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Road Traffic Act 1974

Road Traffic (Repeals and Amendment) Regulations 2014

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Road Traffic (Repeals and Amendment) Regulations 2014*.

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 fixed under the *Road Traffic (Administration) Act 2008* section 2(b).

Road Traffic (Repeals and Amendment) Regulations 2014**Part 2** Regulations repealed**r. 3**

Part 2 — Regulations repealed**3. Regulations repealed**

The regulations listed in the Table are repealed.

Table

<i>Road Traffic (Animal Drawn Vehicles) Regulations 2002</i>	<i>Road Traffic (Authorisation to Drive) Regulations 2008</i>
<i>Road Traffic (Bicycles) Regulations 2002</i>	<i>Road Traffic (Charges and Fees) Regulations 2006</i>
<i>Road Traffic (Freight Containers on Prohibited Roads) Regulations 2007</i>	<i>Road Traffic (Information) Regulations 2011</i>
<i>Road Traffic (Infringements) Regulations 1975</i>	<i>Road Traffic (Licensing) Regulations 1975</i>
<i>Road Traffic (Tow Truck) Regulations 1975</i>	<i>Road Traffic (Towed Agricultural Implements) Regulations 1995</i>
<i>Road Traffic (Vehicle Standards) Regulations 2002</i>	<i>Road Traffic (Vehicle Standards) Rules 2002</i>
<i>Road Traffic (Wardens) Regulations 1986</i>	<i>Road Traffic (Written-Off Vehicle Register) Regulations 2003</i>

Road Traffic (Repeals and Amendment) Regulations 2014

Road Traffic (Blood Sampling and Analysis) Regulations 1975
amended

Part 3

r. 4**Part 3 — Road Traffic (Blood Sampling and Analysis)
Regulations 1975 amended****4. Regulations amended**

This Part amends the *Road Traffic (Blood Sampling and Analysis) Regulations 1975*.

5. Regulation 15 inserted

After regulation 14 insert:

15. Fees for attendance, analysis

- (1) The fees for the attendance of a medical practitioner or registered nurse for the purpose of these regulations are —
 - (a) on any public holiday, or between 5.00 p.m. on a Friday and 9.00 a.m. on the following Monday, or during the period between 5.00 p.m. and 9.00 a.m. commencing on any day — \$120; and
 - (b) at any other time — \$100.
 - (2) Where a sample of blood is taken under these regulations and a sample of urine is collected under the *Road Traffic (Urine Sampling and Analysis) Regulations 1983* at the same attendance only one fee is payable in respect of the taking and collection of those samples.
 - (3) Subject to subregulation (4) the fee for an analysis of a blood sample by an analyst at the Chemistry Centre (WA) is —
 - (a) where the analysis is for alcohol content — \$100; and
 - (b) where the analysis is for drug content — \$450.
-

Road Traffic (Repeals and Amendment) Regulations 2014

Part 3 Road Traffic (Blood Sampling and Analysis) Regulations 1975
amended

r. 6

- (4) Only one fee is payable if a sample of blood is analysed for both alcohol and drug content and that fee is \$450.
- (5) The fees payable under this regulation must be paid by the Commissioner of Police.
- (6) If a person is convicted of an offence under section 63, 64, 64AA or 64A of the Act and the Commissioner of Police has paid a fee under subregulation (1) or (3) for the purposes of section 66 of the Act, the court convicting the person must order the person to repay the Commissioner of Police the amount of the fee and that amount may be recovered by the Commissioner of Police as if it were a penalty imposed under the Act.

**6. Various references to “member of the Police Force”
amended**

In the provisions listed in the Table delete “member of the Police Force” and insert:

police officer

Table

r. 8(1)(b) and (2)	r. 12
Sch. Form B	Sch. Form D

Road Traffic (Repeals and Amendment) Regulations 2014

Road Traffic Code 2000 amended

Part 4

r. 7**Part 4 — Road Traffic Code 2000 amended****7. Regulations amended**

This Part amends the *Road Traffic Code 2000*.

