

Western Australia

Road Safety Council Amendment Act 2011

As at 16 Aug 2011

No. 30 of 2011

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Road Safety Council Amendment Act 2011

(No. 30 of 2011)

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Western Australia

Road Safety Council Amendment Act 2011

No. 30 of 2011

An Act to amend the *Road Safety Council Act 2002*.

[Assented to 16 August 2011]

The Parliament of Western Australia enacts as follows:

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1. Short title

This is the *Road Safety Council Amendment Act 2011*.

2. Commencement

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on the day after that day.

3. Act amended

This Act amends the *Road Safety Council Act 2002*.

4. Section 5 amended

In section 5:

- (a) in paragraph (f) delete “functions.” and insert:

functions; and
- (b) after paragraph (f) insert:

(g) to make recommendations to the Minister in compliance with directions given by the Minister under section 6A.
- (c) after each of paragraphs (a), (b), (c) and (d) insert:

and

5. Section 6A inserted

After section 5 insert:

6A. Minister may give directions

- (1) The Minister may give a written direction to the Council —
 - (a) specifying a proposal for how money standing to the credit of the Account should be spent to implement one or more measures of a kind referred to in section 5(a); and
 - (b) requiring the Council to make a recommendation to the Minister as to whether or not money standing to the credit of the Account should be spent in accordance with the proposal.
- (2) The Council must give effect to a direction given by the Minister under subsection (1) by recommending to the Minister that money standing to the credit of the Account —
 - (a) should or should not be spent in accordance with the proposal specified in the direction; or
 - (b) should be spent in accordance with the proposal if that proposal is modified as recommended by the Council.
- (3) The Minister must cause a copy of each direction given under subsection (1) to be laid before each House of Parliament within 14 days after the direction is given.

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6. Section 12 amended

(1) Delete section 12(2)(a) and insert:

(a) the following amounts —

- (i) two-thirds of each prescribed penalty paid during the prescribed period pursuant to a photograph-based vehicle infringement notice for an offence to which the regulations specify that this paragraph applies;
- (ii) the total amount of each prescribed penalty paid on or after 1 July 2012 pursuant to a photograph-based vehicle infringement notice for an offence to which the regulations specify that this paragraph applies;

and

(2) In section 12(3) insert in alphabetical order:

prescribed period means the period that begins on the later of the following days —

- (a) 1 July 2011;
- (b) the day on which the *Road Safety Council Amendment Act 2011* section 6 comes into operation,

and ends at the end of 30 June 2012.

(3) In section 12(3) in the definition of *prescribed penalty* delete “section 102.” and insert:

section 102;

- (4) In section 12(6) delete “on the recommendation” and insert:

having regard to the recommendations

7. Section 15 replaced

Delete section 15 and insert:

15. Supplementary provision about laying directions before Parliament

- (1) If —
- (a) at the commencement of the period referred to in section 6A(3) in respect of a direction a House of Parliament is not sitting; and
 - (b) the Minister is of the opinion that that House will not sit before the end of that period,
- the Minister must transmit a copy of the direction to the Clerk of that House.
- (2) A copy of a direction transmitted to the Clerk of a House is taken to have been laid before that House.
- (3) The laying of a copy of a direction that is taken to have occurred under subsection (2) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk received the copy.

16. Transitional provision: credits of prescribed penalties to the Account

- (1) In this section —
- commencement day* means the day on which the *Road Safety Council Amendment Act 2011* section 6 comes into operation;

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former section 12(2)(a) means section 12(2)(a) as in force immediately before commencement day.

- (2) If —
- (a) commencement day is after 1 July 2011; and
 - (b) in respect of the period —
 - (i) beginning on 1 July 2011; and
 - (ii) ending immediately before commencement day,one-third of a prescribed penalty has been or is to be credited to the Account under former section 12(2)(a),
- there is to be credited to the Account the amount that results in a total amount of two-thirds of that prescribed penalty being credited to the Account.

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