

ROAD TRAFFIC.

No. 89 of 1978.

AN ACT to amend the Road Traffic Act, 1974-1977.

[Assented to 8th November, 1978.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Road Traffic Act Amendment Act, 1978*. Short title and citation.

(2) In this Act the Road Traffic Act, 1974-1977 is referred to as the principal Act. Act No. 59 of 1974. Amended by Acts Nos. 77 and 93 of 1975, 17, 48 and 135 of 1976 and 4 of 1977.

(3) The principal Act as amended by this Act may be cited as the Road Traffic Act, 1974-1978.

Commence-
ment.

2. The provisions of this Act shall come into operation on such date or dates as is or are, respectively, fixed by proclamation.

Section 5
amended.

3. Section 5 of the principal Act is amended—

(a) as to subsection (1)—

(i) by adding after the interpretation “mechanical power” the following interpretation—

“moped” means a motor cycle with a propelling engine having a piston displacement not exceeding 50 millilitres which is also capable of being propelled as a pedal cycle and which is designed so as to be capable of a speed not exceeding 60 kilometres per hour; ;

(ii) by deleting the definition “owner” and substituting the following definition—

“owner” in relation to a vehicle, includes—

(a) a person who is the owner thereof;

(b) a person nominated as owner pursuant to subsection (4) of this section;

(c) a person who has the use thereof under a hiring or hire-purchase agreement or under a lease or loan or other arrangement; and

- (d) a person in whose name the vehicle is registered under this Act or under any corresponding law of any State or Territory of the Commonwealth, (being a law in respect of which a declaration under subsection (5) of this section is in force),

but does not include an unpaid vendor of the vehicle under a hire purchase agreement or the lessor under a lease; ; and

- (iii) by adding after the interpretation "section" the following interpretation—

"stock" includes horses, mares, fillies, foals, geldings, colts, camels, bulls, bullocks, cows, heifers, steers, calves, asses, mules, sheep, lambs, goats and swine; ; and

- (b) by adding after subsection (3) the following subsections—

(4) Where a vehicle is owned by more than one person as owner or otherwise, only one of those persons, to be nominated by all such persons, by notice in writing given to the Authority shall for the purposes of this Act be deemed to be the owner of the vehicle.

(5) The Minister may by notice published in the *Government Gazette* declare a law of a State or Territory to be a corresponding law for the purposes of

paragraph (d) of the interpretation "owner" in subsection (1) of this section and may by subsequent notice so published vary or cancel any such declaration. .

Section 19
amended.

4. Subsection (5) of section 19 of the principal Act is amended by deleting paragraph (e).

Section 23A
added.

5. The principal Act is amended by inserting a new section as follows—

Cancellation
in certain
circum-
stances.

23A. The Authority may cancel the licence in respect of any vehicle where—

- (a) the proper fee has not been paid;
- (b) the vehicle does not meet the prescribed standards and requirements; or
- (c) the owner has failed to present the vehicle for inspection when so directed by the Authority pursuant to the provisions of this Act. .

Section 29
amended.

6. Section 29 of the principal Act is amended—

- (a) by deleting the word "roadworthiness" in—
 - (i) line eight of subsection (1);
 - (ii) line three of paragraph (e) of subsection (2); and
 - (iii) line three of paragraph (f) of subsection (2),

and inserting in lieu thereof the word "inspection" in each case; and

- (b) as to subsection (2), by deleting the words "to persons" in line one of paragraph (f) and substituting the word "for".

7. Subsection (2) of section 42 of the principal Act is amended by deleting paragraph (a) and substituting the following paragraph—

Section 42
amended.

(a) has—

- (i) attained the minimum age of seventeen years, unless in the opinion of the Authority the denial of a licence to a person of lesser age would occasion undue hardship; or
- (ii) if the application is for a driver's licence for a moped, attained the age of sixteen years; .

8. Section 43 of the principal Act is amended—

Section 43
amended.

