appointed under this Act, and includes an assistant traffic inspector and a member of the police force lawfully acting as an inspector;

“license” means a license granted under this Act, and in Division (1) of Part IV. means and in Part V. includes a driver’s license;

“local authority”, in relation to—

- (a) a district or part of a district that is outside the metropolitan area, means the council of the district;
- (b) the metropolitan area, means the Commissioner of Police;

and, for the purposes of section twenty-two of this Act, the term includes the county council of a county district and the regional council of a regional district constituted under the Local Government Act, 1960, for the local government purpose of controlling traffic;

“local Government Act” means an Act under which a local authority is constituted or a district is governed by a local authority;

“mechanical power” includes any motive power not being animal power;

“Minister” means the Minister for Works or such other member of the Executive Council as is for the time being charged by the Governor with the administration of this Act;

“motor vehicle” means a self-propelled vehicle that is not operated on rails; and the expression includes a trailer, semi-trailer or caravan while attached to a motor vehicle;

“municipality” has the same meaning as that expression has in, and for the purposes of, the Local Government Act, 1960:

“omnibus” means a passenger vehicle equipped to carry more than eight adult persons and used to carry passengers for separate fares;

“outlying land” means land not comprised in any municipal or road district;¹

“owner” means any person who owns a vehicle, and includes the hirer of the vehicle under a hire purchase agreement;

Provided that—

- (a) where a vehicle is owned by more than one person as owner or hirer or otherwise, one only of such persons, to be nominated by all such persons, by notice in writing given to the local authority by which such vehicle is licensed, shall for the purposes of this Act be deemed to be the owner of such vehicle; and
- (b) any rebates or concessions in respect of license fees in relation to a vehicle, of which only one person is deemed to be the owner as aforesaid, which may be claimed under this Act upon the basis of the purpose for which such vehicle is used, shall be assessed only upon the basis of the purpose for which such vehicle is used by the person who is deemed to be the owner of such vehicle as aforesaid;

“passenger vehicle” means a motor vehicle licensed to stand or ply for the carriage of passengers for reward, and includes an omnibus;

“regulation” means a regulation made under this Act, and includes a by-law made under delegated authority;

¹ See Local Government Act, 1960, s. 9 (6) (b).

“road” means any highway, road or street open to, or used by, the public and includes every carriageway, footway, reservation, median strip and traffic island thereon;

“sub-district” means that portion of a municipal district or road district¹ which is within the boundaries of the metropolitan area, as defined by regulation, where a portion only of any such district is comprised within that area;

“taxi-car” means a motor vehicle licensed to ply for hire or reward and licensed to carry not more than seven passengers at any one time;

“private taxi-car” means a taxi-car which is licensed to ply for hire or reward only from a privately-owned vehicle depot;

“vehicle” includes—

- (a) every conveyance, not being a train, vessel or aircraft, and every object capable of being propelled or drawn, on wheels or tracks, by any means; and
- (b) where the context permits, an animal being driven or ridden;

“width of bearing surface” means the actual width of the bearing surface of a tyre that would actually come into contact with or bear upon a hard smooth level surface when the wheels are attached to the axle and ready for use.

(2) A reference in this Act to the metropolitan area shall be read and construed as a reference to the area known as “the metropolitan traffic area”, to be prescribed by regulation.

¹ See Local Government Act, 1960, s. 9 (6) (b).

PART II.—LICENSING OF VEHICLES.

5. (1) (a) Subject to the succeeding provisions of this subsection, a vehicle license is required for every vehicle described in the Second Schedule of this Act, but a vehicle license is not required for—

- (i) an agricultural implement being towed on a road by a vehicle; or
- (ii) an unlicensed vehicle being towed on a road by a tow truck, as described in that Schedule,

if the vehicle or tow truck (as the case may be) is the subject of the requisite vehicle license.

Licenses.
Amended by
No. 22 of
1926, s. 3; No.
20 of 1930, s.
3; No. 39 of
1935, s. 3; No.
48 of 1946, s.
3; No. 24 of
1950, s. 3; No.
57 of 1951, s.
4; No. 76 of
1957, s. 4; No.
12 of 1959, s.
2; No. 18 of
1959, s. 2; No.
48 of 1960, s.
2; No. 73 of
1963, s. 3; No.
62 of 1965, s.
3; No. 77 of
1965, s. 3; No.
113 of 1965, s.
8; No. 87 of
1966, s. 3.

(b) For the purposes of this section, “agricultural implement” means an implement or machine designed and used for ploughing, cultivation, spreading fertiliser, sowing seed, spraying, harvesting crops, chaff cutting and other agricultural operations, whether hauled or towed by animal or mechanical power.

(c) [*Deleted by No. 77 of 1965, s. 3.*]

(d) [*Deleted by No. 77 of 1965, s. 3.*]

(2) (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, 1902-1948,¹ and of sections nineteen and six hundred and sixty-nine of the Criminal Code, 1913.

(b) If any vehicle for which the owner is not the holder of the requisite vehicle license under this Act is used on any road, the owner of the vehicle and every person so using the same or causing or permitting such use thereof shall be guilty of an offence against this Act.

¹ Now Justices Act, 1902-1968.

Penalty:

- (i) Where the annual license fee is two dollars or less than two dollars the minimum penalty shall be not less than the annual license fee.
- (ii) Where the annual license fee is greater than two dollars the minimum penalty shall be—
 - (A) for a first offence: two dollars;
 - (B) for a second and any subsequent offence: one half of the annual license fee.
- (iii) The maximum penalty—
 - for a first offence shall be a fine of two hundred dollars; and
 - for any subsequent offence shall be a fine of four hundred dollars.

Provided that it shall be a defence to a charge under this section against any person other than the owner of the vehicle if the defendant proves that he had no knowledge that the owner was not the holder of the requisite license.

(c) After the coming into operation of the Motor Vehicle (Third Party Insurance) Act and Traffic Act Amendments Act, 1959, a person shall not be convicted or punished for an offence under paragraph (b) of this subsection if

he has already been convicted or acquitted of an offence under paragraph (a) of subsection (3) of section four of the Motor Vehicle (Third Party Insurance) Act, 1943, as amended,

and

both those offences had been committed simultaneously.

(d) [*Deleted by No. 87 of 1966, s. 3.*]

(3) A vehicle which is in any manner drawn or propelled on any road shall be deemed to be used thereon.

(4) On a conviction for an offence under this or the next following section, the court shall order the defendant to pay the license fee that should have been paid in respect of the vehicle, in addition to the penalty imposed, and such order may be enforced as if the amount of such fee was a penalty imposed on the defendant.

(5) Any person who has at any time, after the coming into operation of this Act, committed an offence against this section for which he has not been prosecuted shall be liable to pay to the local authority the license fee which he might have been ordered to pay on conviction of such offence, and such fee shall be recoverable in any court of competent jurisdiction.

(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.

6. (1) A passenger-vehicle license is required for every vehicle used for carriage of passengers for hire or reward.

(2) [*Repealed by No. 87 of 1966, s. 4.*]

(3) If any vehicle for which the owner is not the holder of the requisite passenger-vehicle license under this Act is used on any road for the carriage of passengers for hire or reward, the owner of the vehicle and every person so using the same or causing or permitting such use thereof shall be guilty of an offence against this Act.

Passenger-vehicle licenses.
Amended by No. 22 of 1926, s. 4; No. 39 of 1935, s. 4; No. 48 of 1948, s. 4; No. 76 of 1957, s. 5; No. 87 of 1966, s. 4.

Penalty—For a first offence, a fine not exceeding forty dollars; for any subsequent offence a fine not exceeding one hundred dollars or imprisonment not exceeding fifty days.

(4) Every person to whom a passenger-vehicle license is issued under this Part shall cause such license whilst it is being exercised to be kept in the personal custody of the person actually driving the vehicle.

Penalty—Six dollars.

(5) A person who has a passenger-vehicle license in respect of any vehicle shall also be required to have a vehicle license in respect of such vehicle in addition thereto.

(6) The number of passengers to be carried in a vehicle licensed as a passenger vehicle shall be limited to the number stated in the license.

(7) The person to whom a passenger-vehicle 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.

The licensing authority.
Amended by
No. 22 of
1926, s. 5; No.
74 of 1956, s.
4; No. 76 of
1957, s. 6; No.
77 of 1965, s.
4; No. 113 of
1965, s. 8.

7. (1) A vehicle license for any vehicle employed or to be employed in, about, or in connection with any business establishment of the owner of the vehicle shall be issued by the local authority of the district wherein such establishment exists. A branch establishment shall be deemed an establishment for the purposes of this subsection.

(2) Provided that when public stands for licensed vehicles plying for hire have been appointed and fixed in any district, no license issued by the local authority of any other district shall (unless the local authority of the district in which such stands are

established so orders) authorise any person to cause or permit any vehicle to stand or be upon any such public stand; but such stands shall, subject to any such order, be for vehicles licensed by the local authority of such district only.

Any person who contrary to this subsection causes or permits any vehicle to stand or be upon any such public stand commits an offence against this Act.

Penalty—For a first offence, a fine not exceeding twenty dollars; for any subsequent offence, a fine not exceeding fifty dollars.

(3) Save as aforesaid, vehicle licenses shall be granted by the local authority within whose district the owner of the vehicle resides at the time of the application for the license. A body corporate shall be deemed to reside in the district in which its principal place of business is situated.

(4) A local authority shall furnish to the Commissioner of Transport constituted under the State Transport Co-ordination Act, 1933,¹ such particulars as may be prescribed of vehicles licensed by it pursuant to this Act.

8. Subject to the provisions of this Act, every vehicle license granted under this Act is effective and operative throughout the State, whilst that license remains in force, but the person in whose name the vehicle is licensed may apply to the licensing authority which issued the vehicle license to cancel the vehicle license and where the person surrenders the vehicle license and the identification tablets issued in relation to the vehicle the subject of the vehicle license the licensing authority shall cancel the license:

Operation of license.
Amended by No. 22 of 1926, s. 6; No. 48 of 1946, s. 5; No. 59 of 1958, s. 2; No. 48 of 1960, s. 3; No. 65 of 1961, s. 3; No. 113 of 1965, s. 8; No. 56 of 1967, s. 3.

Provided 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

¹ Now State Transport Co-ordination Act, 1966.

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.
- (d) The number of licenses which may be issued in respect of taxi-cars within the metropolitan area as defined by this Act shall not at any time exceed one such license for every seven hundred of the population of the said metropolitan area as estimated or declared from time to time by the Government Statistician, but the provisions of this paragraph shall not be construed to require the cancellation of or the refusal to renew any taxi-car license which has been issued prior to the coming into operation of this paragraph.

Except that notwithstanding the foregoing where in the opinion of the Commissioner of Police the circumstances of an applicant for a taxi-car license are such as to warrant it the Commissioner of Police may in his absolute discretion issue not more than one taxi-car license in any month under such circumstances

Provided further that—

- (a) subject to the provisions of paragraph (b) of this proviso, no taxi-car license shall be permitted to be transferred;
- (b) in any case where he is of opinion that exceptional circumstances warrant a taxi-car license being transferred, the Minister may on the recommendation of the Commissioner of Police permit that taxi-car license to be transferred.
- (e) A person to whom a license in respect of a taxi-car has been granted in any district, if he ceases or has ceased to be the owner of the taxi-car, or parts with or has parted with the possession of the taxi-car in such circumstances that another person becomes or has become an owner of the taxi-car, shall forthwith—
 - (i) notify in writing the licensing authority of that district that he has ceased to be the owner of the taxi-car and of the name and address of the new owner of the taxi-car; and
 - (ii) return to the licensing authority the license and the appropriate number plates in any case where the transfer of the license is not permitted under this Act, or if so permitted, is refused.

- (f) Every person who on the date of the coming into operation of the Traffic Act Amendment Act, 1960, is owner of a taxi-car the license in respect of which has not been granted or transferred to him shall, within fourteen days after that date, notify in writing the licensing authority which issued that license that he is the owner of that taxi-car and, unless a transfer of that license is not permitted under this Act, shall apply for the transfer thereof to him and pay the prescribed fee.
- (g) A person who on or after the date of the coming into operation of the Traffic Act Amendment Act, 1960, becomes owner of a taxi-car a license in respect of which has been granted, shall forthwith on becoming such owner, unless a transfer of that license is not permitted under this Act, apply to the licensing authority which issued that license for the transfer thereof to him and pay the prescribed fee.
- (h) Where the transfer of the license in respect of a taxi-car is not permitted under this Act, or where if so permitted the transfer of the license is refused, the new owner of the taxi-car shall return to the licensing authority the license and the appropriate number plates if they are in his possession.
- (i) A person who fails to comply with any of the provisions of paragraphs (e), (f), (g) and (h) of this section commits an offence.

Penalty: For a first offence, a fine not exceeding forty dollars; for any subsequent offence, a fine not exceeding one hundred dollars.

- (j) The court before which the person is convicted under paragraph (i) of this section may, in addition to any other penalty which may be inflicted under that paragraph, cancel the license granted in respect of the taxi-car and order the immediate return to the licensing authority of the appropriate number plates.

9. (1) The provisions of this section apply and have effect in relation to the issue of vehicle licenses in every district and sub-district other than the metropolitan area.

(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.

(3) (a) Where, on or after the first day of January, nineteen hundred and seventy-one, an application is duly made for a license for a vehicle not previously licensed under this section or for a vehicle the license for which expired more than fifteen days prior to the date of the application; the local authority shall, subject to the provisions of this Act and the Motor Vehicle (Third Party Insurance) Act, 1943, grant to the applicant a license for a period of six months or twelve months at the option of the applicant.

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

(c) A license granted under the provisions of this section may, subject to subsections (4a) and (5) of this section, be renewed for a period of six months or twelve months at the option of the applicant.

(4) An application for a license for a vehicle which is not licensed or for a vehicle for which the previous

Periods for which licenses may be issued. Repealed and re-enacted by No. 39 of 1935, s. 5.
Amended by No. 16 of 1941, s. 3; No. 48 of 1946, s. 6; No. 24 of 1947, s. 3; No. 29 of 1949, s. 3; No. 74 of 1953, s. 2; No. 74 of 1956, s. 4; No. 113 of 1965, s. 8; No. 60 of 1970, s. 3; subsections renumbered in 1950 reprint.

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.

(4a) Where a vehicle license in force under this section on the first day of January, nineteen hundred and seventy-one expires and an application is made in accordance with the provisions of this section for the renewal of the license, the local authority shall renew the license for a period—

(a) of not less than three and not more than six months, as selected by the local authority; or

(b) of more than six and not more than twelve months, as selected by the local authority,

but the applicant may elect which of the periods selected by the local authority pursuant to paragraphs (a) and (b) of this subsection he desires to be the period for which the vehicle license is to be renewed, but upon any subsequent renewal of the vehicle license the license shall be renewed for a period of six months or twelve months at the option of the applicant.

(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.

(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.

(7) (a) Where a license expires, the holder of the license shall within fifteen days of the date of its expiry return the number of 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.

(8) Notwithstanding the provisions of paragraph (a) or paragraph (c) 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.

(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 twenty-five cents.

(10) Notwithstanding the provisions of subsection (9) of this section, the additional fee of twenty-five cents referred to therein is not payable where a license is renewed for a period exceeding six months pursuant to paragraph (b) of subsection (4a) of this section.

Licensing of vehicles within metropolitan area.

Added as s. 9A by No. 24 of 1947, s. 4.

Renumbered s. 10 in 1947 reprint.

Repealed and re-enacted by No. 74 of 1956, s. 5.

Amended by No. 76 of 1957, s. 7.

No. 113 of 1965, s. 8.

No. 87 of 1966, s. 5.

10. (1) (a) The provisions of this section shall apply and have effect in relation to the issue and renewal after the coming into operation of the Traffic Act Amendment Act (No. 3), 1956, of vehicle licenses in every district and subdistrict comprising the metropolitan area, but shall have no operation in relation to the issue or renewal of vehicle licenses outside the metropolitan area.

(b) The Commissioner of Police shall, subject to this Act and the Motor Vehicle (Third Party Insurance) Act, 1943, grant and issue a vehicle license or the renewal of a vehicle license to an applicant who makes application in accordance with the provisions of this section and complies with the relevant provisions of this Act.

(2) (a) An application for a vehicle license or for the renewal of a vehicle license shall be made on the prescribed form by or on behalf of the owner of the vehicle in accordance with the regulations and shall be addressed to the Commissioner of Police.

(b) At the time of making the application the applicant shall pay to the Commissioner of Police the appropriate fee referred to in subsection (3) of this section.

(3) (a) The fees prescribed in the Third Schedule are payable for a license or a renewal of a license for a period of twelve months.

(b) Notwithstanding the provisions of section eleven of this Act, the fee for a vehicle license or a renewal of a license for a period which is less than twelve months shall be the amount which bears to the fee for a license for a period of twelve months,

the same ratio as the period for which the license if issued or renewed bears to a period of twelve months, plus a sum of twenty-five cents; but the sum of twenty-five cents shall not be payable in respect of a license granted under subsection (7) of this section.

(4) (a). Subject to this Act a license for a vehicle not previously licensed under this section or the license in respect of which has not been renewed in accordance with the provisions of this section may be granted and issued for a period of either six months or twelve months at the option of the applicant: But a license in respect of a tractor, semi-trailer, trailer or caravan may be granted and issued for a period of one month or two or more months, but not exceeding twelve months.

(b) The Commissioner of Police shall assign a number to the vehicle and issue a number plate or set of number plates with each license.

(c) The license when so issued shall commence and have effect from and including the date of its issue, which, for the purposes of this section, shall be regarded as the annual licensing date, but if the license so issued is in respect of a vehicle licensed under section nine of this Act, that license shall, if issued prior to or within fifteen days after the expiry of the license under section nine, commence and have effect on the day next succeeding the date of expiry of the license under section nine.

(5) (a) A vehicle license previously issued under this section may, subject to paragraphs (b) and (c) of this subsection, be renewed for a period of either six months or twelve months from the date of its expiry at the option of the applicant.

(b) A license previously issued under this section in respect of a tractor, semi-trailer, trailer or caravan may, notwithstanding the provisions of paragraph (a) but subject to those of paragraph (c) of this subsection, be renewed for a period of one month or two or more months, but not exceeding twelve months.

(c) Application for the renewal of a vehicle license may be made during the month preceding the date on which the license is due to expire or within fifteen days after that date and the license when so renewed shall continue in operation until the expiry of the period for which it is renewed.

(6) (a) Where a vehicle license issued under this section has expired and an application for its renewal has not been received by the Commissioner of Police within fifteen days after the date of its expiry, the person last registered as the owner of the vehicle shall return to the Commissioner of Police the number plate or number plates held by him in respect of the expired license; and in default thereof the person shall be liable to pay to the Commissioner of Police a fee which shall be equivalent to the fee payable in respect of the vehicle for a license for a period of six months or such lesser sum as the Commissioner of Police may demand, notwithstanding that the person may have ceased to be the owner of the vehicle.

(b) The fee payable by the person under the provisions of paragraph (a) of this subsection may be recovered as a penalty by complaint in a court of summary jurisdiction: But when demand is made by or on behalf of the Commissioner of Police for the fee referred to in paragraph (a) of this subsection, the person may, in lieu of paying the fee, apply for the renewal of the expired license and, in the case of a vehicle, not being a tractor, semi-trailer, trailer or caravan, on payment of the full license fee for a period of six months or a period of twelve months, or, in the case of a tractor, semi-trailer, trailer or caravan, on payment of the full license fee for a period of one month or a period of two or more months, the Commissioner of Police shall renew the license for that period; but the renewed license shall have effect only from the date of renewal and shall expire on the date it would have expired if renewed for the same period under the provisions of subsection (5) of this section.

(7) (a) In respect of a vehicle for which a license granted under section nine of this Act has expired or is about to expire, the Commissioner of Police may, subject to this Act, grant to an applicant a license for that vehicle under this section, but, notwithstanding the provisions of subsection (4) of this section, the license may be granted for such period not exceeding the period applied for, as the Commissioner of Police might determine.

(b) The fee payable for the license shall be the amount which bears to the fee for a license for twelve months the same ratio as the period for which the license when granted will bear to a period of twelve months.

(c) [*Deleted by No. 87 of 1966, s. 5.*]

(8) (a) Upon application by the owner of three or more vehicles licensed under the provisions of this section for a common annual licensing date the Commissioner of Police may re-issue the licenses for all or any of the vehicles to expire on the same date, such date to be determined by the Commissioner of Police.

(b) The day immediately following the date of expiry of the reissued licenses shall be regarded as the annual licensing date of those vehicles.

(c) Where a license is reissued pursuant to the provisions of paragraph (a) of this subsection the license fee shall be adjusted and the owner is—

- (i) liable to pay to the Commissioner of Police the balance sum, if any, due to make up the proportion of the fee due in respect of the license, after adjustment, for the period ending on the common expiry date of the licenses; and
- (ii) entitled to a refund of the amount, if any, paid in excess thereof prior to the adjustment;

but in calculating the balance sum due by an owner to the Commissioner of Police under subparagraph (i) of this paragraph, the owner is liable to pay the proportionate fee for a full calendar month's license in respect of any period short of a calendar month falling within the period covered by each reissued license.

Local authorities may in their discretion grant or refuse renewal of vehicle license for three-monthly periods.
Added by No. 76 of 1957, s. 7A.
Amended by No. 60 of 1970, s. 4.

10A. Notwithstanding the provisions of paragraph (c) of subsection (3) of section nine or of paragraph (a) of subsection (5) of section ten of this Act, power is hereby conferred on local authorities, in their absolute discretion, either to grant subject to this Act, or to refuse, an application for the issue of a vehicle license for a period of three months or for the renewal of a vehicle license for a period of three months from the date of its expiry.

Fees.
Third Schedule No. 60 of 1919, s. 10. renumbered s. 11 in 1950 reprint.
Substituted by No. 59 of 1958, s. 3.
Amended by No. 73 of 1963, s. 4.
No. 77 of 1965, s. 5.
No. 113 of 1965, s. 8.
No. 87 of 1966, s. 6.

