

## ACTS AMENDMENT (ROAD TRAFFIC).

---

No. 58 of 1974.

---

**AN ACT to amend The Criminal Code, the Coroners Act, 1920-1960, the Motor Vehicle Dealers Act, 1973, the Motor Vehicle Drivers Instructors Act, 1963-1973 and the Motor Vehicle (Third Party Insurance) Act, 1943-1973.**

[Assented to 3rd December, 1974.]

**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 (Road Traffic) Act, 1974.* Short title.

2. The provisions of this Act shall come into operation on such date or such dates as is or are, respectively, fixed by proclamation. Commencement.

PART I.—THE CRIMINAL CODE.

Interpreta-  
tion of "the  
Code".

3. In this Part of this Act "the Code" means The Criminal Code set out in the Schedule to the Criminal Code Act, 1913, set out in Appendix B to the Criminal Code Act Compilation Act, 1913, as reprinted, with amendments to and including Act No. 1 of 1969 incorporated, pursuant to the Amendments Incorporation Act, 1938 and further amended by Acts Nos. 21 and 41 of 1972 and 19 of 1973.

Section 277  
amended.

4. Section 277 of the Code is amended by substituting for the passage "manslaughter, or causing death by the negligent use or management of a vehicle", the words "or manslaughter".

Section  
291A re-  
pealed.

5. Section 291A of the Code is repealed.

Section 595  
amended.

6. Section 595 of the Code is amended by substituting for the passage "a crime under section two hundred and ninety-one A hereof, if that crime" in lines three and four of the last proviso to that section, and substituting the passage "an offence under section fifty-nine of the Road Traffic Act, 1974, if that offence".

Chapter  
LXIII  
amended.

7. Chapter LXIII of the Code is amended by adding after section 595 a section as follows—

Charge of  
grievous  
bodily harm.

595A. Upon an indictment charging a person with the crime of doing grievous bodily harm to another, he may be convicted of an offence under section fifty-nine of the Road Traffic Act, 1974, if that offence is established by the evidence. .

Section 668A  
repealed.

8. Section 668A of the Code is repealed.

PART II.—CORONERS ACT, 1920-1960.

Short title  
and citation.

9. (1) In this Part of this Act the Coroners Act, 1920-1960, is referred to as the principal Act.

Reprinted  
as approved  
for reprint  
18th May,  
1971.

(2) The principal Act as amended by this Act may be cited as the Coroners Act, 1920-1974.

10. Section 3 of the principal Act is amended by deleting the interpretation "reckless or dangerous driving".

Section 3  
amended.

11. Section 12A of the principal Act is amended by deleting the passage commencing with the word "murder" in line two of paragraph (a) of subsection (1) and ending with the word "driving" in line three of that paragraph, and substituting the words "murder or manslaughter".

Section 12A  
amended.

12. The principal Act is amended by adding after section 12A a section as follows—

Section 12B  
added.

12B. If in the opinion of the coroner the evidence taken at an inquest on a death is sufficient to put a person upon his trial for an offence against section fifty-nine of the Road Traffic Act, 1974, he shall, in the inquisition in writing referred to in subsection (3) of section eleven of this Act,—

Finding of  
death caused  
by danger-  
ous driving.

(a) state that opinion; and

(b) set forth the name of that person. .

13. Section 13A of the principal Act is amended—

Section 13A  
amended.

(a) by inserting before the word "then" in line three of subsection (3), the passage "or dealt with summarily for an indictable offence,"; and

(b) by substituting for the words "on the indictment" in the last line of subsection (3), the words "in respect of the offence".

14. Section 16 of the principal Act is amended—

Section 16  
amended.

(a) by substituting for the passage "property; or" in line four of subsection (2), the passage "property,"; and

(b) by deleting paragraph (c) of subsection (2).

Section 17  
amended.

15. Section 17 of the principal Act is amended—

- (a) by substituting for the passage “property; or” in line four of subsection (1), the passage “property,”; and
- (b) by deleting paragraph (c) of subsection (1).

Section 19  
amended.

16. Section 19 of the principal Act is amended—

- (a) by substituting for the passage “property; or” in line five of subsection (1), the passage “property,”; and
- (b) by deleting paragraph (d) of subsection (1).

Section 43  
amended.

