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ROAD TRAFFIC ACT 1974

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**ROAD TRAFFIC  
CONSEQUENTIAL AMENDMENT  
REGULATIONS 2008**



Western Australia

## **Road Traffic Consequential Amendment Regulations 2008**

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Road Traffic Act 1974

## **Road Traffic Consequential Amendment Regulations 2008**

Made by the Lieutenant-Governor and deputy of the Governor in  
Executive Council.

### **Part 1 — Preliminary**

**1. Citation**

These regulations are the *Road Traffic Consequential  
Amendment Regulations 2008*.

**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.

**Road Traffic Consequential Amendment Regulations 2008****Part 2** Amendments to Road Traffic (Charges and Fees) Regulations 2006r. 3

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**Part 2 — Amendments to Road Traffic (Charges and Fees) Regulations 2006****3. The regulations amended**

The amendments in this Part are to the *Road Traffic (Charges and Fees) Regulations 2006*.

**4. Regulation 18 amended**

Regulation 18(1)(a)(v) is amended by deleting “*Road Traffic (Drivers’ Licences) Regulations 1975* regulation 2(1);” and inserting instead —

“

*Road Traffic (Authorisation to Drive) Regulations 2008* regulation 3;

”

**5. Regulation 37 amended**

Regulation 37 is amended by deleting “these regulations have the same meaning as they have in the *Road Traffic (Drivers’ Licences) Regulations 1975*.” and inserting instead —

“

this Part have the same meanings as they have in the *Road Traffic (Authorisation to Drive) Regulations 2008*.

”

**6. Regulation 38 repealed**

Regulation 38 is repealed.

**Road Traffic Consequential Amendment Regulations 2008**  
Amendments to Road Traffic (Charges and Fees) Regulations **Part 2**  
2006

r. 7

**7. Regulation 39 amended**

- (1) Regulation 39(1) is amended by deleting “of a duplicate” and inserting instead —

“

under the *Road Traffic (Authorisation to Drive) Regulations 2008* regulation 31(1) of a replacement

”

- (2) Regulation 39(2) is amended as follows:

- (a) by deleting “duplicate” and inserting instead —  
“ replacement ”;
- (b) by inserting before “was stolen” —  
“ document ”.

**8. Regulation 40 repealed**

Regulation 40 is repealed.

**9. Regulation 41 amended**

- (1) Regulation 41(2) and (3) are repealed and the following subregulations are inserted instead —

“

- (2) A fee is not payable by a person for —
- (a) an application for the grant of a driver’s licence in the circumstances described in the *Road Traffic (Authorisation to Drive) Regulations 2008* regulation 37(4); or
- (b) the grant of a driver’s licence in those circumstances.
- (3) Subregulation (2)(b) does not affect the obligation of the person who is granted the licence to pay for a subsequent grant of a driver’s licence by way of renewal.

”

**Road Traffic Consequential Amendment Regulations 2008****Part 2** Amendments to Road Traffic (Charges and Fees) Regulations 2006**r. 10**

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- (2) Regulation 41(4) is amended by deleting all of the subregulation from “A licence fee” that is before paragraph (a) and inserting instead —

“

A fee is not payable for the first grant by way of renewal to a person of a driver’s licence as a provisional licence unless since the preceding grant to the person of a driver’s licence as a provisional licence, the person —

”.

**10. Regulation 42 amended**

- (1) Regulation 42(1) is amended by inserting after “extraordinary licence” —

“ other than by way of renewal ”.

- (2) Regulation 42(2) is amended as follows:

- (a) by deleting “renewal of an extraordinary licence” and inserting instead —

“

grant of an extraordinary licence by way of renewal

”;

- (b) in each of paragraphs (a) and (b), by deleting “renewed” and inserting instead —

“ granted ”.

**11. Regulation 43 amended**

- (1) Regulation 43(2) is amended by deleting “or renewal” and inserting instead —

“ , whether by way of renewal or otherwise, ”.



**Road Traffic Consequential Amendment Regulations 2008**  
Amendments to Road Traffic (Charges and Fees) Regulations **Part 2**  
2006

**r. 12**

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- (2) Regulation 43(3) is amended by deleting “the *Road Traffic (Drivers’ Licences) Regulations 1975* regulation 9 or 9A” and inserting instead —  
“ regulation 39 ”.

**12. Regulation 44 amended**

- (1) Regulation 44(2) is amended by deleting “the *Road Traffic (Drivers’ Licences) Regulations 1975* regulation 9” and inserting instead —  
“ regulation 39 ”.

- (2) Regulation 44(3) is repealed.

**13. Regulation 45 amended**

Regulation 45 is amended by deleting “or renewal” and inserting instead —  
“ , whether by way of renewal or otherwise, ”.

**14. Regulation 46 amended**

- (1) Regulation 46(1) is amended by deleting “or renewal” and inserting instead —  
“ , whether by way of renewal or otherwise, ”.
- (2) After regulation 46(3) the following subregulation is inserted —  
“  
(4) This regulation does not apply to a refund under the *Road Traffic (Authorisation to Drive) Regulations 2008* regulation 29.  
”.