- (a) by deleting the passage "Part; and" at the end of paragraph (a) and substituting the passage "Part;"; and
- (b) by deleting the passage "vehicle." at the end of paragraph (b) and substituting the following passage—

vehicle; and

- (c) requiring that an applicant for a driver's licence for specified classes of motor vehicle be the holder for a prescribed period of a driver's licence for such other class or classes of motor vehicle as is or are, respectively, specified in the regulations. .

Section 45
amended.

9. Section 45 of the principal Act is amended by adding immediately after subsection (1) a subsection as follows—

(1a) A driver's licence that is issued on probation only on and after the coming into operation of section 9 of the Road Traffic Act Amendment Act, 1978 is valid only for a period of twelve months commencing from the date of issue and may be renewed, subject to and in accordance with the provisions of this Act. .

Section 50
amended.

10. Subsection (1) of section 50 of the principal Act is amended—

(a) by deleting the passage "1963; or" at the end of paragraph (b) and substituting the passage "1963;" ; and

(b) by deleting the passage "Authority." at the end of paragraph (c) and substituting the following passage—

Authority;

(d) who has not attained the age of seventeen years and who is an applicant for a licence under section 44, to drive a motor vehicle of the class specified in the permit, in the course of driving instruction by any holder of a licence referred to in paragraph (b) of this subsection or by a person who has held a driver's licence appropriate to the class specified in the permit for at least four years and who is approved by the Authority; or

(e) who has attained the age of sixteen years and who is an applicant for a licence under subparagraph (ii) of paragraph (a) of subsection (2) of

section 42, to drive a moped in the course of driving instruction by any holder of a licence referred to in paragraph (b) of this subsection or by a person who has held an appropriate driver's licence for at least two years and who is approved by the Authority. .

11. Section 52 of the principal Act is amended by adding after subsection (4) the following subsections—

Section 52
amended.

(5) Subject to subsection (6) of this section, the Authority may refund a fair proportion of the fee paid on the issue or renewal of a driver's licence in any circumstances which in the opinion of the Authority render it just and convenient that a refund should be made.

(6) No refund shall be made in respect of any period that is less than one year and when refunding any amount under subsection (5) of this section the Authority shall charge a fee of one dollar for such refund and deduct that fee from the amount to be refunded. .

12. Section 59 of the principal Act is amended—

Section 59
amended.

(a) as to subsection (1), by adding after the passage "may," in line seven, the passage "subject to subsection (1a) of this section,";

(b) by adding after subsection (1) the following subsection—

(1a) Where a person charged with an offence referred to in subsection (1) of this section elects to have the charge

dealt with summarily and the court of petty sessions hearing the charge is for any reason of the opinion that the charge is a fit subject for prosecution by indictment the court shall abstain from dealing with the charge summarily and commit the defendant to take his trial for an indictable offence.

(1b) Where a person charged with an offence referred to in subsection (1) of this section elects to have the charge dealt with summarily and is convicted and the court is of the opinion that for any reason the sentence which it is empowered by subsection (3) of this section to pass on the person convicted by it is inadequate, the court may, in lieu of passing sentence, commit the convicted person for sentence. ; and

(c) as to subsection (4), by adding after the word "section" in the last line the passage "59A,".

Section 59A
added.

13. The principal Act is amended by adding immediately after section 59 the following section—

Dangerous
driving
causing
bodily harm.

59A. (1) A person who causes bodily harm to another person by driving a motor vehicle in a manner (which expression includes speed) that is, having regard to all the circumstances of the case, dangerous to the public or to any person commits an offence.

(2) For the purposes of this section—

(a) a person causes bodily harm to another person whether he does so directly or indirectly;

- (b) it is immaterial that the bodily harm might have been avoided by proper precaution on the part of a person other than the person charged or might have been prevented by proper care or treatment;
- (c) the term "bodily harm" has the same meaning as is given thereto by The Criminal Code.

(3) A person convicted of an offence against subsection (1) of this section is liable—

- (a) for a first offence, to a fine of one thousand dollars or to imprisonment for six months; and, in any event, the court convicting that person shall order that he be disqualified from holding or obtaining a driver's licence for a period of not less than twelve months;
- (b) for a second or subsequent offence, to a fine of two thousand dollars or to imprisonment for eighteen months; and, in any event, the court convicting that person shall order that he be disqualified from holding or obtaining a driver's licence for a period of not less than eighteen months.

