

ROAD MAINTENANCE (CONTRIBUTION) (No. 3).

No. 105 of 1976.

AN ACT to amend the Road Maintenance (Contribution) Act, 1965-1976 to make provision in respect of investigations and inquiries, and offences and other matters relating to investigations and inquiries.

[Assented to 17th November, 1976.]

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 Maintenance (Contribution) Act Amendment Act (No. 3), 1976.*

Short title
and citation.

Act No. 69 of
1965 as
amended by
Acts Nos.
106 of 1970,
94 of 1972,
23 of 1976
and 74 of
1976.

(2) In this Act the Road Maintenance (Contribution) Act, 1965-1976 is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Road Maintenance (Contribution) Act, 1965-1976.

Commence-
ment.

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

Section 4
amended.

3. Section 4 of the principal Act is amended by inserting after the word "nine", in line four of the interpretation "authorised officer", the passage "eleven A,".

Section 9
amended.

4. Section 9 of the principal Act is amended—

- (a) by inserting after the section designation "9." the subsection designation "(1)";
- (b) by inserting after the word "State", in the the last line of paragraph (a), a passage as follows—

and keep documents from which the record is made and which contain information on each of the following matters—

- (i) the origin, destination, and time of commencement of any such journey, and the registration number of the vehicle; and
 - (ii) the identity of the person who engaged the vehicle for any such journey ;
- (c) by deleting the word "six", in line one of paragraph (b), and inserting in lieu thereof the word "twelve";

(d) by inserting after the word "record", in the last line of paragraph (b), the words "and document"; and

(e) by adding a subsection as follows—

(2) The Commissioner or any authorised officer may make a copy of any record or document inspected by him in pursuance of subsection (1) of this section, or make an abstract of any entry in such a record or document, and in the absence of proof to the contrary any such copy, or any such abstract, certified as correct by the Commissioner or any authorised officer shall be received in all courts as evidence of, and of equal validity as, the original or any entry therein, as the case may be. .

5. The principal Act is amended by inserting immediately after section 11 a section as follows—

Section 11A
added.

11A. (1) For the purpose of ascertaining whether the provisions of this Act are being contravened any authorised officer—

Investigation
and inquiry.

(a) may require the owner and the driver of a commercial goods vehicle and any other person involved in its operation—

(i) to state his name and place of abode;

(ii) to state the capacity in which he is involved in the operation; and

(iii) to give information on the origin, destination, and time of commencement of journeys of the vehicle along roads in the State, and the registration number of the vehicle, and the identity of the person who engaged the vehicle for any such journey; and

(b) may require any person who engaged the vehicle for any such journey—

- (i) to state his name and place of abode;
- (ii) to state the capacity in which he engaged the vehicle; and
- (iii) to give information on the origin, destination, and time of commencement of the journey, and the registration number of the vehicle.

(2) The persons referred to in paragraphs (a) and (b) of subsection (1) of this section shall comply immediately with any requirement made in pursuance of that subsection. .

Section 14
amended.

6. Subsection (1) of section 14 of the principal Act is amended—

- (a) by inserting after the word “record”—
 - (i) in line one of paragraph (a);
 - (ii) in line two of paragraph (a);
 - (iii) in line two of paragraph (c); and
 - (iv) in line two of paragraph (d),the words “or document”, in each case;
- (b) by deleting the word “or”, immediately after paragraph (d); and
- (c) by deleting the passage “vehicle,” in line three of paragraph (e) and inserting in lieu thereof a passage as follows—

vehicle;

- (f) fails to state his name and place of abode as required by this Act;

- (g) fails to state the capacity in which he is involved in the operation of the vehicle as required by this Act;
 - (h) fails to state the capacity in which he engaged a vehicle as required by this Act;
 - (i) fails to give any information as required by this Act;
 - (j) makes any false or misleading statement in any information required to be given by him by this Act;
 - (k) hinders or obstructs any person in the execution of any power or duty conferred on him by this Act, or lawfully exercising or performing such duty or power; or
 - (l) threatens or intimidates or uses improper language to any person so acting, .
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