

## TRAFFIC (No. 2).

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No. 34 of 1971.

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AN ACT to amend the Traffic Act, 1919-1970.

[Assented to 6th December, 1971.]

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 *Traffic Act Amendment Act (No. 2), 1971.*

Short title  
and citation.

(2) In this Act the Traffic Act, 1919-1970 is referred to as the principal Act.

Reprinted  
as approved  
for reprint  
the 30th  
July, 1971.

(3) The principal Act as amended by this Act may be cited as the Traffic Act, 1919-1971.

Commence-  
ment.

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

Section 5  
amended.

3. Section 5 of the principal Act is amended by adding after the word, "Act" in line six of paragraph (b) of subsection (2), the passage, ", but the provisions of this paragraph do not apply to the use of a vehicle within the period of fifteen days immediately succeeding the day of expiry of a license issued under this Act for the vehicle".

Sections 9,  
10 and 10A  
repealed,  
and section  
9 substi-  
tuted.

4. Sections 9, 10 and 10A of the principal Act are repealed and the following section substituted—

Issue and  
renewal of  
vehicle  
licenses.

9. (1) Any application for a license for a vehicle or for the renewal of such a license shall be made to the appropriate local authority referred to in section seven of this Act, by or on behalf of the owner of the vehicle and, at the time of making the application, the prescribed fee shall be paid by the applicant to the local authority.

(2) Subject to the succeeding provisions of this section, where an application is duly made for a license for—

(a) a vehicle not previously licensed under this Act; or

(b) a vehicle for which the license last granted or renewed under this Act expired more than fifteen days prior to the date of the application,

the local authority shall grant a license for the vehicle to the applicant for a period of six months or twelve months, at the option of the applicant, which period shall in either case commence on the day on which the license is granted.

## (3) Where—

- (a) an application is made for the grant of a license under subsection (2) of this section for a vehicle referred to in paragraph (b) of that subsection;
- (b) the owner by whom or on whose behalf the application is made was also the owner of the vehicle when the license last granted or renewed under this Act for that vehicle expired; and
- (c) the license last granted or renewed under this Act for that vehicle expired less than six months prior to the date on which the application is made, and the number plate or number plates issued for the vehicle were not returned to the local authority forthwith after the expiration of the period of fifteen days immediately succeeding the date of expiration of the license,

the local authority may refuse to grant a license under that subsection but may in lieu thereof permit the applicant to make an application for the renewal of that license under subsection (6) of this section.

## (4) Where—

- (a) an application is duly made to a local authority for a license for a vehicle;
- (b) the license last granted or renewed under this Act for the vehicle was so granted or renewed by another local authority; and
- (c) the application is made not more than thirty days prior to, and not more than fifteen days after, the date of expiry of the license last granted or issued under this Act for the vehicle,

the local authority shall grant a license for a period—

- (d) of not less than three months and not more than six months, as selected by the local authority; or .

- (e) of more than six months but not more than twelve months, as selected by the local authority,

but the applicant may elect which of the periods selected by the local authority pursuant to paragraphs (d) and (e) of this subsection he desires to be the period for which the license is to be granted, and the license granted for the vehicle under this subsection shall commence, or be deemed to have commenced, on the date of expiry referred to in paragraph (c) of this subsection.

(5) Subject to the succeeding provisions of this section, where an application for the renewal of a license for a vehicle is made—

- (a) within the period of thirty days immediately preceding the day on which the license expires; or
- (b) within the period of fifteen days immediately succeeding the day on which the license expired,

the local authority shall renew the license for a period of six months or twelve months, at the option of the applicant, and the renewal shall be deemed to be a continuation of the license and to have effect on and from the day next succeeding the day on which the license expires or expired.

(6) Subject to the succeeding provisions of this section, where an application for the renewal of a license for a vehicle is made after the expiration of the period of fifteen days immediately succeeding the day on which the license expired, the local authority—

- (a) shall renew the license if it has pursuant to subsection (3) of this section, refused to grant a new license for the vehicle; or

- (b) in any other case, may renew the license,

for a period which terminates either six months or twelve months after the date of expiration of the license which has already expired, at the option of the applicant, and where the renewal of a license is effected under this subsection—

- (c) the renewal shall take effect on and from the day on which it is effected; and
- (d) the fee payable shall be the prescribed fee payable for a period of six months, or twelve months as the case may be.