11. (1) Subject to the exemptions and concessions provided in this section, fees shall be paid to local authorities for licenses or renewals of licenses granted, or for transfers of licenses effected, after the coming into operation of the Traffic Act Amendment Act (No. 3), 1956, in accordance with the appropriate scale prescribed in the Third Schedule to this Act.

(2) Where, in the opinion of a local authority, exceptional circumstances require it, and where the local authority has obtained the approval of the Minister to do so, it may grant a vehicle license subject to such conditions as it attaches to the vehicle license, to the owner of the vehicle without requiring payment of the appropriate fee for that vehicle license.

(3) A local authority shall issue a vehicle license without requiring the payment of a license fee where the vehicle—

(a) belongs to the Crown;

- (b) belongs to a local authority;
- (c) belongs to the Western Australian Fire Brigades Board, or any other fire brigade, if the vehicle is used exclusively for purposes connected with the prevention and extinguishing of fires;
- (d) is used exclusively as an ambulance;
- (e) is owned and used by a minister of religion, but this exemption applies to only one vehicle where the minister owns more than one vehicle;
- (f) is not a tractor referred to in subsection (6) of this section and is owned by a person who carries on the business of farming or grazing and is used solely on his farm or pastoral holding and is not used on a road otherwise than in passing from one portion of the farm or holding to another portion of the farm or holding;
- (g) is a trailer constructed and used solely for the purpose of carrying a gas producer or other motive power producing plant to propel a vehicle, and to carry fuel for that vehicle.

(3a) Upon receiving a statutory declaration, made by, or on behalf of, a person ordinarily resident in the State, declaring that a motor vehicle therein identified will be used for interstate transport, only, a local authority shall issue a vehicle license for that vehicle, without requiring the payment of a license fee.

(3b) (a) A local authority shall charge one-half of the fee calculated in accordance with the Third Schedule to this Act for the issue of a license for a vehicle for the use of which throughout the period for which the license is issued a charge is payable under the Road Maintenance (Contribution) Act, 1965.

(b) Where a license is required for a vehicle for the use of which a charge is payable under the Road Maintenance (Contribution) Act, 1965, by reason only of the issue of a permit under regulation five of the Traffic (Vehicle Weights) Regulations, 1963, the local authority shall, for that portion of the period for which the license is to be issued that is concurrent with the period for which the permit is valid, charge one-half of the fee otherwise payable for that period in accordance with the Third Schedule to this Act.

(c) Where a local authority has issued a license for a vehicle upon payment of the whole of the fee in accordance with the Third Schedule to this Act appropriate to the period for which the license was issued and, subsequently but during the currency of that license, by reason of—

- (i) the issue of a permit under regulation five of the Traffic (Vehicle Weights) Regulations, 1963; or
- (ii) the making of a proclamation under section eight of the Road Maintenance (Contribution) Act, 1965,

a charge becomes payable under the Road Maintenance (Contribution) Act, 1965 for the use of the vehicle, then the local authority shall repay to the owner of the vehicle one-half of such amount of the fee paid for the issue of the license as bears to that fee the same proportion as the period during the currency of the license for which the permit is valid or the proclamation applies to the vehicle bears to the whole of the period for which the license was issued.

(d) Where on the day of the coming into operation of the Road Maintenance (Contribution) Act, 1965, a license is in force in respect of a vehicle for the use of which a charge is payable under that Act, the local authority that issued that license shall repay to the owner of the vehicle one-half of such

portion of the fee paid for the issue of the license as bears to that fee the same proportion as the unexpired period of the license on that day bears to the whole of the period for which the license was issued.

(4) Where a trailer or semi-trailer is used or intended to be used exclusively on roads outside the South-West Land Division of the State, the local authority shall issue a vehicle license for the trailer or semi-trailer upon payment by or on behalf of the owner of one half of the appropriate vehicle license fee payable according to the scale in the Third Schedule to this Act.

(5) A local authority shall, in respect of one vehicle owned by any person, charge only one-half of the fee payable according to the scale in the Third Schedule to this Act where it is proved to the satisfaction of the local authority—

- (a) [*Deleted by No. 77 of 1965, s. 5.*]
- (b) that the license is required for a vehicle which is owned by a *bona fide* prospector, or a person other than a company as defined in the Companies Act, 1943,¹ who searches for or produces metals or minerals from land in which he holds an interest and which will be used by that prospector or person during the currency of the license, solely or mainly in connection with his occupation of prospecting; or
- (c) that the license is required for a vehicle which is owned by a *bona fide* sandalwood puller and which will be used by that person during the currency of the license solely or mainly in connection with the occupation of sandalwooding; or
- (d) that the license is required for a vehicle which is owned by a *bona fide* kangaroo-hunter, and which is used by that person during the currency of the license solely or mainly in connection with the occupation of kangaroo-hunting; or

¹ Companies Act, 1961.

(e) that the license is required for a vehicle which is owned by a person who—

(i) is a beekeeper within the meaning of the Bees Act, 1930,¹ and

(ii) is *bona fide* engaged in the keeping of bees substantially as a means of livelihood;

and which is used by that person during the currency of the license solely or mainly in connection with the occupation of beekeeping.

(5a) Subject to subsection (5b) of this section, a local authority shall charge only one-half of the fee payable according to the scale in the Third Schedule to this Act for the issue of a vehicle license where it is proved to the satisfaction of the local authority that the license applied for is required for a motor wagon, motor carrier, trailer, semi-trailer, or any vehicle, other than a motor car or a tractor referred to in subsection (6) of this section, used for the purpose of hauling a trailer or semi-trailer that is owned by a person carrying on the business of farming or grazing on any farm or other land and will be used during the currency of the license solely or mainly for the carriage of the products of, or requisites for, that business.

(5b) A local authority shall not extend the provisions of subsection (5a) of this section to the licensing of a vehicle—

(a) the weight of which is less than thirty hundredweights;

(b) for the use of which a charge is payable under the Road Maintenance (Contribution) Act, 1965; or

(c) that will be used in connection with the carrying on of the business of farming or grazing upon a farm or on land and there is in force a license to the issue of which

¹ Now Beekeepers Act, 1963.

the provisions of subsection (5a) of this section have been extended in respect of another vehicle used in connection with the carrying on of the business of farming or grazing upon that farm or on that land.

(6) A local authority shall issue a license for a tractor, other than a prime mover, that is owned by a person carrying on the business of farming or grazing and that is used, or will during the currency of the license be used, solely in connection with the owner's business of farming or grazing, on payment of a fee of four dollars, per annum.

(7) The Minister may direct a local authority to issue a license or licenses in respect of an interchangeable semi-trailer or any of them upon payment of a reduced fee, but so that any reduction shall not exceed seventy-five per centum of the fee otherwise payable in accordance with the Third Schedule to this Act.

(8) Where a vehicle license has been issued by a local authority, without the payment of a fee, or upon the payment of a reduced fee, subject to conditions stated in the license or subject to the ownership or use of the vehicle, under the provisions of this section, and the conditions are not observed or the ownership is changed to that of some person who would not be entitled to a license issued, or the vehicle is put to some use that would not occasion the license to be issued, without payment of a fee or at a reduced fee, then, unless, or until, the fee, or the difference between the fee and the reduced fee, has been paid in respect of that vehicle license, every person using that vehicle on a road contravenes the provisions of section five of this Act.

(9) [*Repealed by No. 77 of 1965, s. 5.*]

(10) Where a vehicle 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.

(11) [*Repealed by No. 77 of 1965, s. 5.*]

Local authorities may require the Minister to divest them of certain powers and duties.
Added by No. 52 of 1959, s. 3.
Repealed and re-enacted by No. 48 of 1969, s. 4.

11A. (1) A local authority whose district is wholly outside the metropolitan area may, by resolution, require that the Minister confer and impose on the Commissioner of Police all the powers conferred, and the duties imposed, by this Act on the local authority, other than those relating to the construction, reconstruction, maintenance and repair of roads; and the Minister may, if he thinks fit, by notice published in the *Government Gazette*, give effect to any such requirement, on and from a date specified in the notice.

(2) Where, pursuant to this section, the Commissioner of Police exercises the powers conferred, and performs the duties imposed, on a local authority, he shall, after making provision for the retention thereof of such amounts as the local authority might have retained under the provisions of section fourteen of this Act, pay to the Main Roads Trust Account, maintained under the Main Roads Act, 1930, all fees received by him for the issue, renewal and transfer of motor vehicle licenses, in respect of the district of the local authority.

11AA. [Added by No. 67 of 1964, S.4. Repealed by No. 48 of 1969, S.4.]

11AB. [Added by No. 67 of 1964, S.4. Repealed by No. 48 of 1969, S.4.]

11AC. [Added by No. 67 of 1964, S.4. Repealed by No. 48 of 1969, S.4.]

11B. (1) Where the fee for the issue or renewal of a vehicle license is paid by a cheque which is not honoured by the Bank on which it is drawn, the license is void as from the time of issue or renewal as the case may be.

License obtained by means of dishonoured cheque void. Added as s. 11A by No. 74 of 1956, s. 7. Amended by No. 76 of 1957, s. 9. Re-designated s. 11B by No. 52 of 1959, s. 4. Amended by No. 113 of 1965, s. 8.

(2) The person to whom a license referred to in subsection (1) of this section is issued shall, on demand by the local authority which issued the license or by a member of the police force or a traffic inspector, forthwith deliver the license and the identification tablets or number plates relating to that license to the local authority, member of the police force or traffic inspector.

(3) Where the person to whom the license is issued—

- (a) fails so to deliver the license or the tablets or plates; or
- (b) after the demand uses or continues to use or allows any other person to use the license or the tablets or plates relating to that license

he commits an offence.

Penalty: For a first offence, a fine not exceeding forty dollars; for any subsequent offence, a fine not exceeding one hundred dollars or imprisonment not exceeding fifty days.

Part II. S. 12.

Apportionment of fees between local authorities. No. 60 of 1919, s. 12, repealed and new section substituted by No. 39 of 1935, s. 7; Renumbered s. 11 in 1935 reprint and as s. 12 in 1950 reprint. Amended by No. 24 of 1950, s. 4; No. 74 of 1953, s. 4.

12. (1) The local authority of any district which has, after the commencement of the Traffic Act Amendment Act, 1950, received any vehicle or other license fee for a vehicle shall, if the license has been substantially exercised in any other one particular district, pay a fair proportion of such fee on demand to the local authority of such lastmentioned district.

(2) If any dispute shall arise between any local authority which has issued any such license and any other local authority in any such particular district as to whether the license has been substantially exercised in such lastmentioned district or as to a fair proportion of the fee to be paid to the local authority of such lastmentioned district the same shall be tried and determined by a stipendiary magistrate in the prescribed manner.

(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 lastmentioned 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, 1930-1939,¹ with the exception of roads so maintained pursuant to the provisions of section twenty-seven of that Act; and

¹ Now Main Roads Act, 1930-1969.

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

(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.

13. (1) On the recommendation of the local authority concerned the Minister may sanction a refund of a fair proportion of the license fee paid under this Act in respect of any vehicle in any circumstances which in the opinion of the Minister render it just and convenient that a refund should be made.

Minister may sanction refund of license fee. Added as s. 12A by No. 39 of 1935, s. 8. Renumbered s. 12 in 1935 reprint and s. 13 in 1950 reprint. Amended by No. 52 of 1959, s. 5. No. 67 of 1964, s. 5. No. 77 of 1965, s. 7. No. 113 of 1965, s. 8. No. 48 of 1969, s. 5.

(2) Where a refund of any vehicle license fee, or a proportion thereof, is made under any provision of this Act, other than subsection (3b) of section eleven, the local authority shall charge a fee of one dollar for such refund and may deduct that fee from the amount to be refunded.

(3) All fees charged for refunds under this section shall be paid by the local authority to the credit of the Main Roads Trust Account, maintained under the Main Roads Act, 1930.

14. (1) Subject to subsection (2) of this section, every local authority shall, on or before the fifteenth day of the month next following that in which it receives them, pay to the credit of the Main Roads Trust Account, maintained under the Main Roads Act, 1930, all fees received by the local authority for the issue, renewal and transfer of motor vehicle licenses.

Local authorities to pay fees to Main Roads Trust Account. No. 60 of 1919, s. 13. Renumbered s. 14 in 1950 reprint. Repealed and re-enacted by No. 48 of 1969, s. 6.

(2) A local authority may, during each financial year, in the manner from time to time approved by the Minister administering the Main Roads Act, 1930, retain an amount in respect of the motor vehicles on its register, as at the thirty-first day of December in that year, being,—

- (a) in the case of a local authority whose district, or part of whose district, is outside the metropolitan area, an amount of four dollars in respect of each motor vehicle, up to and including one thousand vehicles, and three dollars in respect of each motor vehicle in excess of that number; and
- (b) in the case of the Commissioner of Police, an amount of one dollar and fifty cents in respect of each motor vehicle.

(3) Every local authority shall from time to time, as required by him, notify the Commissioner of Main Roads, appointed under the Main Roads Act, 1930, of the amount of any fees received by the local authority for the transfer of vehicle licenses.

(4) All fees taken pursuant to the regulations, on the issue of a permit for the carrying on a vehicle of a load exceeding a prescribed load, shall be paid to the Main Roads Trust Account.

14A. [*Added by No. 67 of 1964, s. 6. Repealed by No. 56 of 1967, s. 7.*]

14B. [*Added by No. 77 of 1965, s. 9. Repealed by No. 48 of 1969, s. 7.*]

Obligation to grant licenses. No. 60 of 1919, s. 14. Amended by No. 22 of 1926, s. 9. Renumbered s. 15 in 1950 reprint. Amended by No. 76 of 1957, s. 10; No. 56 of 1967, s. 8.

15. (1) Except as hereinafter provided it shall not be competent for a local authority to refuse to grant any license under this Part of this Act, in respect of any vehicle, to an applicant tendering the proper fee or not bound to pay any fee, unless—

- (a) the vehicle is unfit to be used or driven on a road; or
- (b) the vehicle is unfit for the purpose for which the license is desired; or

- (c) the vehicle is not constructed and equipped in conformity with the provisions of this Act; or
- (d) the license applied for is not one that is appropriate to the vehicle; or
- (e) two convictions for offences against this Act have been obtained against the applicant during the preceding twelve months; or
- (f) in the case of an application for a passenger vehicle license, the applicant is of bad repute, or is not a fit and proper person to be the holder of such a license, or, in the opinion of the local authority, the reasonable requirements of the public do not justify the granting of the license.

(1a) (a) Where in the opinion of a local authority the reasonable requirements of the public justify the operation in any portion of its district or area of a taxi-car to serve those requirements, the local authority in its discretion may, subject to such conditions as it is hereby authorised to impose restricting the operations of the taxi-car to such portion of its district or area as it specifies in those conditions, grant and issue in respect of each such taxi-car a passenger vehicle license to an applicant on payment of the appropriate fee subject to such other provisions of this Act as are applicable to the granting of passenger vehicle licenses.

(b) A license so granted and issued shall, notwithstanding the provisions of section eight of this Act, be effective and operative within such portion of the district or area as is specified in the conditions, but shall be deemed effective and operative in any place outside that portion when the taxi-car is engaged to carry a passenger or passengers from that portion of the district or area to a place outside that portion, or is engaged to carry a passenger or passengers upon a journey which begins and ends within that portion, although part of that journey is made outside that portion.

(2) If in the opinion of the local authority, any motor vehicle for which a license to carry passengers is held is so out of repair as to be unfit for use on a road, or any conditions restricting the operations of a taxi-car imposed under the provisions of subsection (1a) of this section have not been observed or complied with, the local authority may, by complaint and summons in a court of summary jurisdiction, require the licensee to show cause why his license should not be cancelled, and the court may in either case cancel the license, or if it finds that the vehicle is so out of repair as to be unfit for use on a road, suspend the license until the vehicle is repaired to the satisfaction of the court:

A license so suspended shall, during the period of suspension, be of no effect.

16. (1) Where a person to whom a license in respect of a vehicle has been granted in any district ceases to be the owner of the vehicle, he shall

- (a) forthwith give notice in writing to the licensing authority of that district of the name and address of the new owner of the vehicle; and
- (b) if the license had, pursuant to the provisions of section eleven of this Act, been obtained free of charge or on payment of a fee which is less than the appropriate fee for that vehicle as prescribed in the Third Schedule to this Act, forthwith return the license and the appropriate number plates to the licensing authority.

(1a) (a) The person who becomes the owner of the vehicle shall, immediately on becoming the owner, apply to the licensing authority for the transfer of the license to him and pay the prescribed fee.

(b) A person who fails to comply with the provisions of this subsection commits an offence.

Transfer of vehicle licenses. no. 60 of 1919, s. 15; renumbered s. 16 by 1950 reprint.
Amended by No. 74 of 1956, s. 9; No. 76 of 1957, s. 11; No. 12 of 1959, s. 3; No. 65 of 1961, s. 5; No. 113 of 1965, s. 8; No. 35 of 1968, s. 4.

(c) The court convicting a person of an offence under this subsection shall, whether imposing any penalty or not, order that person to pay the prescribed transfer fee; and that order may be enforced as though the amount of the fee were a penalty imposed under this subsection.

Penalty: For a first offence a fine not exceeding forty dollars; for any subsequent offence, a fine not exceeding one hundred dollars.

(2) Where a person to whom a license in respect of a vehicle has been granted in any district dies, the licensing inspector or officer of that district shall on payment of the prescribed fee, if any, by the executor or administrator of that person endorse on the license the transfer thereof to that executor or administrator.

(3) An application for a transfer may be refused for any reason for which an application for a license by the same person for the same vehicle might be refused and may be refused where the applicant has not complied with the provisions of the Stamp Act, 1921, relating to the transfer of motor vehicle licenses.

17. (1) Where, after the coming into operation of the Traffic Act Amendment Act, 1956, a person is convicted of an offence against this Act, other than an offence prescribed for the purposes of section seventy-four of this Act, the court, in lieu of or in addition to any other penalty provided by law which it may see fit to impose,

(a) may, if the person is the holder of a current license granted under this Part, by order cancel the license and may in addition order that the person shall be disqualified for a period not exceeding twelve months from holding a license of the same kind as the license so cancelled; or

Cancellation of licenses. No. 60 of 1919, s. 16, renumbered s. 17 in 1950 reprint. Amended by No. 74 of 1953, s. 6; No. 74 of 1956, s. 10; No. 57 of 1968, s. 3.

Part II. Ss. 17-19.

(b) may, if the person is not the holder of a current license granted under this Part, order that the person shall be disqualified for a period not exceeding twelve months from holding a license of such kind as the court specifies in the order.

(2) When any license has been so cancelled, it ceases to have force or effect and the licensee shall be disqualified during the period for which the license was granted from obtaining a license under this Part in respect of any vehicle of the kind for which the forfeited license was granted.

(3) A person who, by order of a court is disqualified from holding a license under this section is, during the period of disqualification, not entitled to apply for, obtain, or hold a license of the kind to which the disqualification applies.

Appeal
No. 60 of
1919, s. 17,
renumbered
s. 18 in 1950
reprint.

18. (1) There shall be an appeal to a court of petty sessions, whose order shall be final, in any case where a license, or a transfer of a license, under this Part of this Act is refused.

(2) On the hearing of the appeal the court may order that the license shall be granted, or may dismiss the appeal, and may order either party to the appeal to pay such costs as in its discretion the court may think fit.

Exemptions
No. 60 of
1919, s. 18,
renumbered
s. 19 in 1947
reprint.
Amended by
No. 22 of
1926, s. 10;
No. 39 of
1935, s. 10;
No. 16 of
1941, s. 5;
No. 29 of
1949, s. 5;
No. 59 of
1958, s. 4.
No. 62 of
1965, s. 4.
No. 113 of
1965, s. 8;
No. 56 of
1967, s. 9.

19. Notwithstanding anything hereinbefore contained,—

(a) a person shall not be liable to a penalty under section five in respect of any vehicle if he proves that he has had no reasonable opportunity of obtaining a license for the vehicle, and that the same is being driven on a road direct to the office of the local authority for the purpose of obtaining a license; or that the vehicle is being driven

or towed on a road in the course of a journey to a repairer for the purpose of the vehicle being repaired;

Provided that—

- (i) this paragraph shall not apply where the vehicle is being driven on a road within the district of one local authority for the purpose of obtaining a license therefor from another local authority, unless the owner of the vehicle has obtained from the local authority in whose district the journey on which the vehicle is being driven commences a permit to drive the vehicle on such journey for the purpose aforesaid; and
- (ii) this paragraph shall not apply where the vehicle is being driven or towed on a road in course of a journey to a repairer for the purpose of the vehicle being repaired, unless the owner of the vehicle has obtained from the local authority, in whose district the journey on which the vehicle is being driven or towed, commences, a permit for the vehicle to be driven or towed upon the journey for that purpose or unless, in the case of a vehicle being towed, it is towed by a duly licensed tow truck;
- (iii) every local authority shall have power to issue permits under and for the purposes referred to in paragraphs (i) and (ii), of this proviso in the prescribed form;

- (b) a local authority may, on payment of a prescribed fee not exceeding twenty dollars, together with any other fee that may be prescribed for the issue of identification tablets, generally, assign and issue to a person of a prescribed class residing in, or having business premises in, its district identification tablets for use, subject to such conditions, as may be prescribed, on any motor vehicle, generally; and a person complying with the regulations in that regard is exempt from the provisions of section five of this Act, with respect to a vehicle to which the tablets so issued are attached.

Register of
vehicle
licenses.
Added as
s. 18A by
No. 20 of
1930, s. 9,
renumbered
s. 19 in 1935
reprint and
s. 20 in 1950
reprint.

20. (1) Every licensing authority shall keep a register of vehicle licenses, and enter therein as prescribed particulars of every vehicle license issued by such authority; and shall upon payment of the prescribed fee issue to every applicant for a vehicle license a certificate of such registration of such license.

(2) A certificate of registration shall have effect only whilst the license in respect of which it is issued remains in operation.

(3) Every owner of a licensed vehicle shall at all times whilst the license for such vehicle remains in operation affix and keep affixed to the vehicle the certificate of registration issued to him under this section by such means in such manner and in such place in the vehicle as may be prescribed.

