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ROAD TRAFFIC ACT 1974

ROAD TRAFFIC
(DRIVERS' LICENCES)
REGULATIONS 1975

Reprinted under the *Reprints Act 1984* as at 11 June 1986.

WESTERN AUSTRALIA

ROAD TRAFFIC ACT 1974

**ROAD TRAFFIC (DRIVERS' LICENCES)
REGULATIONS 1975**

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WESTERN AUSTRALIA

ROAD TRAFFIC ACT 1974

**ROAD TRAFFIC (DRIVERS' LICENCES) REGULATIONS
1975**

Citation

1. These regulations may be cited as the *Road Traffic (Drivers' Licences) Regulations 1975*.

Interpretation

2. In these regulations, "the Act" means the *Road Traffic Act 1974*.

Classification of vehicles

3. For the purposes of Part V of the Act, motor vehicles are classified as follows:—
 - A. (i) Any motor car equipped to seat 12 or less adult persons (including the driver) except where the motor car comes within Class G or Class H of this classification;
 - (ii) any motor wagon having an aggregate of 4 350 kg or less; and
 - (iii) any tractor (not prime mover type) having a tare of 4 572 kg or less.
 - B. (i) Any motor car equipped to carry more than 12 adult persons (including the driver) except when the motor car is being used to carry passengers for hire or reward;
 - (ii) any motor wagon (not being articulated type); and
 - (iii) any tractor.
 - C. Any articulated vehicle.
 - E. Any motor car fitted with automatic transmission.
 - F. Any vehicle licensed or used as an omnibus.
 - G. Any vehicle licensed or used as a taxi-car or private taxi-car except where the driver is a registered driver under the provisions of the *Taxi-cars (Co-ordination and Control) Act 1963*².

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- H. Any motor car equipped to carry more than 12 adult persons (including the driver) not being an omnibus, taxi-car or private taxi-car.
- I. Any tractor (not prime mover type) having a tare of 4 572 kg or less.
- J. Any tractor (not prime mover type).
- K. (i) Any motor cycle with or without side car attachment; and
(ii) any motor carrier,
with engine capacity exceeding 250 c.c.
- L. Any—
(i) motor cycle with or without side car attachment; or
(ii) motor carrier,
with engine capacity not exceeding 250 c.c.
- M. Any—
(i) moped; and
(ii) motor cycle with an engine capacity not exceeding 100 c.c. that is not fitted with a hand or foot operated clutch.
- N. Any moped only.

[Regulation 3 amended in Gazettes 3 September 1976 p. 3280; 18 February 1977 p. 1649; 10 November 1977 p. 4191; 11 May 1979 p. 1221; 25 September 1981 p. 4098; erratum in Gazette 9 October 1981 p. 4240; amended in Gazette 26 October 1984 p. 3457.]

Driver to demonstrate ability

4. (1) In order to satisfy the Board that he is qualified to obtain the driver's licence sought, the applicant shall demonstrate his ability to control—

- (a) in the case of a licence appropriate to Class A, a motor car, or a motor wagon, fitted with manual gears;
- (b) in the case of a licence appropriate to Class B, a motor wagon or tractor (prime mover type) having an aggregate exceeding 4 350 kg or an omnibus having a tare exceeding 2 032 kg;
- (c) in the case of a licence appropriate to Class K, either vehicle of that class;
- (d) in the case of a licence appropriate to Class L, either vehicle of that class;
and
- (e) in the case of a licence appropriate to Class M, either vehicle of that class.

(2) A person, being the holder of a licence appropriate to a class set out in Column 1, hereunder, is entitled to drive, on a road, any vehicle of a class set out in the correspondingly opposite position in Column 2, hereunder, subject, however, to any conditions in the latter column mentioned.

Column 1.	Column 2.
Class A.....	Classes E and N and, if the vehicle is not carrying passengers, or plying, for hire or reward, Class H.
Class B.....	Classes A, E and N and, if the vehicle is not carrying passengers, or plying, for hire or reward, Class H.
Class C.....	Classes A, B, E and N and, if the vehicle is not carrying passengers, or plying, for hire or reward, Class H.
Class E.....	Class N.
Class K.....	Classes L, M and N.