(4) On the summary trial of a person charged with an offence against this section the person may, instead of being convicted of that offence, be convicted of an offence against section 61 or 62. .

14. Subsection (1) of section 74 of the principal Act is amended by adding after the word "fit" in the last line the passage "and that the period of

Section 74
amended.

disqualification so ordered shall be cumulative upon any other period of disqualification to which he is or may become subject or upon any period for which the operation of his driver's licence is or may be suspended”.

Section 86A
added.

15. The principal Act is amended by adding after section 86 the following section—

Patrolman or
warden may
drive a
vehicle
used in
an offence.

86A. Where a patrolman or warden—

- (a) has reason to believe that a vehicle has been used in connection with an offence; or
- (b) has charged a person with an offence an element of which is the use or driving of a vehicle,

he may drive or convey the vehicle to any police station or other place for safe custody. .

Section 102
amended.

16. Section 102 of the principal Act is amended—

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

(1) Where a patrolman or warden has reason to believe that a person has committed any such offence against this Act as is prescribed for the purposes of this section, he may serve on that person a notice, in the prescribed form, (in this section called a “traffic infringement notice”) informing the person that—

- (a) if he does not wish to have a complaint of the alleged offence heard and determined by a court he may pay to an officer specified in the notice on or

before the date specified in the notice as the last date for the payment of the penalty (being a date not earlier than twenty-eight days after the date of the alleged offence and in this section referred to as "the payment date") the amount of the penalty prescribed for the offence;

- (b) if he wishes to have a complaint of the alleged offence heard and determined by a court he shall by notice in the prescribed form served on the Authority by leaving it at the office of the Authority or by sending it to the Authority by pre-paid post not later than the payment date declare that he wishes to have a complaint of the alleged offence heard and determined by a court;

- (c) if he fails—

- (i) to notify the Authority before the payment date that he wishes to have a complaint of the alleged offence heard and determined by a court; or

- (ii) to pay the penalty prescribed for the offence,

he will, by force of this section but subject thereto, be convicted of the offence and be deemed to have elected to pay the prescribed penalty and the Authority will notify him of the conviction;

- (d) if having been notified of the conviction he fails to pay the penalty within a period of

twenty-eight days of the date of the notice the penalty may be recovered under the provisions of the Justices Act, 1902 as if an order requiring the payment of that amount as a pecuniary penalty had been made by a justice under the provisions of that Act and there had been a default in respect of the payment thereof unless he can, within fourteen days of becoming aware of the issue of the warrant for the enforcement of the payment of the prescribed penalty, satisfy the clerk of petty sessions at the place where the warrant was issued that—

- (i) the prescribed penalty has been paid;
- (ii) the traffic infringement notice or copy thereof was not served as required by this section;
- (iii) the Authority has been notified in accordance with subsection (4) of this section on or before the payment date, or, where the circumstances set out in subsection (4a) of this section apply, on or before the later payment date as defined in that subsection;
- (iv) the notice notifying him of his conviction of the offence has not been served on him pursuant to subsection (4d) of this section;

- (v) he has applied pursuant to subsection (4e) of this section to have the conviction set aside; or
 - (vi) the conviction has been set aside pursuant to subsection (4i) of this section; ;
- (b) by repealing subsection (4) and substituting the following subsections—

(4) Subject to this section, a person who receives a traffic infringement notice and wishes to have a complaint of the alleged offence heard and determined by a court shall by notice in the prescribed form served on the Authority by leaving it at the office of the Authority or sent to the Authority by pre-paid post declare that he declines to pay the penalty and that he wishes to have a complaint of the alleged offence heard and determined by a court.

