

WESTERN AUSTRALIA

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**ROAD TRAFFIC AMENDMENT  
ACT 1997**

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**No. 50 of 1997**

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**AN ACT to amend the *Road Traffic Act 1974*.**

*[Assented to 12 December 1997.]*

The Parliament of Western Australia enacts as follows:

**Short title**

**1.** This Act may be cited as the *Road Traffic Amendment Act 1997*.

**Commencement**

2. This Act comes into operation on such day as is fixed by proclamation.

**Principal Act**

3. In this Act the *Road Traffic Act 1974\** is referred to as the principal Act.

[\* Reprinted as at 25 March 1997.  
For subsequent amendments see 1996 Index to  
Legislation of Western Australia, Table 1, pp. 198-200  
and Gazette 13 May 1997 p. 2344-9.]

**Section 5 amended**

4. After section 5 (1) of the principal Act the following subsection is inserted —

“(1a) In provisions of this Act dealing with penalties for offences —

(a) these abbreviations are used:

“**Disq**” for minimum period of disqualification;

“**Max**” for maximum fine;

“**Min**” for minimum fine;

“**PU**” for penalty unit or penalty units;

and

(b) a reference to a number of PU is a reference to an amount (in dollars) that is that number multiplied by 50.

”.

**Section 18 amended**

5. Section 18 of the principal Act is amended by repealing subsections (11) and (12).

**Section 64 amended**

6. (1) Section 64 (2) of the principal Act is repealed and the following is substituted —

“

(2) If a court convicts a person of an offence against this section —

- (a) the person is liable to the relevant penalty in the Table to this subsection; and
- (b) the court shall order that the person be disqualified from holding or obtaining a driver's licence for not less than the relevant minimum period of disqualification in the Table to this subsection.

Table

Percentage of alcohol in blood		1st offence	2nd offence	Subsequent offence
≥ 0.08% but < 0.09%	Min: Max: Disq:	8 PU 30 PU 3 months	16 PU 30 PU 6 months	16 PU 30 PU 6 months
≥ 0.09% but < 0.10%	Min: Max: Disq:	10 PU 30 PU 3 months	16 PU 30 PU 6 months	16 PU 30 PU 7 months
≥ 0.10% but < 0.11%	Min: Max: Disq:	10 PU 30 PU 4 months	20 PU 30 PU 6 months	20 PU 30 PU 8 months

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≥ 0.11% but < 0.12%	Min: Max: Disq:	12 PU 30 PU 4 months	20 PU 30 PU 7 months	20 PU 30 PU 9 months
≥ 0.12% but < 0.13%	Min: Max: Disq:	12 PU 30 PU 5 months	24 PU 30 PU 8 months	24 PU 30 PU 10 months
≥ 0.13% but < 0.14%	Min: Max: Disq:	14 PU 30 PU 5 months	24 PU 30 PU 10 months	24 PU 30 PU 12 months
≥ 0.14% but < 0.15%	Min: Max: Disq:	14 PU 30 PU 6 months	24 PU 30 PU 12 months	24 PU 30 PU 14 months

Note: ≥ signifies greater than or equal to  
< signifies less than

(2a) For the purposes of the Table to subsection (2), an offence is a second or subsequent offence against this section irrespective of the percentage of alcohol in the blood on the occasion of the commission of any previous offence against this section.

”.

(2) Section 64 (3) of the principal Act is amended by inserting after “first” the following —

“ , second ”.

### Section 64AA amended

7. Section 64AA (2) of the principal Act is repealed and the following is substituted —

“

(2) If a court convicts a person of a first offence against this section the person is liable to a fine of not more than 4 PU.

(2a) If a court convicts a person of a second or subsequent offence against this section —

- (a) the person is liable to the relevant penalty in the Table to this subsection; and
- (b) the court shall order that the person be disqualified from holding or obtaining a driver's licence for not less than the relevant minimum period of disqualification in the Table to this subsection.

Table

Percentage of alcohol in blood		Penalty
≥ 0.05% but < 0.06%	Min: Max: Disq:	5 PU 10 PU 3 months
≥ 0.06% but < 0.07%	Min: Max: Disq:	6 PU 10 PU 3 months
≥ 0.07% but < 0.08%	Min: Max: Disq:	7 PU 10 PU 3 months

Note: ≥ signifies greater than or equal to  
< signifies less than

”.

**Section 64A amended**

**8.** (1) Section 64A (1) of the principal Act is amended by deleting the penalty provision and substituting the following —

“

Penalty: Not less than 2 PU or more than 6 PU; and, in any event, the court convicting a person shall order

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that he be disqualified from holding or obtaining a driver's licence for a period of not less than 3 months.

”.

