



Western Australia

Road Traffic (Vehicles) Amendment (Offensive Advertising) Act 2023

As at 29 Mar 2023

No. 6 of 2023

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Road Traffic (Vehicles) Amendment (Offensive Advertising) Act 2023

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Road Traffic (Vehicles) Amendment (Offensive Advertising) Act 2023

No. 6 of 2023

An Act to amend the *Road Traffic (Vehicles) Act 2012*.

[Assented to 29 March 2023]

The Parliament of Western Australia enacts as follows:

s. 1

1. Short title

This is the *Road Traffic (Vehicles) Amendment (Offensive Advertising) Act 2023*.

2. Commencement

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation.

3. Act amended

This Act amends the *Road Traffic (Vehicles) Act 2012*.

4. Section 3 amended

In section 3(1) insert in alphabetical order:

licence warning notice has the meaning given in section 19A(3);

5. Part 2 Division 1 heading inserted

At the beginning of Part 2 insert:

Division 1 — General provisions about licensing

6. Section 4 amended

In section 4(6) delete “4(3)(a),” and insert:

4(3A),

7. Section 5 amended

- (1) In section 5(1) delete “a vehicle” (2nd occurrence) and insert:

the vehicle

- (2) In section 5(3):

- (a) delete “Upon an application under subsection (1) the CEO, in accordance with the regulations, is to grant, renew, transfer or vary a licence for a” and insert:

If an owner of a vehicle makes an application under subsection (1), the CEO must, in accordance with the regulations, grant, renew, transfer or vary a licence for the

- (b) in paragraph (j) delete “vehicle.” and insert:

vehicle; and

- (c) after paragraph (j) insert:

- (k) in the case of an application for the grant of a licence where a licence warning notice relating to the vehicle is in force — the CEO is satisfied that the advertisement that gave rise to the licence warning notice has been removed from the vehicle; and
- (l) in the case of an application for the transfer of a licence — there is no licence warning notice relating to the vehicle in force.

8. Section 9 amended

- (1) In section 9(1):
- (a) in paragraph (d) delete “28A.” and insert:

28A; or
 - (b) after paragraph (d) insert:
 - (e) each of the following applies —
 - (i) the CEO gives a licence warning notice to a responsible person for the vehicle under section 19A;
 - (ii) it is on or after the day specified in the notice under section 19A(3)(b);
 - (iii) the notice is in force.
- (2) In section 9(2) delete “(b) or (c),” and insert:
- (b), (c) or (e),

9. Part 2 Division 2 inserted

At the end of Part 2 insert:

Division 2 — Offensive advertisements on vehicles

19A. Licence warning notices

- (1) In this section —
- Ad Standards* means the Australian Association of National Advertisers ACN 003 179 673 carrying on business under the name Ad Standards;

advertising code means —

- (a) the Australian Association of National Advertisers Code of Ethics, published by the Australian Association of National Advertisers ACN 003 179 673, as in force from time to time; or
 - (b) another document prescribed by the regulations for the purposes of this definition to be an advertising code.
- (2) This section applies if Ad Standards gives written notice to the CEO that —
- (a) Ad Standards, or a body appointed by Ad Standards, has made a final determination that an advertisement on a vehicle breaches the advertising code; and
 - (b) Ad Standards does not believe that the advertisement has been removed from the vehicle.
- (3) The CEO may give written notice (a *licence warning notice*) to a responsible person for the vehicle stating that —
- (a) Ad Standards has notified the CEO that —
 - (i) a determination has been made that an advertisement on the vehicle is in breach of the advertising code; and
 - (ii) Ad Standards does not believe that the advertisement has been removed from the vehicle;
- and

- (b) unless the CEO is satisfied that the advertisement has been removed from the vehicle, the CEO may cancel the vehicle licence for the vehicle on or after the day specified in the licence warning notice.
- (4) The day specified under subsection (3)(b) must not be less than 14 days after the day on which the CEO gives the licence warning notice to the responsible person.
- (5) The licence warning notice is in force until —
 - (a) it is withdrawn under section 19B; or
 - (b) the vehicle licence for the vehicle expires without being renewed, or is cancelled, and a new vehicle licence for the vehicle is granted.

19B. Withdrawal of licence warning notices

- (1) This section applies if —
 - (a) the CEO gives a licence warning notice to a responsible person for a vehicle; and
 - (b) the vehicle licence for the vehicle has not expired or been cancelled since the licence warning notice was given; and
 - (c) the CEO is satisfied that the advertisement that gave rise to the licence warning notice has been removed from the vehicle.
- (2) The CEO must, by written notice given to the responsible person, withdraw the licence warning notice.
- (3) The notice under subsection (2) must state that the CEO cannot cancel the vehicle licence for the vehicle on the basis of the licence warning notice.

- (4) For the purposes of subsection (1)(b), a vehicle licence that expires and is renewed is taken not to have expired.