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(3) An applicant for a licence to drive a Class K vehicle, shall have been the holder of a driver's licence for a Class L vehicle for a period of not less than 12 months, but where the applicant was immediately before the application—

- (a) regarded as the holder of a driver's licence applicable to a Class K vehicle pursuant to section 79 of the Act; or
- (b) authorized to drive a Class K vehicle pursuant to section 80 of the Act,

he shall be issued with a licence to drive a Class K vehicle.

(4) The holder of a driver's licence appropriate to Class F shall, subject to section 42 (6), submit himself to a medical examination—

- (a) at intervals of 5 years until attaining the age of 45 years;
- (b) at intervals of 2 years after attaining the age of 45 years until he attains the age of 65 years;
- (c) annually after attaining the age of 65 years.

[Regulation 4 amended in Gazettes 18 February 1977 p. 489; 3 June 1977 p. 1649; 22 June 1979 p. 1700; 23 November 1979 p. 3648; 25 September 1981 p. 4098; 2 February 1982 p. 400; 14 December 1984 p. 4130.]

Minimum age of licensee

5. Subject to the exercise of the powers conferred on the Board, by section 42 of the Act, a licence appropriate to a class set out in Column 1, hereunder, shall not be issued to a person, unless he has attained the age set out in the correspondingly opposite position in Column 2, hereunder.

Column 1.	Column 2.
Class A.....	17 years
Class B.....	18 years
Class C.....	20 years
Class E.....	17 years
Class F.....	21 years
Class G.....	21 years
Class H.....	21 years
Class I.....	17 years
Class J.....	18 years
Class K.....	17 years
Class L.....	17 years
Class M.....	17 years
Class N.....	16 years

[Regulation 5 amended in Gazettes 6 February 1976 p. 296; 11 May 1979 p. 1221; 2 February 1982 p. 400.]

Endorsement on probationary licence

6. Every licence issued on probation shall be endorsed, in the space set apart for conditions, with the words, "ON PROBATION until", followed by the date on which, but for the provisions of section 51 of the Act, the period of probation would ordinarily expire.

Prescribed regulations for s. 51

7. The several regulations or parts of regulations, designated in the First Schedule, are those prescribed for the purposes of section 51 of the Act.

Forms

8. The forms to be used for the purposes of these regulations are such as may be approved by the Board.

[Regulation 8 amended in Gazette 2 February 1982. p. 400.]

Duplicate licence

9. Where a person satisfies the Board that a driver's licence issued to him has been lost or destroyed, he may obtain a duplicate thereof, on payment of an amount of \$4.00.

[Regulation 9 amended in Gazettes 30 December 1977 p. 4751; 18 December 1981 p. 5194; 2 February 1982 p. 400; 21 October 1983 p. 4269.]

Offences prescribed for s.103

10. (1) The several offences set out in the Second Schedule are those prescribed for the purposes of section 103 of the Act and the numeral appearing in the final column of that Schedule, directly opposite an offence, is, subject to subregulation (2) the prescribed number of points to be recorded against a person convicted of that offence.

(2) Where a court, in exercise of the powers conferred by section 74 of the Act, suspends the driver's licence of a person convicted of any offence in connection with the driving of a motor vehicle, points shall not be recorded against that person under the provisions of this regulation, in respect of that offence.

Points for various offences

11. For the purposes of section 103 (1) of the Act, the prescribed aggregate of points recorded against a person that will occasion his driver's licence to be suspended and occasion him to be disqualified from holding or obtaining a driver's licence, by operation of that section, is 12.

Period of suspension, etc.

12. For the purposes of section 103 (1) of the Act, the period for which a person's driver's licence is suspended and for which he is disqualified from holding or obtaining such a licence, upon the points recorded against him amounting to 12, is 3 months.

"P" plates

13. (1) Subject to subregulation (2), a person who has held a driver's licence under the Act, for a period of, or for periods amounting in the aggregate to less than one year shall not drive a motor vehicle, unless a plate issued by the Board, bearing the letter "P", in red on a white ground, is displayed on the front and on the rear of the vehicle, so as to be readily visible, in the one case, from the front and, in the other, from the rear.

Penalty: \$50.00.

