

TR306\*

Road Traffic Act 1974

## Road Traffic (Vehicle Standards) Amendment Regulations (No. 2) 2005

Made by the Governor in Executive Council.

### 1. Citation

These regulations are the *Road Traffic (Vehicle Standards) Amendment Regulations (No. 2) 2005*.

### 2. The regulations amended

The amendments in these regulations are to the *Road Traffic (Vehicle Standards) Regulations 2002\**.

[\* *Published in Gazette 9 August 2002, p. 3903-4020.*  
*For amendments to 18 March 2005 see Western Australian  
Legislation Information Tables for 2003, Table 4, p. 340, and  
Gazette 28 May 2004.*]

### 3. Regulation 15 amended

(1) Regulation 15(1) is amended as follows:

- (a) by inserting after “Guide” —  
“ – Second Edition ”;
- (b) by deleting paragraphs (a) and (b) and inserting the following paragraphs instead —

“

- (a) published by the National Transport Commission in April 2004; and
- (b) available from the Department and on the National Transport Commission’s internet website.

”.

(2) Regulation 15(2) is repealed and the following subregulations are inserted instead —

“

- (1a) In proceedings for a failure to comply with Schedule 1 clause 12 (relating to loading a vehicle) before the *Road Traffic (Vehicle Standards) Amendment Regulations (No.2) 2005* come into operation, it is sufficient for the prosecution to prove that the load on the vehicle was not placed, secured or restrained (as the case requires) in a way that met the performance standards recommended in the “Load Restraint Guide”

published by the Australian Government Publishing Service on 12 December 1994.

- (2) In proceedings for a failure to comply with Schedule 1 clause 12 a document purporting to be —
- (a) the “Load Restraint Guide – Second Edition” referred to in subregulation (1) is, in the absence of any evidence to the contrary, to be taken to be the “Load Restraint Guide – Second Edition”; and
  - (b) the “Load Restraint Guide” referred to in subregulation (1a) is, in the absence of any evidence to the contrary, to be taken to be the “Load Restraint Guide”.

”.

- (3) After regulation 15(3) the following subregulation is inserted —

“

- (4) In this regulation —
- “National Transport Commission”** means the body corporate established by section 5 of the *National Transport Commission Act 2003* of the Commonwealth.

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By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

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