

ROAD TRAFFIC (No. 2).

No. 81 of 1980.

**AN ACT to amend the Road Traffic Act 1974-1979
and for related purposes.**

[Assented to 5 December 1980.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Road Traffic Amendment Act (No. 2) 1980*. Short title and citation.

(2) In this Act the Road Traffic Act 1974-1979 is referred to as the principal Act. Reprint approved 22 July, 1980.

(3) The principal Act as amended by this Act may be cited as the Road Traffic Act 1974-1980.

Section 7
amended.

2. Section 7 of the principal Act is amended in paragraph (g) of subsection (1) by deleting "Town" and substituting the following—

“ Urban ” .

Section 19
amended.

3. (1) Section 19 of the principal Act is amended—

(a) by inserting after subsection (3) the following subsection—

“ (3a) In the succeeding provisions of this section “licence” includes a renewal of a licence and references to licensing and the grant or issue of a licence shall be construed accordingly. ”;

(b) in subsection (12), by deleting “one vehicle owned by any person, charge a licence fee of ten dollars in lieu” and substituting the following—

“ the licensing of one vehicle owned by any person, charge only one-half ”;

(c) by repealing subsections (12a) and (12b) and substituting the following subsections—

“ (12a) The Authority shall charge only one-half of the fee payable according to the scale in Part III of the Second Schedule for the issue of a vehicle licence where the licence applied for is a licence to which this subsection applies.

(12b) Subsection (12a) of this section applies to a licence if—

(a) the tare weight of the vehicle for which the licence is required exceeds one thousand five hundred and twenty-four kilograms; and

(b) it is proved to the satisfaction of the Authority that the vehicle for which the licence is required

is owned by a person carrying on the business of stock transporting and will be used during the currency of the licence solely for journeys that involve the carriage of stock.

(12c) The issue of a licence to which subsection (12a) of this section applies in respect of a vehicle shall be subject to the conditions that, during the currency of the licence, —

- (a) the vehicle shall not be used for any journey that involves the carriage of goods other than a journey that involves the carriage of stock; and
- (b) goods other than stock shall not be carried on the vehicle in the course of a journey that involves the carriage of stock unless those other goods are carried under and in accordance with a permit granted under subsection (12d) of this section.

(12d) Where a vehicle in respect of which a licence to which subsection (12a) of this section applies has been issued is being, or is to be, used for a journey that involves the carriage of stock the Authority may, on payment of the prescribed fee, grant a permit in writing authorizing—

- (a) both stock and goods other than stock to be carried on the vehicle for a portion of the journey; or
- (b) goods other than stock to be carried on the vehicle for a portion of the journey during which no stock is being carried on the vehicle.

(12e) In subsections (12b), (12c) and (12d) of this section—

“goods” means chattels of any description;

“stock” means bulls, bullocks, cows, heifers, steers, calves, sheep, lambs, goats, swine, and such other livestock as are prescribed for the purposes of those subsections.

(12f) A permit granted under subsection (12d) of this section shall set out particulars of the matters authorized by the permit and shall specify the period during which the portion of a journey authorized by the permit shall be undertaken being a period not exceeding that reasonably necessary for the completion of that portion.

(12g) At any time before the commencement of the period specified in a permit granted under subsection (12d) of this section the Authority may, on the application of the holder of the permit, cancel the permit and grant a new permit in respect of the same matters, but in respect of a different period, without the payment of a further fee.

(12h) The granting of a permit under subsection (12d) of this section does not affect any obligation or liability of any person under the Transport Act 1966.

(12i) Until some other fee is prescribed, the fee for the grant of a permit under section (12d) is ten dollars.

(12j) All fees received in respect of permits granted under subsection (12d) of this section shall be paid to the credit of the Main Roads Trust Account, maintained under the Main Roads Act 1930. ”;

(d) in subsection (13)—

(i) by deleting “subsection (14)” and substituting the following—

“ subsections (14a) and (14c) ”;

and

(ii) by deleting “motor carrier,”;

(e) by repealing subsection (14) and substituting the following subsections—

“ (14) In subsections (14a), (14b) and (14c) of this section—

“farming concession licence” means a licence to which the provisions of subsection (13) of this section are extended;

“load capacity”, in relation to a vehicle, has the meaning ascribed to that expression by subsection (14e) of this section.