(2) Section 64A (2) of the principal Act is repealed and the following subsections are substituted —

“

(2) This section does not apply to a person who —

- (a) holds or has previously held an unrestricted licence; or
- (b) has, during a period of one year or more, been authorized to drive a motor vehicle under the law in force in another State or country or in a Territory,

unless the person —

- (c) is subject to an order disqualifying the person from holding or obtaining a driver's licence imposed for an offence against section 63 or 67, or for a second or subsequent offence against section 64, committed after the commencement of the *Road Traffic Amendment Act 1997*;
- (d) does not hold a driver's licence because it has been cancelled under section 75 (2a) or (2b) as a result of an order disqualifying the person from holding or obtaining a driver's licence imposed on the person upon being convicted of an offence committed after the commencement of the *Road Traffic Amendment Act 1997*;
- (e) holds an extraordinary licence; or
- (f) is a recently disqualified driver.

(3) For the purpose of subsection (2), a person is a recently disqualified driver if, within the last 3 years, the person —

- (a) has ceased to be subject to; or
- (b) has been issued a driver's licence in a case where the person did not hold a driver's licence because it had been cancelled under section 75 (2a) or (2b) as a result of,

an order disqualifying the person from holding or obtaining a driver's licence imposed for an offence against section 63 or 67, or for a second or subsequent offence against section 64, committed after the commencement of the *Road Traffic Amendment Act 1997*.

”.

#### **Section 66 amended**

9. Section 66 (2) of the principal Act is amended by deleting paragraph (a) (ii) and substituting the following subparagraph —

“

- (ii) it appears to a member of the Police Force that the preliminary test indicates that there is alcohol present in the blood of the person and the member of the Police Force has reasonable grounds to believe that the person is a person to whom section 64A applies;

”.

#### **Section 88 repealed**

10. Section 88 of the principal Act is repealed.

#### **Section 91 repealed**

11. Section 91 of the principal Act is repealed.

**Section 98A amended**

**12.** After section 98A (5) of the principal Act the following subsections are inserted —

“

(6) The Commissioner of Police may, either generally or as provided by the instrument of delegation, delegate to any person the performance of the Commissioner’s functions under this section, other than this power of delegation.

(7) Unless the contrary is proved, it is to be presumed that a certificate purporting to have been signed by a person as a delegate of the Commissioner of Police was signed by the person in the performance of a function that at the time was delegated to the person by the Commissioner.

”.

**Other changes to penalties**

**13.** The principal Act is amended as set out in the Table to this section.

## Table

s. 15 (4)	Delete “\$250” and substitute — “ 10 PU ”.
s. 20 (2)	Delete the penalty provision and substitute — “ Penalty: For a first offence, 2 PU. For a subsequent offence, 6 PU. ”.
s. 42A (9)	Delete “\$2 000” and substitute — “ 40 PU ”.
s. 44 (2)	Delete the penalty provision and substitute — “ Penalty: For a first offence, 6 PU. For a subsequent offence, 12 PU. ”.



- s. 49 (1) Delete the penalty provision and substitute —  
“ Penalty: For a first offence, 6 PU.  
For a subsequent offence, 12 PU. ”.
- s. 49 (2) In paragraph (i) of the penalty provision, delete “not less than \$100 or more than \$750” and substitute —  
“ not less than 4 PU or more than 30 PU ”.  
In paragraph (ii) of the penalty provision, delete “not less than \$200 or more than \$1 000, ” and substitute —  
“ not less than 8 PU or more than 40 PU, ”.  
In paragraph (ii) of the penalty provision, delete “not less than \$500” and substitute —  
“ not less than 20 PU ”.
- s. 50 Delete the penalty provision and substitute —  
“ Penalty: 6 PU. ”.
- s. 50A (2) Delete “and is liable, for a first offence, to a fine of \$200 and, for any subsequent offence, to a fine of \$400”.  
Insert at the foot of the subsection the following —  
“ Penalty: For a first offence, 8 PU.  
For a subsequent offence, 16 PU. ”.
- s. 53 (1) Delete the penalty provision and substitute —  
“ Penalty: For a first offence, 6 PU.  
For a subsequent offence, 12 PU. ”.
- s. 53 (2) Delete “\$100” and substitute —  
“ 4 PU ”.
- s. 53 (3) Delete the penalty provision and substitute —  
“ Penalty: 4 PU. ”.
- s. 53 (4) Delete the penalty provision and substitute —  
“ Penalty: For a first offence, 6 PU.  
For a subsequent offence, 12 PU. ”.