Classifica-
tion of
vehicle
licenses.
Added by
No. 80 of
1964, s. 2.

20A. Notwithstanding any other provision of this Part, the Governor may make regulations prescribing classes of vehicle licenses and by those regulations—

- (a) designate the kind or kinds of vehicle to which any class of license is to apply;

- (b) permit licenses of any particular class to be issued for a limited period or limited periods; and
- (c) empower local authorities to impose limitations on the use of a vehicle for which a particular class of license is issued.

20B. (1) Notwithstanding any other provision of this Part, the Minister may, by notice in the *Government Gazette*, from time to time prohibit the issue, the renewal or the transfer of a vehicle license, in respect of a vehicle of a particular class or of a particular class in a specified part of the State, unless and until the vehicle has been examined, and a certificate of roadworthiness has been issued for it, in accordance with the regulations; and the Minister may cancel or vary any such notice.

Minister may require certain vehicles to be examined. Added by No. 37 of 1969, s. 3.

(2) Without limiting any power conferred upon him to make regulations under this Act, the Governor may make regulations—

- (a) prescribing the standards of training and competence of persons employed in testing vehicles;
- (b) providing for the issue, expiry, renewal, suspension and cancellation of licenses for vehicle testers and appointing, and enabling, a licensing authority to do any of those things;
- (c) prescribing the equipment to be used in and about the testing of vehicles;
- (d) providing for the periodic or other testing of persons employed on, and the equipment used in or about, the testing of vehicles;
- (e) regulating the manner of making examinations and tests of, and the issue of certificates of roadworthiness for, vehicles;

Parts II. . . . Ss. 20B-21A.
and IIA.

- (f) prescribing the fees to be paid to persons testing, and for the issue of certificates of roadworthiness for, vehicles; and
- (g) prescribing penalties not exceeding two hundred dollars for the breach of any regulation made under this section.

Offences.
Added as
s. 18B by
No. 20 of
1930, s. 9,
renumbered
s. 20 in 1935
reprint and
s. 21 in 1950
reprint.
Amended by
No. 76 of
1957, s. 12;
No. 113 of
1965, s. 8.

21. Any person who drives or causes or permits to be driven upon any road a vehicle—

- (a) not having the proper certificate of registration as required by section twenty of this Act affixed thereto; or
- (b) not having such certificate of registration properly affixed thereto; or
- (c) having such certificate of registration obscured so that the same is not clearly visible; or
- (d) having such certificate of registration obliterated by any material; or
- (e) having such certificate of registration so damaged that the same is not completely and distinctly visible,

shall be guilty of an offence under this Act.

Penalty: For a first offence, a fine not exceeding forty dollars; for any subsequent offence, a fine not exceeding one hundred dollars.

{NOTE: S. 19
as enacted
by No. 60 of
1919 was
repealed by
No. 22 of
1926, s. 11.}]
Part IIA.
Added by
No. 74 of
1956, s. 12.

PART IIA.—OVERSEAS MOTOR VEHICLES WHEN
TEMPORARILY IN AUSTRALIA.

21A. (1) This Part applies to any motor vehicle which is

imported for temporary use in the Commonwealth from any country outside the Commonwealth

Application
of this Part.
Added by
No. 74 of
1956, s. 12.

and

landed in this State direct from that country

or

brought to this State from any other State or a Territory of the Commonwealth.

(2) The provisions of this Part do not affect the other provisions of this Act or the provisions of the regulations made under the Act, except to the extent expressly provided.

21B. Where a motor vehicle to which this Part applies and which is owned by a person who is not a permanent resident of any State or Territory of the Commonwealth is landed in this State direct from any country outside the Commonwealth, the owner of the vehicle is entitled, on application to the local authority within whose district he is for the time being residing, and subject to the provisions of sections 21E and 21F of this Act, to be issued with a vehicle license for that vehicle free of charge, for a period not exceeding twelve months calculated from the date when the vehicle was landed in this State, if it appears to the local authority that there are in force

When owner of overseas vehicle entitled to free license. Added by No. 74 of 1956, s. 12.

- (i) a vehicle license or registration effected in relation to that vehicle under the law of the country of which the owner is a permanent resident, and
- (ii) a contract of insurance with respect to the vehicle as provided in section four of the Motor Vehicle (Third Party Insurance) Act, 1943;

but the period for which a local authority issues a license under this section is not to extend beyond the date of the expiry of the license or registration effected under the law of that country nor beyond the date of the expiry of the contract of insurance.

Part IIA. Ss. 21C-21D.

License issued in another State valid in this State. Added by No. 74 of 1956, s. 12.

21C. For the purpose of this Part a license issued or a registration effected by any licensing or registering authority of another State or Territory of the Commonwealth in respect of a vehicle to which this Part applies is

during the currency of the license or registration
and

if a contract of insurance with respect to that vehicle as provided in subsection (4) of section three, or in section four, of the Motor Vehicle (Third Party Insurance) Act, 1943 is in force,

to be regarded as a vehicle license under this Act in respect of the vehicle when it is used on any road within the State.

When free license may be extended free of charge. Added by No. 74 of 1956, s. 12.

21D. Where a license issued free of charge under section 21B of this Act, or a license issued, or a registration effected, free of charge by any licensing or registering authority of another State or a Territory of the Commonwealth, in respect of a motor vehicle to which this Part applies, expires,

if the vehicle is being used in this State,

the owner of the vehicle is,

on application to the local authority within whose district he is for the time being residing, and subject to the provisions of sections 21E and 21F of this Act,

entitled to an extension or a renewal of the license or registration by the local authority free of charge for a period, not extending beyond the period of twelve months from the date on which the vehicle was landed in the Commonwealth, if it appears to the local authority that there are in force

- (i) a vehicle license or registration effected in respect of that vehicle under the law of the country of which the owner is a permanent resident, and

- (ii) a contract of insurance with respect to the vehicle as provided in subsection (4) of section three, or in section four, of the Motor Vehicle (Third Party Insurance) Act, 1943,

but the period for which a local authority extends or renews the license or registration under this section is not to extend beyond the date of the expiry of the license or registration, as the case may be, effected under the law of that country nor beyond the date of the expiry of the contract of insurance.

21E. The owner of the vehicle is not entitled to be issued with a license for the vehicle free of charge under section twenty-one B, or to an extension or renewal of the license or registration free of charge under section twenty-one D, of this Act, unless he produces for inspection by the local authority a document representing a valid *Triptyque* or *Carnet de passages en douane* relating to the vehicle, or such other documentary evidence as the local authority requires establishing that the owner has given to the Customs Department of the Commonwealth Government a guarantee that the vehicle is to be subsequently taken out of Australia.

Owner to furnish evidence of guarantee that vehicle will be taken out of Australia before free license or extension of license granted. Added by No. 74 of 1956, s. 12.

21F. A local authority shall not grant, issue, extend or renew a license in respect of a motor vehicle to which this Part applies, notwithstanding the provisions of sections twenty-one B or twenty-one D of this Act, unless it appears to a licensing officer of the local authority that the provisions of this Act relating to the construction, appliances, lamps and other equipment of motor vehicles have been complied with and have not been contravened in regard to that motor vehicle.

No license to be granted or extended unless Act complied with regarding construction, etc., of vehicles. (See No. 30 of 1918, s. 4 "This Act" includes regulations). Added by 1956, s. 12.

Part IIA. Ss. 21G-21J.

Free license or renewal ceases to be valid when owner becomes, or transfers vehicle to, permanent resident. Added by No. 74 of 1956, s. 12.

21G. When the owner of a vehicle to which this Part applies and in respect of which a vehicle license is issued, extended or renewed free of charge under this Part, becomes, or transfers the vehicle to, a permanent resident of the Commonwealth of Australia, the license so issued, extended or renewed becomes invalid.

When provisions of Act apply as though this Part was not enacted. Added by No. 74 of 1956, s. 12.

21H. Where the owner of a vehicle to which this Part applies is not entitled to be issued with a license for the vehicle free of charge under section twenty-one B, or to an extension or renewal of the license free of charge under section twenty-one D, or where a license issued free of charge in respect of a vehicle to which this Part applies becomes invalid as provided by section twenty-one G, of this Act, the vehicle may be licensed in accordance with the provisions of this Act as though this Part was not enacted.

Free certificate of registration to be issued with each free license or renewal of license. Added by No. 74 of 1956, s. 12.

21J. (1) Where a license is issued or extended or renewed free of charge in accordance with the provisions of this Part, the local authority shall issue to the owner of the vehicle a certificate of registration, free of charge, which shall have effect for the duration of the license in respect of which it is issued.

(2) The owner of the vehicle shall, so long as the license in respect of which it is issued remains in force, affix and keep affixed to the vehicle the certificate of registration issued to him under this section by such means and in such manner as is prescribed in regard to ordinary certificates of registration and the provisions of section twenty-one of this Act apply to persons who drive or cause or permit to be driven upon any road a vehicle to which this Part applies, as though that section was enacted in this Part.

21K. Where a motor vehicle, to which this Part applies and which is owned by a person who is not a permanent resident of any State or Territory of the Commonwealth, when landed in or brought to this State, is equipped with one or more identification tablets or number plates in accordance with the law of the country, or the States or Territory of the Commonwealth from which it was so landed or brought those tablets or plates are to be regarded, so long as the vehicle license under this Act remains or is regarded to be in force and the vehicle is being used temporarily within the Commonwealth, as identification tablets or number plates issued under this Act and the provisions of section twenty-seven of this Act apply to persons who drive or cause or permit to be driven upon any road a vehicle to which this Part applies as though that section was enacted in this Part and the expression "number plate" means an identification tablet or a number plate with which the vehicle was equipped when landed in or brought to this State; but where the vehicle is not so equipped or where the tablet or plate is so mutilated that any material part is obscured, obliterated or indistinct, the local authority within whose district the owner is for the time being residing shall, on payment of the prescribed charge, issue to him a temporary plate or plates which he shall affix to the vehicle in the manner prescribed and which are to be regarded, so long as a vehicle license or registration under this Act remains in force in respect of the vehicle and the vehicle is being used temporarily within the Commonwealth, as an identification tablet or tablets or a number plate or plates issued under this Act.

Identification tablets or number plates on overseas vehicles. Added by No. 74 of 1956, s. 12.

21L. The Governor may make such regulations as may be necessary or convenient for carrying out or giving effect to the provisions of this Part and, without limiting the generality of the foregoing, by such regulations may—

Regulations. Added by No. 74 of 1956, s. 12.

- (a) prescribe the particulars to be stated in any application made under section twenty-one B and section twenty-one D of this Act;

- (b) prescribe the type of temporary number plates to be issued by a local authority, the charge for temporary number plates and the conditions of their use, and provide for their surrender before the vehicles in respect of which they are issued are taken out of Australia;
- (c) provide for the issue by local authorities at a prescribed charge of plates displaying the words "Left-Hand Drive" in letters at least two inches high to owners of vehicles to which this Part applies and which have the steering apparatus on the left-hand side of the vehicle;
- (d) prescribe the charge for those plates;
- (e) prescribe the conditions under which "Left-Hand Drive" vehicles to which this Part applies may be used on any road in this State;
- (f) prescribe the nature and kind of information and particulars owners of vehicles to which this Part applies are to give a local authority at any specified time or from time to time;
- (g) authorise the licensing under this Part and the use in this State of vehicles to which this Part applies notwithstanding that any regulations relating to the construction, appliances, lamps and other equipment have not been complied with; and
- (h) require every vehicle to which this Part applies and in respect of which any regulations referred to in paragraph (g) of this section have not been complied with to be converted so as to comply with those regulations when the owner becomes, or the vehicle is transferred to, a permanent resident of the Commonwealth.

Ss. 21M-22. Parts IIA and III.

21M. The provisions of this Part do not affect any of the provisions of the State Transport Co-ordination Act, 1933.¹

State Transport Co-ordination Act not affected.
Added by No. 74 of 1956, s. 12.

PART III.—TRAFFIC INSPECTORS.

22. (1) In each district there shall be a traffic inspector or two or more traffic inspectors appointed by the local authority.

Traffic Inspectors No. 60 of 1919, s. 20, renumbered s. 19 in 1926 reprint s. 21 in 1935 reprint and s. 22 in 1950 reprint.

(2) Every such inspector—

Amended by No. 22 of 1926, s. 12; No. 24 of 1946, s. 2; No. 74 of 1956, s. 13, No. 86 of 1956, s. 25. No. 59 of 1958, s. 5. No. 113 of 1965, s. 8; No. 56 of 1967, s. 10.

(a) may by virtue of his office, and without receiving express authority from the local authority institute and carry on any proceedings against any person for any alleged offence against this Act or any breach of the regulations thereunder;

(b) may exercise all such powers and shall perform all such duties as are vested or imposed in or upon him by this Act, and, for the purpose of making investigations or inquiries concerning any offence against this Act or the regulations under the Act, committed within the district of the local authority by which he was appointed, may question, interview or obtain particulars from persons residing in other districts;

(c) shall be reimbursed out of the ordinary revenue of the local authority all costs and expenses which he may incur or be put to in or about the premises;

(d) may be dismissed from office by the local authority.

(3) The power to appoint an inspector includes the power to appoint assistant inspectors.

¹ Now State Transport Co-ordination Act, 1966.

(4) It shall be the duty of every police officer to aid and assist inspectors in the exercise and discharge of their powers and duties, and members of the police force may exercise such powers and shall perform such duties of inspectors (except the granting or transfer of licenses or the effecting of registrations) as the Commissioner of Police may by general or special order published in the *Gazette*¹ think fit for the time being to vest in or impose upon them.

(5) Every such member of the police force and every such inspector may exercise all such powers and shall perform all such duties as are vested or imposed in or upon him by this Act in respect of any road open to public traffic, notwithstanding that such road may be on Government or private property.

(6) The Minister may appoint any person to be an inspector who shall, in respect of any road to which his appointment extends, have such powers and perform such duties of an inspector as the Minister may from time to time direct.

(7) The local authority may review any action or decision of any inspector (not being a police officer or any inspector appointed by the Minister) in its district, and the Minister may review any act or decision of any inspector appointed by him.

(8) Every inspector appointed under this Act or the regulations thereunder (not being a member of the police force) shall be furnished with a prescribed certificate of his appointment, and shall produce such certificate whenever required so to do by any person in respect of whom he has exercised or is about to exercise any of his powers under this Act.

Penalty—Ten dollars.

Provided that within the metropolitan area the regulation and control of traffic shall, subject to the next following proviso, be administered solely by the

¹ See *Gazette* 24/1/69, p. 244.

Commissioner of Police and the members of the police force; such area to be defined by regulation and in addition, in any part of the metropolitan area which is a parking region, the Commissioner of Police and the Council of the City of Perth shall jointly and severally regulate and control traffic in that part of that area in respect of the powers conferred on the Council of the City of Perth by the City of Perth Parking Facilities Act, 1956.

Provided also that the Minister may appoint officers of the Main Roads Department to regulate and control traffic within the metropolitan area, on roads under construction or maintained by the said Department under the provisions of the Main Roads Act, 1930; and may appoint an inspector to control traffic within a limited part of that area.

Provided also that an inspector appointed by the Council of the City of Perth under the City of Perth Parking Facilities Act, 1956, may by virtue of his office, and without receiving express authority from the Minister, or the Commissioner of Police but when authorised by that Council, institute and carry on proceedings against a person for an alleged offence against any regulation under this Act, whether made before or after the coming into operation of the City of Perth Parking Facilities Act, 1956, which has the effect of prohibiting or restricting the parking or standing of a vehicle in any road or place within a parking region prescribed under that Act.

(9) Any person who falsely represents himself to be a Traffic Inspector appointed under this Act is guilty of an offence.

Penalty—One hundred dollars.

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.

Local authorities may join in appointment, etc. of Inspector. S. 22A, added by No. 74 of 1953, s. 7.

(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.

Ss. 22A-23.

Part III.
and Part
IV., Div. 1.

(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.

PART IIIA.—USED CAR DEALERS.

[Sections 22AA-22AF added by No. 76 of 1957, s. 13. Repealed by No. 51 of 1964, s. 30.]

PART IV.—REGULATION OF TRAFFIC.

Division 1.—Motor and other Vehicles.

23. (1) An application for a driver's license shall be lodged with the Commissioner of Police in the prescribed form and shall specify the class of motor vehicle for which the appropriate license is sought.

(2) Subject to the succeeding provisions of this Division, the Commissioner of Police shall, on the application of any person, on payment of the fees provided by this Act and on being satisfied that the applicant—

- (a) has attained the minimum age of seventeen years, unless in the opinion of the Commissioner of Police, the denial of a license to a person of a lesser age would occasion undue hardship in which case he is empowered to issue a license;
- (b) has, if under the age of eighteen years, obtained the consent in writing of a parent or guardian to hold the class of license

[Heading amended by No. 16 of 1922, s. 5.]

Licensing of drivers. No. 60 of 1919, s. 21, renumbered s. 20 in 1926 reprint, s. 22 in 1935 reprint and s. 23 in 1950 reprint. Substituted by No. 74 of 1963, s. 4.

applied for, or, where the applicant has no parent or guardian in the State, of his employer, to hold the class of license applied for if considered essential for the purposes of his employment;

- (c) has demonstrated his ability to control the class of motor vehicle for which the appropriate driver's license is sought; and
- (d) has a reasonable knowledge of the traffic laws of the State,

issue to the applicant a driver's license appropriate to the class of vehicle for which it is sought.

(3) The Commissioner of Police may accept a certificate of the "Road Safety Instructional Centre" of the body known as the National Safety Council of Western Australia, in satisfaction of the requirements imposed by paragraphs (c) and (d) of subsection (2) of this section.

(4) An applicant for a driver's license appropriate to the passenger vehicle class provided by section twenty-three A of this Act may, in addition to satisfying the requirements of subsection (2) of this section be required to—

- (a) submit himself to a medical practitioner approved by the Commissioner of Police, for examination as to his physical fitness to drive a passenger vehicle; and
- (b) supply proof of his good character.

23A. The Governor may make regulations—

- (a) classifying motor vehicles for the purposes of this Division; and
- (b) prescribing the minimum ages, subject to section twenty-three of this Act, of persons to be issued with a driver's license appropriate to any class of motor vehicle.

Ss. 23B-23C. Part IV.,
Div. 1.

23B. (1) Where an applicant for a driver's license—

Conditional
drivers'
licenses.
Added by
No. 74 of
1963, s. 4.
Amended by
No. 62 of
1965, s. 6;
No. 113 of
1965, s. 8.

- (a) is, in the opinion of the Commissioner of Police, incapable, by reason of any physical disability, of properly driving, or controlling a motor vehicle but the incapacity can be overcome by the wearing of suitable aids or the fitting to the motor vehicle of suitable appliances; or
- (b) is unable to comply with any of the requirements, not being the requirement of paragraph (c), of subsection (2) of section twenty-three of this Act, and the denial of a driver's license would, in the opinion of the Commissioner of Police, occasion undue hardship or inconvenience; or
- (c) should not, in the opinion of the Commissioner of Police, drive a motor vehicle, except subject to conditions or limitations,

the Commissioner of Police may issue a driver's license subject to such conditions as he thinks fit to impose; and those conditions shall be indorsed on the driver's license.

(2) Every person who, being the holder of a driver's license indorsed with conditions pursuant to subsection (1) of this section, fails to comply with those conditions, or any of them, commits an offence.

Penalty: For a first offence, forty dollars; and for any subsequent offence, one hundred dollars or imprisonment for three months.

23C. (1) Every driver's license that is issued to a person who—

- (a) has not previously held a driver's license under this Act; or
- (b) has not, during a period of three years or more, been authorised to drive a motor vehicle, under the law in force in any other State or in a Territory or other country; or

Drivers'
licenses to
be issued on
probation.
Added by
No. 74 of
1963, s. 4.
Amended by
No. 87 of
1966, s. 11.

Part IV.,
Div. 1.

Ss. 23C-23D.

(c) being, or having been, the holder of a driver's license issued on probation, has not been the holder of a valid driver's license so issued for a period of, or for periods amounting in the aggregate to, three years,

shall be issued on probation only, and the license shall be indorsed to that effect, in the prescribed manner.

(2) For the purposes of this section, a person is not the holder of a driver's license for any period during which the license is cancelled or during any period of its invalidity.

(3) Where a person satisfies the Commissioner of Police that he has, under the law in force in any other State or in a Territory or other country, been authorised to drive a motor vehicle for a period of, or for periods amounting in the aggregate to, less than three years, he is deemed, for the purposes of paragraph (c) of subsection (1) of this section, to have been the holder of a driver's license issued on probation during that period or those periods and the period or periods shall be taken into account, accordingly.

Renewal of
drivers'
licenses.
Added by
No. 74 of
1963, s. 4.
Amended by
No. 87 of
1966, s. 12.

23D. (1) Subject to any other provisions of this Act, a driver's license is valid for a period of twelve months from the date of issue or renewal and may be renewed for a further period of twelve months, within one month prior to, or within twelve months after, its expiry.

(2) Where a driver's license is not renewed prior to its expiry but within a period of twelve months thereafter, the renewal has the effect of validating the license for the balance of that period of twelve months, only; but, where the holder has, within fifteen days after the expiry, given to the Commissioner of Police notice of his intention not to renew the license and thereafter renews it within twelve months after its expiry, the renewal has effect on and from the day on which it is effected.

(3) Where the renewal of a driver's license is not effected within twelve months after its expiry, the Commissioner of Police may require an applicant for renewal to satisfy him of the requirements, or any of the requirements, provided by subsection (2) of section twenty-three of this Act, and, where the applicant is required to demonstrate, again, his ability to control the class of vehicle in respect of which the license was issued, the application for renewal is deemed, for the purposes of Part III of the Third Schedule to this Act, to be a first application for a driver's license.

24. (1) The Commissioner of Police may refuse to issue a driver's license, or may cancel, suspend or refuse to renew a driver's license, where he has reason to believe that the applicant for, or the holder of, a license—

- (a) is not of good character;
- (b) is addicted to alcohol or drugs, to such extent as to render him a danger to the public, when in control of a motor vehicle on a road;
- (c) suffers from a mental disorder, or from a physical disability that is likely to impair his ability to control a motor vehicle;
- (d) is debarred from driving a motor vehicle under the law in force in any other State or in a Territory or other country; or
- (e) should not, by reason of the number or nature of his convictions for offences (not being offences prescribed for the purposes of section seventy-five of this Act) under this Act or the regulations, be the holder of a driver's license; or
- (f) is no longer capable of controlling the class of motor vehicle for which he holds the appropriate driver's license.

