

## ROAD TRAFFIC (No. 4).

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No. 105 of 1981.

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**AN ACT to amend the Road Traffic Act 1974-1981.**

[*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. (1) This Act may be cited as the *Road Traffic Amendment Act (No. 4) 1981*. Short title and citation.

(2) In this Act, the Road Traffic Act 1974-1981 is referred to as the principal Act. Reprinted as approved 22 July 1980 and amended by Acts Nos. 42, 48 and 81 of 1980, and 39 and 71 of 1981.

(3) The principal Act as amended by this Act may be cited as the Road Traffic Act 1974-1981.

Commence-  
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Section 5  
amended.

3. Section 5 of the principal Act is amended—

(a) in subsection (1)—

(i) by deleting the definition of “Authority” and substituting the following definition—

“ “Board” means the Traffic Board constituted under section 6; ” ;

and

(ii) by deleting the definition of “patrolman”;

and

(b) by repealing subsection (3).

Section 6  
amended.

4. Section 6 of the principal Act is amended—

(a) in subsection (1) by deleting “Road Traffic Authority” and substituting the following—

“ Traffic Board ” ; and

(b) by repealing subsections (2), (3), and (4) and substituting the following subsection—

“ (2) The Board may exercise and discharge the powers, authority, duties, and functions conferred or imposed upon it by or under this or any other Act. ” .

Section 7  
repealed and  
substituted.

5. Section 7 of the principal Act is repealed and the following section is substituted—

Constitution  
of Board.

“ 7. (1) Subject to this section, the Board shall consist of the following 7 members—

(a) the Commissioner of Police, who shall be the Chairman of the Board;

- (b) a member of the Police Force nominated by the Commissioner of Police;
- (c) the Commissioner of Main Roads or such officer of the Main Roads Department as the Commissioner, with the approval of the Minister and the Minister administering the Main Roads Act 1930, from time to time by writing addressed to the Chairman, nominates to be a member of the Board in place of the Commissioner of Main Roads;
- (d) the Director General of Transport or such other person as the Director General of Transport, with the approval of the Minister and the Minister administering the State Transport Co-ordination Act 1966, from time to time by writing addressed to the Chairman, nominates to be a member of the Board in place of the Director General of Transport;
- (e) a person appointed by the Governor on the nomination of the Minister from a panel of names submitted by the body known as the Local Government Association of Western Australia in accordance with subsection (3) of this section;
- (f) a person appointed by the Governor on the nomination of the Minister from a panel of names submitted by the body known as the Country Shire Councils' Association of W.A. in accordance with subsection (3) of this section; and
- (g) a person appointed by the Governor on the nomination of the Minister from a panel of names submitted by the body known as the Country

Urban Councils' Association in accordance with subsection (3) of this section.

(2) The persons who immediately before the coming into operation of the Road Traffic Amendment Act (No. 4) 1981 (in this section referred to as "the 1981 Act") were members of the Road Traffic Authority, having been so appointed under paragraphs (e), (f), and (g) of subsection (1) of this section, shall, upon the coming into operation of the 1981 Act, hold office as members of the Board and each of those persons shall be deemed to have been appointed to be a member of the Board under paragraph (e), (f), or (g) of subsection (1) of this section, as the case may require, for a period equal to the part of the term for which that person had been appointed to be a member of the Road Traffic Authority that is unexpired when the 1981 Act comes into operation.

(3) On each occasion when an office of a member referred to in paragraph (e), (f), or (g) of subsection (1) of this section becomes vacant by the effluxion of time, the Minister shall, in writing, request the body referred to in the appropriate paragraph to submit to him, in writing, a panel containing the names of not fewer than 3 persons willing to act as members of the Board.

(4) Where a body has been requested, pursuant to subsection (3) of this section, to submit a panel of not fewer than 3 names to the Minister, the Minister—

(a) shall, if such a panel is submitted to him within 21 days of the body receiving the request, nominate one of the persons whose names appear on the panel for appointment to the office of member; and

(b) may, if default is made within that time in submitting such a panel to him, nominate for appointment to the office of member such person as he thinks fit, and any person so nominated may be appointed as if he had been nominated in accordance with paragraph (a) of this subsection.