(4a) Where—

- (a) pursuant to subsection (2) of this section a traffic infringement notice has been served by being posted to the address of the alleged offender or by being left in or upon, or attached to a vehicle the standing, parking or leaving of which is an element of the offence specified in the traffic infringement notice; and
- (b) the alleged offender fails to—
 - (i) notify the Authority in accordance with subsection (4) of this section;

or

- (ii) pay the penalty prescribed for the offence and specified in the traffic infringement notice,

on or before the payment date,

the Authority shall cause the alleged offender to be served personally with a copy of the traffic infringement notice and shall specify in the copy of the notice so served a later date (being a date not earlier than fourteen days after the service of the notice in this section referred to as the "later payment date") on or before which he shall carry out either of those requirements.

(4b) Where pursuant to subsection (3) of this section a person deemed to be the offender in relation to an offence specified in a traffic infringement notice has been personally served pursuant to subsection (4a) of this section with a copy of the traffic infringement notice and fails to pay the prescribed penalty on or before the later payment date he is by force of this subsection convicted of the offence and is deemed to have elected to pay the prescribed penalty.

(4c) Where—

- (a) pursuant to subsection (2) of this section a traffic infringement notice has been served personally on an alleged offender and the alleged offender fails to—

- (i) notify the Authority in accordance with subsection (4) of this section;

or

- (ii) pay the penalty prescribed for the offence specified in the traffic infringement notice,

on or before the payment date;

or

- (b) pursuant to subsection (4a) of this section a copy of a traffic infringement notice has been served personally on an alleged offender and the alleged offender fails to—

- (i) notify the Authority in accordance with subsection (4) of this section; or

- (ii) pay the penalty prescribed for the offence specified in the traffic infringement notice,

on or before the later payment date,

the alleged offender is deemed to have committed the offence specified in the notice so served and is by force of this subsection convicted of that offence and is deemed to have elected to pay the prescribed penalty.

(4d) Where a person is convicted of an offence pursuant to subsection (4b) or (4c) of this section the Authority shall by notice of conviction in the prescribed form addressed to that person at his last known place of residence or business and posted to him by certified mail notify him that he has been convicted of the offence and that he is required to pay the prescribed penalty within twenty-eight days of the date of the notice.

(4e) Where a person who receives a notice of conviction sent pursuant to subsection (4d) of this section notifying him that he has been convicted of an offence satisfies the clerk of petty sessions nearest to his place of residence or business within twenty-eight days of the date of the notice that—

- (a) he has paid the amount of the penalty prescribed for the offence;
- (b) he has not been served personally with the traffic infringement notice and that he wishes to have the conviction set aside; or
- (c) he has notified the Authority that he declines to pay the prescribed penalty and that he wishes to have a complaint of the alleged offence heard and determined by a court,

the clerk of petty sessions shall notify the Authority of that fact.

(4f) Where a person who is convicted of an offence by force of subsection (4b) or (4c) of this section and who is notified of the conviction pursuant to subsection (4d) of this section—

- (a) fails to satisfy a clerk of petty sessions in terms of paragraph (a), (b) or (c) of subsection (4e) of this section;
- (b) fails to pay the prescribed penalty within twenty-eight days of the date of the notice; or
- (c) having satisfied the clerk of petty sessions that he was not served with the traffic infringement notice, fails to apply to

have the conviction set aside within the time prescribed by subsection (4g) of this section,

the amount of the penalty may be recovered under the provisions of the Justices Act, 1902 as if an order requiring the payment of that amount as a pecuniary penalty had been made by a justice under the provisions of that Act and there had been a default in respect of the payment thereof except that the warrant to be issued for the enforcement of the penalty shall be in the form of Form 1 or Form 2 of the Third Schedule of this Act at the discretion of the justice to whom application is made for the enforcement of the penalty.

(4g) Where a person who is convicted of an offence pursuant to subsections (4b) or (4c) of this section desires to have the conviction set aside he shall within fourteen days of satisfying the clerk of petty sessions in terms of paragraph (b) of subsection (4e) of this section or such other extension of that period as the Court of Petty Sessions may allow serve upon the clerk of petty sessions nearest to his place of business or residence, a notice in the prescribed form requiring the conviction to be set aside and for a hearing of the complaint relating to the offence specified in the traffic infringement notice served or alleged to be served on him.