(7) A local authority shall not renew a license for a vehicle if that license was last granted or renewed by another local authority, but shall accept and deal with any application made to it for the renewal of such a license as if it were an application for the grant of a license under subsection (4) of this section if the application is made within the time specified in paragraph (c) of that subsection.

(8) Where—

- (a) the license last granted or renewed for a vehicle was so granted or renewed by a local authority which was the council of a district, the county council of a county district or the regional council of a regional district; and
- (b) the Commissioner of Police has since become the local authority of that district, or of the relevant part of that county district or regional district, as the case requires,

that license shall be deemed, for the purposes of subsections (4) and (7) of this section, to be a license last granted or renewed by another local authority.

(9) Where pursuant to the provisions of this section, a local authority may grant or renew a vehicle license for a period of twelve months

or six months, the local authority may, in any case where the owner so applies and the local authority considers the circumstances of the case so warrant—

- (a) where the vehicle is a tractor, other than a tractor (prime mover type), a trailer or a caravan, grant or renew the license for a period of one month or two months; or
- (b) irrespective of the type of vehicle, grant or renew the license for a period of three months.

(10) The fee payable for the grant or renewal of a vehicle license for a period of less than twelve months shall be the total of—

- (a) one-twelfth of the prescribed fee specified in the Third Schedule to this Act for each complete month for which the license is granted or renewed; and
- (b) one-thirtysixth of the prescribed fee specified in the Third Schedule to this Act for each additional period of ten days or part thereof, for which the license is granted or renewed,

together, except where the license is granted or renewed under subsection (4) of this section for a period exceeding six months, with a further sum of one dollar.

(11) (a) Where an application is made by the owner of three or more vehicles licensed under this Act, for a common annual licensing date the local authority may re-issue the licenses for all or any of the vehicles to expire on a common date selected by the local authority.

(b) Where a license is re-issued pursuant to the provisions of paragraph (a) of this subsection the license fee shall be adjusted and the owner is—

- (i) liable to pay to the local authority the balance sum, if any, due to make up the proportion of the fee due in respect

of the license, after adjustment, for the period ending on the common expiry date of the licenses; and

- (ii) entitled to a refund of the amount, if any, paid in excess thereof prior to the adjustment,

calculated in each case, in the method specified in subsection (10) of this section.

(c) Where the licenses for vehicles owned by a person have been so issued as to expire on a common date, the local authority may thereafter grant or renew a license for any other vehicle owned by that person for a period expiring on that common date.

(12) Where a vehicle license has expired, and an application for its renewal has not been received by the local authority within fifteen days after the date of its expiry, the person who was the owner of the vehicle at the time of the expiration of the license shall return to the local authority the number plate or number plates of the vehicle in respect of which the license has expired, and in default thereof the person is liable to pay to the local authority a fee which shall be equivalent to the fee payable in respect of a license for the vehicle for a period of six months or such lesser sum as the local authority may demand, unless that vehicle license is renewed under subsection (6) of this section.

(13) Any fee payable by a person pursuant to subsection (12) of this section may be recovered as a penalty by way of complaint in a court of summary jurisdiction.

(14) Nothing in this section authorizes or permits a local authority to grant or renew a vehicle license contrary to any provision of the Motor Vehicle (Third Party Insurance) Act, 1943 or any other provision of this Act or the regulations. .

Section 14  
amended.

5. Section 14 of the principal Act is amended—
- (a) by deleting the passage, “subsection (2)” in line one of subsection (1) and substituting the passage, “subsections (2) and (5)”;
  - (b) by substituting for the passage, “whose district, or part of whose district, is outside the metropolitan area” in lines one, two and three of paragraph (a) of subsection (2), the passage “, not being the Commissioner of Police”;
  - (c) by substituting for the words, “one dollar and fifty cents” in line two of paragraph (b) of subsection (2), the words, “three dollars”; and
  - (d) by adding after subsection (4) the following subsection—

(5) All further sums of one dollar paid to the local authority under subsection (10) of section nine of this Act for the grant or renewal of a vehicle license for a period of less than twelve months shall be retained by the local authority. .

Section 25A  
amended.

6. Section 25A of the principal Act is amended—
- (a) by substituting for the words, “twenty-five cents” in line two of subsection (1), the words, “one dollar”; and
  - (b) by substituting for the words, “twenty-five cents” in line eight of subsection (3), the words, “one dollar”.

Third  
Schedule  
amended.

7. The Third Schedule to the principal Act is amended by deleting Part II and substituting the following Part—

#### PART II.

#### TRANSFERS.

A fee of \$2.00 is payable upon the transfer of any license for a vehicle.