

WESTERN AUSTRALIA

ROAD TRAFFIC AMENDMENT ACT (No. 2)

No. 57 of 1988

AN ACT to amend the *Road Traffic Act 1974*.

[Assented to 8 December 1988]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Road Traffic Amendment Act (No. 2) 1988*.

Commencement

2. This Act shall come 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 approved 19 July 1983 and amended by Acts Nos. 95 and 102 of 1984, 54 and 89 of 1985, 78 of 1986, 121 of 1987 and 11 and 16 of 1988.]*

Section 42 amended

4. Section 42 of the principal Act is amended in subsection (1) by deleting “in the prescribed form” and substituting the following—

“ in a form approved by the Board ”.

Section 42A inserted

5. After section 42 of the principal Act the following section is inserted—

Form of licence

“ 42A. (1) A driver’s licence shall be in such form as the Board may approve.

(2) The Board may approve different forms of drivers’ licences for different circumstances or for different provisions of this Act.

(3) A form of driver’s licence approved by the Board may allow for the inclusion in the licence of a photograph of the face of the holder of the licence.

(4) A form of application for a driver’s licence under section 42 or for renewal of a licence under section 46 shall provide for the applicant to choose whether he wishes a licence issued to him—

(a) to contain a photograph referred to in subsection (3); or

(b) not to contain any photograph of the applicant.

(5) A driver’s licence shall not contain any photograph of the person who is the holder of the licence unless that person has in his application for a licence or for a renewal of a licence made the choice described in subsection (4) (a).

(6) A person who makes the choice referred to in subsection (4) (a) is deemed to consent to the taking of his photograph for the purposes of this section.

(7) Where a photograph of a person is taken for the purposes of a driver's licence, all photographs and photographic negatives created, other than the photograph appearing in the licence, shall be destroyed, or damaged so as to be unusable, not later than 3 months after the photograph is taken.

(8) The Board shall ensure that subsection (7) is complied with.

(9) No person shall be in possession of a photograph or a photographic negative that has not been damaged or destroyed as required by subsection (7).

Penalty applicable to this subsection: \$2 000. ”.

Section 43 amended

6. Section 43 of the principal Act is amended in subsection (1)—

- (a) by deleting “and” after paragraph (b);
- (b) in paragraph (c), by deleting the full stop and substituting the following—

“ ; and ”; and

- (c) by inserting after paragraph (c) the following paragraph—

“ (d) providing for transitional provisions in relation to the issue of drivers' licences where the Board has approved a new form of licence under section 42A, including provision for the surrender of existing licences and the issue of licences in a new form in place of existing licences. ”.

Section 44 amended

7. Section 44 of the principal Act is amended by inserting after subsection (2) the following subsection—

“ (3) For the purposes of this section a condition or limitation is endorsed on a driver's licence if—

- (a) notice of the condition or limitation is served on the applicant for or the holder of the licence; and
- (b) the condition or limitation is set out on the licence or a notation appears thereon referring to the fact that the licence is subject to any condition or limitation. ”.

Section 46 amended**8. Section 46 of the principal Act is amended—**

- (a) by repealing subsection (1) and substituting the following subsections—

“ (1) Subject to this Act, a driver’s licence—

(a) may be issued to have effect for a period that is prescribed, being a period commencing on the day of issue;

(b) may be renewed from time to time to have effect for a period that is prescribed, being a period commencing on the day of the renewal.

(1a) An application for renewal under subsection (1) (b) shall be made by the holder of the licence, in a form approved by the Board, within one month before or within 12 months after the expiry of the licence. ”;

and

- (b) by repealing subsection (4).

Section 47 amended**9. Section 47 of the principal Act is amended—**

- (a) in subsection (1) (b), by deleting “half” and substituting the following—

“ such amount or percentage as is prescribed ”;

and

- (b) by repealing subsection (2).

Section 48 amended

10. Section 48 of the principal Act is amended by inserting after subsection (8) the following subsection—

“ (9) For the purposes of this section a condition or limitation is endorsed on a driver’s licence if—

- (a) notice of the condition or limitation is served on the applicant for or the holder of the licence; and
- (b) the condition or limitation is set out on the licence or a notation appears on the licence referring to the fact that the licence is subject to any condition or limitation. ”.

Section 95 amended

11. Section 95 of the principal Act is amended—

- (a) by inserting after the section designation “95” the subsection designation “(1)”; and
- (b) by inserting the following subsection—

“ (2) In subsection (1) “duplicate” shall be deemed to include any form of licence approved by the Board under section 42A, but the form of licence issued by the Board shall not contain any photograph of the holder of the licence unless that person in his application under this section has applied for a licence containing his photograph. ”.