Power of Commissioner of Police to refuse or to suspend drivers' licenses.

Added as s. 20A by No. 39 of 1935, s. 11, renumbered s. 23 in 1935 reprint and s. 24 in 1950 reprint.

Substituted by No. 74 of 1963, s. 4.

Amended by No. 62 of 1965, s. 7; No. 37 of 1969, s. 4.

(2) Without affecting any penalty to which the holder may be liable, the Commissioner of Police may cancel or suspend the operation of, and refuse to renew, a driver's license, where—

- (a) the holder of the license obtained its issue by fraud or misrepresentation or in a manner contrary to the provisions of this Act; or
- (b) the license being indorsed, pursuant to the provisions of subsection (1) of section twenty-three B of this Act, the holder of the license has failed to comply with any condition to which its issue was subject.

(3) Where the Commissioner of Police decides to exercise the power conferred by subsection (1) or by subsection (2) of this section, he shall give to the person thereby affected notice in writing of that decision, setting out his reasons therefor; and a person aggrieved by the decision may, within thirty days after the receipt of the notice, apply, by way of complaint, to a Court of Petty Sessions for a review of the decision.

(4) The court hearing an application made under subsection (3) of this section shall comprise a stipendiary magistrate and may, after hearing the parties, grant or dismiss the application; and, in granting the application, shall review the decision of the Commissioner of Police and make such order, including an order for the issue of a driver's license, subject to conditions and limitations, as it thinks fit.

(5) The Commissioner of Police shall not renew a driver's license, in the case of a license holder aged seventy-five years or more, but less than eighty years, unless the license holder has, within the past three years, satisfied him, and in the case of a license holder aged eighty years or more, until the

license holder again satisfies him, that he is able to comply with the requirements of paragraph (c) of subsection (2) of section twenty-three of this Act.

(6) Where, pursuant to an order made under subsection (4) of this section, a license is issued subject to limitations or conditions, the provisions of subsection (2) of section twenty-three B of this Act apply, as though the license were issued pursuant to that section.

24A. [Added by No. 57 of 1951, s. 8. Repealed by No. 74 of 1963, s. 4.]

25. (1) Subject to section twenty-five A of this Act, every person who—

- (a) drives a motor vehicle of a class for which he is not the holder of the appropriate, valid driver's license; or
- (b) employs, or permits, some other person to drive a motor vehicle of a class for which that other person is not the holder of the appropriate, valid driver's license,

on a road, commits an offence.

Penalty: For a first offence, forty dollars; and for any subsequent offence, one hundred dollars or imprisonment for three months.

(2) Where a person,—

- (a) having applied for a driver's license and having been refused the issue of the license under the provisions of section twenty-four of this Act; or
- (b) having held a driver's license that is cancelled or of which the operation is suspended; or
- (c) having been disqualified from holding or obtaining a driver's license,

Offence of driving motor vehicles without appropriate driver's license.
No. 60 of 1919, s. 22 renumbered s. 21 in 1926 reprint, s. 24 in 1935 reprint and s. 25 in 1950 reprint.
Substituted by No. 74 of 1963, s. 4.
Amended by No. 62 of 1965, s. 8; No. 113 of 1965, s. 8.

commits an offence against subsection (1) of this section, he may be arrested without warrant, by a member of the Police Force or a traffic inspector, and is liable, instead of to the penalties provided by that subsection, to those provided by this subsection.

Penalty: Not less than one hundred dollars or more than two hundred dollars or, in the alternative, imprisonment for a period not exceeding twelve months.

(3) The Court convicting a person of an offence against this section shall, if the offence is committed in any of the circumstances mentioned in subsection (2) of this section, disqualify that person from holding or obtaining a driver's license, appropriate to any class of vehicle whatever, for a period of not less than six months or more than two years, as the court thinks fit; and the period of disqualification so imposed shall be cumulative upon any other period of disqualification to which that person may then be subject or upon any period for which the operation of his driver's license may currently be suspended.

Learners'
Permits.
Added by
No. 74 of
1963, s. 4.
Repealed
and
re-enacted
by No. 35 of
1968, s. 5.

25A. (1) The Commissioner may, on payment of a fee of twenty-five cents and subject to such conditions as he sees fit to impose, issue a permit authorising a person—

- (a) who has attained the age of sixteen years, to drive a motor vehicle of the class specified in the permit, in the course of driving instruction under a youth driver education course conducted or supervised by the body known and incorporated as the National Safety Council of Western Australia;
- (b) who has attained the age of sixteen years and nine months, to drive a motor vehicle of the class specified in the permit, in the course of driving instruction by a person

who is the holder of a license issued under the Motor Vehicle Drivers Instructors Act, 1963;

- (c) who has attained the age of seventeen years, to drive a motor vehicle of the class specified in the permit, in the course of driving instruction by the holder of a license such as is mentioned in paragraph (b) of this subsection or by a person who has held a driver's license appropriate to the class of vehicle specified in the permit for at least four years and who is approved by the Commissioner of Police.

(2) The Commissioner of Police shall cause a permit issued under this section to be indorsed with any conditions to which its issue is subject and with the name of the person or the names of the persons who are to give the driving instruction; and the holder of the permit shall not drive a motor vehicle except in conformity with those conditions and unless accompanied by the person or one of the persons so named, seated beside him or, in the case of a permit to drive a motor cycle, riding in a side car attached, or on a pillion seat fitted, to the motor cycle or riding on an accompanying motor cycle.

Penalty: Forty dollars.

(3) A permit issued under this section is, unless sooner cancelled, valid, in the case of a permit for the taking of driving instruction in the manner mentioned in paragraph (a) of subsection (1) of this section, for a period of twelve months, and, in any other case, for a period of three months, from the date of issue and may, on payment of a further fee of twenty-five cents, be from time to time renewed for a like period.

(4) The Commissioner of Police may, at any time, by notice in writing given to the holder, cancel a permit issued under this section.

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Cancellation
of drivers'
licenses
issued on
probation.
Added by
No. 74 of
1963, s. 4.
Amended by
No. 62 of
1965, s. 10;
No. 37 of
1969, s. 5.

25B. (1) Where a court, pursuant to the provisions of this or any other Act, suspends the operation of a driver's license issued on probation; or where the holder of a driver's license issued on probation—

(a) is convicted of an offence under—

- (i) section two hundred and seventy-seven, or two hundred and eighty, of The Criminal Code and the offence arose out of the driving by him of a motor vehicle;
- (ii) section two hundred and ninety-one A, or three hundred and ninety A of The Criminal Code;
- (iii) subsection (1) of section twenty-six, section twenty-nine, thirty, thirty A, thirty-one, thirty-one A, thirty-one B, sixty, sixty-one, or sixty-eight, of this Act; or
- (iv) any regulation that may be prescribed¹ for the purposes of this section;

or

(b) is disqualified by a court pursuant to the provisions of this or any other Act, from holding or obtaining a driver's license,

then, that license is, by operation of this section, cancelled.

(2) A person whose driver's license is cancelled by operation of this section may not apply to the Commissioner of Police for the issue to him of a driver's license before the termination of any period for which the operation of the license was suspended or during which he is disqualified from holding or obtaining a driver's license and, in any event, until after three months from the date of his conviction or, where he is convicted, on more than one occasion, of an offence such as is mentioned in subsection (1) of this section, from the date of his latest conviction.

¹ See *Government Gazette* 28/5/69, p. 1556. Traffic (Drivers' Licenses) Regulations, 1969.

(3) The Commissioner of Police shall not issue a driver's license to a person such as is mentioned in subsection (2) of this section, until that person has again complied with the requirements of subsection (2) of section twenty-three of this Act; and shall then issue the license on probation, only.

(4) Where a person is qualified to obtain a driver's license issued on probation only, and is, while not the holder of such a license, convicted of an offence such as is mentioned in subsection (1) of this section, he is deemed, for the purposes of subsection (2) of this section and of that subsection only, to have been the holder of a driver's license that has been cancelled by operation of this section.

(5) Regulations made for the purposes of subparagraph (iv) of paragraph (a) of subsection (1) of this section may limit the application of that subsection to offences against the regulations that are attended by prescribed circumstances.

25C. (1) The fees payable—

- (a) on an application for a driver's license;
- (b) on the issue, and the renewal, of a driver's license (other than such as is appropriate to the passenger vehicle class); and
- (c) on the issue and the renewal, of a driver's license appropriate to the passenger vehicle class,

are such as are set out in Part III of the Third Schedule to this Act.

Fees for
drivers'
licenses and
renewals of
drivers'
licenses.
Added by
No. 74 of
1963, s. 4.
Amended by
No. 67 of
1964, s. 7;
No. 62 of
1965, s. 11;
No. 77 of
1965, s. 10;
No. 57 of
1966, s. 3;
No. 87 of
1966, s. 13;
No. 56 of
1967, s. 11;
No. 48 of
1969, s. 8.

(2) The Commissioner of Police shall pay to the credit of the Consolidated Revenue Fund one-half of the fees paid pursuant to paragraph (b) of subsection (1) of this section and pay the balance of those fees to the credit of the Main Roads Trust Account, maintained under the Main Roads Act, 1930.

Part IV.,
Div. 1.

Ss. 25C-26.

(3) Notwithstanding the foregoing provisions of this section, the Minister may authorise the issue and renewal, free of charge, of a driver's license appropriate to, and limited to the driving of, a motorised wheelchair.

(4) The provisions of section eleven B of this Act apply, with such adaptations as may be necessary, where the fee payable for the issue or renewal of a driver's license is paid by a cheque.

Driver falling to give name and address to police officer or inspector, falling to stop etc. Former s. 22 of 1930, reprint repealed and new section enacted by No. 39 of 1935, s. 13. Renumbered s. 25 in 1935 reprint and s. 26 in 1950 reprint. Amended by No. 16 of 1941, s. 8; No. 76 of 1957, s. 17; No. 74 of 1963, s. 5; No. 80 of 1964, s. 3; No. 113 of 1965, s. 8; No. 56 of 1967, s. 12.

26. (1) Any driver of a vehicle who when required by a member of the police force or an inspector to state his name and place of abode refuses to do so, or states a false name or place of abode, or refuses or fails to stop his vehicle when called upon to do so by a member of the police force or an inspector commits an offence against this Act.

Penalty: For a first offence, a fine not exceeding forty dollars; for any subsequent offence, a fine not exceeding one hundred dollars or imprisonment not exceeding fifty days.

(2) Any driver of a vehicle who, when required by any member of the police force or an inspector, does not produce his driver's license on demand, commits an offence against this Act and shall be liable to a penalty not exceeding twenty dollars.

Provided that it shall not be an offence if the driver subsequently produces the license, within a reasonable time after demand, to the officer-in-charge of any police station.

Witnesses to accident to furnish particulars.

(3) Any person who was present at the scene of any accident in which a vehicle was involved, and who, in the opinion of a member of the police force or of an inspector, may be able to give information or evidence in relation to such accident, shall, if requested so to do by such member of the police force or by such inspector, furnish to him particu-

lars of his name and place of abode, and if any such person refuses to furnish any such particulars when requested so to do as aforesaid, or furnishes particulars of his name or place of abode which are false or untrue he shall be guilty of an offence.

Penalty—Twenty dollars.

(4) Where a member of the police force or an inspector has reasonable grounds for believing that a person has committed an offence against this Act, he may require that person to furnish him with particulars of his name and place of abode; and a person who, when so required, refuses to furnish those particulars or furnishes false particulars commits an offence.

"This Act" includes regulations. See Act No. 30 of 1918, s. 4.

Penalty: For a first offence, forty dollars and, for a subsequent offence, one hundred dollars.

27. (1) Any person who drives or causes or permits to be driven upon any road a vehicle—

- (a) not having the number plates properly affixed thereto; or
- (b) having the number plates obscured so that the number or letter and number upon such plates are not clearly visible; or
- (c) having the original number or letter and number upon the number plates obliterated by any material; or
- (d) having the number of plates so damaged that the original number or letter and number are not completely and distinctly visible,

Offence of driving a vehicle without any or satisfactory number plates
No. 60 of 1919, s. 24.
Renumbered s. 23 in 1926 reprint, s. 26 in 1935 reprint and s. 27 in 1950 reprint.
Amended by No. 22 of 1926, s. 14; No. 76 of 1957, s. 18. No. 62 of 1965, s. 12. No. 113 of 1965, s. 8.

shall be guilty of an offence under this Act.

Penalty: For a first offence, fifty dollars and, for any subsequent offence, one hundred dollars.

Part IV.,
Div. 1.

Ss. 27-28.

(2) No person shall be liable to a penalty for any breach of this section if he proves to the satisfaction of the court hearing the case that such breach was the result of an accident.

(3) "Number plate" means the identification tablet or number plate issued by a local authority on the licensing of a vehicle.

Drivers
and pillion
passengers
upon motor
cycles to
wear
protective
helmets.
Added by
No. 60 of
1970, s. 5.

27A. (1) A person shall not drive a motor cycle unless—

- (a) he is wearing securely on his head a protective helmet of the prescribed type and standard; and
- (b) where any other person is riding or being carried on the motor cycle, that other person is wearing securely on his head a protective helmet of the prescribed type and standard.

(2) In this section, "motor cycle" means any motor vehicle that has two wheels, or, where a side-car is attached thereto, has three wheels.

(3) The provisions of subsection (1) of this section do not apply so as to require the wearing of a protective helmet by a person who has, for reasons relating to his medical condition, been exempted in writing by the Commissioner from that requirement.

Driver of
motor
vehicle to
pass animals
with caution.
Added as
s. 24A by
No. 22 of
1926, s. 15.
Renumbered
s. 24 in 1926
reprint,
s. 27 in 1935
reprint and
s. 28 in 1950
reprint.
Amended by
No. 76 of
1957, s. 19.
No. 113 of
1963, s. 8.

28. No driver of any motor vehicle shall pass any horse being driven, ridden, or led, or any drove of animals, in such a manner or at such a rate as is likely to endanger the safety of such horse or drove of animals or the driver, rider, or leader thereof.

Penalty—For a first offence, a fine not exceeding ten dollars; for any subsequent offence, a fine not exceeding twenty dollars.

S. 29. Part IV.,
Div. 1.

29. (1) Where any vehicle or animal, which is in the course of being driven or ridden, is involved in any accident by reason whereof any person is injured or the property of any person is damaged, the person driving or riding or otherwise for the time being having the care of such vehicle or animal shall stop immediately after the occurrence of such accident, and, if required, shall produce his license and give his name and address, and also the name and address of the owner of the vehicle or animal, to any person who has been injured or whose property has been damaged, or to a member of the police force, or an inspector, or to any person representing a person who has been injured, or the owner of any property which has been damaged.

Duty to stop in case of accident, etc.
No. 60 of 1919, s. 25.
Renumbered s. 28 in 1935 reprint and s. 29 in 1950 reprint.
Amended by No. 22 of 1926, s. 16; No. 39 of 1935, s. 14; No. 16 of 1941, s. 9; No. 48 of 1946, s. 9; No. 16 of 1941, s. 9; No. 48 of 1946, s. 9; No. 113 of 1965, s. 8.

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 of not more than two hundred dollars.

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

(2) If in the opinion of the court the offence is of a serious nature the court may make an order in all or any of the following terms:—

- (a) that any license held by the offender be cancelled or suspended;

(b) that the offender be disqualified from holding any kind of driver's license under this Act during such period as the court orders.

(3) In addition to the obligations set out in subsection (1) it shall be the duty of any person, who in the course of using a vehicle on a road has caused injury to another person, to render such person all such assistance as may be necessary or practicable under the circumstances, including the obtaining of medical aid, and any person who refuses or neglects to render such assistance and obtain such aid shall be guilty of an offence against this Act.

Penalty: One hundred dollars; and, if in the opinion of the court the offender has shown a callous disregard for the injured person, the court shall in addition impose a sentence of imprisonment for a term not exceeding twelve months.

Duty to report accident. Added as s. 25A by No. 39 of 1935, s. 15. Renumbered s. 29 in 1935 reprint and s. 30 in 1950 reprint. Amended by No. 76 of 1957, s. 20. No. 62 of 1965, s. 13. No. 113 of 1965, s. 8. No. 37 of 1969, s. 6.

30. Where, in the course of the use of any vehicle on a road, an accident occurs whereby damage is caused to any property the driver or person in charge of such vehicle shall (unless disabled by personal injury himself) report the accident forthwith to the officer in charge of the nearest police station or traffic inspector of the district of the nearest local authority, unless the driver or person in charge of the vehicle has reasonable cause for believing that the damage so caused does not exceed, in the aggregate, an amount of one hundred dollars and the owner, in each case, of any property damaged is, then or immediately thereafter, present or represented at the place where the accident occurred:

Provided that it shall be a sufficient compliance with this section if a police officer or such traffic inspector attends at the scene of the accident and takes the necessary particulars of the accident.

Penalty: For a first offence, fifty dollars and, for any subsequent offence, one hundred dollars.

Ss. 30A-31. Part IV., Div. 1.

30A. Where, in the course of the use of any vehicle on a road or in any place commonly used by the public or to which the public is permitted to have access, an accident occurs whereby bodily injury is caused to any person the driver or person in charge of such vehicle shall (unless disabled by personal injury himself) report the accident forthwith to the officer in charge of the nearest police station or traffic inspector of the district of the nearest local authority:

Duty to report accident whereby bodily injury is caused. Added by No. 76 of 1957, s. 20A. Amended by No. 38 of 1965, s. 2. No. 62 of 1965, s. 14. No. 113 of 1965, s. 8.

Provided that it shall be a sufficient compliance with this section if a police officer or such traffic inspector attends at the scene of the accident and takes the necessary particulars of the accident.

Penalty: For a first offence, one hundred dollars and, for any subsequent offence, two hundred dollars or imprisonment for three months; and, in any event, the court convicting a person of a subsequent offence shall order that any driver's license held by him be suspended, and that he be disqualified from obtaining a driver's license, for a period of not less than twelve months.

31. (1) Every person who wilfully drives a vehicle at a speed, or in a manner, that is inherently dangerous or that is, in the circumstances, dangerous to the public commits an offence known as reckless driving.

Offence of reckless driving. No. 60 of 1919, s. 26. Renumbered s. 30 in 1935 reprint and s. 31 in 1950 reprint. Repealed and re-enacted by No. 62 of 1965, s. 15. Amended by No. 113 of 1965, s. 8.

(2) A person charged with an offence against this section may, instead of being convicted of that offence, be convicted of an offence against section thirty-one A or thirty-one B of this Act.

(3) A person convicted of an offence against this section is liable,—

- (a) for a first offence, to a fine not exceeding two hundred dollars or to imprisonment for a period not exceeding three months; and, in any event, the court convicting that

person shall order that any driver's license held by him be suspended, and that he be disqualified from obtaining a driver's license, for a period of not less than six months;

- (b) for a second offence, to a fine not exceeding four hundred dollars or to imprisonment for a period not exceeding six months or to both that fine and imprisonment; and, in any event the court convicting that person shall order that any driver's license held by him be suspended, and that he be disqualified from obtaining a driver's license, for a period of not less than twelve months; and
- (c) for a third or subsequent offence, to imprisonment for a period not exceeding twelve months; and, in any event, the court convicting that person shall order that any driver's license held by him be cancelled and that he be permanently disqualified from obtaining a driver's license.

Offence of dangerous driving.
Added by No. 62 of 1965, s. 15.
Amended by No. 113 of 1965, s. 8.

31A. (1) Every person who drives a vehicle at a speed, or in a manner, that is, in the circumstances, dangerous to the public commits an offence known as dangerous driving.

(2) A person charged with an offence against this section may, instead of being convicted of that offence, be convicted of an offence against section thirty-one B of this Act.

(3) A person convicted of an offence against this section is liable,—

- (a) for a first offence, to a penalty not exceeding one hundred dollars; and

- (b) for any subsequent offence, to a fine not exceeding two hundred dollars or to imprisonment not exceeding three months; and, in any event, the court convicting that person shall order that any driver's license held by him be suspended, and that he be disqualified from obtaining a driver's license, for a period of not less than twelve months.

31B. (1) Every person who drives a vehicle without due care and attention commits an offence known as careless driving.

Offence of
careless
driving.
Added by No.
62 of 1965,
s. 15.
Amended
by No. 113
of 1965, s. 8.

(2) A person convicted of an offence against this section is liable,—

- (a) for a first offence, to a penalty not exceeding fifty dollars; and
- (b) for any subsequent offence, to a penalty not exceeding one hundred dollars; and, in any event, the court convicting that person shall order that any driver's license held by him be suspended, and that he be disqualified from obtaining a driver's license, for a period of not less than three months.

31C. (1) The reference, in sections thirty-one, thirty-one A and thirty-one B of this Act,—

Application
of ss. 31, 31A
and 31B.
Added by
No. 62 of
1965, s. 15.

- (a) to the driving of a vehicle is a reference to the driving of a vehicle on a road or in any place commonly used by the public or to which the public is permitted to have access; and
- (b) to a first, second, third or subsequent offence is a reference to such an offence committed after the coming into operation of the Traffic Act Amendment Act (No. 2), 1965.

(2) The provisions of paragraph (b) of subsection (1) of this section do not affect the operation of section thirty-three of this Act.

(3) Where, under the provisions of section thirty-one or thirty-one A of this Act, a person is imprisoned, the period of the suspension of any driver's license held by him and of his disqualification from obtaining a driver's license, pursuant to an order made under those sections, shall be computed from the date of his release from imprisonment, whether on parole or otherwise.

Offence of driving under influence of liquor or drugs. No. 60 of 1919, s. 27, repealed and new s. substituted by No. 20 of 1930, s. 11.

Renumbered s. 31 in 1935 reprint and s. 32 in 1950 reprint.