(5) The Governor may appoint any member to be Deputy Chairman of the Board for such term not exceeding 3 years as is specified in his instrument of appointment.

(6) The person who immediately before the coming into operation of the 1981 Act was the Deputy Chairman of the Road Traffic Authority shall, upon the coming into operation of the 1981 Act, be deemed to have been appointed Deputy Chairman of the Board for a period equal to the part of the term for which that person was appointed Deputy Chairman of the Road Traffic Authority which is unexpired when the 1981 Act comes into operation. ” .

6. Section 8 of the principal Act is amended by inserting after subsection (4) the following subsection—

Section 8  
amended.

“ (4a) Every person who immediately before the coming into operation of the Road Traffic Amendment Act (No. 4) 1981 (in this subsection referred to as “the 1981 Act”) was the deputy of a member of the Road Traffic Authority shall, upon the coming into operation of the 1981 Act, be deemed, subject to subsection (4) of this section, to have been appointed as a deputy of the same member of the Board for a period equal to the part of the term for which that person had been appointed to be a deputy which is unexpired when the 1981 Act comes into operation. ” .

Section 11  
amended.

7. Section 11 of the principal Act is amended in subsection (1) by deleting "Subject to" and substituting the following—

" Subject to subsection (1) of section 13 and to " .

Section 12  
amended.

8. Section 12 of the principal Act is amended—

(a) by repealing subsection (1); and

(b) in subsection (3), by deleting paragraph (a) and substituting the following paragraph—

" (a) delegate to the Commissioner of Police or to any public authority or officer or employee thereof specified in the instrument of delegation all or any of its powers and functions under this Act; and " .

Section 13  
amended.

9. Section 13 of the principal Act is amended—

(a) by repealing subsections (1), (2), and (3) and substituting the following subsection—

" (1) The Commissioner of Police shall be responsible for the control and regulation of traffic in the State and the enforcement of this Act and the regulations. " ; and

(b) by repealing subsections (5), (6), and (7).

Section 26  
amended.

10. Section 26 of the principal Act is amended in subsection (5) by deleting paragraph (a) and substituting the following paragraph—

" (a) shall be signed by a person authorized so to do by the Board; " .

Section 55  
amended.

11. Section 55 of the principal Act is amended in subsection (1) by deleting—

" or office of the Authority " .

12. Section 66 of the principal Act is amended in subsection (2) by deleting “an office of the Authority, police station or some other place, and may require that person to wait at any such office, police station or place” and substituting the following—

Section 66  
amended.

“ a police station or some other place, and may require that person to wait at any such police station or place ” .

13. Section 86 of the principal Act is amended in subsection (3) (b) by deleting “or officer of the Authority at the police station or office of the Authority” and substituting the following—

Section 86  
amended.

“ at the police station ” .

14. Section 98 of the principal Act is amended—

Section 98  
amended.

(a) in subsection (2), by deleting “chief executive officer of the Authority or any person authorized by him” and substituting the following—

“ Board or any person authorized by the Board ” ;

(b) by repealing subsection (2a); and

(c) in subsection (3), by deleting—

“ ; and

(b) no proof shall be required that a person who is or has been a police officer or member of the Police Force, is or was at any relevant time a patrolman ” .

15. Section 101 of the principal Act is amended by deleting—

Section 101  
amended.

“ officer or employee of the Authority, patrolman, ” .

Section 107  
amended.

16. Section 107 of the principal Act is amended in subsection (3)—

- (a) by deleting “patrolman,” and
- (b) by deleting “an officer of the Authority” and substituting the following—  
“ a person ” .

Section 110  
amended.

17. Section 110 of the principal Act is amended in subsection (3) by deleting “patrolman or” in both places where it occurs.

Section 111  
amended.

18. Section 111 of the principal Act is amended in paragraph (da) of subsection (2)—

- (a) by deleting “, whether officers of the Authority or not,” in subparagraph (i); and
- (b) by deleting “, whether officers of the Authority or not,” in subparagraph (iv).

References  
to “Authority”  
and  
“patrolman”  
in principal  
Act.

19. The principal Act is amended—

- (a) by deleting “Authority” wherever it occurs and substituting in each case the following—  
“ Board ”; and
  - (b) by deleting “patrolman” wherever it occurs and substituting in each case the following—  
“ member of the Police Force ” .
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