8. Regulation 3 amended

- (1) In regulation 3(1) delete the definitions of:

combination

GCM

GVM

vehicle

Vehicle Standards

- (2) In regulation 3(1) insert in alphabetical order:

combination has the meaning given in the *Road Traffic (Vehicles) Regulations 2014* regulation 3;

vehicle, in Parts 4 to 11 inclusive and in Part 18, does not include a wheeled toy or wheeled recreational device;

Vehicle Standards means the *Road Traffic (Vehicles) Regulations 2014* Parts 10, 11 and 13;

- (3) In regulation 3(1) in the definition of ***accredited pilot*** delete “2008” and insert:

2014

Road Traffic (Repeals and Amendment) Regulations 2014**Part 4** Road Traffic Code 2000 amended**r. 8**

- (4) In regulation 3(1) in the definition of **bicycle**:
- (a) in paragraph (a) delete “penny-farthing and tricycle; but” and insert:
- penny-farthing, tricycle and power assisted pedal cycle;
but
- (b) in paragraph (b) after “vehicle” insert:
- (other than a power assisted pedal cycle)
- (5) In regulation 3(1) in the definition of **dipped** delete “Vehicle Standards;” and insert:
- Road Traffic (Vehicles) Regulations 2014* regulation 3;
- (6) In regulation 3(1) in the definition of **front fog light** delete “Vehicle Standards;” and insert:
- Road Traffic (Vehicles) Regulations 2014* regulation 3;
- (7) In regulation 3(1) in the definition of **holiday period** delete “subregulation (2);” and insert:
- the *Road Traffic (Authorisation to Drive) Regulations 2014* regulation 67;

Road Traffic (Repeals and Amendment) Regulations 2014

Road Traffic Code 2000 amended

Part 4

r. 9

- (8) In regulation 3(1) in the definition of **oversize** delete “Vehicle Standards;” and insert:

Road Traffic (Vehicles) Regulations 2014 regulation 3;

- (9) In regulation 3(1) in the definition of **rear fog light** delete “Vehicle Standards;” and insert:

Road Traffic (Vehicles) Regulations 2014 regulation 226;

- (10) In regulation 3(1) in the definition of **special purpose vehicle** paragraph (e) delete “governmental or local authority” and insert:

State government agency or local government

- (11) In regulation 3(1) in the definition of **tow truck** delete “*Road Traffic (Tow Truck) Regulations 1975*;” and insert:

Road Traffic (Vehicles) Regulations 2014 regulation 3;

- (12) Delete regulation 3(2) and (3).

9. Regulation 6 deleted

Delete regulation 6.

Road Traffic (Repeals and Amendment) Regulations 2014**Part 4** Road Traffic Code 2000 amended**r. 10**

10. Regulation 9 amended

Delete regulation 9(4) and (5) and insert:

- (4) The *Road Traffic (Administration) Regulations 2014* regulation 24(2) makes provision in relation to infringement notice offences under these regulations and the penalties for those offences.
- (5) The *Road Traffic (Authorisation to Drive) Regulations 2014* regulation 65(3) makes provision in relation to demerit point offences under these regulations and the demerit points for those offences.

11. Regulation 18 amended

In regulation 18(b) delete “and fixed by, or under, the Act or any regulation.” and insert:

under a road law.

12. Regulation 79 amended

In regulation 79(1)(e) delete “the Act.” and insert:

a road law.

Road Traffic (Repeals and Amendment) Regulations 2014

Road Traffic Code 2000 amended

Part 4**r. 13**

13. Regulation 110 amended

- (1) In regulation 110(1) in the definition of ***B-double*** delete “*Road Traffic (Vehicle Standards) Regulations 2002 Glossary*,” and insert:

Road Traffic (Vehicles) Regulations 2014 regulation 3;

- (2) In regulation 110(1) in the definition of ***road train*** delete “*Road Traffic (Vehicle Standards) Regulations 2002 Glossary*.” and insert:

Road Traffic (Vehicles) Regulations 2014 regulation 3.

14. Part 11 Division 7 inserted

At the end of Part 11 insert:

Division 7 — Freight containers**138A. Freight container not to be driven on prohibited road**

- (1) In this regulation —

freight container has the meaning given in the *Road Traffic (Vehicles) Act 2012* section 3(1);

O'Connor Industrial Area means the area described in Schedule 5 which includes the portions of roads described as bordering that area;

prohibited road means South Street between the intersections of South Street and the Kwinana Freeway and South Street and Stock Road.

