



Western Australia

Road Traffic Amendment (Driving Offences) Act 2018

As at 07 Sep 2018

No. 19 of 2018
Published on www.legislation.wa.gov.au

Road Traffic Amendment (Driving Offences) Act 2018

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Western Australia

Road Traffic Amendment (Driving Offences) Act 2018

No. 19 of 2018

An Act to amend the *Road Traffic Act 1974* and the *Road Traffic (Authorisation to Drive) Act 2008*.

[Assented to 7 September 2018]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This is the *Road Traffic Amendment (Driving Offences) Act 2018*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

Part 2 — Road Traffic Act 1974 amended

3. Act amended

This Part amends the *Road Traffic Act 1974*.

4. Section 49AB amended

(1) Before section 49AB(1A) insert:

(1AA) In this section —

prescribed authorisation —

(a) means —

- (i) a learner's permit; or
- (ii) an Australian driver licence; or
- (iii) a licence or authorisation granted under the law of an external licensing authority as defined in the *Road Traffic (Authorisation to Drive) Act 2008* section 3(1);

and

- (b) includes an extraordinary licence as defined in the *Road Traffic (Authorisation to Drive) Act 2008* section 3(1).

(2) After section 49AB(1)(a) insert:

- (aa) the person has never held a prescribed authorisation; or
- (ab) the person has held a prescribed authorisation but is a person described in section 49(3)(a), (b), (ca), (c) or (da); or
- (ac) the person holds a prescribed authorisation but the prescribed authorisation does not authorise

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the person to drive a vehicle of the kind concerned; or

- (ad) the person commits an offence under the *Road Traffic (Authorisation to Drive) Act 2008* section 38(1); or

- (3) In section 49AB(1)(b) delete “45 km/h” and insert:

30 km/h

- (4) After section 49AB(1) insert:

- (2A) Subsection (1)(ac) does not apply to a person who is a member of a class of persons prescribed for the purposes of the subsection by regulations made under the *Road Traffic (Authorisation to Drive) Act 2008* section 4(7).

Part 3 — *Road Traffic (Authorisation to Drive) Act 2008* amended

5. Act amended

This Part amends the *Road Traffic (Authorisation to Drive) Act 2008*.

6. Section 4 amended

After section 4(6) insert:

- (7) The regulations may provide that the *Road Traffic Act 1974* section 49AB(1)(ac) does not apply to a person —
 - (a) holding a class of authorisation specified in the regulations; and
 - (b) driving a kind of vehicle specified in the regulations for that class of authorisation.
- (8) The Minister must consult with the Minister responsible for the administration of the *Road Traffic Act 1974* before recommending to the Governor that regulations referred to in subsection (7) be made, amended or repealed.

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