

Western Australia

**Road Traffic Amendment (Vehicle Licensing)
Act 2001**

As at 21 Dec 2001

No. 28 of 2001

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Western Australia

Road Traffic Amendment (Vehicle Licensing) Act 2001

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Western Australia

Road Traffic Amendment (Vehicle Licensing) Act 2001

No. 28 of 2001

An Act to —

- **amend the *Road Traffic Act 1974*; and**
 - **consequentially amend various other Acts,**
- and for related purposes.**

[Assented to 21 December 2001]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This Act may be cited as the *Road Traffic Amendment (Vehicle Licensing) Act 2001*.

2. Commencement

- (1) This Act comes into operation on a day fixed by proclamation.
- (2) The day fixed under subsection (1) cannot be before all of the provisions of the *Road Traffic Amendment Act 2000* have come into operation.

Part 2 — Road Traffic Act 1974 amended

3. The Act amended

The amendments in this Part 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 Acts Nos. 39 and 51
of 2000.]*

4. Section 5 amended

Section 5(1) is amended as follows:

- (a) by deleting the definition of “agricultural implement”;
- (b) in the definition of “licensing provisions of this Act”, by deleting “and the First and Second Schedules” in paragraph (a);
- (c) by deleting the definition of “vehicle licence fee” and inserting instead —

“

“vehicle licence charge” means the charge payable
under section 19(3);

”.

5. Section 8 amended

Section 8(5) is amended by deleting “issue or”.

6. Section 15 amended

- (1) Section 15(1) is repealed and the following subsection is inserted instead —

“

- (1) A vehicle licence is required for a vehicle prescribed in the regulations.

”.

- (2) Section 15(2) and (2a) are repealed.

s. 7

- (3) Section 15(3) is amended as follows:
- (a) by deleting “or issued” in both places where it occurs;
 - (b) by deleting paragraph (a) and inserting instead —
“
(a) if the regulations provide that when a vehicle licence is renewed on an application made within a prescribed period after the expiry of the licence the renewal is to be regarded as having taken effect immediately after the licence expired, this subsection does not apply to the use of the vehicle within that prescribed period;
”.
- (4) Section 15(4) is amended as follows:
- (a) by deleting “fees” and inserting instead —
“ charges ”;
 - (b) by deleting “, except where the licence for the vehicle has, prior to the conviction being recorded, been renewed under section 18(5)”.
- (5) Section 15(5) is amended by deleting “fees” in both places where it occurs and inserting instead —
“ charges ”.
- (6) Section 15(6) is amended by inserting after “vehicle licence” —
“ document ”.

7. Section 16 repealed

Section 16 is repealed.

8. Section 17 amended

- (1) Section 17(1)(b)(i) is amended by inserting after “fee” —
“ or charge ”.

(2) After section 17(1) the following subsection is inserted —

“

(1a) On the payment of —

- (a) a sum ordered under section 24(3) to be paid; or
- (b) a sum specified under section 102(2a) in a traffic infringement notice,

an application for a transfer under subsection (1) is to be taken to have been made, and the payment is to be taken to have been a payment under subsection (1)(b).

”.

(3) Section 17(2) is amended as follows:

(a) by inserting after “shall” —

“ , subject to the regulations, ”;

(b) after paragraph (b) by deleting “and”;

(c) after paragraph (c) by deleting the full stop and inserting —

“

;

(d) the Director General is satisfied that —

- (i) the vehicle is kept primarily in this State; or
- (ii) the vehicle is not kept primarily in any State or Territory;

and

(e) the applicant would not be prevented by or under the law of another State or a Territory from holding a licence for, or being registered in respect of, the vehicle.

”.

9. Section 18 replaced

Section 18 is repealed and the following section is inserted instead —

“

18. Regulations for the grant and renewal of vehicle licences

- (1) The regulations may provide for the grant or renewal of a vehicle licence by the Director General to the extent that a matter is not provided for in section 17.
- (2) Without limiting subsection (1), the regulations may —
 - (a) fix the periods for which a vehicle licence may be granted or renewed;
 - (b) fix the period, whether before or after the expiry of a licence, within which the licence may be renewed;
 - (c) if the regulations enable a licence to be renewed after its expiry, provide that renewal within a specified period after the expiry continues the licence, except that the licence is to be regarded as having been suspended on and from the day of its expiry to the day before the renewal; and
 - (d) provide for 3 or more vehicle licences held by the same person to expire on the same day.

”.

10. Section 19 amended

- (1) Section 19(3) is amended by deleting “fee specified in Part III of the Second Schedule” and inserting instead —

“ charge prescribed in the regulations ”.

- (2) Section 19(18) is amended by inserting after “fees” in both places where it occurs —

“ or charges ”.

