

TRAFFIC.

No. 37 of 1969.

AN ACT to amend the Traffic Act, 1919-1968.

[Assented to 19th May, 1969.]

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, 1969*. Short title and citation

(2) In this Act the Traffic Act, 1919-1968, is referred to as the principal Act. Reprinted as approved for reprint the 31st August, 1966, and further amended by Acts Nos. 57 and 87 of 1966, 56 of 1967 and 35 and 57 of 1968.

(3) The principal Act as amended by this Act may be cited as the Traffic Act, 1919-1969.

Commence-
ment.

2. Section eight of this Act shall come into operation on the date on which section ten of Act No. 35 of 1968 comes into operation, section nine of this Act shall come into operation on the date on which section eleven of Act No. 35 of 1968 comes into operation and the remaining sections of this Act shall come into operation on the date on which this Act is assented to by the Governor.

S. 20B added.

3. The principal Act is amended by adding, after section twenty A, the following section—

Minister
may require
certain
vehicles
to be
examined.

20B. (1) Notwithstanding any other provision of this Part, the Minister may, by notice in the *Government Gazette*, from time to time prohibit the issue, the renewal or the transfer of a vehicle license, in respect of a vehicle of a particular class or of a particular class in a specified part of the State, unless and until the vehicle has been examined, and a certificate of roadworthiness has been issued for it, in accordance with the regulations; and the Minister may cancel or vary any such notice.

(2) Without limiting any power conferred upon him to make regulations under this Act, the Governor may make regulations—

- (a) prescribing the standards of training and competence of persons employed in testing vehicles;
- (b) providing for the issue, expiry, renewal, suspension and cancellation of licenses for vehicle testers and appointing, and enabling, a licensing authority to do any of those things;
- (c) prescribing the equipment to be used in and about the testing of vehicles;
- (d) providing for the periodic or other testing of persons employed on, and the equipment used in or about, the testing of vehicles;

- (e) regulating the manner of making examinations and tests of, and the issue of certificates of roadworthiness for, vehicles;
- (f) prescribing the fees to be paid to persons testing, and for the issue of certificates of roadworthiness for, vehicles; and
- (g) prescribing penalties not exceeding two hundred dollars for the breach of any regulation made under this section.

4. Section twenty-four of the principal Act is amended, as to subsection (1), by substituting for the words, "minor offences", in line three of paragraph (e), the words, "offences prescribed for the purposes of section seventy-five of this Act".

S. 24
amended.

5. Section twenty-five B of the principal Act is amended by adding, after subsection (4), the following subsection—

S. 25B
amended.

(5) Regulations made for the purposes of subparagraph (iv) of paragraph (a) of subsection (1) of this section may limit the application of that subsection to offences against the regulations that are attended by prescribed circumstances.

6. Section thirty of the principal Act is amended by adding immediately after the word "authority", in lines seven and eight, the passage, " unless the driver or person in charge of the vehicle has reasonable cause for believing that the damage so caused does not exceed, in the aggregate, an amount of one hundred dollars and the owner, in each case, of any property damaged is, then or immediately thereafter, present or represented at the place where the accident occurred".

S. 30
amended.

7. Section thirty-three A of the principal Act is amended,—

S. 33A
amended.

(a) as to subsection (1),—

- (i) by deleting the words, "by virtue of a conviction for an offence against this Act or an order made by a Court", in lines one and two; and

(ii) by substituting for the words, "conviction or order", in line eleven, the passage, "suspension or disqualification taking effect,"; and

(b) as to subsection (2),—

(i) by adding, immediately after the word, "offence", at the end of paragraph (d), the words, "or offences giving rise to the suspension or disqualification"; and

(ii) by substituting for the words, "conviction or order", in paragraph (e), the words, "suspension or disqualification".

S. 74 (as added by Act No. 35 of 1968) amended.

8. Section seventy-four of the principal Act (as added by Act No. 35 of 1968) is amended, as to subsection (8), by deleting paragraph (b) and substituting the following paragraph—

(b) prescribing penalties not exceeding fifty dollars for any prescribed offence or class of prescribed offence and prescribing different penalties for the one offence, according to the circumstances by which the offence is attended.

S. 75 (as re-enacted by Act No. 35 of 1968) amended.

9. Section seventy-five of the principal Act (as re-enacted by Act No. 35 of 1968) is amended —

(a) by repealing subsection (2) and re-enacting it as follows—

(2) The regulations may prescribe the number of points to be recorded in respect of any prescribed offence or class of prescribed offence and may prescribe that a different number of points be recorded for the one offence, according to the circumstances by which the offence is attended. ;

and

(b) by adding, after subsection (5), the following subsections—

(6) A person who is aggrieved by the suspension of his driver's license and his disqualification from holding or obtaining a driver's license, by operation of this section, may, within thirty days after the service on him of the notice of suspension and disqualification, apply to a Court of Petty Sessions, by way of complaint against the Commissioner of Police, for an order setting aside the suspension and disqualification.

(7) The court hearing an application made under subsection (6) of this section shall comprise a stipendiary magistrate and, if, after giving the parties an opportunity of being heard, the court is satisfied that the suspension and disqualification has been occasioned by an error in the number of points, or in the computation of the number of points, recorded against the applicant, it shall grant the application, otherwise it shall dismiss the application.

(8) The costs of an application made under subsection (6) of this section shall be in the discretion of the court and, where the court grants the application, it shall direct that the number of points, or the computation of the number of points, recorded against the applicant, as the case may require, be revised in such manner as it may determine; and the Commissioner of Police shall give effect to every such direction. .