Amended by No. 48 of 1946, s. 10; No. 24 of 1947, s. 7; No. 24 of 1950, s. 7; No. 57 of 1951, s. 10; No. 74 of 1953, s. 10; No. 74 of 1956, s. 19; No. 73 of 1963, s. 6; No. 62 of 1965, s. 16; No. 84 of 1965, s. 3; No. 113 of 1965, s. 3; No. 57 of 1968, s. 4.

32. (1) Every person who, while—

- (a) driving or attempting to drive a vehicle; or
- (b) in charge of a vehicle in motion; or
- (c) in charge of any horse, other animal or drove of animals,

on a road or in any place commonly used by the public or to which the public is permitted to have access, is under the influence of alcohol or drugs or of alcohol and drugs to such an extent as to be incapable of having proper control of the vehicle, horse, other animal or drove of animals commits an offence.

Provided that where a person convicted under this section of a first offence of being under the influence of drugs, alone, is held by the Court, so convicting him, to have taken those drugs pursuant to a prescription of a duly registered medical practitioner or to have had the drugs administered to him by a registered medical practitioner in the course of treatment for or in prevention of disease from which that person is suffering or is likely to suffer, that person is liable to the penalty of the fine or imprisonment prescribed in subparagraph (i) of paragraph (a) of subsection (3) of this section

and the court may in its discretion suspend a license to drive held by him or disqualify the person from obtaining a license under this division of this Act for such period, not exceeding six months, as the Court thinks fit.

(2) Such person may be apprehended without warrant by any member of the police force or an inspector, and charged with such offence, and the vehicle, or the horse or other animal or drove of animals may be driven or conveyed to and detained at any police station or other place of security pending the hearing of the charge against such person.

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.

Provided also that the member of the police force or the inspector shall immediately after the person is so charged, inform him that he has the right to communicate with a legal practitioner and another person nominated by him, and if he desires to exercise this right, every reasonable facility to do so shall be afforded him.

(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 the first offence, a fine of not less than two hundred dollars or more than three hundred dollars or, in the alternative, 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 six 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 of not less than four hundred dollars or more than five hundred dollars or, in the alternative, 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 two years 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 of not less than six hundred dollars or more than seven hundred dollars or, in the alternative, to imprisonment for twelve months and the Court before whom the person is convicted shall in any case cancel any license to drive held by the person and shall order that he be permanently disqualified from obtaining a license under this division of this Act.

Provided that, for the purposes of ascertaining the penalty by which any offence committed by a person after the coming into operation of the Traffic Act Amendment Act (No. 3), 1956, is punishable under this subsection by suspension of that person's license to drive or by disqualification for any period of that person from obtaining a license under this division of this Act,

- (i) no conviction of an offence which had been committed by that person prior to the day of the coming into operation of the Traffic Act Amendment Act, 1946; namely, the twenty-fourth day of January, one thousand nine hundred and forty-seven, shall be taken into account as a conviction, whether of a first or a subsequent offence; and
- (ii) if that person is or has been convicted of committing or having committed for the first time after the day of the coming into operation of the Traffic

Act Amendment Act, 1946, an offence mentioned in subsection (1) of this section, that conviction shall be deemed to be the conviction for his first offence, notwithstanding that he had been convicted under this section of an offence committed by him prior to that day.

- (iv) For a fourth or subsequent offence committed after the coming into operation of the Traffic Act Amendment Act (No. 3), 1956,

Penalty: Imprisonment for three years.

(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.

(4) (a) Subject to the provisions of subsection (4a) of this section, 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 and holding a license under this division.

(b) [*Deleted by No. 74 of 1956, s. 19.*]

(4a) Where under the provisions of this section as in force prior to amendment by the Traffic Act Amendment Act (No. 3), 1956, a person's license to drive has been suspended, and the person has been disqualified from obtaining a license because one or more of the offences of which he had been convicted under this section had been committed by

him prior to the day of the coming into operation of the Traffic Act Amendment Act, 1946, namely, the twenty-fourth day of January, one thousand nine hundred and forty-seven, and the person had not been convicted of more than two such offences committed on or after that day,

- (a) if the period of suspension and disqualification has not expired on the day of the coming into operation of the Traffic Act Amendment Act (No. 3), 1956, whether or not the license had been permanently suspended or the person had been permanently disqualified from obtaining a license; and
- (b) if the person—
 - (i) makes application for a license to drive and pays the prescribed fee;
 - (ii) has not been convicted under this or any other Act or any regulation of an offence related to the driving, attempted driving, or being in charge, of a vehicle during the expired part of the period of suspension or disqualification, or a prosecution is not pending for any such offence alleged to have been committed by the person during the expired part of that period; and
 - (iii) is not the subject of a current disqualification under section thirty-three of this Act and his license to drive is not the subject of a current suspension under that section.

the Commissioner of Police and any member of the Police Force acting with his authority shall, but subject to the provisions of this Act in general, and to the provisions of sections twenty-three and twenty-four of this Act in particular, grant and issue the license notwithstanding that the period of suspension or disqualification firstly mentioned in this subsection has not expired.

(5) 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.

(6) A person charged with an offence under this section may, instead of being convicted of that offence, be convicted of an offence against section thirty-two AA of this Act.

32AA. (1) Every person who, having a percentage of alcohol in his blood of, or exceeding, 0.08 per centum, drives a motor vehicle, on a road or in any place commonly used by the public or to which the public is permitted to have access, commits an offence.

Offence of driving with a certain percentage of alcohol in the blood. Added by No. 57 of 1963, s. 5.

(2) A person convicted of an offence against subsection (1) of this section is liable,—

- (a) for a first offence, to a fine of not less than one hundred dollars or more than three hundred dollars and, in any event, the court convicting that person shall order that any driver's license held by him be suspended, and that he be disqualified from obtaining a driver's license, for a period of not less than three months; and
- (b) for any subsequent offence, to a fine of not less than two hundred dollars or more than five hundred dollars and, in any event, the court convicting that person shall order that any driver's license held by him be suspended, and that he be disqualified from obtaining a driver's license, for a period of not less than six months.

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(3) A member of the Police Force or an inspector may apprehend a person reasonably suspected of committing an offence against subsection (1) of this section and may drive that person's motor vehicle, if capable of being driven, to any police station.

Interpre-
tation.
Added by
No. 76 of
1957, s. 21.
Repealed
and
re-enacted
by No. 84 of
1965, s. 4.
Amended by
No. 57 of
1968, s. 6.

32A. For the purposes of section thirty-two AA and of sections thirty-two B to thirty-two D, inclusive, of this Act,—

“authorised person” means a person authorised by the Director of the Government Chemical Laboratories, under section thirty-two D of this Act, as a person competent to operate breath analysing equipment;

“breath analysing equipment” means apparatus of a type approved by the Minister, under section thirty-two D of this Act, for ascertaining the percentage of alcohol present in a person's blood, by analysis of his breath;

“medical practitioner” has the same meaning as it has in, and for the purposes of, the Medical Act, 1894;

“percentage of alcohol in the blood”, in relation to a person means the number of grams of alcohol contained in one hundred millilitres of blood;

“preliminary test” means the exhalation by a person directly into apparatus approved by the Minister, under section thirty-two D of this Act, as providing an indication as to whether or not the percentage of alcohol in the blood of a person equals, or exceeds, a predetermined percentage;

“properly qualified analyst” means a person certified by the Director of the Government Chemical Laboratories, under section thirty-two D of this Act, as having the qualifications necessary for determining the percentage of alcohol in bodily substances.

32B. (1) Where a member of the Police Force or an inspector has reasonable grounds for believing that—

(a) a person—

(i) was the driver of a motor vehicle the presence of which occasioned, or of which the use was an immediate or proximate cause of, personal injury or damage to property; or

(ii) has committed an offence against this Act of which the driving of a motor vehicle is an element;

and

(b) the person had, at the time of the occurrence of the relevant event mentioned in paragraph (a) of this subsection, alcohol in his body,

the member of the Police Force or inspector may require that person to undergo a preliminary test and, if the preliminary test indicates that the percentage of alcohol in the person's blood is, or exceeds, 0.08 per centum, may require the person to submit himself for analysis of his breath for alcohol or submit himself to a medical practitioner and allow a sample of his blood to be taken, as the provisions of subsections (3), (4) and (5) of this section may, in the circumstances, require.

(2) Where a member of the Police Force or an inspector has reasonable grounds for believing that a person has committed an offence against section thirty-two of this Act, by reason of his being under

Persons may be required to submit to breath analysis or blood sampling. Added by No. 84 of 1965, s. 4. Amended by No. 113 of 1965, s. 8; No. 87 of 1966, s. 14; No. 57 of 1968, s. 7.

“This Act” includes regulations. See Act No. 30 of 1918, s. 4.

the influence of alcohol, the member of the Police Force or inspector may, subject to subsections (3) and (5) of this section, require that person to submit himself for an analysis of his breath for alcohol.

(3) A person shall not be required, under subsection (1) or (2) of this section, to submit himself for analysis of his breath, if—

- (a) breath analysing equipment, in proper working order, and an authorised person are not available within a distance of twenty-five miles, by the nearest route, from the place where the person then is;
- (b) the breath sample can not be taken within four hours after the occurrence of the event that gave rise to the requirement; or
- (c) he has sustained a bodily injury of such a nature as to be incapable of co-operating in the analysis.

(4) Where a member of the Police Force or an inspector might, by virtue of subsection (1) of this section, require a person to submit himself for analysis of his breath but is precluded from so doing by subsection (3) of this section, then, but not otherwise, the member of the Police Force or inspector may require the person to submit himself to a medical practitioner nominated by that person and allow a sample of his blood to be taken or, where the person is incapable of submitting himself, cause a sample of his blood to be taken by a medical practitioner, if, in either event (but excluding the case of a deceased person), the sample can be taken within four hours after the occurrence of the event giving rise to the requirement.

(5) A person who might, under the provisions of this section, be required to submit himself for analysis of his breath or, as the case may require, to submit himself to a medical practitioner and allow a sample of his blood to be taken may, himself, require that he be permitted to submit himself for one or other of those purposes; and a person who

has been required, or permitted, to submit himself for analysis of his breath may require that, instead of, or in addition to, so submitting himself, he be permitted to submit himself to a medical practitioner nominated by him and allow a sample of his blood to be taken, for analysis for alcohol.

(6) A member of the Police Force or an inspector shall give effect to a requirement made known to him by virtue of subsection (5) of this section, but only if that can be done in terms of subsection (3) of this section or, as the case may be, within the time limited by this section for the taking of blood samples; and, where a person has, under the provisions of subsection (4) of this section, nominated the medical practitioner to whom he is to submit himself and allow a sample of his blood to be taken, if the medical practitioner—

- (a) is not available within a distance of twenty-five miles;
- (b) is not available within the time limited by this section for the taking of blood samples;
or
- (c) refuses to take the blood sample,

then, the member of the Police Force or inspector may, as he thinks fit, require the person to submit himself for analysis of his breath or submit himself to some other medical practitioner chosen by the member of the Police Force or inspector.

(7) Where a person's breath is analysed under the provisions of this section, the analysis shall be made—

- (a) by an authorised person;
- (b) with breath analysing equipment; and
- (c) in accordance with the regulations;

and the authorised person shall, forthwith after the analysis, complete, sign and hand to the person whose breath was analysed a statement in writing of the percentage of alcohol (which may be by way

of an indication on a scale) shown to be present in his blood and of the date and time at which the breath sample was taken.

(8) Where a sample of a person's blood is taken under the provisions of this section, it shall be taken—

- (a) by a medical practitioner; and
- (b) in accordance with the regulations;

and the sample shall be divided into two parts of which one shall be handed to the person from whom it was taken or to some other person, for the use and benefit of the former person, and one shall be handed to the member of the Police Force or inspector requiring or causing the sample to be taken.

(9) Unless there is some substantial reason for his refusal (other than a desire to avoid providing information that may be used as evidence), the proof of which shall lie upon him, or he is, by reason of the event that gave rise to the requirement, incapable of submitting himself, or of undergoing a preliminary test, in terms of the requirement, a person who, being required pursuant to this section to—

- (a) submit himself for analysis of his breath;
- (b) submit himself to a medical practitioner and allow a sample of his blood to be taken for analysis; or
- (c) undergo a preliminary test,

refuses to submit himself or undergo the test or refuses to co-operate in the analysis of his breath, in the taking of a sample of his blood or in the preliminary test, as the case may be, commits an offence.

(10) A person convicted of an offence against subsection (9) of this section is liable to a fine of not less than one hundred dollars or more than three hundred dollars and, in any event, the court

convicting that person shall order that any driver's license held by him shall be suspended, and that he be disqualified from obtaining a driver's license, for not less than three months.

(11) A member of the Police Force or an inspector may apprehend a person refusing to undergo a preliminary test, contrary to the provisions of subsection (9) of this section, and may drive that person's motor vehicle, if capable of being driven, to any police station.

32C. (1) Without affecting the admissibility of any other evidence that may then be given, in any proceeding for an offence against section thirty-two AA of this Act or for an offence against this or any other Act in which the question whether a person was or was not, or the extent to which he was, under the influence of alcohol at the time of the alleged offence is relevant, evidence may be given of—

Evidence with regard to, and arising out of, blood or breath sampling. Added by No. 84 of 1965, s. 4. Amended by No. 57 of 1968, s. 8; No. 83 of 1970, s. 2.

- (a) the taking of a breath sample from that person by an authorised person, if taken within four hours after the time of the alleged offence;
- (b) the percentage of alcohol that was shown to be present in the blood of the person by breath analysing equipment operated by an authorised person;
- (c) the calculation, in accordance with the regulations, of—
 - (i) the percentage of alcohol that was present; or
 - (ii) the least and the greatest percentages of alcohol that could have been present,

in the blood of the person at a time prior to the taking of a sample of his breath;

- (d) the taking of a blood sample from the person by a medical practitioner, if taken within four hours after the time of the alleged offence;
 - (e) the analysis of the blood sample by a properly qualified analyst;
 - (f) the percentage of alcohol found by a properly qualified analyst to be present in the blood sample at the time of the analysis;
 - (g) the finding of a properly qualified analyst as to the percentage of alcohol that was present in the blood of the person at a time prior to the taking of the sample, based on the analysis of the analyst and such other relevant circumstances as are prescribed in relation to such a finding; and
 - (h) the finding of a properly qualified analyst as to the least and greatest percentages of alcohol that could have been present in the blood of the person at a time prior to the taking of the sample, based on the analysis of the analyst and such other relevant circumstances as are prescribed in relation to such a finding.
- (2) In any proceeding such as is mentioned in subsection (1) of this section, a certificate, in the prescribed form,—
- (a) purporting to be signed by the Director of the Government Chemical Laboratories, certifying that a person therein named is, or was at the material time, an authorised person;
 - (aa) purporting to be signed by a technologist of the Public Health Department certifying that specified sampling equipment comprises the prescribed items, that those items

have been prepared by him and are sterile and fit for the purpose of taking a blood sample but should not be used later than the specified date;

- (b) purporting to be signed by a medical practitioner, certifying that an identified sample of blood was taken in accordance with the regulations from a named person, on a date and at a time therein specified; or
- (c) purporting to be signed by a properly qualified analyst, certifying that an analysis of an identified sample of blood disclosed the presence of a specified percentage of alcohol and setting out the analyst's finding, based on the result of that analysis, that at a time prior to the taking of the sample, the blood of the person from whom it was taken contained—
 - (i) a specified percentage of alcohol; or
 - (ii) not less than a specified percentage of alcohol and not more than a specified percentage of alcohol,as the case may be,

if admitted in evidence, is *prima facie* evidence of the matters therein certified or set out, without proof of the signature of the person purporting to have signed it.

(3) In any proceeding such as is mentioned in subsection (1) of this section, evidence by an authorised person that—

- (a) the apparatus used by him, pursuant to section thirty-two B, was breath analysing equipment within the meaning of section thirty-two A, of this Act;
- (b) the breath analysing equipment was, on the occasion of its use, in proper working order and was operated by him, in the prescribed manner; or

(c) at the material time, all regulations relating to analysis by breath analysing equipment were complied with,
is *prima facie* evidence of that fact.

(4) Where evidence of the taking and analysis of a sample of a person's breath or blood and the calculation of an authorised person or the finding of a properly qualified analyst are accepted by the court in any proceeding such as is mentioned in subsection (1) of this section, and the calculation or finding is that—

- (a) the percentage of alcohol that was present in the person's blood at a specified time; or
- (b) the least percentage of alcohol that could have been present in the person's blood at a specified time,

was 0.15 per centum or more, the finding or calculation is conclusive evidence that the person was, at that time, under the influence of alcohol to such an extent as to be incapable of having proper control of a vehicle, horse, other animal or drove of animals.

(5) Nothing in this section shall be construed as precluding or restricting the introduction of any competent evidence, whether in addition to, or independent of, any evidence for which provision is made by this section, bearing on the question of whether a person was or was not guilty of an offence against this or any other Act.

(6) Except at the instance, or with the consent, of the person from whom the sample was taken, evidence of the taking of a breath or blood sample, and of the result of the analysis of a breath or blood sample taken, pursuant to section thirty-two B of this Act shall not be adduced, and if adduced shall not be admitted, in any civil proceeding; and the fact of that evidence not being adduced or that the necessary consent to its being adduced was withheld shall not be a matter for comment in any such proceeding.

(7) Except at the instance, or with the consent, of that person, evidence of a person undergoing a preliminary test and of any indication provided by such a test shall not be adduced, and, if adduced, shall not be admitted, in any proceedings, other than proceedings for unlawful arrest or for an offence against subsection (9) of section thirty-two B of this Act.

32D. (1) The Governor may make regulations prescribing all matters that are necessary or convenient for the purpose of carrying out, or giving effect to, the provisions of sections thirty-two B and thirty-two C of this Act and, in particular and without limiting the generality of the foregoing, may make regulations—

Regulations, etc., relating to blood and breath sampling and analysis. Added by No. 84 of 1965, s. 4. Amended by No. 57 of 1968, s. 9; No. 83 of 1970, s. 3.

- (a) prescribing the manner of taking, and dealing with, samples of blood and the manner and methods by which those samples are to be analysed;
- (b) providing for the assessment by a properly qualified analyst of—
 - (i) the percentage of alcohol in blood; or
 - (ii) the least and greatest percentages of alcohol in blood,

at a time prior to the time of taking a sample thereof, and the rates of increase and decrease to be used by the analyst in computing the variation of the blood alcohol concentration over a period or periods of time;

- (c) prescribing—
 - (i) the maintenance, preparation and use of breath analysing equipment;
 - (ii) the methods to be employed in ensuring that breath analysing equipment gives accurate results; and

(iii) the method of calculating—

- (A) the percentage of alcohol that was present in the blood of a person; or
- (B) the least and the greatest percentages of alcohol that could have been present in the blood of a person,

at a time prior to the time of taking a sample of his breath, and the rates of increase and decrease to be used by the authorised person who took the sample in computing the variation of the blood alcohol concentration over a period or periods of time;

- (d) prescribing forms, including any certificate required for the purposes of the sections in this subsection mentioned; and
- (e) prescribing the fees payable to a medical practitioner attending a person for the purpose of taking a sample of his blood and those payable in respect of the analysis of those samples and for the payment and recovery of those fees.

(2) The Minister may, from time to time, by notice published in the *Government Gazette*, approve of—

- (a) apparatus for ascertaining the percentage of alcohol in the blood of a person by analysis of his breath; and
- (b) apparatus as providing an indication as to whether or not the percentage of alcohol in the blood of a person equals, or exceeds, a predetermined percentage,

and may, by notice published in like manner, revoke any such approval.

(3) The Director of the Government Chemical Laboratories may, from time to time,—

- (a) certify a person as having the qualifications necessary for determining the percentage of alcohol present in bodily substances;
- (b) certify a person as being competent to operate breath analysing equipment;

and may rescind any certificate given under this subsection.

(4) Where a medical practitioner is, pursuant to section thirty-two B of this Act, requested by a member of the Police Force or an inspector to take a sample of the blood of a person, no action shall lie against the medical practitioner by reason only of his complying with that request.

33. (1) Any court before whom a person is convicted of any offence in connection with the driving of a motor vehicle—

- (a) may, if the person convicted holds a license under this Division, suspend such license for such time, and from such date, as the court thinks fit, and may also declare the person convicted disqualified for obtaining a license for such time as the court thinks fit; and
- (b) may, if the person convicted does not hold a license, declare him disqualified for obtaining a license for such time and from such date, as the court thinks fit; and
- (c) if the person convicted holds any such license shall cause particulars of the conviction and of any order of the court made under this section to be endorsed thereon, and shall cause a copy of those particulars to be sent to the Commissioner of Police.

Suspension
of license
and disquali-
fication.

No. 60 of
1919, s. 28.

Renumbered
s. 32 in 1935
reprint and
s. 33 in 1950
reprint.

Amended by
No. 32 of
1943, s. 29;
No. 62 of
1965, s. 17.

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

(3) Nothing in this section shall affect or in any way limit the operation of section eighteen of the Motor Vehicle (Third Party Insurance) Act, 1943.

Removal of
disqualifi-
cation and
suspension.
Added by
No. 67 of
1959, s. 3.
Amended by
No. 74 of
1963, s. 6;
No. 37 of
1969, s. 7.

33A. (1) Where under this Act the license to drive a vehicle that has been granted and issued to a person is suspended; or a person is disqualified from obtaining a license to drive a vehicle; or the license is so suspended and the person so disqualified, the person may, except where the license was issued on probation, at any time after one month from the date of the suspension or disqualification taking effect, on complaint duly laid before any Court of Petty Sessions composed of a Stipendiary Magistrate and served on the Commissioner of Police as defendant to the proceedings, apply to the Court for an order removing the suspension or disqualification or both.

(2) The Court may if it thinks proper having regard to

- (a) the safety of the public generally;
- (b) the character of the complainant;
- (c) the circumstances of the case;
- (d) the nature of the offence or offences giving rise to the suspension or disqualification;
- (e) the conduct of the complainant subsequent to the suspension or disqualification; and
- (f) the degree of hardship and inconvenience which would otherwise result to the complainant and his family, if it refrains from making the order;

make an order subject to the provisions of subsection (4) of this section that the suspension or disqualification or both be removed as from such date as may be specified in the order or dismiss the complaint.

