

TRAFFIC.

No. 56 of 1967.

AN ACT to amend the Traffic Act, 1919-1966.

[Assented to 5th December, 1967.]

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:—

Short title
and
citation.

1. (1) This Act may be cited as the *Traffic Act Amendment Act, 1967*.

Reprinted
as approved
for reprint
31st August,
1966 and
amended by
Acts Nos.
57 and 37
of 1966.

(2) In this Act the Traffic Act, 1919-1966, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Traffic Act, 1919-1967.

2. This Act shall come into operation,—

Commence-
ment

- (a) as to sections five, six and seven, on the first day of January, nineteen hundred and sixty-eight; and
- (b) as to the remaining sections, on the day on which this Act is assented to by the Governor.

3. Section eight of the principal Act is amended—

S. 8
amended

- (a) by deleting the first proviso; and
- (b) by deleting the word, “also”, in line one of the second proviso.

4. Section eleven AA of the principal Act is amended—

S. 11AA
amended

- (a) by repealing subsection (1a) and re-enacting it with amendments, as follows—

(1a) Every local authority shall, on or before the fifteenth day of the month next following that in which it receives any fees for the transfer of vehicle licenses, pay to the credit of the Railway Crossing Protection Fund Account maintained under the Main Roads Act, 1930, one-half of the sum of the fees so received. ;

- (b) by substituting for the passage, “subsection (2) of this section”, in lines one and two of subsection (4), the words, “this Act”; and
- (c) by adding, after subsection (4), the following subsections—

(5) Notwithstanding any other provision of this Act, if a local authority, by resolution of its Council, so requires, the Minister may, if he thinks fit, by notice published in the *Government Gazette*,

confer and impose on the Commissioner of Police, with effect from a day specified in the notice, all the powers conferred and the duties imposed on the local authority by this Act (other than those relating to road construction) in respect of its district; and, on the day so specified, the Commissioner of Police shall commence, and the local authority shall cease, to exercise those powers and perform those duties.

(6) Where the Commissioner of Police exercises the powers and performs the duties of a local authority pursuant to subsection (5), he shall, out of the fees received for the issue, renewal and transfer of vehicle licenses in the district of the local authority,—

- (a) make such payments as the local authority was required to make, under subsection (1a) of this section;
- (b) pay to the local authority—
 - (i) the fees paid pursuant to subsection (6) of section eleven of this Act; and
 - (ii) three-fourths of the amount of the base year sum of the local authority;
- (c) pay to the Consolidated Revenue Fund one-fourth of the base year sum of the local authority; and
- (d) pay the balance remaining, after making, or making provision for, the payments provided by paragraphs (a), (b) and (c) of this subsection, to the Central Road Trust Fund.

(7) A local authority shall expend any amount paid to it pursuant to subsection (6) of this section on road construction. .

5. Section eleven AC of the principal Act is repealed and re-enacted with amendments, as follows—

S. 11AC
repealed and
re-enacted.

11AC. (1) The Commissioner of Police shall pay to the credit of the Metropolitan Traffic Trust Account all fees received by him for the issue, renewal and transfer of vehicle licenses in the metropolitan area.

Payments to,
and
application
of,
Metropolitan
Traffic Trust
Account.

(2) The Commissioner of Police shall pay out of the Metropolitan Traffic Trust Account—

- (a) to each incoming local authority an amount equal to three-fourths of the base year sum of that local authority; and
- (b) to the Consolidated Revenue Fund an amount equal to one-fourth of the base year sum of each incoming local authority.

(3) The Commissioner of Police shall, out of the moneys standing to the credit of the Metropolitan Traffic Trust Account after making, or making provision for, the payments provided by subsection (2) of this section, set apart an amount equal to the aggregate of the base year sum of the metropolitan area and the base year sum of the Shire of Armadale-Kelmscott and shall charge that amount with the estimated costs of the collection of fees and licensing administration in the metropolitan area as constituted at the commencement of this section; and, after deducting the amount of that charge, the Commissioner shall divide the balance of the aggregate into two equal amounts and, during the course of the financial year,—

- (a) one of those amounts shall be paid to the councils of the municipalities (not being incoming local authorities)

comprised in, or that have a subdistrict in, the metropolitan area and the board controlling Reserve A1720 (King's Park), to be divided among them as the Minister may from time to time determine; and

(b) out of the other of those amounts, the Commissioner of Police shall pay—

(i) to the credit of the Railway Crossing Protection Fund Account, maintained under the Main Roads Act, 1930, an amount equal to one-half of the fees received by him for the transfer of licenses in the metropolitan area; and

(ii) the balance remaining, after making, or making provision for, the payment provided by subparagraph (i) of this paragraph, to the Main Roads Trust Account, maintained under the Main Roads Act, 1930.

(4) The Commissioner of Police shall pay the balance of the moneys remaining in the Metropolitan Traffic Trust Account, after making, or making provision for, the payments provided by subsections (2) and (3) of this section, to the Central Road Trust Fund.

(5) Every payment made to a local authority, to a council of a municipality or to any other body, pursuant to subsection (2) or (3) of this section, shall be expended on road construction.