Road Traffic (Repeals and Amendment) Regulations 2014**Part 4** Road Traffic Code 2000 amended**r. 15**

- (2) A person must not drive a vehicle carrying a freight container on any part of the prohibited road.
Points: 3 Modified penalty: 2 PU
- (3) Subregulation (2) does not apply to a vehicle that is carrying a freight container for delivery to, or collection from, an address —
 - (a) on the prohibited road; or
 - (b) within the O'Connor Industrial Area.
- (4) The commission of an offence under subregulation (2) is not affected by whether or not signage mentioned in regulation 138B is displayed.

138B. Signs

The Commissioner of Main Roads may authorise the display of signage to inform the public of the prohibition in regulation 138A.

15. Regulation 182 amended

In regulation 182 delete “or the *Road Traffic (Towed Agricultural Implements) Regulations 1995*”.

16. Regulation 184 amended

- (1) In regulation 184(2) delete “regulation 5(2) of the *Road Traffic (Tow Truck) Regulations 1975*,” and insert:

the *Road Traffic (Vehicles) Regulations 2014* regulation 410(2)

Road Traffic (Repeals and Amendment) Regulations 2014

Road Traffic Code 2000 amended

Part 4**r. 17**

(2) Delete regulation 184(4) and insert:

(4) In subregulation (3) —

dangerous goods has the meaning given in the
*Dangerous Goods Safety (Road and Rail Transport of
Non-explosives) Regulations 2007* regulation 28;

placard load has the meaning given in the *Dangerous
Goods Safety (Road and Rail Transport of
Non-explosives) Regulations 2007* regulation 4.

17. Regulation 189 amended

In regulation 189 delete “ride” and insert:

drive

18. Regulation 230 amended

In regulation 230 in the definition of ***medical practitioner*** delete
“has the same meaning as in the *Medical Practitioners Act 2008*
section 4;” and insert:

means a person who is registered under the *Health Practitioner
Regulation National Law (Western Australia)* in the medical
profession;

19. Regulation 274 deleted

Delete regulation 274.

Road Traffic (Repeals and Amendment) Regulations 2014**Part 4** Road Traffic Code 2000 amended**r. 20**

20. Regulation 278 amended

In regulation 278(8) delete “*Road Traffic (Towed Agricultural Implements) Regulations 1995*,” and insert:

Road Traffic (Vehicles) Regulations 2014 Part 13,

21. Regulation 279 amended

In regulation 279(2):

- (a) in paragraph (a) delete “*Road Traffic (Tow Truck) Regulations 1975*; or” and insert:

Road Traffic (Vehicles) Regulations 2014 Part 12; or

- (b) in paragraph (b) delete “*Road Traffic (Towed Agricultural Implements) Regulations 1995*.” and insert:

Road Traffic (Vehicles) Regulations 2014 Part 13.

22. Regulation 284 amended

In regulation 284(2) delete “passengers of a member of the Police Force or to members of the Police Force when conveying passengers” and insert:

a passenger of a police officer or to a police officer conveying a passenger

Road Traffic (Repeals and Amendment) Regulations 2014

Road Traffic Code 2000 amended

Part 4**r. 23**

23. Regulation 289 amended**(1) In regulation 289(1):**

- (a) in paragraph (c)(iv) delete “that exceed the maximum height, width, length or mass limitations under the Vehicle Standards while that vehicle, or those vehicles, are subject to a permit issued under those regulations; and” and insert:

to which an order or permit as defined in the *Road Traffic (Vehicles) Act 2012* section 32 relates; and

- (b) in paragraph (c)(iva) delete “that exceeds the maximum height, width, length or mass limitations under the Vehicle Standards while that vehicle, or that combination, is subject to a permit issued under those regulations, requiring” and insert:

to which an order or permit as defined in the *Road Traffic (Vehicles) Act 2012* section 32 relates and which requires

- (c) in paragraph (e) delete “with the Vehicle Standards or if permitted by regulation 224 of these regulations.” and insert:

with, or if permitted by, regulation 224.

(2) In regulation 289(3) delete “Vehicle Standards.” and insert:

Road Traffic (Vehicles) Regulations 2014 regulation 3.