(3) Where a complaint made under this section is dismissed, no further complaint thereunder shall be heard if it is made within six months after the date the complaint is dismissed.

(4) (a) Where the Court makes an order removing the suspension or disqualification or both, it shall if requested by the complainant direct the Commissioner of Police on payment of the prescribed fee to grant and issue to him an extraordinary license under this section for such period not exceeding twelve months from the date on which it is issued, as the Court thinks fit and shall also specify in the direction such limitations and conditions, including conditions

as to the locality in which, the class of vehicle that may be driven under the authority of the license, the roads on and the hours during which the complainant is entitled to drive,

as the Court thinks proper, subject to the observance of which the authority to drive on roads pursuant to the license may be exercised.

(b) The Commissioner shall give effect to the direction and when issuing the license shall specify therein the limitations or conditions so ordered to be imposed.

(c) An extraordinary license shall be renewed from time to time, on payment of the prescribed fee, by the Commissioner of Police or any member of the Police Force acting with his authority for any period not exceeding twelve months if during the currency of the license the holder of the license has not contravened any of the limitations and conditions

which the Court imposed when directing the license to be issued and has otherwise complied with the provisions of this Act, and the renewal thereof shall be endorsed thereon by the person renewing it.

(d) Subject to the provisions of this Act, if the Court makes an order under the provisions of this section, the complainant is not entitled to apply for or be granted or issued with a license under the provisions of section twenty-three of this Act until after the expiration of the period for which the suspension or disqualification referred to in subsection (1) of this section would have, but for the making of the order, continued.

(5) (a) The holder of an extraordinary license issued under this section may from time to time during the currency of the license apply to the Court in the manner provided in subsection (1) of this section, for an order varying the limitations and conditions to which the license is for the time being subject or cancelling and substituting other limitations and conditions therefor.

(b) If the Court is of opinion that the limitations and conditions, to which the extraordinary license is then subject, should be varied or cancelled and other limitations or conditions substituted therefor for the reason that the complainant has changed his place of residence, place of employment or hours of employment or for any other reason which the Court considers sufficient, the Court may order accordingly.

(c) When an order is so made, the Commissioner of Police shall cause the limitations and conditions as so varied or substituted to be endorsed on the license.

(d) The Court may order the complainant to pay the whole or any part of the costs of an application made under this section.

Ss. 33B-34.

Part IV.,
Div. 1.

33B. (1) Any person to whom an extraordinary license has been issued pursuant to the provisions of section thirty-three A of this Act shall not drive on a road any motor vehicle

Penalty for
contravening
conditions of
extra-
ordinary
license.
Added by
No. 67 of
1959, s. 3.
Amended by
No. 113 of
1965, s. 8.

- (a) at a time or in a locality other than as specified in the license;
- (b) other than the motor vehicle or the class of motor vehicles in respect of which the license was issued;
- (c) otherwise than in compliance with such other limitations and conditions, if any, as are specified in the license.

Penalty: Two hundred dollars.

(2) In addition to the penalty which may be imposed under the provisions of subsection (1) of this section, the Court before which the defendant is convicted shall cancel the extraordinary license and declare the defendant disqualified from holding a license under this Division for such period as it thinks fit unless the Court thinks that, having regard to the special circumstances of the case, a fine would be an adequate punishment, for the offence.

34. Any owner of a vehicle and any person to whom for the time being the possession or control of a vehicle may be entrusted shall, if required by a member of the police force, or an inspector, give any information which it is in his power to give, which may lead to the identification of any person who was driving or who was in charge or control of such vehicle when an offence under this Act is alleged to have been committed.

Duty of
owner to
identify
offending
driver.
No. 60 of
1919, s. 29.
Renumbered
s. 33 in 1935
reprint and
s. 34 in 1950
reprint.
Amended by
No. 16 of
1922, s. 3;
No. 39 of
1935, s. 16;
No. 74 of
1956, s. 20;
No. 76 of
1957, s. 22;
No. 62 of
1965, s. 18;
No. 113 of
1965, s. 8;
No. 56 of
1967, s. 13;
No. 35 of
1968, s. 6.

Penalty: For a first offence, a fine not exceeding one hundred dollars; for any subsequent offence, a fine not exceeding two hundred dollars.

Part IV.,
Div. 1.

S. 35.

Drivers' licenses issued overseas. No. 60 of 1919, s. 30. Renumbered s. 34 in 1935 reprint and s. 35 in 1950 reprint. Repealed and re-enacted by No. 74 of 1956, s. 21. Amended by No. 35 of 1968, s. 7.

35. (1) Where a person, who is not a permanent resident of any State or Territory of the Commonwealth and who is not disqualified from obtaining or holding a license to drive a motor vehicle under this Act, is temporarily in this State and holds

a license to drive a motor vehicle;

the equivalent of a license to drive a motor vehicle; or

an international driving permit issued in the country of which he is a permanent resident

that license, equivalent of a license or permit is to be regarded as a license issued under this Part authorising the person to drive in this State any vehicle of the type or class to which the license, equivalent of a license or the permit is applicable, until—

- (a) the expiration of one year after the holder's arrival in the State;
- (b) the license, equivalent of a license or permit expires; or
- (c) the authority to drive is withdrawn by notice served pursuant to subsection (2) of this section,

whichever first occurs.

(2) Where, in the opinion of the Commissioner of Police, a person referred to in subsection (1) of this section—

- (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 on the person, withdraw the authority conferred by that subsection.

(3) A person referred to in subsection (1) of this section shall,

- (a) while driving a motor vehicle upon any road pursuant to the authority conferred by that subsection, carry the license, the equivalent of a license, or permit, as the case may be; and
- (b) produce the license, the equivalent of a license, or permit, as the case may be, for inspection upon request by any member of the Police Force or a traffic inspector.

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

- (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;

Validity of
drivers'
licenses
issued in
other States.
Added as
s. 30A by
No. 39 of
1935, s. 18
renumbered
as s. 36 in
1950 reprint.
Repealed
and
re-enacted
by No. 57 of
1951, s. 12.
Amended by
No. 35 of
1968, s. 3;
No. 60 of
1970, s. 6.

the license or permit shall 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, until—

- (a) the expiration of one year after the holder's arrival in the State;
- (b) the license or permit expires; or
- (c) the authority to drive is withdrawn by notice served pursuant to subsection (2) of this section,

whichever first occurs.

Part IV.,
Divs. 1
and 2.

Ss. 36-37.

(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 or a traffic inspector.

Division 2.—Locomotive and Traction Engines.

Offence of driving locomotive or traction engine without appropriate license. No. 60 of 1919, s. 31. Renumbered s. 36 in 1935 reprint and s. 37 in 1950 reprint. Amended by No. 22 of 1926, s. 13; Amended by No. 113 of 1965, s. 8.

37. (1) No person shall drive a locomotive or traction engine or other vehicle propelled by steam on a road unless such person is the holder of a locomotive or traction engine-driver's certificate under the Inspection of Machinery Act, 1921.

Penalty—For a first offence, Forty dollars; for any subsequent offence, One hundred dollars or imprisonment for three months.

(2) No person shall drive a locomotive or traction engine propelled by any mechanical power except steam unless he is duly licensed under Division 1 of this Part.

Ss. 38-47. Part IV.,
Divs. 2
and 4.

38. No local authority shall be liable for any damage done to any locomotive or traction engine or anything carried, drawn, or impelled thereby by reason of the same falling through or from any bridge or culvert, or by reason of any defect in any road.

Local authorities not liable for damage to traction engine.
No. 60 of 1919, s. 32.
Renumbered s. 37 in 1935 reprint and s. 38 in 1950 reprint.

39. The driver of any locomotive or traction engine when travelling on a road shall, when requested or signalled so to do by any person driving a horse in any vehicle, or riding a horse, or in charge of a horse or other animal or drove of animals, stop until the vehicle, horse, animal, or drove of animals has passed the locomotive or traction engine, or such person as aforesaid signals that the vehicle which has been stopped may pass.

Driver to stop when requested.
No. 60 of 1919, s. 33.
Renumbered s. 38 in 1935 reprint and s. 39 in 1950 reprint.
Amended by No. 22 of 1928, s. 19.
No. 113 of 1965, s. 8.

Penalty: Forty dollars.

Division 3.—Width of Tyres.

[Sections 40 to 42. Repealed by No. 62 of 1965, s. 19.]

Division 3A.—Weights, Loads and Dimensions.

[Sections 43 to 46A. Repealed by No. 62 of 1965, s. 19.]

Division 4.—Regulations.

47. (1) The Governor may make regulations for any purpose for which regulations are contemplated or required by this Act and may make all such other regulations as may, in his opinion, be necessary or convenient for giving full effect to the provisions of, and for the due administration of, this Act, for the licensing, equipment and use of vehicles and for the regulation of traffic, generally.

Regulations.
No. 60 of 1919, s. 41.
Renumbered s. 46 in 1935 reprint and s. 47 in 1950 reprint.
Repealed and re-enacted by No. 62 of 1965, s. 20.
Amended by No. 113 of 1965, s. 8;
No. 60 of 1970, s. 7.

(2) Without limiting the generality of subsection (1) of this section, the Governor may make regulations—

- (a) empowering an authority therein named to—
- (i) authorise and regulate processions;
 - (ii) restrict or prohibit the use of such roads, for such periods, as it may specify;
 - (iii) erect traffic signs and traffic control signals;
 - (iv) seize and remove obstructing or abandoned vehicles and animals;
 - (v) authorise the use of vehicles of which the use should be restricted or would otherwise be unlawful, subject to the payment of any prescribed fee and subject to such conditions and limitations as the authority may impose;
- (b) regulating the conduct and behaviour of drivers and passengers of vehicles or of any class of vehicle;
- (c) prescribing fares for passenger vehicles and regulating the engagement of the drivers of those vehicles in other occupations;
- (d) prescribing the manner of determining the weight of vehicles and their loads;
- (e) enabling vehicles to be driven and tested;
- (f) requiring any matter affected by them to be in accordance with a specified standard or requirement;
- (g) requiring any form used for the purposes of this Act to be such as may from time to time be determined by the Minister and published in the *Government Gazette*;
- (h) prescribing such fees as are not prescribed by this Act;
- (i) imposing penalties not exceeding one hundred dollars for a first offence, and not exceeding two hundred dollars for any subsequent offence, against any regulation made under this section, not being an offence referred to in paragraph (j) of this subsection;

- (j) imposing for offences against the Traffic (Vehicle Weights) Regulations, 1963 as amended from time to time or against any regulations made in substitution therefor—
- (i) penalties not exceeding one hundred dollars for a first offence; and
 - (ii) for any subsequent offence minimum penalties irreducible, in each case, in mitigation notwithstanding the provisions of any other Act, of from twenty dollars to two hundred dollars, both inclusive, according to the nature of the offence or the circumstances by which it is attended, and maximum penalties of five hundred dollars.

48. [Repealed by No. 62 of 1965, s. 20.]

49. (1) The Governor may, by Order in Council, empower a local authority to exercise, within its district, any power of making regulations which the Governor could exercise under this Division.

Delegation of powers to local authorities. No. 60 of 1919, s. 42 renumbered s. 43 in 1928 reprint, s. 48 in 1935 reprint and s. 49 in 1950 reprint. Amended by No. 24 of 1950, s. 10. No. 113 of 1965, s. 8.

(2) The order shall define any power conferred in the words used in the definition of such power in this Division: provided that the word "by-law" may be substituted for "regulation", and "local authority" for "Governor".

(3) Such order may, until revoked, be acted on by the local authority in the manner and subject to the conditions and restrictions (if any) therein set out.

(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—

Part IV., Ss. 49-51.
Div. 4.

not exceeding forty dollars 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.

Licenses or registrations effective throughout State. No. 60 of 1919, s. 43, renumbered s. 44 in 1926 reprint, s. 49 in 1935 reprint and s. 50 in 1950 reprint; amended by No. 22 of 1926, s. 23; No. 20 of 1930, s. 13; No. 39 of 1935, s. 28.

50. Every license or registration to be granted or effected under any regulation shall be granted or effected by the local authority as prescribed, to whom all lawful fees shall be paid, and every such license or registration shall, subject to this Act and the regulations made by the Governor, be effective throughout the State.

Substitution of vehicle for vehicle whilst under repair. Added by No. 22 of 1926, s. 22 incorporated in 1926 reprint as s. 45, renumbered s. 50 in 1935 reprint. Repealed and new section substituted by No. 16 of 1941, s. 11; renumbered s. 51 in 1950 reprint. Amended by No. 76 of 1957, s. 29. No. 77 of 1965, s. 11. No. 113 of 1965, s. 8; No. 56 of 1967, s. 14.

51. (1) Any license granted under section six of this Act in respect of an omnibus or passenger vehicle shall, during such time or times as such omnibus or vehicle is under repair, authorise the holder of such license, with the previous consent in writing of the Commissioner of Police, or any officer acting for him, when the omnibus or passenger vehicle is licensed within the metropolitan area or any out-lying land, or with the previous consent in writing of the local authority in whose district the omnibus or passenger vehicle is licensed, when such omnibus or passenger vehicle is not licensed within the metropolitan area or any out-lying land as aforesaid, to substitute another omnibus or vehicle for the bus or vehicle under repair, and to ply for hire therewith or otherwise use the same for profit during only such period or periods as the first-mentioned omnibus or vehicle is under repair and not plying for hire or otherwise being used for profit.

(2) The consent in writing, of the Commissioner of Police and of the local authority, referred to in subsection (1) of this section, shall only be given on payment by the licensee to the Commissioner or local authority, as the case may be, of a fee of one dollar.

52. (1) Whenever any number of persons, or any club or clubs, intimate to the local authority that they desire permission of the local authority to hold race meetings or speed tests in any particular place or locality on a day to be fixed, the holding of which will necessitate the temporary suspension of the operation of any regulations under this Act, the local authority may refuse permission, or may grant permission and by notice published in the *Government Gazette* temporarily suspend the operation of any regulations under this Act for such purpose, and may define the conditions under which such race meetings or speed tests shall be conducted.

Temporary suspension of regulations by local authority. No. 60 of 1919, s. 44, renumbered s. 46 in 1926 reprint, s. 51 in 1935 reprint and s. 52 in 1950 reprint. Amended by No. 22 of 1926, s. 24. No. 35 of 1952, s. 8; No. 76 of 1957, s. 30; No. 113 of 1965, s. 8.

(2) A person who—

- (a) conducts or takes part in a race meeting or speed test mentioned in subsection (1) of this section permission mentioned in that subsection not having been obtained; or
- (b) that permission having been obtained fails to observe the conditions if any so defined as those under which the race meeting or speed test shall be conducted;

commits an offence.

Penalty: For a first offence, a fine not exceeding forty dollars; for any subsequent offence, a fine not exceeding one hundred dollars or imprisonment not exceeding fifty days.

**Part IV.,
Div 4 and
Part V.**

Notice of regulations. No. 60 of 1919, s. 45. Renumbered s. 47 in 1926 reprint, s. 52 in 1935 reprint and s. 53 in 1950 reprint. Amended by No. 22 of 1929, s. 25.

Ss. 53-56.

53. Local authorities shall give public notice of any regulation of the Governor made in pursuance of this Act prohibiting or restricting the use of vehicles on any road or limiting the speed of vehicles within any limits or place, and for the purpose of giving effect to any such regulation shall place notices in conspicuous places on or near the road, limits, or place to which the regulation refers.

Existing by-laws. No. 60 of 1919, s. 46; renumbered s. 48 in 1926 reprint, s. 53 in 1935 reprint and s. 54 in 1950 reprint.

54. On the commencement of this Act, all by-laws and regulations theretofore made by any local authority under any statutory provision repealed by this Act shall be deemed to be repealed but so that all licenses and registrations granted or effected thereunder shall be operative and have effect as if granted under this Act.

Regulations under this Act to prevail. No. 60 of 1919, s. 47. Renumbered s. 49 in 1926 reprint, s. 54 in 1935 reprint and s. 55 in 1950 reprint.

55. When any by-law or regulation made by any local or other authority or any Minister of the Crown or other person is inconsistent with any regulation made under this Act, the latter shall prevail, and the former shall, to the extent of the inconsistency, be void.

PART V.—MISCELLANEOUS.

Liability for damage to roads, etc. No. 60 of 1919, s. 48. Renumbered s. 50 in 1926 reprint, s. 55 in 1935 reprint and s. 56 in 1950 reprint. Amended by No. 22 of 1926, s. 26; No. 76 of 1957, s. 31; No. 59 of 1958, s. 9; No. 113 of 1965, s. 8.

56. (1) The owner of a vehicle shall be liable in damages to any local authority for any damage or injury caused or happening to any road under the control of such local-authority by such vehicle in consequence of the use or passage thereof or of anything carried, drawn, or propelled thereby on or along such road.

(2) If any such damage or injury as aforesaid is caused to any bridge or culvert, the person in charge of the vehicle shall immediately place a conspicuous warning mark or sign, in accordance with the regulations, on or near such bridge or culvert, and shall forthwith send notice of the damage or injury to the town clerk or secretary of the local authority in whose district the damage or injury was done.

Penalty: For a first offence, a fine not exceeding twenty dollars; for any subsequent offence, a fine not exceeding fifty dollars or imprisonment not exceeding twenty-five days.

56A. No provision of this or any other Act shall be deemed to preclude a council of a municipality or a road board¹ from expending any part of its revenue derived pursuant to this Act in setting apart, providing, and maintaining, any land vested in it or under its control as an area for the parking of vehicles generally or for the parking of a class or specified classes of vehicles.

Provision of
Parking
areas by
local
authorities.
Added by
No. 76 of
1957, s. 32.

57. (1) Where it appears to a local authority which is liable or authorised or has undertaken to repair any road that, having regard to the average expense of repairing roads in the neighbourhood, extraordinary expenses have been incurred by such authority in repairing such road by reason of the damage caused by heavy traffic passing along the same, or extraordinary traffic thereon, such authority may recover in any court of competent jurisdiction from any person by or in consequence of whose order such traffic has been conducted the amount of such expenses as may be proved to the satisfaction of the court having cognisance of the case to have been incurred by such authority by reason of the damage arising from such traffic as aforesaid:

Power of
road
authority
to recover
expenses of
damage
caused by
heavy or
extra-
ordinary
traffic No. 60
of 1919, s. 49.
Renumbered
s. 51 in 1926
reprint,
s. 56 in 1935
reprint and
s. 57 in 1950
reprint.
Amended by
No. 22 of
1926, s. 27.

Provided that any person against whom expenses are or may be recoverable under this section may enter into an agreement with such authority as is mentioned in this section for the payment to them of a composition in respect of such traffic, and thereupon the person so paying the same shall not be subject to any proceedings under this section.

(2) For the purposes of this section the Minister shall be deemed the authority which is liable or authorised or has undertaken to repair any Government road, and he may in his name of office bring

¹ See footnote on page 5.

an action for recovery of expenses under this section accordingly: provided that any moneys recovered by him shall be paid into the consolidated revenue fund.

(3) Proceedings for the recovery of any expenses hereunder shall be commenced within twelve months of the time when the damage has been done, or where the damage is the consequence of any particular building contract or work extending over a long period, shall be commenced not later than six months after the completion of the contract or work.

57A. (1) In this section, "prescribed area" means—

- (a) any parking region constituted and defined pursuant to subsection (2) of section three of the City of Perth Parking Facilities Act, 1956; and
- (b) any area defined for the purposes of this section by the Governor by notice published in the *Gazette*.

(2) No person shall, within a prescribed area, park a vehicle on land which is not a road, unless he has been authorised to do so by the owner, or person in possession of that land.

Penalty: For a first offence, a fine not exceeding ten dollars; for any subsequent offence, a fine not exceeding twenty dollars.

(3) (a) Where a person parks a motor vehicle on land contrary to the provisions of subsection (2) of this section, and where the vehicle causes or is likely to cause an obstruction, or danger to traffic, a member of the Police Force, traffic inspector, the owner, or the person in possession of the land, or an employee of the owner, or person in possession of the land, may

- (i) direct the driver or person in charge of the vehicle to remove the vehicle from the place where it is parked; and

No person to park a vehicle in a prescribed area on land which is not a road unless authorised.
 Added by No. 57 of 1958, s. 2.
 Amended by No. 113 of 1965, s. 8.

- (ii) where no person appears to be in immediate charge of the vehicle, himself remove the vehicle from the place where it is parked and may move the vehicle either to a place where parking of vehicles is permitted, or the police station nearest to the land.

(b) Where a person in exercise of the power conferred on him by paragraph (a) of this subsection removes and parks a vehicle, he shall forthwith give particulars to a member of the Police Force at the police station nearest to the place where he has parked the vehicle, of his name and address, the registered number of the vehicle, the place where the vehicle was parked, and the time that he removed the vehicle.

(4) A person who disobeys or fails to comply with a direction made pursuant to subsection (3) of this section commits an offence.

Penalty: A fine of twenty dollars.

(5) Where a person in exercise of the power conferred by paragraph (a) of subsection (3) of this section incurs costs in removing a vehicle, that person may recover those costs on complaint made in a Court of Petty Sessions.

(6) In any proceedings for a penalty under this section, the Court, in addition to imposing a penalty, may award to a person any costs incurred by that person in the exercise of a power conferred on him by this section.

(7) The provisions of this section do not apply to "parking facilities", or a "parking station" constituted under the provisions of the City of Perth Parking Facilities Act, 1956.

Confusing lights affecting traffic on roads. Added as s. 56A by No. 16 of 1941, s. 12. Renumbered s. 58 in 1950 reprint. Amended by No. 74 of 1956, s. 23; and No. 113 of 1965, s. 8.

58. (1) For the purposes of this section—
- “Commissioner” means the Commissioner of Police;
- “light” includes any fire, lamp, light, illuminated sign, street light, or other mechanical manufactured or constructed illumination, and also the glow from any such light;
- “owner” includes the owner, lessee, tenant, purchaser, hirer, or other person in possession or entitled to the possession of a light, and, in the case of a street light, means the local government authority in whose district such street light is erected or installed.

