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ROAD TRAFFIC ACT 1974

**ROAD TRAFFIC
CONSEQUENTIAL AMENDMENT
REGULATIONS 2008**

Western Australia

Road Traffic Consequential Amendment Regulations 2008

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Road Traffic Act 1974

Road Traffic Consequential Amendment Regulations 2008

Made by the Lieutenant-Governor and deputy of the Governor in
Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Road Traffic Consequential
Amendment Regulations 2008*.

2. Commencement

These regulations come into operation as follows:

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Road Traffic Amendment Act 2006* section 6 comes into operation.

Road Traffic Consequential Amendment Regulations 2008**Part 2** Amendments to Road Traffic (Charges and Fees) Regulations 2006r. 3

Part 2 — Amendments to Road Traffic (Charges and Fees) Regulations 2006**3. The regulations amended**

The amendments in this Part are to the *Road Traffic (Charges and Fees) Regulations 2006*.

4. Regulation 18 amended

Regulation 18(1)(a)(v) is amended by deleting “*Road Traffic (Drivers’ Licences) Regulations 1975* regulation 2(1);” and inserting instead —

“

Road Traffic (Authorisation to Drive) Regulations 2008 regulation 3;

”

5. Regulation 37 amended

Regulation 37 is amended by deleting “these regulations have the same meaning as they have in the *Road Traffic (Drivers’ Licences) Regulations 1975*.” and inserting instead —

“

this Part have the same meanings as they have in the *Road Traffic (Authorisation to Drive) Regulations 2008*.

”

6. Regulation 38 repealed

Regulation 38 is repealed.

Road Traffic Consequential Amendment Regulations 2008
Amendments to Road Traffic (Charges and Fees) Regulations **Part 2**
2006

r. 7

7. Regulation 39 amended

- (1) Regulation 39(1) is amended by deleting “of a duplicate” and inserting instead —

“

under the *Road Traffic (Authorisation to Drive) Regulations 2008* regulation 31(1) of a replacement

”

- (2) Regulation 39(2) is amended as follows:

- (a) by deleting “duplicate” and inserting instead —
“ replacement ”;
- (b) by inserting before “was stolen” —
“ document ”.

8. Regulation 40 repealed

Regulation 40 is repealed.

9. Regulation 41 amended

- (1) Regulation 41(2) and (3) are repealed and the following subregulations are inserted instead —

“

- (2) A fee is not payable by a person for —
- (a) an application for the grant of a driver’s licence in the circumstances described in the *Road Traffic (Authorisation to Drive) Regulations 2008* regulation 37(4); or
- (b) the grant of a driver’s licence in those circumstances.
- (3) Subregulation (2)(b) does not affect the obligation of the person who is granted the licence to pay for a subsequent grant of a driver’s licence by way of renewal.

”

Road Traffic Consequential Amendment Regulations 2008**Part 2** Amendments to Road Traffic (Charges and Fees) Regulations 2006**r. 10**

- (2) Regulation 41(4) is amended by deleting all of the subregulation from “A licence fee” that is before paragraph (a) and inserting instead —

“

A fee is not payable for the first grant by way of renewal to a person of a driver’s licence as a provisional licence unless since the preceding grant to the person of a driver’s licence as a provisional licence, the person —

”.

10. Regulation 42 amended

- (1) Regulation 42(1) is amended by inserting after “extraordinary licence” —

“ other than by way of renewal ”.

- (2) Regulation 42(2) is amended as follows:

- (a) by deleting “renewal of an extraordinary licence” and inserting instead —

“

grant of an extraordinary licence by way of renewal

”;

- (b) in each of paragraphs (a) and (b), by deleting “renewed” and inserting instead —

“ granted ”.

11. Regulation 43 amended

- (1) Regulation 43(2) is amended by deleting “or renewal” and inserting instead —

“ , whether by way of renewal or otherwise, ”.

Road Traffic Consequential Amendment Regulations 2008
Amendments to Road Traffic (Charges and Fees) Regulations **Part 2**
2006

r. 12

- (2) Regulation 43(3) is amended by deleting “the *Road Traffic (Drivers’ Licences) Regulations 1975* regulation 9 or 9A” and inserting instead —
“ regulation 39 ”.

12. Regulation 44 amended

- (1) Regulation 44(2) is amended by deleting “the *Road Traffic (Drivers’ Licences) Regulations 1975* regulation 9” and inserting instead —
“ regulation 39 ”.

- (2) Regulation 44(3) is repealed.

13. Regulation 45 amended

Regulation 45 is amended by deleting “or renewal” and inserting instead —
“ , whether by way of renewal or otherwise, ”.

14. Regulation 46 amended

- (1) Regulation 46(1) is amended by deleting “or renewal” and inserting instead —
“ , whether by way of renewal or otherwise, ”.
- (2) After regulation 46(3) the following subregulation is inserted —
“
(4) This regulation does not apply to a refund under the *Road Traffic (Authorisation to Drive) Regulations 2008* regulation 29.
”.