Road Traffic (Repeals and Amendment) Regulations 2014**Part 4** Road Traffic Code 2000 amended**r. 24**

24. Regulation 297 amended

In regulation 297(9) delete “member of the Police Force (including a warden),” and insert:

police officer

25. Schedule 5 inserted

After Schedule 4 insert:

Schedule 5 — O’Connor Industrial Area

[r. 138A]

The O’Connor Industrial Area is the area bordered by —

- South Street between the intersections of South Street and Ladner Way and South Street and Hines Road;
- Hines Road between the intersections of Hines Road and South Street and Hines Road and Clarke Street;
- Clarke Street between the intersections of Clarke Street and Hines Road and Clarke Street and Carrington Street;
- Carrington Street between the intersections of Carrington Street and Clarke Street and Carrington Street and Sainsbury Road;
- Sainsbury Road between the intersection of Sainsbury Road and Carrington Street and the southern point of the eastern boundary of the Fremantle cemetery;
- the eastern boundary of the Fremantle cemetery between Sainsbury Road and Leach Highway;

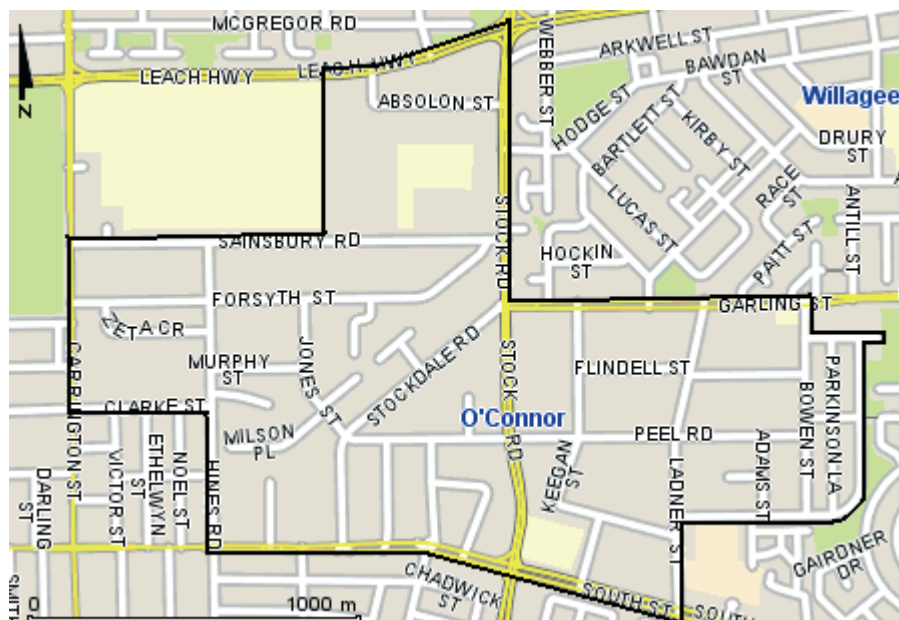
Road Traffic (Repeals and Amendment) Regulations 2014

Road Traffic Code 2000 amended

Part 4**r. 26**

- Leach Highway from the northern point of the eastern boundary of the Fremantle cemetery to the intersection of Leach Highway and Stock Road;
- Stock Road between the intersections of Stock Road and Leach Highway and Stock Road and Garling Street;
- Garling Street between the intersections of Garling Street and Stock Road and Garling Street and Bowen Street;
- Bowen Street between the intersections of Bowen Street and Garling Street and Bowen Street and Winterburn Way;
- Winterburn Way until it reaches Ladner Street;
- Ladner Street between the intersections of Ladner Street and Winterburn Way and Ladner Street and South Street.

For information purposes the area described above is shown on the following map.



Road Traffic (Repeals and Amendment) Regulations 2014**Part 4** Road Traffic Code 2000 amended**r. 26****26. Various references to “Director General” amended**

In the provisions listed in the Table delete “Director General” (each occurrence) and insert:

CEO

Table

r. 3(1) def. of <i>emergency vehicle</i> par. (e) and <i>special purpose vehicle</i> par. (f)	r. 59(2) def. of <i>public bus</i>
r. 113(5)	r. 209A(1) def. of <i>protective helmet</i>
r. 222(1) def. of <i>protective helmet</i> , (3)(b) and (4)	r. 230N(2)
r. 230 def. of <i>booster seat</i> par. (c), <i>child restraint</i> par. (c), <i>child safety harness</i> par. (b) and <i>seating position</i> par. (b)	r. 231(3)
r. 240(1) and (2)	r. 244(1) def. of <i>protective helmet</i> , (4), (5) and (6)(a) and (b)
r. 277(1) and (2)	r. 278(2) and (6)(a)
r. 283(2) def. of <i>emergency worker</i> par. (d)	r. 284(1)(d)
r. 289(1)(a), (b) and (c) except for r. 289(1)(c)(i)	r. 292(g)