- s. 54 (1) Delete "\$750" and substitute —  
" 30 PU ".  
Delete "\$1 250" and substitute —  
" 50 PU ".
- s. 54 (6) Delete "\$750" and substitute —  
" 30 PU ".  
Delete "\$1 250" and substitute —  
" 50 PU ".
- s. 55 (1) Delete the penalty provision and substitute —  
" Penalty: For a first offence, 8 PU.  
For a subsequent offence, 16 PU. ".
- s. 56 (1) Delete "\$400" and substitute —  
" 16 PU ".  
Delete "\$800" and substitute —  
" 32 PU ".
- s. 57 (1) In the penalty provision, delete "\$1 500" and  
substitute —  
" 60 PU ".
- s. 58 Delete the penalty provision and substitute —  
" Penalty: For a first offence, 12 PU.  
For a subsequent offence, 24 PU. ".
- s. 59 (3) (aa) Delete "\$10 000" and substitute —  
" 400 PU ".
- s. 59 (3) (b) Delete "\$4 000" and substitute —  
" 160 PU ".
- s. 59A (3) (a) Delete "\$2 000" and substitute —  
" 80 PU ".
- s. 59A (3) (b) Delete "\$4 000" and substitute —  
" 160 PU ".

- s. 60 (3) (a) Delete "\$500" and substitute —  
" 20 PU ".
- s. 60 (3) (b) Delete "\$600" and substitute —  
" 24 PU ".
- s. 60 (3) (c) Delete "\$1 200" and substitute —  
" 48 PU ".
- s. 61 (3) (a) Delete "\$400" and substitute —  
" 16 PU ".
- s. 61 (3) (b) Delete "\$1 000" and substitute —  
" 40 PU ".
- s. 62 Delete "\$300" and substitute —  
" 12 PU ".
- s. 63 (2) (a) Delete "\$500" and substitute —  
" 16 PU ".
- Delete "\$1 200" and substitute —  
" 50 PU ".
- s. 63 (2) (b) Delete "\$1 000" and substitute —  
" 30 PU ".
- Delete "\$1 800" and substitute —  
" 70 PU ".
- s. 63 (2) (c) Delete "\$1 200" and substitute —  
" 40 PU ".
- Delete "\$2 500" and substitute —  
" 100 PU ".

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- s. 67 (3) (a) Delete "\$500" and substitute —  
" 16 PU ".  
Delete "\$1 200" and substitute —  
" 50 PU ".
- s. 67 (3) (b) Delete "\$1 000" and substitute —  
" 30 PU ".  
Delete "\$1 800" and substitute —  
" 70 PU ".
- s. 67 (3) (c) Delete "\$1 200" and substitute —  
" 40 PU ".  
Delete "\$2 500" and substitute —  
" 100 PU ".
- s. 67A (3) (a) Delete "\$150" and substitute —  
" 6 PU ".  
Delete "\$400" and substitute —  
" 16 PU ".
- s. 67A (3) (b) Delete "\$300" and substitute —  
" 12 PU ".  
Delete "\$700" and substitute —  
" 28 PU ".
- s. 77 (1) Delete "\$600" and substitute —  
" 24 PU ".
- s. 81F (1) Delete "\$300" and substitute —  
" 12 PU ".
- s. 83 (5) Delete the penalty provision and substitute —  
" Penalty: For a first offence, 6 PU.  
For a subsequent offence, 12 PU. ".

- s. 86 (2) Delete the penalty provision and substitute —  
“ Penalty: 5 PU. ”.
- s. 86 (4) Delete “\$60” and substitute —  
“ 3 PU ”.
- s. 87 (5) Delete “\$200” and substitute —  
“ 8 PU ”.  
Delete “\$10” and substitute —  
“ 1 PU ”.
- s. 87 (8) Delete “\$200” and substitute —  
“ 8 PU ”.
- s. 89 (2) Delete the penalty provision and substitute —  
“ Penalty: For a first offence, 20 PU.  
For a second offence, 40 PU.  
For a subsequent offence, 100 PU. ”.
- s. 90 Delete the penalty provision and substitute —  
“ Penalty: For a first offence, 8 PU.  
For a subsequent offence, 16 PU  
or imprisonment for 6 months. ”.
- s. 102 (8) (b) Delete “\$500” and substitute —  
“ 20 PU ”.
- s. 103 (5) Delete “\$40” and substitute —  
“ 1 PU ”.
- s. 107 (2) Delete “\$800” and substitute —  
“ 32 PU ”.
- s. 111 (2) (k) Delete “\$600” and substitute —  
“ 24 PU ”.  
Delete “\$1 200” and substitute —  
“ 48 PU ”.

s. 111 (2) (l) Delete “\$40” and substitute —

“ 1 PU ”.

Delete “\$1 200” and substitute —

“ 48 PU ”.

Delete “\$3 000” and substitute —

“ 120 PU ”.

s. 111 (2) (m) Delete “\$600” and substitute —

“ 24 PU ”.

Delete “\$1 200” and substitute —

“ 48 PU ”.

Delete “\$3 600” and substitute —

“ 144 PU ”.