15. Regulation 55 amended

Regulation 55(5)(a) is amended by deleting “Board” and inserting instead —
“ Commissioner of Police ”.

Road Traffic Consequential Amendment Regulations 2008**Part 2** Amendments to Road Traffic (Charges and Fees) Regulations 2006**r. 16****16. Regulation 56 amended**

- (1) Regulation 56(2) is amended by deleting “Board” before “grants” and inserting instead —
 “ Commissioner of Police ”.
- (2) Regulation 56(2)(a) and (b) are each amended by deleting “Board” and inserting instead —
 “ Commissioner ”.

17. Schedule 2 amended

Schedule 2 is amended as follows:

- (a) in the definition of “hazard perception test”, by deleting “*Road Traffic (Drivers’ Licences) Regulations 1975* regulation 4E(1)(b);” and inserting instead —
 “
Road Traffic (Authorisation to Drive) Regulations 2008
 regulation 16(2)(c);
 ”;
- (b) in the definition of “practical driving assessment”, in each of paragraphs (a) and (b), by deleting “drivers’ licence” and inserting instead —
 “ driver’s licence ”;
- (c) in the definition of “theory test”, by inserting after “means a” —
 “ theory ”;
- (d) by deleting item 4 and inserting instead —
 “
 4. Grant of a driver’s licence whether or not by way of renewal —
 (a) for one year 36.60
 (b) for 5 years 116.60

Road Traffic Consequential Amendment Regulations 2008
 Amendments to Road Traffic (Charges and Fees) Regulations **Part 2**
 2006

r. 17

- (c) for any other period for each year or part of a year, 20% of the fee under paragraph (b) ”;
- (e) by deleting item 5 and inserting instead —
 “
 5. Application for the endorsement of a driver’s licence under the *Road Traffic (Authorisation to Drive) Regulations 2008* regulation 12(1) to show that it includes extension F 103.30 ”;
- (f) by deleting item 5A and inserting instead —
 “
 5A. Application for the endorsement of a driver’s licence under the *Road Traffic (Authorisation to Drive) Regulations 2008* regulation 12(1) to show that it includes extension T 103.30 ”;
- (g) in item 8, by deleting “under the *Road Traffic (Drivers’ Licences) Regulations 1975* regulation 4E(2)” and inserting instead —
 “
 under the *Road Traffic (Authorisation to Drive) Regulations 2008* regulation 16(2)(b) ”;
- (h) in item 9, by deleting “notice of disqualification” and inserting instead —
 “ excessive demerit points notice ”;
- (i) in item 9, by deleting “section 103” and inserting instead —
 “ Part VIA ”.

Road Traffic Consequential Amendment Regulations 2008**Part 3** Amendments to Road Traffic (Events on Roads) Regulations 1991r. 18

Part 3 — Amendments to Road Traffic (Events on Roads) Regulations 1991**18. The regulations amended**

The amendments in this Part are to the *Road Traffic (Events on Roads) Regulations 1991*.

19. Regulation 3 amended

Regulation 3(2) is amended as follows:

- (a) by deleting “Board” and inserting instead —
“ Commissioner of Police ”;
- (b) by deleting “it may” and inserting instead —
“ the Commissioner may ”;
- (c) in paragraph (b), by deleting “it” and inserting instead —
“ the Commissioner ”.

20. Regulation 7 amended

Regulation 7 is amended by deleting “Board.” and inserting instead —

“ Commissioner of Police. ”.

21. Regulation 8 amended

Regulation 8(1) is amended as follows:

- (a) by deleting “Board” and inserting instead —
“ Commissioner of Police ”;
- (b) in each of paragraphs (b) and (c), by deleting “it” and inserting instead —
“ the Commissioner ”.

Road Traffic Consequential Amendment Regulations 2008
Amendments to Road Traffic (Events on Roads) Regulations **Part 3**
1991

r. 22

22. Regulation 9 amended

Regulation 9(1) is amended as follows:

- (a) by deleting “Board” and inserting instead —
“ Commissioner of Police ”;
- (b) in paragraph (b), by deleting “on”.

Road Traffic Consequential Amendment Regulations 2008**Part 4** Amendments to Road Traffic (Infringements) Regulations 1975**r. 23**

**Part 4 — Amendments to Road Traffic
(Infringements) Regulations 1975****23. The regulations amended**

The amendments in this Part are to the *Road Traffic (Infringements) Regulations 1975*.

24. Regulation 2 inserted

After regulation 1 the following regulation is inserted —

“

2. Terms used in these regulations

In these regulations —

“**novice driver (type 1A)**” has the meaning given in the *Road Traffic (Authorisation to Drive) Regulations 2008* regulation 4(3).

”.