(4h) Where a notice requiring a conviction to be set aside and for the hearing of a complaint relating to an offence is served on a clerk of petty sessions pursuant to subsection (4g) of this section the clerk shall as soon as may be practicable fix a day and time for the setting aside of the conviction and the hearing of a complaint relating to the offence and shall by notice served

personally on the defendant and served personally or by prepaid post on the Authority notify them of the date and time so fixed.

(4i) The Court of Petty Sessions shall, on the day fixed pursuant to subsection (4h) of this section, proceed to consider the setting aside of the conviction and shall if it is satisfied—

- (a) that the defendant has not been notified of the offence as required by this section;
- (b) that the defendant has not been notified of the conviction of the offence as required by this section; or
- (c) that having been notified as required by this section the defendant has in accordance with this section served notice on the Authority that he wishes to have a complaint of the alleged offence heard and determined by a court,

set aside the conviction but if it is not so satisfied it shall confirm the conviction; and where the conviction is set aside, the Court may proceed to hear a complaint relating to the alleged offence or adjourn the hearing to a day fixed by it, as it thinks fit.

(4j) Where a warrant has been issued for the recovery of a penalty prescribed for an offence specified in a traffic infringement notice the clerk of petty sessions at the place where the warrant was issued shall on application by the person named in the traffic infringement notice made within fourteen days of the issue of the warrant coming to the notice of that person order that the execution of the warrant be suspended for such

period not exceeding fourteen days as he specifies in the order if he is satisfied that—

- (a) the prescribed penalty has been paid;
- (b) the traffic infringement notice or copy thereof was not served as required by this section;
- (c) the Authority has been notified by the alleged offender in accordance with subsection (4) of this section on or before the payment date or the later payment date as the case requires;
- (d) the notice of conviction has not been served pursuant to subsection (4d) of this section;
- (e) the alleged offender has applied pursuant to subsection (4e) of this section to have the conviction set aside; or
- (f) the conviction has been set aside pursuant to subsection (4i) of this section,

and the execution of the warrant shall be suspended accordingly.

(4k) Where pursuant to subsection (4j) of this section the clerk of petty sessions orders the suspension of the execution of a warrant he shall notify the Authority of that fact.

(4l) Notwithstanding anything in subsection (4j) and subsection (4k) of this section, the Authority may, at any time before the execution of a warrant issued for the recovery of a penalty prescribed for an offence specified in a traffic infringement notice, apply to the clerk of petty sessions at the place where the warrant was issued for the withdrawal of

the warrant and where the Authority does so the clerk shall order that the warrant shall not be executed and the officer charged with the execution of the warrant shall comply with any order so made. ;

- (c) as to subsection (7), by adding after the word "notice", in line two, the words "or the enforcement of such a penalty under the provisions of this section"; and
- (d) as to subsection (8), by deleting the words "fifty dollars", in lines one and two of paragraph (b), and substituting the words "two hundred dollars".

Section 103
amended.

17. Section 103 of the principal Act is amended—

- (a) as to subsection (4), by adding after the word "and" in line fifteen the passage ", subject to this Act,"; and
- (b) by adding after subsection (4) the following subsection—

(4a) Where under this or any other Act a person—

- (a) is or becomes disqualified from holding or obtaining a driver's licence or has the operation of his driver's licence suspended;
- and

- (b) pursuant to this section becomes subject to a further period of disqualification,

the further period of disqualification to which he becomes subject shall be cumulative upon any earlier period of disqualification to which he is or becomes subject or upon any period for which the operation of his driver's licence is or may be suspended. .

18. Section 106 of the principal Act is amended by deleting the passage "or The Criminal Code, 1913." in the last two lines and substituting the passage "The Criminal Code or the Offenders Probation and Parole Act, 1963, and, except where the penalty is a term of imprisonment, notwithstanding any provision of the Child Welfare Act, 1947."

Section 106
amended.

19. Section 111 of the principal Act is amended—

Section 111
amended.

