

ACTS AMENDMENT (TRAFFIC BOARD).

No. 106 of 1981.

AN ACT to amend the Motor Vehicle Drivers Instructors Act 1963-1974, the Motor Vehicle (Third Party Insurance) Act 1943-1976, the Motor Vehicle Dealers Act 1973-1979, the Taxicars (Co-ordination and Control) Act 1963-1980, the Transport Act 1966-1981, the Main Roads Act 1930-1980, the Control of Vehicles (Off-road areas) Act 1978 and the Stamp Act 1921-1981.

[Assented to 4 December 1981.]

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. This Act may be cited as the *Acts Amendment (Traffic Board) Act 1981*. Short title.

Commence-
ment.

2. This Act shall come into operation on the day fixed for the coming into operation of the Road Traffic Amendment Act (No. 4) 1981.

PART I.—MOTOR VEHICLE DRIVERS
INSTRUCTORS ACT 1963-1974.

Citation.
Reprinted
as approved
12 July 1977.

3. (1) In this Part the Motor Vehicle Drivers Instructors Act 1963-1974 is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Motor Vehicle Drivers Instructors Act 1963-1981.

Section 3
amended.

4. Section 3 of the principal Act is amended by deleting the definition of "Authority" and substituting the following definition—

“ “Board” means the Traffic Board constituted under the Road Traffic Act 1974; ” .

Certain
references
to Authority
amended.

5. The principal Act is amended by deleting "Authority" wherever it occurs in the provisions referred to in the Schedule to this section and substituting in each case the following—

“ Board ” .

SCHEDULE.

Provision.

Section 4

Section 7

Section 8 (2) (b)

Section 9

Section 10

Section 11

Section 12

Section 13 (3)

Section 14 (1).

6. Section 5 of the principal Act is amended in subsection (3) by deleting "and the Authority". Section 5 amended.

7. Section 13 of the principal Act is amended by repealing subsection (1) and substituting the following subsection— Section 13 amended.

“ (1) The Board may, with the approval of the Minister, either generally or in relation to a matter or class of matters, by instrument in writing, delegate to the Commissioner of Police or any officer of the public service any or all of its powers, authorities, duties, or functions under this Act, except this power of delegation. ” .

PART II.—MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT 1943-1976.

8. (1) In this Part the Motor Vehicle (Third Party Insurance) Act 1943-1976 is referred to as the principal Act. Citation. Reprinted as approved 12 January 1981.

(2) The principal Act as amended by this Act may be cited as the Motor Vehicle (Third Party Insurance) Act 1943-1981.

9. Section 3 of the principal Act is amended in subsection (1) by deleting the definition of "Authority" and substituting the following definition— Section 3 amended.

“ "Board" means the Traffic Board constituted under the Traffic Act and any person or body acting on behalf of the Board. ” .

Section 3R
amended.

10. Section 3R of the principal Act is amended by deleting "Authority" wherever it occurs and substituting in each case the following—

" Board " .

Section 4
amended.

11. Section 4 of the principal Act is amended in subsections (8) and (9a) by deleting "Authority" wherever it occurs and substituting in each case the following—

" Board " .

Section 12
amended.

12. Section 12 of the principal Act is amended in subsection (6) by deleting "Authority" and substituting the following—

" Board " .

Section 32A
inserted.

13. After section 32 of the principal Act, the following section is inserted—

Board may
delegate.

" 32A. (1) The Board may, with the approval of the Minister, either generally or in relation to a matter or class of matters, by instrument in writing, delegate to the Commissioner of Police or to any officer of the public service or to any public authority or officer or employee thereof specified in the instrument of delegation any of its powers, authorities, duties or functions under this Act, except this power of delegation.

(2) A power so delegated may be exercised by the delegate in accordance with the instrument of delegation.

(3) Where the exercise of any power, authority, duty or function of the Board under this Act is dependent upon the opinion, belief or state of mind of the Board in relation to any

matter or class of matters and that power, authority, duty or function has been delegated by the Board, in pursuance of this section, that power, authority, duty or function may be exercised upon the opinion, belief or state of mind of the delegate. ” .

PART III.—MOTOR VEHICLE DEALERS
ACT 1973-1979.

14. (1) In this Part the Motor Vehicle Dealers Act 1973-1979 is referred to as the principal Act.

Citation.
Reprinted
as approved
14 December
1978 and
amended by
Act No. 49
of 1979.

(2) The principal Act as amended by this Act may be cited as the Motor Vehicle Dealers Act 1973-1981.

15. Section 25 of the principal Act is amended—

Section 25
amended.

- (a) in subsection (2), by deleting “or any authorized officer of the Road Traffic Authority”; and
- (b) in subsection (2b), by deleting “or any authorized officer of the Road Traffic Authority”.

16. Section 27 of the principal Act is amended in subsection (1)—

Section 27
amended.

- (a) by deleting “any authorized officer of the Road Traffic Authority”; and
- (b) by deleting “, authorized officer” wherever it occurs.

17. Section 28 of the principal Act is amended in subsection (1) by deleting “authorized officer of the Road Traffic Authority” in both places where it occurs.

Section 28
amended.

PART IV.—TAXI-CARS (CO-ORDINATION
AND CONTROL) ACT 1963-1980.

Citation.
Reprinted
as approved
14 July 1977
and amended
by Acts Nos.
68 of 1977,
27 and 92 of
1978, and 10,
48 and 50 of
1980.

18. (1) In this Part the Taxi-cars (Co-ordination and Control) Act 1963-1980 is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Taxi-cars (Co-ordination and Control) Act 1963-1981.

Section 3
amended.

19. Section 3 of the principal Act is amended in subsection (1) by deleting the full stop at the end of the definition of "taxi-stand" and substituting the following—

“ ; and

“Traffic Board” means the Traffic Board constituted under the Road Traffic Act 1974. ” .