**15. Regulation 55 amended**

Regulation 55(5)(a) is amended by deleting “Board” and inserting instead —  
“ Commissioner of Police ”.

**Road Traffic Consequential Amendment Regulations 2008****Part 2** Amendments to Road Traffic (Charges and Fees) Regulations 2006**r. 16****16. Regulation 56 amended**

- (1) Regulation 56(2) is amended by deleting “Board” before “grants” and inserting instead —  
 “ Commissioner of Police ”.
- (2) Regulation 56(2)(a) and (b) are each amended by deleting “Board” and inserting instead —  
 “ Commissioner ”.

**17. Schedule 2 amended**

Schedule 2 is amended as follows:

- (a) in the definition of “hazard perception test”, by deleting “*Road Traffic (Drivers’ Licences) Regulations 1975* regulation 4E(1)(b);” and inserting instead —  
 “  
*Road Traffic (Authorisation to Drive) Regulations 2008*  
 regulation 16(2)(c);  
 ”;
- (b) in the definition of “practical driving assessment”, in each of paragraphs (a) and (b), by deleting “drivers’ licence” and inserting instead —  
 “ driver’s licence ”;
- (c) in the definition of “theory test”, by inserting after “means a” —  
 “ theory ”;
- (d) by deleting item 4 and inserting instead —  
 “  
 4. Grant of a driver’s licence whether or not by way of renewal —  
     (a) for one year 36.60  
     (b) for 5 years 116.60

**Road Traffic Consequential Amendment Regulations 2008**  
 Amendments to Road Traffic (Charges and Fees) Regulations **Part 2**  
 2006

**r. 17**

- (c) for any other period for each year or part of a year, 20% of the fee under paragraph (b) ”;
- (e) by deleting item 5 and inserting instead —  
 “  
 5. Application for the endorsement of a driver’s licence under the *Road Traffic (Authorisation to Drive) Regulations 2008* regulation 12(1) to show that it includes extension F 103.30 ”;
- (f) by deleting item 5A and inserting instead —  
 “  
 5A. Application for the endorsement of a driver’s licence under the *Road Traffic (Authorisation to Drive) Regulations 2008* regulation 12(1) to show that it includes extension T 103.30 ”;
- (g) in item 8, by deleting “under the *Road Traffic (Drivers’ Licences) Regulations 1975* regulation 4E(2)” and inserting instead —  
 “  
 under the *Road Traffic (Authorisation to Drive) Regulations 2008* regulation 16(2)(b) ”;
- (h) in item 9, by deleting “notice of disqualification” and inserting instead —  
 “ excessive demerit points notice ”;
- (i) in item 9, by deleting “section 103” and inserting instead —  
 “ Part VIA ”.

**Road Traffic Consequential Amendment Regulations 2008****Part 3** Amendments to Road Traffic (Events on Roads) Regulations 1991r. 18

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**Part 3 — Amendments to Road Traffic (Events on Roads) Regulations 1991****18. The regulations amended**

The amendments in this Part are to the *Road Traffic (Events on Roads) Regulations 1991*.

**19. Regulation 3 amended**

Regulation 3(2) is amended as follows:

- (a) by deleting “Board” and inserting instead —  
“ Commissioner of Police ”;
- (b) by deleting “it may” and inserting instead —  
“ the Commissioner may ”;
- (c) in paragraph (b), by deleting “it” and inserting instead —  
“ the Commissioner ”.

**20. Regulation 7 amended**

Regulation 7 is amended by deleting “Board.” and inserting instead —

“ Commissioner of Police. ”.

**21. Regulation 8 amended**

Regulation 8(1) is amended as follows:

- (a) by deleting “Board” and inserting instead —  
“ Commissioner of Police ”;
- (b) in each of paragraphs (b) and (c), by deleting “it” and inserting instead —  
“ the Commissioner ”.

**Road Traffic Consequential Amendment Regulations 2008**  
Amendments to Road Traffic (Events on Roads) Regulations **Part 3**  
1991

**r. 22**

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**22. Regulation 9 amended**

Regulation 9(1) is amended as follows:

- (a) by deleting “Board” and inserting instead —  
“ Commissioner of Police ”;
- (b) in paragraph (b), by deleting “on”.

**Road Traffic Consequential Amendment Regulations 2008****Part 4** Amendments to Road Traffic (Infringements) Regulations 1975**r. 23**

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**Part 4 — Amendments to Road Traffic  
(Infringements) Regulations 1975****23. The regulations amended**

The amendments in this Part are to the *Road Traffic (Infringements) Regulations 1975*.

**24. Regulation 2 inserted**

After regulation 1 the following regulation is inserted —

“

**2. Terms used in these regulations**

In these regulations —

“**novice driver (type 1A)**” has the meaning given in the *Road Traffic (Authorisation to Drive) Regulations 2008* regulation 4(3).

”.