(2) Subregulation (1) does not apply to a person—

- (a) who, being the holder of a driver's licence under the Act, has been authorized, under the law in force in another State or in a Territory of the Commonwealth or in some other country, for a period of, or for periods, amounting in the aggregate to, one year or more, to drive a motor vehicle; or
- (b) whose only authority to drive a motor vehicle in the State is that conferred by section 79 or 80 of the Act,

but where, on the hearing of a complaint of an offence against subregulation (1), the defendant sets up that he is a person mentioned in this subregulation, the proof of that fact lies upon him.

(3) A person who, not being a person required by this regulation to do so, displays on a motor vehicle driven by him a plate such as is mentioned in subregulation (1) commits an offence.

Penalty: \$20.00.

(4) The Board shall issue plates such as are mentioned in subregulation (1) free of charge.

[Regulation 13 amended in Gazette 2 February 1982 p. 400.]

Drivers, 75 years or more

14. (1) The prescribed intervals for the purpose of section 48 (7) of the Act are—

- (a) before the first renewal of a driver's licence after a licence holder has reached 75 years of age;
- (b) before the first renewal of a driver's licence after a licence holder has reached 78 years of age; and
- (c) before each renewal of a driver's licence, after a licence holder has reached 80 years of age.

(2) Where a person has, within a period of 3 years immediately prior to the first renewal of his licence after reaching the age of 75 years, complied with the requirements of section 42 (2) (c) of the Act, or of section 23 (2) (c) of the *Traffic Act 1919*, then the provisions of subregulation (1) (a) shall not apply.

[Regulation 14 inserted in Gazette 11 July 1975 pp. 2365-6.]

Fees

14A. The following fees are payable in respect of the matters set out below—

	\$
1. For an application for a driver's licence (section 42 (2)).....	32
2. For each additional driving test required to satisfy the Board that an applicant is able to control a vehicle (section 50 (6) (c)).....	14
3. For the issue, and renewal, of a driver's licence, where the licence is issued or renewed for a period not exceeding 12 months (section 52)	15
4. For the issue, and renewal, of a driver's licence, where the licence is issued or renewed for a period of 3 years (section 52)	40

[Regulation 14A substituted in Gazette 21 October 1983 p. 4269; amended in Gazette 26 October 1984 p. 3457.]

Fees for extraordinary licences

15. (1) For the purposes of section 76 (3) the prescribed fee for the issue of an extraordinary licence is—

- (a) where the licence is issued for a period not exceeding 6 months—\$50.00;
- (b) where the licence is issued for a period exceeding 6 months—\$100.00.

(2) For the purposes of section 76 (6) the prescribed fee for the renewal of an extraordinary licence is—

- (a) where the licence is renewed for a period not exceeding 6 months—\$7.50;
- (b) where the licence is renewed for a period exceeding 6 months—\$15.00.

[Regulation 15 substituted in Gazette 19 October 1984 p. 3365.]

Change of address

16. (1) The holder of a driver's licence shall, within 21 days after every change of his address as stated in the licence, give notice in writing of the change to the Board.

(2) A person who commits a breach of subregulation (1) is liable, for a first offence, to a penalty not exceeding \$100.00 and, for a subsequent offence, to a penalty not exceeding \$200.00.

[Regulation 16 amended in Gazette 13 March 1981 p. 939; corrigendum in Gazette 20 March 1981 p. 999; amended in Gazette 2 February 1982 p. 400.]

FIRST SCHEDULE

Road Traffic Code Regulation	Nature of Offence
502 (5)	Overtaking by driving to the right of centre of a carriageway when that side is not free from oncoming traffic.
502 (6)	Racing with another vehicle.
504	Passing a vehicle travelling in opposite direction, on wrong side.
505 (2)	Preventing a vehicle overtaking.
510	Driving on wrong carriageway of a road divided by a median strip.
602	Failing to give way to a vehicle on the right.
603 (1)	Failing to give way when turning right across the path of an oncoming vehicle.
1001	Exceeding the speed limit (applicable only where the excess is greater than 30 km/h).

