

Western Australia

Road Traffic Amendment Act 2001

As at 21 Dec 2001

No. 27 of 2001

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Western Australia

Road Traffic Amendment Act 2001

No. 27 of 2001

An Act to amend the *Road Traffic Act 1974*.

[Assented to 21 December 2001]

The Parliament of Western Australia enacts as follows:

1. Short title

This Act may be cited as the *Road Traffic Amendment Act 2001*.

2. Commencement

This Act comes into operation on a day fixed by proclamation.

3. The Act amended

The amendments in this Act are to the *Road Traffic Act 1974**.

[* *Reprinted as at 17 September 1999.*

*For subsequent amendments see 2000 Index to
Legislation of Western Australia, Table 1, p. 393,
and Act Nos. 39 and 51 of 2000.]*

4. Sections 103A and 103B inserted

After section 103 the following sections are inserted in
Part VI —

“

103A. Power to include areas in the scope of specified regulations

- (1) The Minister may declare that a regulation specified in the declaration applies to a specified area of the State that is open to or used by the public.
- (2) A declaration has effect for the period specified in it unless it is sooner revoked.

103B. Power to grant exemptions from specified regulations

- (1) The regulations may provide for the Minister to declare, in writing in accordance with the regulations, that a specified requirement of the regulations does not apply to a specified person or vehicle.
- (2) The regulations may provide for the Director General to grant exemptions from regulations made under section 111(2)(d).

- (3) The regulations may provide for the Commissioner of Main Roads —
- (a) to grant exemptions in respect of vehicles with a gross vehicle mass exceeding 4.5 tonnes from regulations made under section 111(2)(d)(iii) or (viii); and
 - (b) to delegate to an officer of the Commissioner or a police officer the power to grant those exemptions.
- (4) In this section —
- “gross vehicle mass”** means the maximum loaded mass of a vehicle —
- (a) as specified by the manufacturer; or
 - (b) as specified by the relevant authority if —
 - (i) the manufacturer has not specified a maximum loaded mass;
 - (ii) the manufacturer cannot be identified; or
 - (iii) the vehicle has been modified to the extent that the manufacturer’s specification is no longer appropriate;
- “relevant authority”**, in relation to a vehicle, means —
- (a) if the vehicle has never been licensed or registered but the vehicle is used or is intended to be used in this State — the Director General;
 - (b) if the vehicle was last licensed in this State — the Director General; or

- (c) if the vehicle was last licensed or registered in another State or a Territory — the authority in that State or Territory whose functions most nearly correspond to those of the Director General.

”.

5. Section 111 amended

- (1) Section 111(2)(d) is deleted and the following paragraph is inserted instead —

“

- (d) prescribing standards or other requirements in respect of vehicles, including standards or requirements relating to —
 - (i) the design, construction, efficiency and performance of, and the equipment to be carried on, vehicles;
 - (ii) the attachment of operational or safety devices;
 - (iii) limits on the mass and dimensions of vehicles and their loads, the distribution of the mass over vehicle components, and how to measure the mass, dimensions or mass distribution;
 - (iv) roadworthiness;
 - (v) safety, emissions and noise;
 - (vi) the coupling of trailers and motor vehicles;
 - (vii) the identification of vehicles or components of vehicles;
 - (viii) loading and unloading and securing of loads;

- (ix) security of vehicles and the equipment to be fitted to vehicles for the purposes of security; and
- (x) the keeping and production of records;

”.

- (2) Section 111(2)(f) is deleted.
- (3) Section 111(2)(l) is amended by deleting “paragraph (f)” and inserting instead —
“ paragraph (d)(iii) or (viii) ”.
- (4) Section 111(2a) is amended by deleting “subsection (2)(f)” and inserting instead —
“ subsection (2)(d)(iii) or (viii) ”.
- (5) Section 111(2b) is amended by deleting “subsection (2)(f)” and inserting instead —
“ subsection (2)(d)(iii) or (viii) ”.

6. Section 111A inserted

After section 111 the following section is inserted —

“

111A. Adoption of other laws, codes etc.

- (1) Regulations made under section 111(2)(d) may adopt the text of any published document specified in the regulations, being a document relating to vehicle standards or other requirements in respect of vehicles or their loads.
- (2) The text may be adopted —
 - (a) wholly or in part;
 - (b) as modified by the regulations.

- (3) The text may be adopted as it exists when, or any time before, the regulations take effect.
- (4) In addition, the text may be adopted as it may be amended from time to time if the document is —
 - (a) a national standard determined under the *Motor Vehicle Standards Act 1989* of the Commonwealth; or
 - (b) any of the standards, rules, codes or specifications of the body known as Standards Australia or a similar body specified in the regulations.

”.