(2) Where any light is used, kept, burnt, or exhibited at any place or in such a manner as in the opinion of the Commissioner to be likely to confuse or create circumstances or conditions likely to interfere with adversely or to cause risk of danger to the traffic of persons, animals, or vehicles on any road, the Commissioner may by notice in writing require the owner of or the person in charge of such light or the occupier of the place or premises where such light is used, kept, burnt, or exhibited within a time specified in the notice to take effectual means—

- (a) to extinguish the light; or
- (b) to remove the light entirely or to some other position; or
- (c) to modify the light or to alter its character or colour, or to screen the light to such an extent and in such manner as the Commissioner may direct; or
- (d) to refrain from using, keeping, burning, or exhibiting the light either entirely or for such period or during such hours as the Commissioner may direct; or
- (e) to do or refrain from doing such other act, matter, or thing in relation to using, keeping, burning, or exhibiting the light as the Commissioner may direct and in accordance with his directions.

(3) Any notice under subsection (2) of this section may be served, either personally or by delivery, at the place of abode of the person to be served, or by affixing it in some conspicuous place on or near the place or premises upon or in which the light to which the notice relates is used, kept, burnt, or exhibited.

(4) It shall be the duty of the owner or occupier or other person served with a notice under subsection (2) of this section to comply with such notice.

(5) Every owner, occupier, or other person on whom a notice is served under subsection (2) of this section who fails without reasonable cause (proof whereof shall lie upon him) to comply in all respects with the directions contained in the notice shall be guilty of an offence against this Act.

Penalty: Two hundred dollars, and, in addition, a daily penalty of ten dollars for every day or part of a day during which the directions contained in the notice are not complied with after the time specified in the notice for the compliance therewith.

(6) If any owner, occupier, or other person served with a notice under subsection (2) of this section fails in any respect to comply with the directions of such notice within the time specified in the notice for such compliance, the Commissioner or any person authorised in writing by the Commissioner may enter upon the place or premises whereon the light to which the notice relates is used, kept, burnt or exhibited, and forthwith take effectual means (but doing no unnecessary damage) to carry out and otherwise give effect to the directions contained in the notice which have not been complied with as aforesaid.

(7) Any expense incurred by the Commissioner or the person authorised by the Commissioner under subsection (6) of this section shall be a debt owing to the Commissioner by the person upon whom the

notice was served as aforesaid and shall be recoverable at the suit of the Commissioner in any court of competent jurisdiction.

(8) If the owner, occupier, or other person upon whom a notice under subsection (2) of this section has been served, or any other person obstructs or hinders, prevents, or interferes with or attempts to obstruct, hinder, prevent, or interfere with the Commissioner or the person authorised by the Commissioner in the exercise of the power conferred by subsection (6) of this section, he shall be guilty of an offence against this Act.

Penalty: One hundred dollars.

(9) Where any owner, occupier, or other person upon whom a notice under subsection (2) of this section has been served has failed within the time specified in such notice to comply with the directions of such notice, and by reason of such non-compliance and by reason of the light to which the said notice relates confusing or creating circumstances or conditions which interfered with adversely or caused risk of danger to the traffic of persons, animals, or vehicles on a road, any person suffers injury to the person or damage to his property, the said non-compliance with the said notice shall, for the purpose of enabling the person who has suffered such injury or damage to recover compensation or damages in respect of the injury or damage suffered, be deemed to be a tort in the nature of a nuisance committed by such owner, occupier, or person aforesaid upon which an action for damages may be instituted.

(10) The omission on the part of the Commissioner to give any notice under subsection (2) of this section, or the failure on the part of the Commissioner to exercise the power conferred by subsection (6) of this section shall not make the Commissioner in any respect responsible or liable for any injury to the person or damage to property suf-

ferred as the result of any light confusing or creating circumstances or conditions which interfered with adversely or caused risk of danger to the traffic of any person or vehicle on a road.

59. (1) No person shall by advertisement or public notification with the object of obtaining a passenger in a motor vehicle not licensed for the carriage of passengers make it known that he or any other person intends to make any journey in a motor vehicle.

Penalty: For a first offence, a fine not exceeding forty dollars; for any subsequent offence, a fine not exceeding one hundred dollars.

(2) No person shall—

- (a) advertise any inquiry or request for conveyance in any motor vehicle;
- (b) insert or accept for insertion in any newspaper any advertisement of the nature hereinbefore referred to,

without the approval in writing of the Commissioner of Police.

Penalty: For a first offence, a fine not exceeding forty dollars; for any subsequent offence, a fine not exceeding one hundred dollars.

60. (1) A person, other than a member of the Police Force or a traffic inspector when acting in the execution of his duty, or a person removing a motor vehicle from trespass to land, who drives or uses a motor vehicle without previously obtaining the consent of the owner or person in lawful possession or charge of the vehicle commits an offence.

Penalty:

(i) For a first offence,

Maximum: Imprisonment for twelve months or a fine of five hundred dollars;

Advertising for passengers in private vehicles prohibited.

Added as s. 52A by No. 39 of 1935, s. 23.

Renumbered s. 58 in 1935 reprint and s. 59 in 1950 reprint.

Amended by No. 74 of 1956, s. 24; No. 76 of 1957, s. 33; and No. 113 of 1965, s. 8.

Unauthorised use of vehicles.

No. 60 of 1919, s. 50.

Renumbered s. 53 in 1926 reprint, s. 59 in 1935 reprint and s. 60 in 1950 reprint.

Repealed and re-enacted by No. 74 of 1956, s. 25.

Amended by No. 76 of 1957, s. 34; No. 62 of 1965, s. 21; No. 113 of 1965, s. 8.

Minimum: Imprisonment for one month or, at the discretion of the court, a fine of one hundred dollars, but, whether imprisonment or a fine is imposed, the minimum penalty is in each case irreducible in mitigation notwithstanding the provisions of any Act.

(ii) For a second or subsequent offence,

Maximum: Imprisonment for two years;

Minimum, irreducible in mitigation notwithstanding the provisions of any Act: Imprisonment for three months.

(1a) Every person who, not being a member of the Police Force or an inspector, acting in the execution of his duty, drives or uses a vehicle that is not a motor vehicle, without previously obtaining the consent of the owner or person lawfully in charge of the vehicle, commits an offence.

Penalty: For a first offence, fifty dollars and, for any subsequent offence, one hundred dollars.

(2) The court before which the person is convicted may, in addition to any other penalty which may be inflicted under this section, order the defendant to pay to the owner of the vehicle such sum as the court thinks proper by way of compensation for any loss or damage suffered by the owner.

(3) Where, before the coming into operation of the Traffic Act Amendment Act (No. 2), 1965, a person was, under the provisions of this section as they then existed, disqualified from holding or obtaining a license to drive a motor vehicle or was so disqualified and his license to drive a motor vehicle was suspended, by reason of his conviction of an offence or offences against subsection (1) of this section committed before he attained the age

of eighteen years, the disqualification or the disqualification and suspension suffered in respect of that offence or those offences is, by force of this subsection, removed and discontinued.

(4) For the purposes of any provision of this section that existed before the coming into operation of the Traffic Act Amendment Act (No. 2), 1965, an offence against subsection (1) of this section that was first committed by a person after attaining the age of eighteen years is deemed to be the first such offence committed by that person.

61. Any person who unlawfully interferes with the mechanism or parts of any motor vehicle or locomotive or traction engine shall be guilty of an offence under this Act.

Penalty: For a first offence, one hundred dollars or imprisonment for three months and, for any subsequent offence, two hundred dollars or imprisonment for six months.

62. No person shall, upon any public street or public reserve, mind, care for, or take charge of a motor vehicle other than a motor vehicle of which he is the driver, or offer his services for any such purpose: Provided that this section shall not apply to any public reserve set apart for parking under the control of any road board¹ or municipality.

Penalty: Ten dollars.

63. Any person who procures the use or hire of any vehicle by fraud or misrepresentation, and any person who aids or abets any such person, shall be guilty of an offence under this Act.

Penalty: One hundred dollars, or imprisonment with or without hard labour for three months.

Unlawful interference with mechanism of motor vehicles. No. 60 of 1919, s. 51.

Renumbered s. 54 in 1926 reprint, s. 60 in 1935 reprint and s. 61 in 1950 reprint.

Amended by No. 62 of 1965, s. 22. No. 113 of 1965, s. 8.

"Car watching" prohibited.

Added as s. 54A by No. 39 of 1935, s. 24.

Renumbered s. 61 in 1935 reprint and s. 62 in 1950 reprint.

Amended by No. 113 of 1965, s. 8.

Procuring use or hire of car by fraud, etc. No. 60 of 1919, s. 52.

Renumbered s. 55 in 1926 reprint, s. 62 in 1935 reprint and s. 63 in 1950 reprint.

Amended by No. 22 of 1926, s. 30. No. 113 of 1965, s. 8.

¹ See footnote on page 5.

Part.V.

Ss. 64-67.

Roads may be closed. No. 60 of 1919, s. 53.
 Renumbered s. 56 in 1926 reprint, s. 63 in 1935 reprint and s. 64 in 1950 reprint.
 Amended by No. 22 of 1926, s. 31; No. 76 of 1957, s. 35; No. 113 of 1965, s. 8.

64. (1) The Minister may, if he considers any road unsafe for public traffic, cause the same to be closed for such period as he considers necessary.

(2) A local authority for a period of one month may exercise a similar power with regard to any road under its control, but the exercise of such power shall not extend beyond such period, except with the approval in writing of the Minister.

(3) No person shall drive, take, or use any vehicle on to or on any road while such road is closed under this section.

Penalty: For a first offence, a fine not exceeding forty dollars; for any subsequent offence, a fine not exceeding one hundred dollars or imprisonment not exceeding fifty days.

Production of licenses at hearings. No. 60 of 1919, s. 54.
 Renumbered s. 57 in 1926 reprint, s. 64 in 1935 reprint and s. 65 in 1950 reprint.
 Amended by No. 113 of 1965, s. 8.

65. (1) Every holder of a license shall, whenever he is charged with an offence under this Act, produce his license to the justices hearing the charge.

Penalty: Six dollars.

(2) If such person is convicted, the justices shall indorse a memorandum of the conviction on the license.

Forfeited license to be delivered up. No. 60 of 1919, s. 55.
 Renumbered s. 58 in 1926 reprint, s. 65 in 1935 reprint and s. 66 in 1950 reprint.
 Amended by No. 113 of 1965, s. 8.

66. When any license is forfeited the licensee shall, on demand made by an inspector or licensing officer, deliver such license to him.

Penalty: Ten dollars.

Issue of duplicate license. No. 60 of 1919, s. 56.
 Renumbered s. 59 in 1926 reprint, s. 66 in 1935 reprint and s. 67 in 1950 reprint.

67. Whenever a license is lost or destroyed, a duplicate or certified copy thereof shall, on payment of the prescribed fee, be issued by the licensing authority, and shall serve and be available in lieu of the original.

S. 68. Part V.

68. No person shall—

- (a) whilst disqualified for obtaining any particular license apply for or obtain any such license; or
- (b) wilfully mislead any inspector, police officer, or licensing officer in any particular likely to affect the discharge of his duty under this Act; or
- (c) forge or fraudulently alter any license or any identification tablet or number plate or certificate of registration for any vehicle or animal; or
- (d) use any forged or fraudulently altered license or identification tablet or number plate or certificate of registration, or any license or identification tablet or number plate or certificate of registration to which he is not entitled; or
- (e) fraudulently permit his license or identification tablet or number plate or certificate of registration to be used by any other person; or
- (f) drive any vehicle or cause or permit any vehicle to be driven on any road whilst it has on it any forged or fraudulently altered identification tablet or number plate or certificate of registration, or any identification tablet or number plate or certificate of registration other than one issued for such vehicle; or
- (g) without lawful excuse have in his possession a license or any article resembling a license or a certificate of registration or any article resembling a certificate of registration and calculated to deceive; or
- (h) lend or allow to be used by any other person any license or any identification tablet or number plate or certificate of registration.

Offences.
 No. 60 of
 1919, s. 57.
 Renumbered
 s. 60 in 1926
 reprint,
 s. 67 in 1935
 reprint and
 s. 68 in 1950
 reprint.
 Amended by
 No. 20 of
 1930, s. 15;
 No. 76 of
 1957, s. 36;
 No. 62 of
 1965, s. 23;
 No. 113 of
 1965, s. 8.

Penalty: For a first offence, one hundred dollars and, for any subsequent offence, two hundred dollars.

Proof of certain matters. No. 60 of 1919, s. 58. Renumbered s. 61 in 1926 reprint, s. 68 in 1935 reprint and s. 69 in 1950 reprint. Amended by No. 22 of 1926, s. 32; No. 48 of 1960, s. 9; No. 87 of 1966, s. 15; No. 35 of 1968, s. 9.

69. (1) In any prosecution under this Act an averment in the complaint that any person is or was the owner of a vehicle or is or was unlicensed, or that any person is or was not the holder of any particular license (either personal or in respect of any vehicle), or that the vehicle was used on a road shall be deemed to be proved in the absence of proof to the contrary.

(2) In any prosecution or proceedings for an offence against this Act in respect of any vehicle, any certificate or document purporting to be issued pursuant to this Act, or to any corresponding legislation or ordinance of any State or Territory of the Commonwealth, which states that on any date or during any period—

- (a) the vehicle was registered in the name of any person specified in the certificate or document; or
- (b) the vehicle was not registered in this State or in the State or Territory in respect of which the certificate or document is issued,

shall be *prima facie* proof of the matters stated in the certificate or document.

(3) In any prosecution under this Act or the regulations, an averment in the complaint that an offence was committed within the district of a local authority therein specified shall be deemed to be proved in the absence of proof to the contrary.

(4) Where, in a complaint of an offence against this Act, the name of the person against whom the complaint is made is that given by the alleged offender at the time of, or immediately following, the occurrence giving rise to the complaint, there is

a presumption, rebuttable by evidence to the contrary, that the person named in the complaint is the alleged offender.

69A. [*Added by No. 76 of 1957, s. 36A. Repealed by No. 7 of 1959, s. 5.*]

70. Nothing in this Act shall take away or diminish any liability of the driver or owner of a vehicle by virtue of any other Act or at common law.

Savings.
No. 60 of 1919, s. 59.
Renumbered s. 62 in 1926 reprint, s. 69 in 1935 reprint and s. 70 in 1950 reprint.

71. (1) This Act applies to persons and vehicles in the public service of the Crown, or of any local authority, but does not apply to any extent to a vehicle for the personal use of the Governor nor to a person in charge of the vehicle while carrying out the Governor's personal directions; and does not apply to any other vehicle or class of vehicle or person or class of person to the extent of such exemption as may from time to time be declared by the Governor by Order in Council,¹ which the Governor may from time to time vary or cancel by further Order in Council, and section seventy-two of the Justices Act, 1902-1948,² applies in respect of complaints of offences against this Act as if the complaints negatived exemptions under this section.

Application of Act to Crown and local authorities.
No. 60 of 1919, s. 60.
Renumbered s. 63 in 1926 reprint, s. 70 in 1935 reprint and s. 71 in 1950 reprint.
Amended by No. 24 of 1947, s. 10; No. 35 of 1952, s. 9; No. 48 of 1960, s. 10.

(2) Notwithstanding the provisions of subsection (1) of this section, where the license of a vehicle owned and used by the State Government (except vehicles used by Ministers of the Crown or heads of State Boards and Departments) is renewed, the provisions of this Act requiring the issue of a renewal of the license or of a certificate of registration shall not apply to such vehicle, but this subsection shall not render lawful the driving of a vehicle upon any road without having the prescribed identification tablets or number plates affixed thereto.

"This Act" includes regulations.
See Act No. 30 of 1918, s. 4.

¹ See *Government Gazette* 28/8/53, p. 1599.

² Now Justices Act, 1902-1968.

Part V.

Ss. 72-74.

Protection of Minister, local authorities and officers. No. 60 of 1919, s. 61. Renumbered s. 64 in 1926 reprint, s. 71 in 1935 reprint and s. 72 in 1950 reprint. Amended by No. 22 of 1926, s. 33.

72. No matter or thing done by the Minister or any person acting with the authority of the Minister or by the Commissioner of Police or any local authority, inspector, or member of the police force in good faith for the purpose of executing this Act shall subject the Crown or Minister, or any person acting with the authority of the Minister or the Commissioner of Police, local authority, inspector, or member of the police force to any liability in respect thereof.

Repeal of s. 237 of Act No. 32 of 1906, and s. 147 of Act No. 29 of 1911. No. 60 of 1919, s. 62. Renumbered s. 65 in 1926 reprint, s. 72 in 1935 reprint, and s. 73 in 1950 reprint.

73. Subsection (a) of section two hundred and thirty-seven of the Municipal Corporations Act, 1906,¹ and subsection (a) of section one hundred and forty-seven of the Roads Act, 1911,² are hereby repealed.

[Former section 74 repealed by No. 62 of 1965, s. 4.]

Traffic infringement notices. "This Act" includes regulations. See Act No. 30 of 1918, s. 4. Added by No. 35 of 1968, s. 10. Amended by No. 37 of 1969, s. 8.

74. (1) Where a member of the Police Force or an inspector has reason to believe that a person has committed any such offence against this Act as is prescribed for the purposes of this section, he may serve on that person a notice, in the prescribed form, (in this section called a "traffic infringement notice") informing the person that, if he does not wish to have a complaint of the alleged offence heard and determined by a court, he may pay to an officer specified in the notice, within the time therein specified, the amount of the penalty prescribed for the offence, if dealt with under this section.

(2) A traffic infringement notice may be served on an alleged offender personally or by posting it to his address as ascertained from him, at the time of, or immediately following, the occurrence giving rise to the allegation of an offence, or as ascertained pursuant to an inquiry made under section thirty-four of this Act; and, where the allegation is of an

¹ Repealed by Local Government Act, 1960.

² Repealed by Road Districts Act, 1919, which was itself repealed by Local Government Act, 1960.

offence of which the standing, parking or leaving of a vehicle is an element and the identity of the driver or person in charge of the vehicle is not known and cannot immediately be ascertained, the traffic infringement notice may be addressed to the owner of the vehicle, without naming him or stating his address, and be served by leaving it in or upon, or attaching it to, the vehicle.

(3) Where, under the provisions of subsection (2) of this section, a traffic infringement notice is addressed to the owner of a vehicle and served by leaving it in or upon, or attaching it to the vehicle, then, if—

- (a) the prescribed penalty is not paid within the period specified in the notice; or
- (b) the owner of the vehicle does not, within the period specified for the payment of the penalty,—
 - (i) identify the person who was the driver or person in charge of the vehicle at the relevant time to a prescribed officer; or
 - (ii) satisfy a prescribed officer that, at the relevant time, the vehicle had been stolen or unlawfully taken or used,

the owner is, in the absence of proof to the contrary, deemed to have committed the offence.

(4) A person who receives a traffic infringement notice may decline to be dealt with under the provisions of this section and, where he fails to pay the prescribed penalty within the time specified in the notice or within such further time as may, in any particular case, be allowed, he is deemed to have declined to be dealt with under those provisions.

(5) A traffic infringement notice may, whether or not the prescribed penalty has been paid, be withdrawn, at any time within twenty-eight days

after the service of the notice, by the sending of a notice, in the prescribed form, signed by a prescribed officer, to the alleged offender at his last known place of residence or business, advising the alleged offender that the traffic infringement notice has been withdrawn; and, in that event, the amount of any prescribed penalty that has been paid shall be refunded.

(6) Where a prescribed penalty has been paid pursuant to a traffic infringement notice and the notice has not been withdrawn as provided by subsection (5) of this section, proceedings shall not be brought against any person with respect to the offence alleged in the notice.

(7) The payment of a penalty pursuant to a traffic infringement notice shall, for the purposes of section seventy-five of this Act, constitute a conviction of an offence, but shall not be regarded as an admission of liability for the purpose of, nor in any way affect or prejudice, any civil claim, action or proceeding arising out of the occurrence by reason of which the traffic infringement notice was given.

(8) The Governor may make regulations for any purpose for which regulations are contemplated or required by this section and, in particular, may make regulations—

- (a) prescribing offences for the purposes of this section, not being offences punishable by imprisonment or offences in respect of which a vehicle license or driver's license may be cancelled or suspended or a person may be disqualified from obtaining or holding a driver's license, by setting out the offences or by reference to the provision creating the offence or by reference to all or any offences in any one Part of any regulations made under this Act; and
- (b) prescribing penalties not exceeding fifty dollars for any prescribed offence or class of prescribed offence and prescribing

different penalties for the one offence, according to the circumstances by which the offence is attended.

75. (1) Subject to the succeeding provisions of this section, the Governor may make regulations providing—

Disqualification from driving by reason of convictions.

- (a) for a prescribed number of points to be recorded against every person convicted of any offence against this Act prescribed for the purposes of this section;
- (b) that, upon the points recorded against a person pursuant to the regulations amounting to a prescribed aggregate, the person's driver's license shall be suspended, and he shall be disqualified from holding or obtaining a driver's license, for a period not exceeding three months.

"This Act" includes regulations. See Act No. 30 of 1918, s. 4. Added as s. 74A by No. 37 of 1955, s. 2. Amended and renumbered by No. 62 of 1965, s. 25. Repealed and re-enacted by No. 35 of 1968, s. 11. Amended by No. 37 of 1969, s. 9.

(2) The regulations may prescribe the number of points to be recorded in respect of any prescribed offence or class of prescribed offence and may prescribe that a different number of points be recorded for the one offence, according to the circumstances by which the offence is attended.

(3) An offence shall not be taken into account for the purposes of regulations made under this section, unless the driving or use of a motor vehicle was an element of the offence; and, in assessing an aggregate of points, only those recorded within the period of three years immediately prior to the assessment shall be taken into account.

(4) A person's driver's license shall not be suspended, and a person shall not be disqualified from holding or obtaining a driver's license, pursuant to regulations made under this section, unless a notice has been sent to him, as the occasion may require, by prepaid post, to his last known place of residence or business, informing him—

- (a) of the first recording of points against him; and

(b) of at least two progressive totals, being less than the prescribed aggregate mentioned in paragraph (b) of subsection (1) of this section, of the points recorded against him;

and the suspension and disqualification shall take effect when notice thereof has been personally served on the person and no sooner.

