

WESTERN AUSTRALIA

ROAD TRAFFIC AMENDMENT ACT 1995

No. 21 of 1995

**AN ACT to amend the *Road Traffic Act 1974* and the
Stamp Act 1921.**

[Assented to 13 July 1995.]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Road Traffic Amendment Act 1995*.

Commencement

2. This Act comes into operation on such day as is fixed by proclamation.

Principal Act

3. In this Act the *Road Traffic Act 1974** is referred to as the principal Act.

[* *Reprinted as at 4 April 1991.*

For subsequent amendments see 1993 Index to Legislation of Western Australia, Table 1, pp. 182-83 and Acts Nos. 13, 83 and 92 of 1994.]

Section 5 amended

4. Section 5 (1) of the principal Act is amended by inserting after the definition of "vehicle" the following definition —

“

“**vehicle licence fee**” means the fee payable
under section 19 (3);

”.

Section 18 amended

5. Section 18 of the principal Act is amended —

(a) in subsection (1) by deleting “appropriate” and substituting the following —

“ vehicle ”;

(b) in subsection (5) (d) —

(i) by inserting before “licence” the following —

“ vehicle ”; and

(ii) by deleting “prescribed”;

- (c) in subsection (7) by deleting “prescribed fee specified in Part III of the Second Schedule” in both places where it occurs and substituting in each place the following —

“ vehicle licence fee ”; and

- (d) by repealing subsection (9).

Section 19 amended

6. Section 19 of the principal Act is amended —

- (a) in subsection (1) —

- (i) by deleting “Notwithstanding any other provision of this Act, the” and substituting the following —

“ The ”; and

- (ii) by inserting before “licence fee” the following —

“ vehicle ”;

- (b) in subsection (3) —

- (i) by deleting “the exemptions and concessions provided in this section” and substituting the following —

“
any exemption, reduction, refund or
deferral provided for in the
regulations
”,
and

- (ii) by deleting “(hereinafter referred to as a “licence fee”);”;

- (c) by repealing subsections (3a) to (16b) inclusive; and
- (d) in subsection (17) —
 - (i) by inserting before “licence fee” in each place where it occurs the following —

“ vehicle ”;
 - (ii) by deleting “stated in the licence” and substituting the following —

“ specified in the licence or in this Act ”;
and
 - (iii) by deleting “this section” and substituting the following —

“ this Act ”.

Section 21 repealed

7. Section 21 of the principal Act is repealed.

Section 24 amended

8. Section 24 (1) (b) of the principal Act is amended by deleting “had, pursuant to the provisions of section 19, been obtained free of charge or on payment of a licence fee which was less than the appropriate fee for that vehicle as prescribed in Part III of the Second Schedule” and substituting the following —

“

had been obtained without the payment of a vehicle licence fee or upon the payment of a reduced vehicle licence fee

”.

References to “licence fee” amended

9. The principal Act is amended in the provisions referred to in the Table to this section by inserting before “licence fee” wherever it occurs in those provisions the following —

“ vehicle ”.

Table

Section 31	Section 36
Section 33	Section 37
Section 34	Section 38

Section 47 repealed

10. Section 47 of the principal Act is repealed.

Section 52 amended

11. Section 52 of the principal Act is amended —

- (a) in subsection (1) by deleting “Subject to section 47, there” and substituting the following —

“ There ”; and

- (b) by repealing subsections (3), (5) and (6).

Section 111 amended

12. Section 111 of the principal Act is amended by inserting after subsection (2b) the following subsections —

“

(3) The regulations may in respect of any fee or charge (whether prescribed by the Act or by the regulations) provide for —

- (a) exemptions from the requirement to pay the fee or charge;

- (b) the fee or charge to be reduced or refunded (in whole or in part); or
- (c) the payment of the fee or charge to be deferred.

(4) The regulations may provide that the exemption, reduction, refund or deferral —

- (a) only applies in specified circumstances or in respect of specified classes of persons or vehicles;
- (b) is at the discretion of the Board or a specified person;
- (c) applies subject to specified requirements being satisfied; or
- (d) applies subject to conditions —
 - (i) specified in the regulations; or
 - (ii) imposed by the Board or a specified person and specified in a licence or permit.

(5) Without limiting subsection (4) (c), the regulations may require a matter to be verified by statutory declaration.

”.

First Schedule amended

13. The First Schedule to the principal Act is amended in the description opposite the entry “Motor Wagon” —

- (a) by deleting “appropriate licence fee” and substituting the following —

“ vehicle licence fee ”; and

- (b) by deleting “appropriate fee” and substituting the following —

“ vehicle licence fee ”.

Stamp Act 1921 amended

14. The *Stamp Act 1921** is amended in section 76B in the definition of “licence” by deleting paragraph (b) and substituting the following —

“

- (b) any such vehicle licence granted in respect of a tractor or tractor plant, other than a prime mover, (as those terms are defined in the *Road Traffic Act 1974*) that is owned by a member of a class of persons, and is used for a purpose, prescribed for the purposes of this paragraph;

”.

[* *Reprinted as at 21 March 1989.*

For subsequent amendments see 1993 Index to Legislation of Western Australia, Table 1, pp. 196-98 and Acts Nos. 6, 39 and 79 of 1994.]