Road Traffic (Repeals and Amendment) Regulations 2014

Road Traffic Code 2000 amended

Part 4**r. 27****27. Various references to “member of the Police Force”
amended**

In the provisions listed in the Table delete “member of the Police Force” (each occurrence) and insert:

police officer

Table

r. 3(1) def. of <i>special purpose vehicle</i> par. (a)	r. 27(3)
r. 46(3)(d)	r. 231(3)
r. 241(1), (2) and (3)(a) and (b)	r. 253(2)(i)
r. 272(1)	r. 273(1), (3) and (4)
r. 275(3)	r. 282(1)
r. 283(1)	r. 284(1)(a)

Road Traffic (Repeals and Amendment) Regulations 2014**Part 5** Road Traffic (Drug Driving) Regulations 2007 amended**r. 28**

**Part 5 — Road Traffic (Drug Driving)
Regulations 2007 amended****28. Regulations amended**

This Part amends the *Road Traffic (Drug Driving) Regulations 2007*.

29. Various references to “member of the Police Force” amended

In the provisions listed in the Table delete “member of the Police Force” and insert:

police officer

Table

r. 4	r. 5
r. 8(1)	r. 10(4)

Road Traffic (Repeals and Amendment) Regulations 2014

Road Traffic (Events on Roads) Regulations 1991 amended

Part 6**r. 30****Part 6 — Road Traffic (Events on Roads)
Regulations 1991 amended****30. Regulations amended**

This Part amends the *Road Traffic (Events on Roads) Regulations 1991*.

31. Regulation 4 amended

In regulation 4(1)(a) delete “each local authority for the” and insert:

the local government of each

32. Regulation 6 amended

Delete regulation 6(2)(c)(i) and insert:

- (i) the fee set out in the Table that applies to the relevant category event; and

Table

Category event	Fee \$
Category 1 event	192.40
Category 2 event	115.70
Category 3 event	77.80
Category 4 event	77.80

Road Traffic (Repeals and Amendment) Regulations 2014**Part 6** Road Traffic (Events on Roads) Regulations 1991 amended**r. 33**

33. Regulation 8 amended

After regulation 8(4) insert:

- (5) The Commissioner of Police may —
- (a) on making an order, refund the difference between the fee paid on the application for the order and a lower fee payable for an application for an order for the event as categorised by the Commissioner; or
 - (b) make an order subject to the payment by the applicant of the difference between the fee paid on the application for the order and a higher fee payable for an application for an order for the event as categorised by the Commissioner.

34. Various references to “local authority” amended

In the provisions listed in the Table:

- (a) delete “authority” (each occurrence) and insert:

government

- (b) delete “AUTHORITY” and insert:

GOVERNMENT

Table

r. 4(2)	r. 9(1), (2), (3) and (4)
Sch. 1 Form 1 it. 20, Requirements (C) and (D)	Sch. 1 Form 2 it. 7

Road Traffic (Repeals and Amendment) Regulations 2014

Road Traffic (Events on Roads) Regulations 1991 amended

Part 6**r. 35****35. Schedule 1 amended**

(1) In Schedule 1 Form 1:

- (a) delete “NOTE: Under section 97(b) of the *Road Traffic Act 1974* it is an offence to wilfully mislead a person in any particular likely to affect the discharge of that person’s duty under the Act.” and insert:

NOTE: Under the *Road Traffic (Administration) Act 2008* section 36(1) it is an offence for a person to give information that the person knows to be false or misleading in a material particular to a person performing a function under a road law.

- (b) delete item 17 and insert:

17. Race meetings and speed tests: specify each provision of each road law that the Minister is requested to temporarily suspend under the *Road Traffic (Administration) Act 2008* section 139 —

.....
.....
.....

(2) In Schedule 1 Form 2 item 7 delete “Department.” and insert:

Western Australia.

Road Traffic (Repeals and Amendment) Regulations 2014**Part 7** Road Traffic (Miscellaneous) Regulations 2008 amended**r. 36**

**Part 7 — *Road Traffic (Miscellaneous)*
Regulations 2008 amended****36. Regulations amended**

This Part amends the *Road Traffic (Miscellaneous) Regulations 2008*.