SECOND SCHEDULE

Item No.	Authority	Nature of Offence	Points
1.	<i>Road Traffic Act</i> , S. 61	Dangerous driving, first offence ...	9
2.	<i>Road Traffic Act</i> , S. 89	Unauthorized use of a motor vehicle.....	9
3.	<i>Road Traffic Act</i> , S. 54	Failing to stop at scene of an accident.....	9
4.	<i>Road Traffic Code</i> , Part X (excluding R.1001 (2) (a) (i))	Exceeding the speed limit—	
		(a) by more than 10 km/h but not more than 20 km/h.....	1
		(b) by more than 20 km/h but not more than 30 km/h.....	2
		(c) by more than 30 km/h but not more than 40 km/h.....	4
		(d) by more than 40 km/h but not more than 50 km/h.....	5
		(e) by more than 50 km/h.....	6
4A.	<i>Road Traffic Code</i> R.1001 (2) (a) (i)	Exceeding speed limit on Eyre Highway for goods vehicles, the total mass of which exceeds 4.5 tonnes—	
		(a) by not more than 10 km/h.....	1

SECOND SCHEDULE—Continued.

Item No.	Authority	Nature of Offence	Points
		(b) by more than 10 km/h but not more than 20 km/h.....	2
		(c) by more than 20 km/h but not more than 30 km/h.....	3
		(d) by more than 30 km/h but not more than 40 km/h.....	5
		(e) by more than 40 km/h but not more than 50 km/h.....	6
		(f) by more than 50 km/h.....	8
5.	<i>Road Traffic Code</i> , R. 1001(7)	Notwithstanding higher speeds permitted, exceeding 80 km/h whilst holder of a driver's licence issued on probation for less than 12 months—	
		(a) by more than 10 km/h but not more than 20 km/h.....	1
		(b) by more than 20 km/h but not more than 30 km/h.....	2
		(c) by more than 30 km/h but not more than 40 km/h.....	4
		(d) by more than 40 km/h but not more than 50 km/h.....	5
		(e) by more than 50 km/h.....	6
6.	<i>Road Traffic Code</i> , Part VI	Failing to yield right of way.....	4
7.	<i>Road Traffic Act</i> , S. 62	Careless driving.....	4
8.	<i>Road Traffic Code</i> , R. 202	Failing to obey signal of a member of the police force.....	3
9.	<i>Road Traffic Code</i> , R. 401	Failing to comply with direction of a traffic control signal—	
		(a) displaying an amber signal.....	2
		(b) displaying a red signal.....	4
10.	<i>Road Traffic Code</i> , R. 402-901(1) (c)	Failing to obey traffic sign.....	3
11.	<i>Road Traffic Code</i> , Part V	Failing to keep to the left.....	3
12.	<i>Road Traffic Code</i> , Part V	Racing another driver.....	3
13.	<i>Road Traffic Code</i> , Part V	Improperly overtaking another vehicle.....	2
14.	<i>Road Traffic Code</i> , Part V	Failing to permit another driver to overtake.....	3
15.	<i>Road Traffic Code</i> , R. 506	Improper driving in a laned carriageway or single line of traffic or at the approach side of an intersection.....	2
16.	<i>Road Traffic Code</i> , R. 508	Crossing double lines, except for the purpose of making a lawful turn.....	3
17.	<i>Road Traffic Code</i> , R. 509	Following too closely behind another vehicle.....	3

SECOND SCHEDULE—Continued.