17. Section 43 of the principal Act is amended—

- (a) by substituting for the passage “property; or” in line seven of paragraph (7), the passage “property,”;
- (b) by deleting subparagraph (d) of paragraph (7); and
- (c) by adding after paragraph (7) a paragraph as follows—

(7a) Where in the opinion of the coroner the evidence taken at an inquest is sufficient to put a person upon his trial for an offence against section fifty-nine of the Road Traffic Act, 1974, the coroner shall transmit a copy of the inquisition to the Minister of the Crown to whom the administration of that section is for the time being committed.

Section 44  
amended.

18. Section 44 of the principal Act is amended by deleting the words “or with reckless or dangerous driving” in line seven of subsection (1).

PART III.—MOTOR VEHICLE DEALERS ACT, 1973.

19. (1) In this Part of this Act, the Motor Vehicle Dealers Act, 1973, is referred to as the principal Act.

Short title  
and citation.

(2) The principal Act as amended by this Act may be cited as the Motor Vehicle Dealers Act, 1973-1974.

20. Section 27 of the principal Act is amended by adding after subsection (1) the following subsection—

Section 27  
amended.

(1a) In subsection (1) of this section “dealer” includes any person carrying on the business of a wrecker of motor vehicles or of buying and selling vehicles for which a dealer’s licence is not required under this Act, and in relation to such a person—

(a) the terms “yard manager” and “salesman” mean an employee of the person; and

(b) the term “registered premises” means the premises at which that person carries on business. .

21. The principal Act is amended as set out in the Schedule to this Part.

SCHEDULE.

Provision amended.	Amendment.
Section 25 (2) ....	Delete “Department of Motor Vehicles” in line five, substitute “Road Traffic Authority”.
Section 27 (1) ....	Delete “Department of Motor Vehicles” in line four, substitute “Road Traffic Authority”.
Section 28 (1) ....	Delete “Department of Motor Vehicles” in line three and in line five of paragraph (b), substitute “Road Traffic Authority” in each case.

PART IV.—MOTOR VEHICLE DRIVERS INSTRUCTORS  
ACT, 1963-1973.

Short title  
and citation.

22. (1) In this Part of this Act the Motor Vehicle Drivers Instructors Act, 1963-1973 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, 1963-1974.

Section 3  
amended.

23. Section 3 of the principal Act is amended by deleting the interpretations “Department” and “Director” and substituting the following interpretation—

“Authority” means the Road Traffic Authority established under the Road Traffic Act, 1974; .

Section 4  
repealed and  
re-enacted.

24. Section 4 of the principal Act is repealed and re-enacted as follows—

Administra-  
tion.

4. Subject to any direction of the Minister, this Act shall be administered by the Authority. .

25. The principal Act is amended as set out in the Schedule to this Part.

SCHEDULE.

Provision amended.	Amendment.
Section 5 (3) ....	Delete “Director” in line four, substitute “Authority”.
Section 7 (1) ....	Delete “Director” in line three, substitute “Authority”.
Section 7 (2) ....	Delete “Director” in line one, substitute “Authority”.
Section 7 (3) ....	Delete “Director” in line two, substitute “Authority”.
Section 7 (4) ....	Delete “Director” in line nine, substitute “Authority”.

Provision amended.	Amendment.
Section 7 (5) ....	Delete "Director" in line one, in line eight of paragraph (d) and in line twenty-five, substitute "Authority" in each case.
Section 7 (6) ....	Delete "Director" in line two, substitute "Authority".
Section 7 (7) ....	Delete "Director" in line one, substitute "Authority".
Section 8 (2) (b) ....	Delete "Director", substitute "Authority".
Section 9 (1) ....	Delete "Director" in line one, and in line one of paragraph (d), substitute "Authority" in each case.
Section 9 (2) ....	Delete "Director" in line four, substitute "Authority".
Section 9 (3) ....	Delete "Director" in line one, substitute "Authority".
Section 10 (1) ....	Delete "Director" in line one, substitute "Authority". Delete "he" in line eight, substitute "it". Delete "his" in last line, substitute "its".
Section 10 (2) ....	Delete "Director" in line four of paragraph (a), in line four of paragraph (b), and in line seven of paragraph (b), substitute "Authority" in each case.
Section 10 (3) ....	Delete "Director" in line two, substitute "Authority".
Section 10 (4) ....	Delete "Director" in line three, substitute "Authority".
Section 11 (1) ....	Delete "Director" in line one of paragraph (b), substitute "Authority". Delete "himself" in line three of paragraph (b), substitute "itself". Delete "Director" in line thirteen, substitute "Authority".