37. Regulation 3 deleted

Delete regulation 3.

38. Parts 3 and 4 deleted

Delete Parts 3 and 4.

39. Schedule 2 deleted

Delete Schedule 2.

Road Traffic (Repeals and Amendment) Regulations 2014

Road Traffic (Omnibus) Regulations 1975 amended

Part 8**r. 40**

**Part 8 — *Road Traffic (Omnibus)*
*Regulations 1975 amended*****40. Regulations amended**

This Part amends the *Road Traffic (Omnibus) Regulations 1975*.

41. Regulation 2 replaced

Delete regulation 2 and insert:

2. Application

- (1) Nothing in these regulations affects the operation of the *Public Transport Authority Regulations 2003*.
- (2) These regulations are subject to any written law and any law of the Commonwealth about assistance animals as defined in the *Disability Discrimination Act 1992* (Commonwealth) section 9(2).

42. Regulation 4 amended

In regulation 4 delete “other than a guide dog in the company of a blind person,” and insert:

subject to the *Disability Discrimination Act 1992* (Commonwealth),

Road Traffic (Repeals and Amendment) Regulations 2014**Part 8** Road Traffic (Omnibus) Regulations 1975 amended**r. 43**

43. Regulation 10 amended

- (1) In regulation 10(3)(b) delete “property, if in the Metropolitan Area, to the Criminal Investigation Branch of the Police Department, at Perth or Fremantle, or, otherwise,” and insert:

property

- (2) In regulation 10(4) delete “member of the Police Force” and insert:

police officer

- (3) In regulation 10(6) delete “owned by the Metropolitan (Perth) Passenger Transport Trust or operated by the Western Australian Government Railways Commission pursuant to section 21 of the *Government Railways Act 1904*.” and insert:

involved in the provision of a public passenger transport service, as defined in the *Public Transport Authority Act 2003* section 3, by the Public Transport Authority of Western Australia.

Road Traffic (Repeals and Amendment) Regulations 2014

Road Traffic (Urine Sampling and Analysis) Regulations 1983
amended

Part 9**r. 44****Part 9 — *Road Traffic (Urine Sampling and Analysis) Regulations 1983* amended****44. Regulations amended**

This Part amends the *Road Traffic (Urine Sampling and Analysis) Regulations 1983*.

45. Regulation 12 inserted

After regulation 11 insert:

12. Fees for attendance, analysis

- (1) The fees for the attendance of a medical practitioner or registered nurse for the purpose of these regulations are —
 - (a) on any public holiday, or between 5.00 p.m. on a Friday and 9.00 a.m. on the following Monday, or during the period between 5.00 p.m. and 9.00 a.m. commencing on any day — \$120; and
 - (b) at any other time — \$100.
- (2) Where a sample of urine is taken under these regulations and a sample of blood is collected under the *Road Traffic (Blood Sampling and Analysis) Regulations 1975* at the same attendance only one fee is payable in respect of the taking and collection of those samples.
- (3) Subject to subregulation (4) the fee for an analysis of a urine sample by an analyst at the Chemistry Centre (WA) is —
 - (a) where the analysis is for alcohol content — \$100; and

Road Traffic (Repeals and Amendment) Regulations 2014

Part 9 Road Traffic (Urine Sampling and Analysis) Regulations 1983
amended

r. 46

- (b) where the analysis is for drug content — \$450.
- (4) Only one fee is payable if a sample of urine is analysed for both alcohol and drug content and that fee is \$450.
- (5) The fees payable under this regulation must be paid by the Commissioner of Police.
- (6) If a person is convicted of an offence under section 63, 64, 64AA or 64A of the Act and the Commissioner of Police has paid a fee under subregulation (1) or (3) for the purposes of section 66 of the Act, the court convicting the person must order the person to repay the Commissioner of Police the amount of the fee and that amount may be recovered by the Commissioner of Police as if it were a penalty imposed under the Act.

**46. Various references to “member of the Police Force”
amended**

In the provisions listed in the Table delete “member of the Police Force” and insert:

police officer

Table

r. 9(1)(b) and (2)	Sch. Form 2 Part 2
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R. KENNEDY, Clerk of the Executive Council.