(a) as to subsection (2)—

(i) by adding after paragraph (a) the following paragraph—

(aa) regulating or prohibiting stock on roads; ;

(ii) as to paragraph (f), by deleting the word "weight" in line two and substituting the word "mass";

(iii) as to paragraph (k)—

(I) by deleting the words "one hundred dollars", in lines one and two and substituting the words "two hundred dollars"; and

(II) by deleting the words "two hundred dollars", in line three and substituting the words "four hundred dollars";

(iv) by deleting paragraph (l) and substituting the following paragraph—

(1) imposing for offences against regulations made pursuant to paragraph (f) of this subsection not being an offence referred to in paragraph (m) of this subsection—

(i) minimum penalties not exceeding from ten dollars to one thousand

dollars irreducible in mitigation notwithstanding the provisions of any other Act; and

- (ii) maximum penalties not exceeding three thousand dollars;

in accordance with a scale so prescribed according to the nature of the offences and the circumstances by which they are attended; ; and

- (v) by deleting paragraph (m) and substituting the following paragraph—

- (m) requiring the driver or person in charge of a vehicle to comply with any reasonable direction given by a patrolman—

- (i) for the purpose of determining the mass of a vehicle and the load carried thereon and on any component thereof including a direction that the vehicle be taken to a police station or other suitable place specified by the patrolman; and

- (ii) to remove or adjust the load carried by a vehicle, on any component of a vehicle or both by the vehicle and on any component thereof so that the load carried thereon does not exceed the maximum mass that is permitted to be carried under the

regulations by a vehicle
of that kind and on any
component thereof,

and imposing with respect to
any offence against any such
regulations—

- (iii) penalties not exceeding
five hundred dollars for
a first offence; and
 - (iv) for any subsequent
offence a minimum
penalty irreducible in
mitigation, notwith-
standing the provisions
of any other Act, of one
thousand dollars and
maximum penalties not
exceeding three thous-
and dollars for any
subsequent offence; ;
and
- (b) by adding immediately after subsection (2)
the following subsection—

(2a) The circumstances referred to in
paragraph (1) of subsection (2) of this
section may include a reference to the
amount, calculated as a percentage or
otherwise, by which the mass of a vehicle
and the load carried by a component
thereof exceeds the maximum mass that
is permitted to be carried by a vehicle
of that kind or a component thereof or
both under regulations made pursuant to
that paragraph. .

20. The principal Act is amended by inserting a new section as follows—

Section 112
added.

112. (1) In this section “director”, in relation
to a body corporate, includes any person
occupying the position of director of the body
corporate by whatever name called and includes

Liability of
Director, etc.
of a body
corporate
that is
owner of
a vehicle.

a person in accordance with whose directions or instructions the directors of the body corporate are accustomed to act.

(2) Where a corporation is the owner or one of the owners of a vehicle any reference in a regulation made pursuant to paragraph (f) of subsection (2) of section 111 to the owner of such a vehicle shall be construed as including a reference to every person who is a director of that corporation.

(3) Where any person has, by reason only of being director of a corporation been required under this Act to discharge any obligation to pay any sum of money that the corporation was obliged to pay, whether pursuant to a judgment or order of a court or not, that person—

(a) is entitled to recover from the corporation any amount so paid as a civil debt due to the person by the corporation; and

(b) when any amount so paid cannot be recovered from the corporation, is entitled to recover contribution from any other director of the corporation who would have been liable in respect of the amount so paid except that the amount which may be recovered by a director from any other director shall not exceed that proportion of the total amount that he has paid as one bears to the total number of directors of that corporation.

(4) Where pursuant to the provisions of subsection (2) of this section more than one person is liable as owner of a vehicle, any obligation imposed upon the owner by or under this section shall be deemed to have been discharged, if the obligation is performed by any one of those persons.

- (5) A certificate purporting to be signed by—
- (a) the Commissioner of Corporate Affairs appointed under the Companies Act, 1961; or
 - (b) the officer holding the corresponding office under any corresponding Act or Ordinance for the time being in force in any State or Territory of the Commonwealth,

stating that it appears from a return or returns lodged with him pursuant to the relevant law relating to companies that on any date, or during any period, any person specified therein was a director of a corporation specified in the certificate is *prima facie* evidence of the matters specified in the certificate.