Provision amended.	Amendment.
Section 11 (2) (a) ....	Delete "Director" in line two, substitute "Authority".
Section 11 (3) ....	Delete "Director" in line one, substitute "Authority".
Section 11 (4) ....	Delete "Director" in line one and in line four, substitute "Authority" in each case.
Section 12 (1) ....	Delete "Director" in line one, substitute "Authority";
Section 12 (2) ....	Delete "Director" in line two, substitute "Authority".
Section 13 (1) ....	Delete "Director" in line one, substitute "Authority". Delete "his" in line three and in line four, substitute "its" in each case. Delete "Department" in line four, substitute "Authority".
Section 13 (3) ....	Delete "Director" in line two, in line four and in line seven, substitute "Authority" in each case.
Section 14 (1) (g) ....	Delete "Director" in line one, substitute "Authority".
Section 14 (1) (h) ....	Delete "Director" in line one, substitute "Authority".

PART V.—MOTOR VEHICLE (THIRD PARTY  
INSURANCE) ACT, 1943-1973.

Short title  
and citation.

26. (1) In this Part of this Act, the Motor Vehicle (Third Party Insurance) Act, 1943-1973, is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Motor Vehicle (Third Party Insurance) Act, 1943-1974.

Section 2  
amended.

27. Section 2 of the principal Act is amended by deleting the passage " , 1919-1941, and all Acts which amend that Act".



28. Section 3 of the principal Act is amended— Section 3  
amended.

- (a) by adding after the interpretation “Approved insurer” the following interpretation—

“Authority” means the Road Traffic Authority established under the Road Traffic Act, 1974 and any person or body acting on behalf of the Authority. ;

- (b) by deleting the interpretation “Local authority”;
- (c) by deleting from line six of the interpretation “Motor vehicle”, the passage “1919,”;
- (d) by substituting for the passage “Traffic Act, 1919,” in line one of the interpretation “Traffic Act”, the passage “Road Traffic Act, 1974”; and
- (e) by substituting for the word “eighteen” in line six of subsection (5), the word “twenty-six”.

29. Section 3R of the principal Act is amended— Section 3R  
amended.

- (a) by substituting for the words “a local authority” in line two of subsection (2), the words “the Authority”;
- (b) by substituting for the words “each local authority” in line two of subsection (3), the words “the Authority”; and
- (c) by substituting for paragraphs (a) and (b) of subsection (4), the following paragraphs—

(a) The Authority shall at such times as are directed by the Trust remit to the Trust the total amount of all insurance premiums received by it under this Act together with such documents and information relating thereto as may be prescribed.

(b) The Authority shall pay to the Treasurer at such times as are directed by the Treasurer all amounts received by the Authority on account of the surcharge payable under the Motor Vehicle (Third Party Insurance Surcharge) Act, 1962, and all amounts of stamp duty payable upon the issue of the policies.

Section 4  
amended.

30. Section 4 of the principal Act is amended—

- (a) by substituting for the passage “After the coming into operation of the Motor Vehicle (Third Party Insurance) Act and Traffic Act Amendments Act, 1959, a”, in lines one, two and three of paragraph (b) of subsection (3), the word “A”;
- (b) by substituting for the word “five” in line seven of paragraph (b) of subsection (3), the word “fifteen”.
- (c) by substituting for the words “local authority” in line three of paragraph (a) of subsection (8), the word “Authority”;
- (d) by substituting for the words “A local authority” in line one of paragraph (a) of subsection (9a), the words “The Authority”;
- (e) by substituting for the words “local authority” in line six of paragraph (a) of subsection (9a), the word “Authority”; and
- (f) by deleting from line eight of paragraph (a) of subsection (9a), the passage “1919.”.

Section 12  
amended.

31. Section 12 of the principal Act is amended by substituting for the passage “Any local authority within the meaning of the Traffic Act, 1919-1946,” in lines one and two of subsection (6), the words “The Authority”.

1974.] *Acts Amendment (Road Traffic)*. [No. 58.

32. Section 18 of the principal Act is amended by substituting for the word "thirty-two" in line two of subsection (3), the word "seventy-four".

Section 18  
amended.

33. Subsection (1) of section 21 of the principal Act is amended by substituting for the word "ten" in line four of subparagraph (i) of paragraph (c), the word "eighteen".

Section 21  
amended.

34. Section 34 of the principal Act is repealed.

Section 34  
repealed.

---