25. Regulation 3 amended

(1) Regulation 3(3) is amended as follows:

- (a) by deleting paragraph (c);
- (b) in paragraph (e), by deleting “paragraphs (c) or (d),” and inserting instead —
“ paragraph (d), ”.

(2) Regulation 3(4) is amended as follows:

- (a) by deleting “and” after paragraph (c);
- (b) by deleting the full stop at the end of paragraph (d) and inserting instead —

“

; or

- (e) the *Road Traffic (Authorisation to Drive) Regulations 2008*.

”.

Road Traffic Consequential Amendment Regulations 2008

Amendments to Road Traffic (Infringements) Regulations 1975

Part 4**r. 26**

- (c) by inserting after each of paragraphs (a) to (c) —
“ or ”.

26. Schedule 1 amended

Schedule 1 is amended as follows:

- (a) by deleting item 4;
(b) by deleting item 5 and inserting instead —

“

5. Section 49(1) Driving while not authorised, other than if
s. 49(3) of the Act or item 5A applies 2

5A. Section 49(1) Driving while not authorised if the driving
is by a novice driver (type 1A) and
between midnight and the following
5 a.m., other than if s. 49(3) of the Act
applies 4

”.

”.

- (c) by deleting item 6 and inserting instead —

“

6. Section 50A(1) Failure to carry or produce documents to
do with authorisation other than
Australian driver licence 1

”.

”.

- (d) by deleting the heading “*Road Traffic (Drivers’
Licences) Regulations 1975*” immediately before
item 107 and deleting item 107.

Road Traffic Consequential Amendment Regulations 2008**Part 5** Amendments to Road Traffic (Vehicle Standards) Regulations 2002r. 27

Part 5 — Amendments to Road Traffic (Vehicle Standards) Regulations 2002**27. The regulations amended**

The amendments in this Part are to the *Road Traffic (Vehicle Standards) Regulations 2002*.

28. Heading to Part 5 amended

The heading to Part 5 is amended by deleting “section 103B(1)” and inserting instead —

“ **section 111AB(1)** ”.

29. Regulation 37 amended

Regulation 37(1) is amended by deleting “For the purposes of section 103B(1)” and inserting instead —

“ Under section 111AB(1) ”.

30. Heading to Part 6 amended

The heading to Part 6 is amended by deleting “section 103B(2)” and inserting instead —

“ **section 111AB(2)** ”.

31. Regulation 41 amended

Regulation 41(1) is amended by deleting “For the purposes of section 103B(2)” and inserting instead —

“ Under section 111AB(2) ”.

Road Traffic Consequential Amendment Regulations 2008Amendments to Road Traffic (Vehicle Standards) Regulations
2002**Part 5**

r. 32**32. Glossary amended**

The Glossary is amended in clause 1(1) as follows:

- (a) in the definition of “departmental exemption”, by deleting “section 103B” and inserting instead —
“ section 111AB ”;
- (b) in the definition of “Ministerial exemption”, by deleting “section 103B” and inserting instead —
“ section 111AB ”.

Road Traffic Consequential Amendment Regulations 2008**Part 6** Amendments to Road Traffic Code 2000**r. 33**

Part 6 — Amendments to *Road Traffic Code 2000***33. The regulations amended**

The amendments in this Part are to the *Road Traffic Code 2000*.

34. Regulation 3 amended

Regulation 3(2) and the Table to that subregulation are repealed and the following subregulations are inserted instead —

“

(2) For the purposes of this Code —

- (a) if a public holiday falls on a Monday, the period of 4 days beginning with the last Friday before that Monday and ending with that Monday is a holiday period; and
- (b) if a public holiday falls on a Friday, the period of 4 days beginning with the last Thursday before that Friday and ending with the Sunday after that Friday is a holiday period; and
- (c) despite paragraphs (a) and (b), the period of 5 days beginning with the last Thursday before Good Friday and ending with Easter Monday is a holiday period; and
- (d) despite paragraphs (a) and (b), the period of 17 days beginning with the last Friday before Christmas Day is a holiday period.

(3) In subregulation (2)(a) and (b) —

“**public holiday**” means a day specified, or appointed under the power, in the *Public and Bank Holidays Act 1972* Second Schedule to be a public holiday.

”

Road Traffic Consequential Amendment Regulations 2008
Amendments to Road Traffic Code 2000 **Part 6**

r. 35

35. Regulation 9 amended

Regulation 9(5) is repealed and the following subregulation is inserted instead —

“

- (5) If the commission of an offence under this Code involves the driving or use of a motor vehicle and this Code fixes a penalty for the offence expressed as a number of points, the *Road Traffic (Miscellaneous) Regulations 2008* regulation 6(3) prescribes that offence as a demerit point offence in WA.

”

36. Regulation 266 repealed

Regulation 266 is repealed.

By Command of the Lieutenant-Governor
and deputy of the Governor,

G. M. PIKE, Clerk of the Executive Council.