Section 5
amended.

20. Section 5 of the principal Act is amended in subsection (3) by deleting “Road Traffic Authority established under section six of the Road Traffic Act, 1974” in paragraph (b) and substituting the following—

“ Traffic Board ” .

Section 7
amended.

21. Section 7 of the principal Act is amended by deleting “Road Traffic Authority” and substituting the following—

“ Traffic Board ” .

Section 14
amended.

22. Section 14 of the principal Act is amended in subsection (3) by deleting “Road Traffic Authority” and substituting the following—

“ Traffic Board ” .

23. Section 16 of the principal Act is amended in subsection (2) by deleting "Road Traffic Authority" in subparagraph (ii) of paragraph (a) and substituting the following—

Section 16
amended.

" Traffic Board " .

PART V.—TRANSPORT ACT 1966-1981.

24. (1) In this Part the Transport Act 1966-1981 is referred to as the principal Act.

Citation.
Reprinted
as approved
21 June 1977
and amended
by Acts Nos.
53 of 1977,
9 and 93 of
1979, 47 and
48 of 1980,
and 8, 56
and 70 of
1981.

(2) The Transport Act 1966-1981 as amended by this Act may be cited as the Transport Act 1966-1981.

25. Section 4 of the principal Act is amended in subsection (1) by deleting "or of the staff of the Road Traffic Authority" in the definition of "officer".

Section 4
amended.

26. Section 47ZD of the principal Act is amended in subsection (4) by deleting "Road Traffic Authority" and substituting the following—

Section 47ZD
amended.

" Traffic Board " .

27. Section 47ZF of the principal Act is amended in subsection (1) by deleting "Road Traffic Authority" in paragraph (s) and substituting the following—

Section 47ZF
amended.

" Traffic Board constituted by the Road Traffic Act 1974 " .

PART VI.—MAIN ROADS ACT 1930-1980.

28. (1) In this Part the Main Roads Act 1930-1980 is referred to as the principal Act.

Citation.
Reprinted
as approved
16 December
1976 and
amended by
Acts Nos.
54 of 1977,
9 of 1979,
and 21 of
1980.

(2) The Main Roads Act 1930-1980 as amended by this Act may be cited as the Main Roads Act 1930-1981.

Section 32
amended.

29. Section 32 of the principal Act is amended in subsection (1) by deleting "Road Traffic Authority" in both places where it occurs in paragraph (c) and substituting in each case the following—

" Traffic Board " .

PART VII.—CONTROL OF VEHICLES (OFF-ROAD
AREAS) ACT 1978.

Citation.
Act No. 117
of 1978.

30. (1) In this Part, the Control of Vehicles (Off-road areas) Act 1978 is referred to as the principal Act.

(2) The Control of Vehicles (Off-road areas) Act 1978 as amended by this Act may be cited as the Control of Vehicles (Off-road areas) Act 1978-1981.

Section 3
amended.

31. Section 3 of the principal Act is amended in subsection (1)—

- (a) by deleting the definition of "Authority"; and
- (b) by inserting after the definition of "road" the following definition—

" "Traffic Board" means the Traffic Board constituted by the Road Traffic Act 1974, and includes, where the circumstances so require, a public authority acting as the agent of the Traffic Board in respect of the registration of a vehicle pursuant to regulations made under this Act; and " .

Section 5
amended.

32. Section 5 of the principal Act is amended in subsection (1) by deleting "Road Traffic Authority" and substituting the following—

" Traffic Board " .

33. Section 36 of the principal Act is amended in paragraph (b) by deleting "patrolman" and substituting the following—

Section 36
amended.

" member of the Police Force " .

34. The principal Act is amended by deleting "Authority" wherever it occurs in the provisions referred to in the Schedule to this section and substituting in each case the following—

Certain
references
to Authority
amended.

" Traffic Board " .

SCHEDULE.

Provision

Section 3 (2)
Section 5 (2)
Section 11 (3)
Section 28
Section 29
Section 30
Section 31 (2)
Section 32
Section 34 (2)
Section 38
Section 42
Section 43.

35. After section 36 of the principal Act, the following section is inserted—

Section 36A
inserted.

" 36A. (1) The Traffic Board may, with the approval of the Minister, either generally or in relation to a matter or class of matters by instrument in writing, delegate to the Commissioner of Police or any officer of the public service any or all of its powers, authorities, duties, or functions under this Act, except this power of delegation.

Traffic
Board may
delegate.

(2) A power so delegated may be exercised by the delegate in accordance with the instrument of delegation.

(3) Where the exercise of any power, authority, duty or function of the Traffic Board under this Act is dependent upon the opinion, belief or state of mind of the Traffic Board in relation to any matter or class of matters and that power, authority, duty or function has been delegated by the Traffic Board, in pursuance of this section, that power, authority, duty or function may be exercised upon the opinion, belief or state of mind of the delegate. ” .

PART VIII.—STAMP ACT 1921-1981.

Citation.
Reprinted
as approved
25 March
1980 and
amended by
Acts Nos.
47 of 1979,
63 of 1980,
and 80 of
1981.

36. (1) In this Part the Stamp Act 1921-1981 is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Stamp Act 1921-1981.

Section 76B
amended.

37. Section 76B of the principal Act is amended by inserting after the definition of “motor vehicle” the following definition—

“ “Traffic Board” means the Traffic Board constituted under section 6 of the Road Traffic Act 1974; and ” .

Section 76C
amended.

38. Section 76C of the principal Act is amended in subsections (2) and (3) by deleting “Road Traffic Authority” wherever it occurs and substituting in each case the following—

“ Traffic Board ” .