**25. Regulation 3 amended**

(1) Regulation 3(3) is amended as follows:

- (a) by deleting paragraph (c);
- (b) in paragraph (e), by deleting “paragraphs (c) or (d),” and inserting instead —  
“ paragraph (d), ”.

(2) Regulation 3(4) is amended as follows:

- (a) by deleting “and” after paragraph (c);
- (b) by deleting the full stop at the end of paragraph (d) and inserting instead —

“

; or

- (e) the *Road Traffic (Authorisation to Drive) Regulations 2008*.

”.

**Road Traffic Consequential Amendment Regulations 2008**

Amendments to Road Traffic (Infringements) Regulations 1975

**Part 4****r. 26**

- (c) by inserting after each of paragraphs (a) to (c) —  
“ or ”.

**26. Schedule 1 amended**

Schedule 1 is amended as follows:

- (a) by deleting item 4;  
(b) by deleting item 5 and inserting instead —

“

5. Section 49(1) Driving while not authorised, other than if  
s. 49(3) of the Act or item 5A applies ..... 2

5A. Section 49(1) Driving while not authorised if the driving  
is by a novice driver (type 1A) and  
between midnight and the following  
5 a.m., other than if s. 49(3) of the Act  
applies ..... 4

”.

- (c) by deleting item 6 and inserting instead —

“

6. Section 50A(1) Failure to carry or produce documents to  
do with authorisation other than  
Australian driver licence ..... 1

”.

- (d) by deleting the heading “*Road Traffic (Drivers’  
Licences) Regulations 1975*” immediately before  
item 107 and deleting item 107.

**Road Traffic Consequential Amendment Regulations 2008****Part 5** Amendments to Road Traffic (Vehicle Standards) Regulations 2002r. 27

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**Part 5 — Amendments to Road Traffic (Vehicle Standards) Regulations 2002****27. The regulations amended**

The amendments in this Part are to the *Road Traffic (Vehicle Standards) Regulations 2002*.

**28. Heading to Part 5 amended**

The heading to Part 5 is amended by deleting “section 103B(1)” and inserting instead —

“ **section 111AB(1)** ”.

**29. Regulation 37 amended**

Regulation 37(1) is amended by deleting “For the purposes of section 103B(1)” and inserting instead —

“ Under section 111AB(1) ”.

**30. Heading to Part 6 amended**

The heading to Part 6 is amended by deleting “section 103B(2)” and inserting instead —

“ **section 111AB(2)** ”.

**31. Regulation 41 amended**

Regulation 41(1) is amended by deleting “For the purposes of section 103B(2)” and inserting instead —

“ Under section 111AB(2) ”.



**Road Traffic Consequential Amendment Regulations 2008**Amendments to Road Traffic (Vehicle Standards) Regulations  
2002**Part 5**

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**r. 32****32. Glossary amended**

The Glossary is amended in clause 1(1) as follows:

- (a) in the definition of “departmental exemption”, by deleting “section 103B” and inserting instead —  
“ section 111AB ”;
- (b) in the definition of “Ministerial exemption”, by deleting “section 103B” and inserting instead —  
“ section 111AB ”.

**Road Traffic Consequential Amendment Regulations 2008****Part 6** Amendments to Road Traffic Code 2000**r. 33**

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**Part 6 — Amendments to *Road Traffic Code 2000*****33. The regulations amended**

The amendments in this Part are to the *Road Traffic Code 2000*.

**34. Regulation 3 amended**

Regulation 3(2) and the Table to that subregulation are repealed and the following subregulations are inserted instead —

“

(2) For the purposes of this Code —

- (a) if a public holiday falls on a Monday, the period of 4 days beginning with the last Friday before that Monday and ending with that Monday is a holiday period; and
- (b) if a public holiday falls on a Friday, the period of 4 days beginning with the last Thursday before that Friday and ending with the Sunday after that Friday is a holiday period; and
- (c) despite paragraphs (a) and (b), the period of 5 days beginning with the last Thursday before Good Friday and ending with Easter Monday is a holiday period; and
- (d) despite paragraphs (a) and (b), the period of 17 days beginning with the last Friday before Christmas Day is a holiday period.

(3) In subregulation (2)(a) and (b) —

“**public holiday**” means a day specified, or appointed under the power, in the *Public and Bank Holidays Act 1972* Second Schedule to be a public holiday.

”

**Road Traffic Consequential Amendment Regulations 2008**  
Amendments to Road Traffic Code 2000 **Part 6**

**r. 35**

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**35. Regulation 9 amended**

Regulation 9(5) is repealed and the following subregulation is inserted instead —

“

- (5) If the commission of an offence under this Code involves the driving or use of a motor vehicle and this Code fixes a penalty for the offence expressed as a number of points, the *Road Traffic (Miscellaneous) Regulations 2008* regulation 6(3) prescribes that offence as a demerit point offence in WA.

”

**36. Regulation 266 repealed**

Regulation 266 is repealed.

By Command of the Lieutenant-Governor  
and deputy of the Governor,

G. M. PIKE, Clerk of the Executive Council.

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