Road Traffic Code Amendment Regulations (No. 2) 1999

Made by the Governor in Executive Council.

1. **Citation**
   These regulations may be cited as the *Road Traffic Code Amendment Regulations (No. 2) 1999*.

2. **Commencement**
   These regulations come into operation on 1 January 2001.

3. **The regulations amended**
   The amendments in these regulations are to the *Road Traffic Code 1975*.
   
   [* Reprinted as at 23 September 1997. For amendments to 3 September 1999 see 1998 Index to Legislation of Western Australia, Table 4, p. 263-4, and Gazette 5 February 1999.*]
4. **Regulation 1501 amended**

After regulation 1501(2) the following subregulation is inserted —

"(3) Regulations 1507 and 1510 do not apply to the following:

(a) the driver of, or passengers on or in, an emergency vehicle;

(b) the driver of, or passengers on or in, a vehicle while it is being used solely, or principally, for agricultural purposes or farming activities."

5. **Regulation 1507 amended**

(1) Regulation 1507(1) is amended by deleting “unless each seat position for which a seat belt is fitted is occupied by another person”.

(2) Regulation 1507(2)(b) is amended by deleting “section 4 (1) of the Child Welfare Act 1947” and inserting instead —

"section 3 of the Young Offenders Act 1994."

(3) After regulation 1507(2) the following subregulations are inserted —

"(3) On or before 31 December 2005, the driver does not commit an offence against subregulation (1) if —

(a) a passenger is in a part of the passenger car derivative, or goods vehicle, that is enclosed;

(b) all seating positions in that vehicle are occupied by other passengers;

(c) the doors and hatches used to enter that part of the vehicle are closed; and

(d) any goods carried in that part of the vehicle are securely stowed.

(4) In subregulation (3) —

"enclosed” means enclosed —

(a) at the time of manufacture; or

(b) by a “roll over protection device” to which is affixed an identification plate, approved by the Director General, indicating that the device is constructed and fitted in an approved manner."
6. **Regulation 1510, 1511 and 1512 inserted**

In Part XV, after regulation 1509, the following regulations are inserted —

```
1510. **No passengers in open utes, trays, etc.**

(1) A person who is travelling upon a road as a passenger in a passenger car derivative or goods vehicle shall not travel in or on the back of that vehicle.

(2) It is a defence in proceedings for an offence against subregulation (1) for the passenger to prove that —

   (a) at the relevant time the driver was an officer of a detention centre (as defined in section 3 of the *Young Offenders Act 1994*) or an officer of a prison, and the passenger was lawfully detained;

   (b) at the relevant time, the passenger was undergoing or giving *bona fide* medical treatment; or

   (c) at the relevant time —

      (i) the passenger was engaged in work that required the passenger to alight from and re-enter the vehicle at frequent intervals; and

      (ii) the vehicle was being driven at a speed not exceeding 25 kilometres per hour.

(3) On or before 31 December 2005, the passenger does not commit an offence under subregulation (1) if —

   (a) the passenger is in a part of the passenger car derivative, or goods vehicle, that is enclosed;

   (b) all seating positions in that vehicle are occupied by other passengers;

   (c) the doors and hatches used to enter that part of the vehicle are closed; and

   (d) any goods carried in that part of the vehicle are securely stowed.

(4) In subregulation (3) —

   *“enclosed”* means enclosed —

   (a) at the time of manufacture; or

   (b) by a “roll over protection device” to which is affixed an identification plate, approved by the Director General, indicating that the device is constructed and fitted in an approved manner.
```
1511. **Exemptions**

(1) The Director General may, in writing, exempt the driver of a particular vehicle and any passengers on that vehicle, either generally, or for a specified time or purpose, from the provisions of regulations 1507 and 1510.

(2) The Director General may at any time, and in the same manner, revoke an exemption given under subregulation (1).

1512. **Police to consider safety of alleged offenders**

(1) A police officer who apprehends a driver or a passenger committing an offence under regulation 1507 or 1510 may, having regard to the location in which the offence is alleged, and the safety of the apprehended person, give a direction authorizing the apprehended person to travel to a specified destination, even though travelling to that destination would otherwise involve a further breach of the relevant regulation.

(2) A person acting under the authority of a police officer under subregulation (1) does not commit a further offence against regulation 1507 or 1510 when travelling to the specified destination.

By Command of the Governor,

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