
TRANSPORT

TR301*

Road Traffic Act 1974

**Road Traffic (Vehicle Standards) Amendment
Regulations 2005**

Made by the Lieutenant-Governor and Administrator in Executive Council.

1. Citation

These regulations are the *Road Traffic (Vehicle Standards) Amendment Regulations 2005*.

2. The regulations amended

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

[* Published in Gazette 9 August 2002, p. 3903-4020.
For amendments to 7 January 2005 see Western Australian
Legislation Information Tables for 2003, Table 4, p. 340 and
Gazette 28 May 2004.]

3. Regulation 16 amended

- (1) Regulation 16(4) is amended by deleting “Division 2 to 6” and inserting instead —
- “ Division 3, 5 or 6 ”.
- (2) After regulation 16(4) the following subregulation is inserted —
- “
- (5) A person convicted of an offence under regulation 12, 13 or 14 for a failure to comply with a requirement in Schedule 1 Division 2 or 4 is liable to the following penalty:
- Maximum penalty: 16 PU.
- Minimum penalty: 2 PU.
- Modified penalty: 2 PU.
- ”.

4. Regulation 42 amended

- After regulation 42(6) the following subregulation is inserted —
- “
- (7) The Director General may reduce, waive or refund the application fee referred to in subregulation (2)(d) if it would, in the opinion of the Director General, be unreasonable for the applicant to pay the fee taking into account —
- (a) the circumstance of the applicant;
- (b) the use or proposed use of the vehicle;
- (c) the nature of the exemption; and
- (d) the extent to which the Director General has or will examine or assess the vehicle or application.
- ”.

5. Regulation 43 amended

- (1) Regulation 43(2) is amended as follows:
- (a) by deleting “particular”;
- (b) by deleting “or” after paragraph (c);
- (c) by deleting the full stop at the end of paragraph (d) and inserting instead —
- “
- ; or
- (e) it would be unreasonable to require the vehicle to comply with the provision.
- ”.

- (2) Regulation 43(3) is amended as follows:
- (a) by inserting after “exempt” —
“ , under subregulation (2), ”;
 - (b) by inserting after “require” —
“ all ”.
- (3) Regulation 43(4) is amended as follows:
- (a) by deleting “particular”;
 - (b) by deleting “or” after paragraph (a);
 - (c) by deleting the full stop at the end of paragraph (b) and inserting instead —
“
; or
(c) it would be unreasonable to require the combination to comply with the provision.”.
- (4) Regulation 43(5) is amended as follows:
- (a) by inserting after “exempt” —
“ , under subregulation (4), ”;
 - (b) by inserting after “combinations in” —
“ the ”;
 - (c) by deleting “only”;
 - (d) by inserting after “expect” —
“ all ”.
- (5) After regulation 43(8) the following subregulation is inserted —
“
(9) In deciding whether to grant a departmental exemption on the basis that it would be unreasonable for the vehicle or combination to comply with the provision, the Director General must take into account —
(a) the use or proposed use of the vehicle or combination;
(b) the nature of the exemption;
(c) whether or not the vehicle or combination can be operated safely despite not complying with the provision; and
(d) the public interest in the vehicle or combination not complying with the provision.”.

6. Regulation 65 amended

- (1) Regulation 65(2)(a) is amended by inserting after “vehicle examiner” —
“ , or an authorised police officer, ”.

- (2) After regulation 65(3) the following subregulation is inserted —

“

- (4) In this regulation —

“**authorised police officer**”, in relation to a defect in a vehicle, means a police officer, or a police officer of a class, authorised by the Director General to examine defects of that type.

”.

7. Regulation 67 amended

Regulation 67(1) is amended as follows:

- (a) by deleting “An authorised” and inserting instead —
“ A ”;
- (b) by inserting after “examination” —
“ by the owner of the vehicle or a police officer ”.

8. Schedule 1 amended

- (1) Schedule 1 clause 11(1) is deleted and the following subclauses are inserted instead —

“

- (1) A vehicle and its load must not exceed a size limit set for the vehicle in Part 7 Division 2 of the Vehicle Standards.
- (1a) In the case of a vehicle other than a motor bike, the load and equipment on the vehicle must not project more than —
- (a) 1.2 m in front of the vehicle; or
- (b) 1.2 m to the rear of the vehicle.

”.

- (2) After Schedule 1 clause 11(2) the following subclause is inserted —

“

- (3) In the case of a vehicle, the load and equipment on the vehicle, other than rear vision mirrors and approved signalling devices, must not project more than 150 mm beyond the extreme outer portion of the vehicle on either side.

”.

9. Glossary amended

The Glossary is amended as follows:

- (a) by inserting the following definition in the appropriate alphabetical position —

“

“**Department**” means the department of the Public Service principally assisting in the administration of the Act;

”;

- (b) by deleting the definition of “vehicle examiner” and inserting instead —

“

“**vehicle examiner**” means —

- (a) an officer of the Department authorised by the Director General to examine and test vehicles for the purposes of the administration of the licensing provisions of the Act; or
- (b) a person authorised under regulation 3A(1)(a) of the *Road Traffic (Licensing) Regulations 1975*;

”.

By Command of the Lieutenant-Governor and Administrator,

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