(6) For the purposes of subsection (5) of this section, a person who appears from any return lodged as provided in that subsection, to be a director of a corporation, shall be deemed to continue as such until by a subsequent return so lodged it appears that he has ceased to be such a director.

(7) Nothing in this section affects the liability of a corporation that is the owner or one of the owners of a vehicle to pay any amount to the Authority in accordance with any of the provisions of this Act.

21. The First Schedule to the principal Act is amended by adding immediately after the item "Caravan (trailer type)" under the column "Vehicle." the item—

First
Schedule.
amended.

Converter dolly trailer

and by adding, so as to appear directly opposite and corresponding to that item in the column "Description." the description as follows—

A vehicle having an axle or axle group the lower half of a fifth wheel coupling and a draw bar, which is designed and used for

attachment towards the front of a semi-trailer. .

Second
Schedule
amended.

22. Part III of the Second Schedule to the principal Act is amended, as to section A, by deleting the passage "Semi-trailers and trailers other than plant —" in paragraph (b) of item 7 and substituting the following passage—

"Semi-trailers, trailers other than plant and converter dolly trailers —".

Third
Schedule
added.

23. The principal Act is amended by adding after the Second Schedule the following schedule—

THIRD SCHEDULE.

Form 1.

S. 102 (4f)

Road Traffic Act, 1974 (as amended).

WARRANT OF COMMITMENT.

To all Police Officers in the State of Western Australia, and to the superintendent (or keeper) of Her Majesty's prison (or the gaol) at _____, in the said State.

WHEREAS on _____ a traffic infringement notice (a copy of traffic infringement notice) No. _____ was served personally on AB _____ of _____ in the State of Western Australia AND WHEREAS the said AB is by force of section 102 of the Road Traffic Act, 1974 (as amended) convicted of the offence specified in the said traffic infringement notice (copy of traffic infringement notice) so served AND WHEREAS a notice of conviction of the offence dated the _____ has been served on the said AB in accordance with the provisions of that section and the prescribed penalty of \$_____ has not been paid within the period of twenty-eight days of that date.

THESE are, therefore, to command you, the said Police Officers, to apprehend the said AB and convey (him) to Her Majesty's prison (or gaol) at _____ and deliver (him) to the superintendent (or keeper) thereof, together with this warrant, and I hereby command you, the said superintendent (or keeper) of the said prison (or gaol), to receive the said AB into your custody in the said prison

(or gaol), there to imprison (him) for the term of
....., unless the said penalty of
\$..... and the costs and charges of conveying the
said AB to the said prison (or gaol) amounting to the
further sum of (\$.....) are sooner paid.

GIVEN under my hand, at , in the said
State, this day of 19..... .

.....
Justice of the Peace.

Form 2.

Road Traffic Act, 1974 (as amended).

WARRANT OF EXECUTION.

To all Police Officers in the State of Western Australia:

WHEREAS on
a traffic infringement notice (a copy of traffic infringement
notice) No. was served personally on
AB of
in the State of Western Australia AND WHEREAS the said
AB is by force of section 102 of the Road Traffic Act, 1974
(as amended) convicted of the offence specified in the said
traffic infringement notice (copy of traffic infringement
notice) so served AND WHEREAS a notice of conviction of
the offence dated the has been served
on the said AB in accordance with the provisions of that
section and the prescribed penalty of \$..... has not
been paid within the period of twenty-eight days of that
date.

THESE are, therefore, to command you, in Her Majesty's
name forthwith to take the goods and chattels of the said
AB and if within the space of days after
taking them the said sums, together with the reasonable
charges of taking and keeping the goods and chattels, are
not paid, that then you sell the said goods and chattels and
pay the money arising by such sale to the Clerk of Petty
Sessions at in the said State, and if
no goods and chattels can be found that you certify the
same to me.

GIVEN under my hand, at , in the said
State, this day of 19..... .

.....
Justice of the Peace.