



Western Australia

Road Traffic Act 1974

## **Road Traffic (Miscellaneous) Regulations 2008**



## Road Traffic (Miscellaneous) Regulations 2008

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Road Traffic Act 1974

## Road Traffic (Miscellaneous) Regulations 2008

### Part 1 — Preliminary

**1. Citation**

These regulations are the *Road Traffic (Miscellaneous) Regulations 2008*<sup>1</sup>.

**2. Commencement**

These regulations come into operation as follows:

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Road Traffic Amendment Act 2006* section 6 comes into operation<sup>1</sup>.

[3. Deleted: *Gazette 23 Dec 2014 p. 4934.*]

## Part 2 — General

### 4. Caution for certain unauthorised driving offences

The form set out in Schedule 1 is prescribed under section 49A(3) of the Act.

### 5. Defence for failing to report minor damage

The amount prescribed for the purpose of section 56(6) of the Act is \$3 000.

### 6A. Classes of person prescribed for s. 64A and 64AAA of Act

(1) In this regulation —

**contractor**, to the FES Department, an emergency services organisation or a local government, means —

- (a) a person who is engaged by the chief executive officer of the FES Department, the emergency services organisation or the local government under a contract for services; or
- (b) a person who is employed or engaged by a person referred to in paragraph (a);

**emergency services organisation** means any of the following —

- (a) a FES Unit as defined in the FES Act section 3;
- (b) an SES Unit as defined in the FES Act section 3;
- (c) a VMRS Group as defined in the FES Act section 3;
- (d) a bush fire brigade as defined in the *Bush Fires Act 1954* section 7(1);
- (e) a private fire brigade as defined in the *Fire Brigades Act 1942* section 4(1);
- (f) a volunteer fire brigade as defined in the *Fire Brigades Act 1942* section 4(1);

**FES Act** means the *Fire and Emergency Services Act 1998*;

**FES Department** means the department of the Public Service principally assisting in the administration of the FES Act.

- (2) The following classes of person are prescribed for the purposes of sections 64A(4A)(a) and 64AAA(2A)(a) of the Act —
- (a) a person who is an officer or member of an emergency services organisation;
  - (b) a person who is employed by a local government under the *Local Government Act 1995* section 5.36;
  - (c) a person who is a contractor to the FES Department, an emergency services organisation or a local government;
  - (d) a person who is acting under the direction of a person referred to in paragraph (a), (b) or (c).

*[Regulation 6A inserted: Gazette 30 Aug 2011 p. 3513-14; amended: Gazette 19 Feb 2013 p. 996.]*

**6B. Classes of motor vehicle prescribed for s. 64A of Act**

The following classes of motor vehicle are prescribed for the purposes of section 64A(5)(e) of the Act —

- (a) a motor vehicle that is a placarded vehicle as defined in the *Dangerous Goods Safety (Explosives) Regulations 2007* regulation 107(1);
- (b) a motor vehicle transporting a load of dangerous goods that is required to be placarded under the *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007* regulation 110.

*[Regulation 6B inserted: Gazette 30 Aug 2011 p. 3514.]*

*[Parts 3 and 4 (r. 6-11) deleted: Gazette 23 Dec 2014 p. 4934.]*

**Schedule 1 — Form of caution**

[r. 4]

**CAUTION (Penalty Enforcement Suspension)**  
 Section 49A of the *Road Traffic Act 1974* (Unauthorised driving)

You are cautioned for driving while a licence suspension order applies for unpaid fines.

Driver:	DOB:     /     /
Address:	Phone:
Driver's licence details:	MDL No.: Issued in:                      Expiry:     /     /
Vehicle:	Reg. No.: Make / Model:
Time and date stopped:	hrs on     /     /
Location stopped:	
Driver's signature:	Time signed:
Police officer issuing caution:	Signature: Name:                      Rank/Reg: Station:                      Phone No.:
Licence suspension details:	Start date:                      Case No.:

**RESTRICTED PERMIT TO DRIVE / TRAVEL**

Driving / travel is authorised only until:	hrs on     /     /
Journey is only authorised as mentioned:	Travel from ..... to ..... by shortest practicable route.
Conditions:	



Unless authorised by the above restricted permit you are unable to drive a motor vehicle until after you have resolved all outstanding licence suspension orders made under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* with Fines Enforcement Registry, Ground Floor, May Holman Centre, 32 St Georges Terrace, Perth. Telephone 9235 0235.

**WARNING:** Driving contrary to a time, destination or condition specified on this form by the issuing officer will result in an offence of unauthorised driving. Any alteration, deletion or addition made to any details in this form, other than by the issuing officer, may amount to committing further offences. A permit will be granted only if it appears to the apprehending officer that to immediately cease driving would be impracticable or may jeopardise the safety of any person. The officer will have regard to such matters as the remoteness of the location and the absence of persons (other than police personnel) who can assist and lawfully drive.

Entered on Frontline IMS.

*[Schedule 2 deleted: Gazette 23 Dec 2014 p. 4934.]*

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**Notes**

<sup>1</sup> This is a compilation of the *Road Traffic (Miscellaneous) Regulations 2008* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

**Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Road Traffic (Miscellaneous) Regulations 2008</i>	10 Jun 2008 p. 2431-47	Part 1: 10 Jun 2008 (see r. 2(a)); Regulations other than Part 1: 30 Jun 2008 (see r. 2(b) and <i>Gazette</i> 10 Jun 2008 p. 2471)
<i>Road Traffic Amendment (Novice Driver Penalties) Regulations 2008 Pt. 4</i>	27 Jun 2008 p. 3119-24	1 Jul 2008 (see r. 2(b) and <i>Gazette</i> 27 Jun 2008 p. 3117)
<i>Road Traffic (Miscellaneous) Amendment Regulations 2009</i>	24 Apr 2009 p. 1388	24 Apr 2009
<i>Road Traffic (Miscellaneous) Amendment Regulations 2011</i>	18 Mar 2011 p. 926-7	r. 1 and 2: 18 Mar 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 19 Mar 2011 (see r. 2(b))
<i>Road Traffic (Miscellaneous) Amendment Regulations (No. 2) 2011</i>	30 Aug 2011 p. 3513-15	r. 1 and 2: 30 Aug 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Oct 2011 (see r. 2(b) and <i>Gazette</i> 30 Aug 2011 p. 3503)
<i>Road Traffic (Miscellaneous) Amendment Regulations 2012</i>	19 Feb 2013 p. 995-6	r. 1 and 2: 19 Feb 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 20 Feb 2013 (see r. 2(b))
<b>Reprint 1: The Road Traffic (Miscellaneous) Regulations 2008 as at 10 May 2013</b> (includes amendments listed above)		
<i>Road Traffic (Repeals and Amendment) Regulations 2014 Pt. 7</i>	23 Dec 2014 p. 4913-38	27 Apr 2015 (see r. 2(b) and <i>Gazette</i> 17 Apr 2015 p. 1371)

<sup>2</sup> 30 June 2008.

## Defined terms

*[This is a list of terms defined and the provisions where they are defined.*

*The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
contractor .....	6A(1)
emergency services organisation .....	6A(1)
excess period served .....	8(7)
FES Act.....	6A(1)
FES Department.....	6A(1)
holiday period .....	6(2)
novice driver (type 1A).....	3
public holiday .....	7(1)
removed .....	8(1)
transition day .....	10(1)