(5) A person who has been served with notice of the suspension of his driver's license and his disqualification from holding or obtaining a driver's license shall deliver up his driver's license, if then in his possession, to the person serving the notice, otherwise he shall deliver it up to the police station nearest to his place of residence together with the notice, as soon as may be practicable thereafter.

Penalty: Forty dollars.

(6) A person who is aggrieved by the suspension of his driver's license and his disqualification from holding or obtaining a driver's license, by operation of this section, may, within thirty days after the service on him of the notice of suspension and disqualification, apply to a Court of Petty Sessions, by way of complaint against the Commissioner of Police, for an order setting aside the suspension and disqualification.

(7) The court hearing an application made under subsection (6) of this section shall comprise a stipendiary magistrate and, if, after giving the parties an opportunity of being heard, the court is satisfied that the suspension and disqualification has been occasioned by an error in the number of points or in the computation of the number of points, recorded against the applicant, it shall grant the application, otherwise it shall dismiss the application.

(8) The costs of an application made under subsection (6) of this section shall be in the discretion of the court and, where the court grants the application, it shall direct that the number of points, or the

computation of the number of points, recorded against the applicant, as the case may require, be revised in such manner as it may determine; and the Commissioner of Police shall give effect to every such direction.

76. Where, by this Act, a minimum penalty is provided, that penalty is, in each case, irreducible in mitigation, notwithstanding the provisions of any other Act.

Minimum penalties. Added by No. 62 of 1965, s. 26.

First Schedule, Second Schedule.

Section 3.
[See also
s. 73 of this
reprint.]

FIRST SCHEDULE.

REPEALS.

| Date and Number. | Short Title. | Extent of Repeal. |
|--------------------|---|---|
| 40 Vict., No. 5 | The Cart and Carriage Licensing Act, 1876 | The whole. |
| No. 32 of 1906 | The Municipal Corporations Act, 1906 ¹ | The following portions of Sections 179, namely:—Paragraphs 6 and 30 (except sub-paragraphs e and x); Sub-paragraphs f, i, n, o, p, and u of paragraph 42, and the words "and carriage" in sub-paragraph m of paragraph 42, and sub-paragraph t of paragraph 42, except in so far as it relates to perambulators, and paragraph 46. The following portions of Section 181, namely:—Paragraphs a, b, and c. The following portion of the 12th Schedule, namely:—Part VII (except subdivision 3 relating to porters.) |
| No. 29 of 1911 | The Roads Act, 1911 ² | The following portions of Section 179, namely:—Paragraphs 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 24, 25, 52, 53 and 54. |

Section 5.
Substituted
by No. 77 of
1965, s. 12.

SECOND SCHEDULE.

| Vehicle. | Description. |
|---------------------------------|--|
| Caravan (motor propelled) | A vehicle that is fitted or designed for habitation for a person in the course of a journey and which is capable of being propelled by its own power. |
| Caravan (trailer type) | A vehicle that is fitted or designed for habitation for a person in the course of a journey, and to be drawn by another vehicle or by any tractive unit or animal power. |
| External power vehicle | A vehicle that 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. |

¹ Repealed by Local Government Act, 1960.

² Repealed by Road Districts Act, 1919, which was itself repealed by Local Government Act, 1960.

Second Schedule.

| Vehicle. | Description.. |
|-----------------------|---|
| Fork lift truck | A vehicle that is constructed or designed, and ordinarily used, for the loading, unloading and like movement of goods at a factory, warehouse, wharf, railway station or similar place and is of such nature as to be generally unsuitable for use on roads. |
| Mobile crane | A vehicle that has a crane permanently affixed to it and is not suitable for carrying any load other than the accessories necessary for the operation of the vehicle. |
| Motor car | Any motor vehicle designed primarily for the carriage of persons, whether the vehicle is, or is not, provided with space for the carriage of personal luggage, including the class of motor vehicles some of which are known by the trade name, "Estate Car", "Countryman", "Station Sedan" or "Station Wagon", which class is designed primarily for the carriage of passengers in rural areas and provided with greater space for the carriage of personal luggage and other things than is provided in motor cars designed for use in urban and suburban areas, and including also the class of three wheeled vehicle which is designed and controlled in a manner similar to a four wheeled motor car, but excluding motor cycles, motor carriers, and motor omnibuses. |
| Motor carrier | A motor vehicle constructed for the carriage therein or thereon of passengers or goods or both passengers and goods, designed to travel on three wheels and weighing unladen not more than twenty hundredweights; the term also includes a motor cycle and sidecar weighing unladen not more than twenty hundredweights where the motor cycle and sidecar are fitted or adapted for the carriage of goods and are used for that purpose; and also includes a motorised wheel chair, being a class of chair-type vehicle fitted with a low powered motor and three or more wheels, and designed for the use of or by incapacitated or crippled persons only. The term "motor carrier" does not include the class of three wheeled vehicle which comes within the description of "motor car". |
| Motor cycle | Subject to the provisions of the description of a "motor carrier", a motor vehicle designed to travel on two wheels and includes a sidecar attached to the vehicle. |

Second Schedule.

| Vehicle. | Description. |
|---------------------------------|--|
| Motor Wagon | Any motor vehicle (not being a motor carrier or a motor cycle or a locomotive or traction engine) that is constructed for the conveyance therein or thereon of goods or merchandise or for the conveyance therein or thereon of any kind of materials used in any trade, business or industry or for use in any work whatsoever other than for the conveyance of passengers and includes a wagon driven by steam if fitted with wheels similar to those of a motor vehicle or to those of a sentinel or a similar vehicle. The term also includes any vehicle that comes within the popular conception of a motor car but which is fitted or adapted for the conveyance of any such goods, merchandise, or materials and is in fact used for that purpose where the appropriate license fee for the vehicle licensed as a motor car would be less than the appropriate fee for the same vehicle licensed as a motor wagon. |
| Omnibus | A vehicle used as a passenger vehicle to carry passengers at separate fares. |
| Plant trailer | A trailer to which there is permanently affixed plant such as an air compressor, concrete mixer or welder and which is not suitable for carrying any load other than the accessories necessary for the operation of the vehicle. |
| Trailer | A vehicle (not including a semi-trailer) drawn by another vehicle but not including a sidecar attachment to a motor cycle or any vehicle that comes within the description of a caravan. |
| Semi-trailer | A vehicle that is drawn by another vehicle, and that comes within the description of a trailer but which is so constructed and by partial superimposition attached to the vehicle drawing the same in such a manner as to cause a substantial part of the weight of the trailer to be borne by the vehicle drawing it; the term also includes a type of trailer known as a pole type jinker or pole type trailer. |
| Tow motor | A vehicle that is constructed or designed, and ordinarily used for the towing of trailers at a factory, warehouse, wharf, railway station or similar place and is of such a nature as to be generally unsuitable for use on roads. |
| Tractor (prime mover type) | A motor vehicle that is a tractive unit designed for hauling a semi-trailer. |

Second Schedule.

| <i>Vehicle.</i> | <i>Description.</i> |
|---------------------------------------|---|
| Tractor (other than prime mover type) | That class of motor vehicle, which, not being designed for use primarily for the carriage on roads of passengers or goods, is designed for use primarily in industry, including, without limiting the meaning of the expression, "industry", agricultural pursuits, earth moving, forestry pursuits and industrial pursuits, generally. |
| Tractor plant | A motor vehicle that is or has permanently affixed to it an excavator, road roller, road grader, bulldozer, mechanical shovel, plough, rotary hoe or plant of similar nature and is not suitable for the carrying of any load other than accessories necessary for the operation of the vehicle. |
| Tow truck | A motor vehicle constructed and fitted with permanent hoisting equipment used or intended to be used for the lifting, partial lifting or towing of road vehicles and which is not suitable for the carrying of any load other than accessories necessary for the operation of the vehicle. |

Third Schedule.

THIRD SCHEDULE.

PART I.

Section 10.
Substituted
by No. 77 of
1965.
Amended by
No. 113 of
1965, s. 8;
No. 87 of
1966, s. 16;
No. 56 of
1967, s. 15.

License fees for a period of twelve months are as indicated hereunder—

LICENSE FEES FOR MOTOR VEHICLES.

1. For a motor car—

| <i>Tare Weight.</i> | | <i>Fee.</i> |
|---------------------|-----------------------|-------------|
| Exceeding cwt. | Not Exceeding cwt. | \$ |
| - | 1 | 2.00 |
| 1 | 2 | 3.00 |
| 2 | 3 | 4.00 |
| 3 | 4 | 5.00 |
| 4 | 5 | 6.00 |
| 5 | 6 | 7.00 |
| 6 | 7 | 8.00 |
| 7 | 8 | 9.00 |
| 8 | 9 | 10.00 |
| 9 | 10 | 11.00 |
| 10 | 11 | 12.00 |
| 11 | 12 | 13.00 |
| 12 | 13 | 14.00 |
| 13 | 14 | 15.00 |
| 14 | 15 | 16.00 |
| 15 | 16 | 18.00 |
| 16 | 17 | 19.00 |
| 17 | 18 | 20.00 |
| 18 | 19 | 21.00 |
| 19 | 20 | 22.00 |
| 20 | 21 | 24.00 |
| 21 | 22 | 25.00 |
| 22 | 23 | 26.00 |
| 23 | 24 | 27.00 |
| 24 | 25 | 29.00 |
| 25 | 26 | 30.00 |
| 26 | 27 | 31.00 |
| 27 | 28 | 32.00 |
| 28 | 29 | 33.00 |
| 29 | 30 | 34.00 |
| 30 | 31 | 39.00 |

Exceeding 31 cwt.—

| | |
|--|-------|
| for the first 31 cwt. | 39.00 |
| and for each additional cwt. or part thereof | 1.00 |

Third Schedule.

2. (1) For a motor wagon, tractor (prime mover type), semi trailer and tow truck—

| <i>Tare Weight.</i> | | <i>Fee.</i> |
|---------------------|-----------------------|-------------|
| Exceeding cwt. | Not Exceeding cwt. | \$ |
| - | 5 | 8.00 |
| 5 | 10 | 12.00 |
| 10 | 15 | 16.00 |
| 15 | 20 | 23.00 |
| 20 | 25 | 29.00 |
| 25 | 30 | 34.00 |
| 30 | 35 | 40.00 |
| 35 | 40 | 50.00 |
| 40 | 45 | 60.00 |
| 45 | 50 | 74.00 |
| 50 | 55 | 88.00 |
| 55 | 60 | 102.00 |
| 60 | 65 | 112.00 |
| 65 | 70 | 122.00 |
| 70 | 75 | 132.00 |
| 75 | 80 | 142.00 |
| 80 | 85 | 152.00 |
| 85 | 90 | 164.00 |
| 90 | 95 | 174.00 |
| 95 | 100 | 184.00 |
| 100 | 105 | 196.00 |
| 105 | 110 | 206.00 |
| 110 | 115 | 216.00 |
| 115 | 120 | 226.00 |
| 120 | 125 | 236.00 |
| 125 | 130 | 246.00 |
| 130 | 135 | 256.00 |
| 135 | 140 | 266.00 |

Exceeding 140 cwt.—

for the first 140 cwt. 266.00

and for each additional 5 cwt. or part thereof 10.00

(2) For a caravan (motor propelled)—fifty per centum of the fee payable for a motor wagon of the same tare weight.

Third Schedule.

3. For an omnibus—

| <i>Tare Weight.</i> | | <i>Fee.</i> |
|---------------------|---------------|-------------|
| Exceeding | Not Exceeding | |
| cwt. | cwt. | \$ |
| - | 15 | 15.00 |
| 15 | 20 | 20.00 |
| 20 | 25 | 25.00 |
| 25 | 30 | 30.00 |
| 30 | 35 | 35.00 |
| 35 | 40 | 40.00 |
| 40 | 45 | 45.00 |
| 45 | 50 | 50.00 |
| 50 | 55 | 55.00 |
| 55 | 60 | 60.00 |
| 60 | 65 | 65.00 |
| 65 | 70 | 70.00 |
| 70 | 75 | 75.00 |
| 75 | 80 | 80.00 |
| 80 | 85 | 85.00 |
| 85 | 90 | 90.00 |
| 90 | 95 | 95.00 |
| 95 | 100 | 100.00 |
| 100 | 105 | 105.00 |
| 105 | 110 | 110.00 |
| 110 | 115 | 115.00 |
| 115 | 120 | 120.00 |
| 120 | 125 | 125.00 |
| 125 | 130 | 130.00 |
| 130 | 135 | 135.00 |
| 135 | 140 | 140.00 |
| 140 | 145 | 145.00 |
| 145 | 150 | 150.00 |

Exceeding 150 cwt.—

| | |
|---|--------|
| for the first 150 cwt. | 150.00 |
| and for each additional 5 cwt. or part thereof | 5.00 |

4. (a) For a motor cycle 5.00
 (b) For a motor cycle with sidecar attached .. 6.00

5. For a motor carrier—

| <i>Tare Weight.</i> | | <i>Fee.</i> |
|---------------------|---------------|-------------|
| Exceeding | Not Exceeding | |
| cwt. | cwt. | \$ |
| - | 10 | 8.00 |
| 10 | 15 | 12.00 |
| 15 | — | 16.00 |

Third Schedule.

6. For a caravan (trailer type)—

| <i>Tare Weight.</i> | | <i>Fee.</i> |
|---------------------|-----------------------|-------------|
| Exceeding cwt. | Not Exceeding cwt. | \$ |
| - | 10 | 3.00 |
| 10 | 15 | 4.50 |
| 15 | 20 | 6.00 |
| 20 | 25 | 7.50 |
| 25 | 30 | 9.00 |
| 30 | 35 | 10.50 |
| 35 | 40 | 12.00 |
| 40 | 45 | 13.50 |
| 45 | 50 | 15.00 |

Exceeding 50 cwt.—

| | |
|--|-------|
| for the first 50 cwt. | 15.00 |
| and for each additional cwt. or part thereof | 0.50 |

7. For a trailer—

(a) Plant trailer—

| <i>Tare Weight.</i> | | <i>Fee.</i> |
|---------------------|-----------------------|-------------|
| Exceeding tons | Not Exceeding tons | \$ |
| - | 1 | 3.00 |
| 1 | 3 | 10.00 |
| 3 | 5 | 20.00 |

Exceeding 5 tons—

| | |
|---|-------|
| for the first 5 tons | 20.00 |
| and for each additional ton or part thereof | 4.00 |

(b) Trailers other than plant—

| <i>Tare Weight.</i> | | <i>Fee.</i> |
|---------------------|-----------------------|-------------|
| Exceeding cwt. | Not Exceeding cwt. | \$ |
| - | 10 | 3.00 |
| 10 | 15 | 6.00 |
| 15 | 20 | 10.00 |
| 20 | 25 | 20.00 |
| 25 | 30 | 40.00 |

Exceeding 30 cwt.—

| | |
|--|-------|
| for the first 30 cwt. | 40.00 |
| and for each additional cwt. or part thereof | 2.00 |

*Traffic.*Third Schedule.

8. For a tractor (other than prime mover type or tractor plant)—

| <i>Tare Weight.</i> | | <i>Fee.</i> |
|---------------------|-----------------------|-------------|
| Exceeding cwt. | Not Exceeding cwt. | \$ |
| - | 15 | 15.00 |
| 15 | 20 | 20.00 |
| 20 | 25 | 25.00 |
| 25 | 30 | 30.00 |
| 30 | 35 | 35.00 |
| 35 | 40 | 40.00 |
| 40 | 45 | 45.00 |
| 45 | 50 | 50.00 |
| 50 | 55 | 55.00 |
| 55 | 60 | 60.00 |
| 60 | 65 | 65.00 |
| 65 | 70 | 70.00 |
| 70 | 75 | 75.00 |
| 75 | 80 | 80.00 |
| 80 | 85 | 85.00 |
| 85 | 90 | 90.00 |
| 90 | 95 | 95.00 |
| 95 | 100 | 100.00 |
| 100 | 105 | 105.00 |
| 105 | 110 | 110.00 |
| 110 | 115 | 115.00 |
| 115 | 120 | 120.00 |
| 120 | 125 | 125.00 |
| 125 | 130 | 130.00 |
| 130 | 135 | 135.00 |
| 135 | 140 | 140.00 |
| 140 | 145 | 145.00 |
| 145 | 150 | 150.00 |

Exceeding 150 cwt.—

for the first 150 cwt. 150.00
and for each additional 5 cwt. or part thereof 5.00

Third Schedule.

9. Tractor plant—fork lift truck and tow motor—

| Tare Weight. | | Fee. |
|-------------------|-----------------------|-------|
| Exceeding cwt. | Not Exceeding cwt. | \$ |
| - | 15 | 3.80 |
| 15 | 20 | 5.00 |
| 20 | 25 | 6.30 |
| 25 | 30 | 7.50 |
| 30 | 35 | 8.80 |
| 35 | 40 | 10.00 |
| 40 | 45 | 11.30 |
| 45 | 50 | 12.50 |
| 50 | 55 | 13.80 |
| 55 | 60 | 15.00 |
| 60 | 65 | 16.30 |
| 65 | 70 | 17.50 |
| 70 | 75 | 18.80 |
| 75 | 80 | 20.00 |
| 80 | 85 | 21.30 |
| 85 | 90 | 22.50 |
| 90 | 95 | 23.80 |
| 95 | 100 | 25.00 |
| 100 | 105 | 26.30 |
| 105 | 110 | 27.50 |
| 110 | 115 | 28.80 |
| 115 | 120 | 30.00 |
| 120 | 125 | 31.30 |
| 125 | 130 | 32.50 |
| 130 | 135 | 33.80 |
| 135 | 140 | 35.00 |
| 140 | 145 | 36.30 |
| 145 | 150 | 37.50 |

Exceeding 150 cwt.—

| | |
|--|-------|
| for the first 150 cwt. | 37.50 |
| and for each additional 5 cwt. or part thereof | 1.20 |

Third Schedule.

10. Mobile cranes—

- (1) Where the owner lodges a statutory declaration that the crane will not be used or let for hire and will not be used on behalf of any person other than the owner—

| <i>Tare Weight.</i> | | <i>Fee.</i> |
|---------------------|-----------------------|-------------|
| Exceeding cwt. | Not Exceeding cwt. | \$ |
| - | 15 | 3.80 |
| 15 | 20 | 5.00 |
| 20 | 25 | 6.30 |
| 25 | 30 | 7.50 |
| 30 | 35 | 8.80 |
| 35 | 40 | 10.00 |
| 40 | 45 | 11.30 |
| 45 | 50 | 12.50 |
| 50 | 55 | 13.80 |
| 55 | 60 | 15.00 |
| 60 | 65 | 16.30 |
| 65 | 70 | 17.50 |
| 70 | 75 | 18.80 |
| 75 | 80 | 20.00 |
| 80 | 85 | 21.30 |
| 85 | 90 | 22.50 |
| 90 | 95 | 23.80 |
| 95 | 100 | 25.00 |
| 100 | 105 | 26.30 |
| 105 | 110 | 27.50 |
| 110 | 115 | 28.80 |
| 115 | 120 | 30.00 |
| 120 | 125 | 31.30 |
| 125 | 130 | 32.50 |
| 130 | 135 | 33.80 |
| 135 | 140 | 35.00 |
| 140 | 145 | 36.30 |
| 145 | 150 | 37.50 |

Exceeding 150 cwt.—

| | |
|---|-------|
| for the first 150 cwt. | 37.50 |
| and for each additional 5 cwt. or part thereof | 1.20 |

Third Schedule.

(2) Where the crane is used or let for hire or is used to perform work on behalf of any person other than the owner—

| <i>Tare Weight.</i> | | <i>Fee.</i> |
|---------------------|-----------------------|-------------|
| Exceeding cwt. | Not Exceeding cwt. | \$ |
| - | 15 | 7.50 |
| 15 | 20 | 10.00 |
| 20 | 25 | 12.50 |
| 25 | 30 | 15.00 |
| 30 | 35 | 16.50 |
| 35 | 40 | 20.00 |
| 40 | 45 | 22.50 |
| 45 | 50 | 25.00 |
| 50 | 55 | 27.50 |
| 55 | 60 | 30.00 |
| 60 | 65 | 32.50 |
| 65 | 70 | 35.00 |
| 70 | 75 | 37.50 |
| 75 | 80 | 40.00 |
| 80 | 85 | 42.50 |
| 85 | 90 | 45.00 |
| 90 | 95 | 47.50 |
| 95 | 100 | 50.00 |
| 100 | 105 | 52.50 |
| 105 | 110 | 55.00 |
| 110 | 115 | 57.50 |
| 115 | 120 | 60.00 |
| 120 | 125 | 62.50 |
| 125 | 130 | 65.00 |
| 130 | 135 | 67.50 |
| 135 | 140 | 70.00 |
| 140 | 145 | 72.50 |
| 145 | 150 | 75.00 |

Exceeding 150 cwt.—

for the first 150 cwt. 75.00
 and for each additional 5 cwt. or part thereof 2.50

11. For a passenger vehicle license issued under section six—No Fee.

Traffic.

Third Schedule.

PART II.

TRANSFERS.

The following fees are payable upon transfers of licenses—

| | \$ |
|--|------|
| Transfer of license of— | |
| 1. Motor cycle, motor carrier, caravan (trailer type) and trailer (other than plant) | 1.00 |
| 2. Any other motor vehicle | 2.00 |

PART III.

FEES RELATING TO DRIVERS' LICENSES.

The following fees are payable—

| | \$ |
|---|------|
| (a) on the first application for a driver's license and on every subsequent application made after three months from the refusal, or made after the cancellation, of any such license | 4.00 |
| (b) on the issue, or renewal, of a driver's license (other than such as is appropriate to the passenger vehicle class, only) | 3.00 |
| (c) on the issue or renewal of a driver's license appropriate to the passenger vehicle class | 1.00 |

FOURTH SCHEDULE.

[Section 41 to which this Schedule was related was repealed by Act No. 62 of 1965, s. 19.]

FIFTH SCHEDULE.

[Fifth Schedule omitted pursuant to Act No. 39 of 1935, s. 28.]