(14a) Subject to subsection (14b) of this section the Authority shall not issue a farming concession licence in respect of a vehicle that will be used in connection with the carrying on of the business of farming or grazing on a farm or other land if there is a farming concession licence in force in respect of another vehicle used in connection with the carrying on of the business of farming or grazing on that farm or land.

(14b) The issue of a farming concession licence in respect of—

(a) a semi-trailer, is not prevented by subsection (14a) of this section by reason of there being a farming concession licence in force in respect of a vehicle that will be used for the purpose of hauling that semi-trailer;

- (b) a vehicle used for the purpose of hauling a semi-trailer, is not prevented by subsection (14a) of this section by reason of there being a farming concession licence in force in respect of a semi-trailer that will be hauled by that vehicle.

(14c) The Authority shall not issue a farming concession licence in respect of—

- (a) a motor wagon, trailer, or vehicle used for the purpose of hauling a trailer or semi-trailer if—

- (i) the tare weight of the vehicle is less than one thousand five hundred and twenty-four kilograms; or

- (ii) the load capacity of the vehicle exceeds fourteen thousand kilograms;

- (b) a semi-trailer if—

- (i) the tare weight of the vehicle is less than one thousand five hundred and twenty-four kilograms; or

- (ii) it is not proved to the satisfaction of the Authority that during the currency of the licence the vehicle will be hauled solely by a vehicle having a load capacity not exceeding fourteen thousand kilograms. ”;

and

- (f) by repealing subsection (14a) and substituting the following subsections—

“ (14d) Subject to subsections (14f) and (14g) of this section the Authority shall charge only one-half of the fee that but for this subsection would be payable in respect of the licensing of—

- (a) a diesel engined vehicle; or
- (b) a semi-trailer, converter dolly trailer or trailer, other than a plant trailer, where it is proved to the satisfaction of the Authority that during the currency of the licence the vehicle will be hauled solely by a diesel engined tractor of the prime mover type.

(14e) In subsections (14f) and (14g) of this section “load capacity”, in relation to a vehicle, means—

- (a) where in the licence issued in respect of the vehicle or on the records kept under this Act a load or carrying capacity is shown—the capacity so shown; or
- (b) where in that licence or on those records there is shown the tare weight of the vehicle and either the maximum permissible gross weight of the vehicle together with the load that may be carried thereon or the aggregate weight of the vehicle—the difference between that gross or aggregate weight and that tare weight.

(14f) The Authority shall not extend the provisions of subsection (14d) of this section to the licensing of—

- (a) a motor wagon the tare weight of which exceeds five thousand eight hundred and sixty-five kilograms;

(b) a tractor of the prime mover type the tare weight of which exceeds three thousand and sixty kilograms; or

(c) a trailer or converter dolly trailer the tare weight of which exceeds two thousand and forty kilograms,

unless the load capacity of the vehicle does not exceed eight thousand one hundred and thirty kilograms.

(14g) The Authority shall not extend the provisions of subsection (14d) of this section to the licensing of a semi-trailer the tare weight of which exceeds two thousand and forty kilograms unless it is proved to the satisfaction of the Authority that during the currency of the licence the vehicle will be hauled solely by diesel engined tractor of the prime mover type having a load capacity not exceeding eight thousand one hundred and thirty kilograms. ”.

(2) Subject to subsection (3) of this section the provisions of section 19 of the principal Act as enacted before the coming into operation of this section shall continue to apply to and in relation to—

(a) the grant of a vehicle licence if that licence is granted before 1 January 1981; and

(b) the renewal of a vehicle licence if pursuant to subsection (4) of section 18 of the principal Act, that renewal has effect, or is deemed to have effect, on and from a day not later than 31 December 1980.

(3) The provisions of subsections (14d), (14e), (14f) and (14g) of section 19 of the principal Act as set out in paragraph (f) of subsection (1) of this section shall be deemed to have applied to and in relation to—

- (a) the grant of any vehicle licence on or after 1 July 1979; and
- (b) the renewal of any vehicle licence if, pursuant to subsection (4) of section 18 of the principal Act, that renewal had effect, or is deemed to have had effect, on and from a day later than 30 June 1979,

and the provisions of paragraph (a) of subsection (18) of section 19 of the principal Act shall apply to any excess of fees paid in respect of any such licence or renewal.