(6) In this section "incoming local authority" means a local authority that is, or of which a subdistrict is, included in the metropolitan area after the commencement of this section.

6. Section fourteen of the principal Act is repealed and re-enacted with amendments, as follows—

S. 14
repealed and
re-enacted.

14. (1) The Commissioner of Main Roads shall pay out of the Central Road Trust Fund,—

Application
of Central
Road Trust
Fund.

(a) during each successive month after the commencement of this section,—

(i) to the council of each local authority outside the metropolitan area, a grant in an amount exceeding by seventy-five per centum one-twelfth of the amount paid by the local authority or, as the case may be, by the Commissioner of Police in respect of the local authority to the Central Road Trust Fund, pursuant to section eleven AA of this Act, during the financial year that ended immediately prior to the payment of the grant; and

(ii) to the councils of the municipalities within, or that have a subdistrict within, the metropolitan area and to the board controlling Reserve A1720 (King's Park), a grant of an amount exceeding by seventy-five per centum one-twelfth of one-half of the amount paid to to the credit of the Central Road Trust Fund by the Commissioner of Police pursuant to section eleven AC of this Act, during the financial year that ended immediately prior to the payment of the grant, to be divided among them as the Minister may from time to time determine; and

- (b) to the credit of the Main Roads Trust Account, maintained under the Main Roads Act, 1930, the balance for the financial year of the moneys remaining, after making, or making provision for the payments provided by paragraph (a) of this subsection.

(2) Every payment made to a local authority, the council of a municipality or other body, pursuant to paragraph (a) of subsection (1) of this section, shall be expended on road construction.

(3) In making any payment authorised by subsection (1) of this section, the Commissioner of Main Roads shall make such adjustments, in respect of moneys erroneously or improperly paid to the credit of the Central Road Trust Fund, as the circumstances may from time to time require. .

S. 14A
repealed.

7. Section fourteen A of the principal Act is repealed.

S. 15
amended.

8. Section fifteen of the principal Act is amended, as to subsection (1), —

(a) by deleting the words, “or a carrier’s”, in line two of paragraph (f); and

(b) by deleting the proviso.

S. 19
amended.

9. Section nineteen of the principal Act is amended by substituting for paragraph (b) the following paragraph—

(b) a local authority may, on payment of a prescribed fee not exceeding twenty dollars, together with any other fee that may be prescribed for the issue of identification tablets, generally, assign and issue to a person of a prescribed class residing

in, or having business premises in, its district identification tablets for use, subject to such conditions as may be prescribed, on any motor vehicle, generally; and a person complying with the regulations in that regard is exempt from the provisions of section five of this Act, with respect to a vehicle to which the tablets so issued are attached.

10. Section twenty-two of the principal Act is ^{S. 22} amended—_{amended.}

- (a) by substituting for the word, “the”, where secondly occurring in line three of subsection (8), the word, “a”;
- (b) by substituting for the word, “Board”, in line two and, again, in line five of the second proviso, the word, “Department”, in each case; and
- (c) by substituting for the passage, “1925.”, at the end of the second proviso, the passage, “1930; and may appoint an inspector to control traffic within a limited part of that area.”

11. Section twenty-five C of the principal Act is ^{S. 25C} amended—_{amended.}

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

(2) The Commissioner of Police shall pay to the credit of the Consolidated Revenue Fund one-half of the fees paid pursuant to paragraph (b) of subsection (1) of this section and pay the balance of those fees to the credit of the Central Road Trust Fund. ;

and

- (b) by repealing the subsection added as subsection (4), by Act No. 57 of 1966.

S. 26
amended.

12. Section twenty-six of the principal Act is amended by adding, after subsection (3), the following subsection—

"This Act"
includes
regulations.
See Act No.
30 of 1918,
S. 4.

(4) Where a member of the police force or an inspector has reasonable grounds for believing that a person has committed an offence against this Act, he may require that person to furnish him with particulars of his name and place of abode; and a person who, when so required, refuses to furnish those particulars or furnishes false particulars commits an offence.

Penalty: For a first offence, forty dollars and, for a subsequent offence, one hundred dollars.

S. 34
amended.

13. Section thirty-four of the principal Act is amended by substituting for the passage, "seventy-four A", in line three of subsection (2), the word, "seventy-five".

S. 51
amended.

14. Section fifty-one of the principal Act is amended, as to subsection (1),—

(a) by substituting for the passage, " , or passenger vehicle, or goods vehicle", in lines two and three, the words, "or passenger vehicle"; and

(b) by deleting the words, "or goods vehicle", in each case, where appearing in line eight, line twelve and lines thirteen and fourteen.

Third
Schedule
amended.

15. The Third Schedule to the principal Act is amended, as to clause 2 of Part I,—

(a) by adding after the clause number, "2.", the subclause designation, "(1)";

(b) by substituting for the passage, " , tow truck and caravan (motor propelled)", in line two, the words, "and tow truck"; and

(c) by adding, at the end of the clause, the following subclause—

(2) For a caravan (motor propelled)—
fifty per centum of the fee payable for a motor wagon of the same tare weight. .