11. Section 20 amended

Section 20(1) is amended by inserting after “fees” —

“ or charges ”.

12. Section 22 amended

Section 22(1) is amended by deleting “fees received for the issue and renewal of motor vehicle licences, other than recording fees.” and inserting instead —

“ vehicle licence charges. ”.

13. Section 23A amended

- (1) Section 23A is amended as follows:

- (a) by inserting before “The” the subsection designation “(1)”;
- (b) by deleting “fee has” and inserting instead —
“ fees and charges have ”.

- (2) At the end of section 23A the following subsection is inserted —

“

- (2) The Director General may, in circumstances described in subsection (1), suspend the licence in respect of a vehicle until the circumstances giving rise to the suspension are remedied.

”.

s. 14

14. Section 25 amended

Section 25(1) is amended by deleting the full stop and inserting instead —

“

, or where a licence is cancelled or suspended under section 23A.

”.

15. Section 28A amended

(1) Section 28A(1) is repealed.

(2) Section 28A(2) is amended as follows:

(a) by deleting “Where Part III of the Second Schedule is amended or substituted by regulations made under this section, that Part as in force immediately before the commencement day of those regulations” and inserting instead —

“

Where regulations made under section 19(3) are amended or replaced, the regulations as in force immediately before the commencement day of the amending or replacing regulations

”;

(b) in paragraph (b) by deleting “pursuant to section 18 (4)” and inserting instead —

“

in accordance with regulations made under section 18

”.

(3) Section 28A(3) is amended by deleting “section 36 of the *Interpretation Act 1918*” and inserting instead —

“ section 41 of the *Interpretation Act 1984* ”.

16. Section 31 amended

Section 31 is amended by deleting “issues” and inserting instead —

“ grants ”.

17. Section 35 amended

Section 35 is amended by deleting “issue,”.

18. Section 48C amended

Section 48C(1)(a) is amended by deleting “issued”.

19. Section 49 amended

Section 49(4) is repealed and the following subsection is inserted instead —

“

(4) Regulations may except a prescribed vehicle from the application of subsection (1) when it is being driven by a person with a physical disability.

”.

20. Section 75 amended

Section 75(2) is amended by deleting “of its issue.” and inserting instead —

“ it was granted. ”.

21. Section 100 amended

Section 100(2) is amended by deleting “the issue of a renewal of the licence or of a registration label” and inserting instead —

“

the renewal of the licence or the issue of a registration label

”.

s. 22

22. First and Second Schedules repealed

The First and Second Schedules are repealed.

23. Various references to “issue” changed to “grant”

- (1) The Act is amended by deleting “issue” in each place where it occurs that is specified in the Table to this subsection and inserting instead —

“ grant ”.

Table

s. 15(4)	s. 43(1)(d) (2 places)
s. 17(1) (2 places)	s. 44(1)
s. 17(2)	s. 47(1)
s. 17(4)	s. 47(2)
s. 17(6)	s. 48(1)
s. 20(1) (2 places)	s. 48(3)(a)
s. 22(4)	s. 48(5)
s. 25(1)	s. 48(10)(a)
s. 26(1)	s. 48C(1)
s. 26(3)(a)	s. 48C(1a)
s. 27(1) (first and third places)	s. 48C(2)
s. 29(1)	s. 49(2)(a)(i)
s. 42(2)	s. 76(1)
s. 42(7) (2 places)	s. 76(3)
s. 42(8)	s. 76(3a)
s. 42B(1)	s. 76(5)(a)
s. 42B(2)	s. 111(2)(i)

- (2) The Act is amended by deleting “issued” in each place where it occurs that is specified in the Table to this subsection and inserting instead —

“ granted ”.

Table

s. 5(1) (definition of “driver’s licence”)	s. 45(1a)
s. 5(1) (definition of “unrestricted licence”)	s. 45(3)
s. 8(2) (2 places)	s. 45(4) (2 places)
s. 8(5)	s. 46(1)(a)
s. 19(17) (3 places)	s. 48(6)(a)
s. 19(18) (3 places)	s. 48(8) (2 places)
s. 20(2)	s. 48A(1)
s. 20(3)	s. 48C(2)
s. 24(4)	s. 48C(3)
s. 24B(3)(c)	s. 48C(4)
s. 26(3)(a)	s. 48D(1) (2 places)
s. 26(4)	s. 48E(1)(b)
s. 26(5)(b)	s. 49(2)(b) (2 places)
s. 27(1)	s. 50
s. 27(2)	s. 51(1)
s. 27A(2)	s. 51(3)
s. 28(b)	s. 64A(3)(b)
s. 28(c)	s. 75(2)
s. 32	s. 75(2c)(a)
s. 33 (2 places)	s. 76(3)
s. 36 (2 places)	s. 76(5)(a)(i)
s. 37 (2 places)	s. 76(6)
s. 38(1)	s. 76(7)(a)
s. 38(2) (first place)	s. 76(7)(b)
s. 42(7)(b)	s. 76(8)(a)
s. 45(1) (4 places)	s. 76(8)(b)
	s. 77(1)
	s. 77(1)(b)

s. 24

- (3) The Act is amended by deleting “issued with” in each place where it occurs that is specified in the Table to this subsection and inserting instead —

“ granted ”.