Item No.	Authority	Nature of Offence	Points
18.	Road Traffic Code, R. 511	Crossing centre line of carriageway when there is insufficient visibility ahead.....	3
19.	Road Traffic Code, R. 606	Failing to give way to vehicles and pedestrians when entering a road from, or leaving a road to enter, land abutting on the road	2
20.	Road Traffic Code, R. 607	Driver entering or attempting to cross blocked intersection	2
21.	Road Traffic Code, R. 701(1)	Failing to give way at a pedestrian crossing.....	3
22.	Road Traffic Code, R. 701(2)	Overtaking and passing a vehicle that is stopped at a pedestrian crossing.....	4
23.	Road Traffic Code, R. 705(1) and (3)	Failing to stop at a children's crossing, or overtaking a vehicle that is stopped at a children's crossing.....	4
24.	Road Traffic Code, R. 801-802	Turning improperly	2
25.	Road Traffic Code, R. 803	Failing to give proper signal	2
26.	Road Traffic Code, R. 804	Improper use of signalling devices.	1
27.	Road Traffic Code, R. 805	Making a U turn when movement cannot be made safely or without obstruction or making a U turn on an intersection at which a traffic control signal is operating	3
28.	Road Traffic Code, R. 901(3)	Driving around or under a gate, boom or barrier at a level crossing	4
29.	Road Traffic Code, R. 1604	Driving a vehicle without being in position to have full control or uninterrupted view, etc	2
30.	Road Traffic Code, R. 1607	Offences relating to the wearing of protective helmets by motor cyclists and passengers	2
31.	Road Traffic Code, R. 1619	Creating excessive noise	4
32.	Road Traffic Code, R. 1620	Failing to comply with the signal to stop given by a member of the police force or not stopping where approaching such a person from his front or rear, while he is controlling traffic.....	3
33.	Road Traffic Code, R. 1621	Offences by driver relating to the wearing of seat belts and the occupying of seat positions in vehicles	2
34.	Vehicle Standards Regulations 1977 R. 107	Driving a vehicle which has been declared unroadworthy	3
35.	Road Traffic (Driver's Licences) Regulations 1975 R. 13(1)	Failing to display "P" plates	2

[Second Schedule substituted in Gazette 11 July 1975 p. 2366; amended in Gazettes 7 November 1975 p. 4130; 14 November 1975 p. 4185; 30 April 1976 p. 1343; 24 December 1976 p. 5040; 1 April 1977 p. 922; 22 July 1977 p. 2358; 10 November 1977 p. 4191; 2 February 1979 pp. 305-6; 23 November 1979 p. 3648; 2 February 1982 p. 399; 14 January 1983 pp. 213-4.]

¹ This reprint is a compilation as at 11 June 1986 of the *Road Traffic (Driver's Licences) Regulations 1975* and includes all amendments in the reprint published in the *Gazette* on 22 July 1980 and all amendments effected by the other regulations referred to in the following Table.

Table

Regulations	Gazettal	Commencement
<i>Road Traffic (Driver's Licences) Regulations 1975</i>	29 May 1975 pp. 1533-6	1 June 1975
(Regulations effecting amendments included in the previous reprint are not referred to in this Table)		
<i>Amending regulations</i>	23 November 1979 p. 3648	23 November 1979
<i>Road Traffic (Driver's Licences) Amendment Regulations 1980</i>	12 December 1980 p. 4215	1 January 1981
<i>Road Traffic (Driver's Licences) Amendment Regulations 1981</i>	13 March 1981 p. 939	13 March 1981
Corrigendum	20 March 1981 p. 999	
<i>Road Traffic (Driver's Licences) Amendment Regulations (No. 3) 1981</i>	25 September 1981 p. 4098	25 September 1981
<i>Road Traffic (Driver's Licences) Amendment Regulations (No. 2) 1981</i>	2 October 1981 p. 4186	2 October 1981
Erratum	9 October 1981 p. 4240	
<i>Road Traffic (Driver's Licences) Amendment Regulations (No. 4) 1981</i>	18 December 1981 p. 5194	18 December 1981
<i>Road Traffic (Driver's Licences) Amendment Regulations 1982</i>	2 February 1982 pp. 399-400	2 February 1982
<i>Road Traffic (Driver's Licences) Amendment Regulations (No. 2) 1982</i>	20 August 1982 p. 3271	1 October 1982
<i>Road Traffic (Driver's Licences) Amendment Regulations (No. 3) 1982</i>	1 October 1982 p. 3890	1 October 1982
<i>Road Traffic (Driver's Licences) Amendment Regulations (No. 4) 1982</i>	14 January 1983 pp. 213-4	1 February 1983
<i>Road Traffic (Driver's Licences) Amendment Regulations 1983</i>	21 October 1983 p. 4269	1 November 1983
<i>Road Traffic (Driver's Licences) Amendment Regulations 1984</i>	19 October 1984 p. 3365	1 November 1984
<i>Road Traffic (Driver's Licences) Amendment Regulations (No. 2) 1984</i>	26 October 1984 p. 3457	1 November 1984
<i>Road Traffic (Driver's Licences) Amendment Regulations (No. 3) 1984</i>	14 December 1984 p. 4130	14 December 1984

² Now see *Taxi-car Control Act 1985*.