4. Section 26 of the principal Act is amended— Section 26
amended.

(a) in subsection (2a)—

(i) in paragraph (a), by deleting “and” where it appears after the semi-colon;

(ii) in paragraph (b), by deleting the full stop and substituting the following—

“ ; and ” ; and

(iii) by inserting, after paragraph (b) the following paragraph—

“ (c) as a condition referred to in subsection (2) and paragraph (b) of subsection (3) of this section, the use of an unlicensed motor vehicle in such circumstances or for such purposes as the Authority may, in any particular case, approve. ” ; and

(b) by inserting after subsection (3) the following subsections—

“ (4) Where an unlicensed motor vehicle for which a permit has been issued under subsection (1) is driven or towed otherwise than in accordance with any condition imposed under that subsection, the Authority may cancel the permit by notice in writing under subsection (5) of this section.

(5) A notice in writing referred to in subsection (4) of this section—

- (a) shall be signed by an officer of the Authority authorized so to do by the Authority;
- (b) shall be served on the person to whom the permit was issued; and
- (c) shall come into operation when it is so served or at such later time (if any) as is specified in the notice. ” .

Section 44
amended.

5. Section 44 of the principal Act is amended—

- (a) by inserting after subsection (1) the following subsections—

“ (1a) Where the Authority is of the opinion described in paragraph (a) of subsection (1) of this section in relation to the holder of a driver's licence, it may at any time during the currency of the licence, or upon a renewal thereof, endorse such conditions as it thinks fit on the licence whether by adding any new condition or amending an existing condition.

(1b) The Authority may at any time by notice in writing given to the holder of a licence revoke any condition endorsed on the licence under this section.

(1c) The Authority may, by notice in writing given to the holder of a licence, request him to produce the licence to the Authority for endorsement under subsection (1a) of this section at a place, specified in the notice, and a person to whom such a notice is duly given shall

comply with it as soon as is practicable. ” ; and

- (b) in subsection (2) by deleting “subsection (1) of”.

6. Section 47 of the principal Act is amended in paragraph (a) of subsection (3) by deleting “or a widow’s pension” and substituting the following—

Section 47
amended.

“ , a widow’s pension or a supporting parent’s benefit ”.

7. Section 48 of the principal Act is amended in subsection (3) by deleting paragraph (b) and substituting the following paragraph—

Section 48
amended.

“ (b) the licence being endorsed, pursuant to section 44, the holder of the licence has failed to comply with any conditions so endorsed. ” .

8. Section 66 of the principal Act is amended—

Section 66
amended.

(a) in subsection (7), by deleting “or both” and “or in addition to”; and

(b) by repealing subsection (9) and substituting the following subsection—

“ (9) Where—

(a) pursuant to subsection (5) of this section a patrolman requires a person to allow a medical practitioner nominated by the person to take a sample of his blood for analysis and the person fails to nominate a medical practitioner;
or

(b) pursuant to subsection (5) or (7) of this section a person nominates a medical practitioner to take a sample of his blood but a patrolman has reasonable grounds to

believe that the medical practitioner so nominated—

- (i) is not available within a distance of forty kilometres;
- (ii) is not available within the time limited by this section for taking blood samples;
- (iii) refuses to take the blood sample; or
- (iv) cannot readily be located,

the patrolman may require the person to provide a sample of his breath for analysis or to allow a medical practitioner nominated by the patrolman to take a sample of the person's blood for analysis.”.

Section 97
amended.

9. Section 97 of the principal Act is amended, in paragraph (c), by deleting “for any vehicle or animal”.

Section 111
amended
and validation.

10. (1) Section 111 of the principal Act is amended in subsection (2) by inserting after subparagraph (iii) of paragraph (a) the following subparagraph—

- “ (iiia) authorize any person or body or class of person or body to erect traffic signs and traffic control signals and similar devices, or any class or type thereof, in accordance with the instrument of authorization; ”.

(2) A traffic sign or traffic control signal or similar device purported to have been erected for the purposes of the principal Act and the regulations made thereunder before the coming into operation of this section shall be and always have been a valid and effective traffic sign, traffic control signal, or device for those purposes.