Table

s. 31	s. 51(5)
s. 34	

- (4) The Act is amended by deleting “of issue” in each place where it occurs that is specified in the Table to this subsection and inserting instead —

“ it is granted ”.

Table

s. 45(1a)	s. 48C(3)
s. 46(1)(a)	

24. Various references to “fee” changed to “charge”

The Act is amended by deleting “fee” in each place where it occurs that is specified in the Table to this section and inserting instead —

“ charge ”.

Table

s. 19(1) (second place)	s. 33 (2 places)
s. 19(17) (7 places)	s. 34 (2 places)
s. 24(1)(b) (2 places)	s. 37 (3 places)
s. 31	s. 38(1)

Part 3 — Consequential amendments

Division 1 — *Chattel Securities Act 1987* amended

25. The Act amended

The amendments in this Division are to the *Chattel Securities Act 1987**.

[* *Act No. 101 of 1987.*

For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 56.]

26. Section 3 amended

Section 3(1) is amended by inserting after the definition of “supply” the following definition —

“

“trailer” means a vehicle that is built to be towed, or is towed, by a motor vehicle, whether by attachment to the motor vehicle directly or to another trailer towed by the motor vehicle, but does not include a motor vehicle that is being towed;

”.

27. Section 7 amended

- (1) Section 7(5)(b) is amended by deleting “, caravan or semi-trailer described in the First Schedule to that Act, being a motor vehicle, trailer, caravan or semi-trailer”.
- (2) Section 7(6)(d) is amended by deleting “, caravan or semi-trailer described in the First Schedule to that Act, being a motor vehicle, trailer, caravan or semi-trailer”.

28. Section 13 amended

Section 13(b) is amended by deleting “, caravans and semi-trailers described in the First Schedule to the *Road Traffic Act 1974*, being trailers, caravans and semi-trailers”.

**Division 2 — Control of Vehicles (Off-road areas)
Act 1978 amended**

29. The Act amended

The amendments in this Division are to the *Control of Vehicles (Off-road areas) Act 1978**.

[* Reprinted as at 5 March 1999.

For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 91.]

30. Section 3 amended

Section 3(1) is amended by deleting the definition of “motor cycle” and inserting instead the following definitions —

“

“**motor car**” means a vehicle that is not a motor cycle and that is designed —

- (a) mainly to carry people; and
- (b) to seat not more than 8 adults (including the driver);

“**motor cycle**” means a vehicle that —

- (a) is designed to travel on 2 wheels; or
- (b) although not designed to travel on 2 wheels, is designed so that the driver sits astride it, or part of it, in a manner similar to that customary for a vehicle designed to travel on 2 wheels;

”.

31. Section 9A amended

Section 9A(2) is amended by deleting “, as described in the First Schedule to the *Road Traffic Act 1974*,”.

32. Section 9B amended

Section 9B(3) is amended by deleting “, as described in the First Schedule to the *Road Traffic Act 1974*,”.

Division 3 — *Local Government Act 1995* amended

33. Section 3.38 amended

Section 3.38 of the *Local Government Act 1995** is amended by deleting the definition of “vehicle” and inserting the following definition —

“

“vehicle” means a vehicle for which a vehicle licence is required under the *Road Traffic Act 1974* if the vehicle is to be used on a road.

”.

[* Reprinted as at 18 February 2000.

For subsequent amendments see 2000 Index to Legislation of Western Australia, Table 1, p. 257]

Division 4 — *Stamp Act 1921* amended

34. Section 76CB amended

Section 76CB(1) of the *Stamp Act 1921** is amended by inserting after the definition of “eligible vehicle” —

“

“First Schedule to the *Road Traffic Act 1974*” means the First Schedule to the *Road Traffic Act 1974* as in force immediately before the commencement of

Road Traffic Amendment (Vehicle Licensing) Act 2001

Part 3 Consequential amendments

Division 4 Stamp Act 1921

s. 34

the *Road Traffic Amendment (Vehicle Licensing)*
Act 2001;

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[* *Reprinted as at 22 October 1999.*

*For subsequent amendments see 2000 Index to Legislation of
Western Australia, Table 1, p. 424.]*

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