

TRAFFIC.

No. 60 of 1970.

AN ACT to amend the Traffic Act, 1919-1969.

[Assented to 5th November, 1970.]

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 *Traffic Act Amendment Act, 1970.*

Short title
and citation.

(2) In this Act the Traffic Act, 1919-1969, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Traffic Act, 1919-1970.

Reprinted
as approved
for reprint
the 31st
August,
1966, and
further
amended by
Acts Nos.
57 and 87
of 1966,
56 of 1967,
35 and 57
of 1968
and 37
and 48
of 1969.

Commence-
ment.

2. (1) The provisions of this Act, other than section 3, shall come into operation on a date to be fixed by proclamation.

(2) Section 3 of this Act shall come into operation on the first day of January, 1971.

S. 9
amended.

3. Section 9 of the principal Act is amended—

(a) by repealing and re-enacting subsection (1) as follows—

(1) The provisions of this section apply and have effect in relation to the issue of vehicle licenses in every district and sub-district other than the metropolitan area. ;

(b) by deleting paragraph (a) of subsection (3) and substituting the following paragraph—

(a) Where, on or after the first day of January, nineteen hundred and seventy-one, an application is duly made for a license for a vehicle not previously licensed under this section or for a vehicle the license for which expired more than fifteen days prior to the date of the application, the local authority shall, subject to the provisions of this Act and the Motor Vehicle (Third Party Insurance) Act, 1943, grant to the applicant a license for a period of six months or twelve months at the option of the applicant. ;

(c) by deleting paragraph (c) of subsection (3) and substituting the following paragraph—

(c) A license granted under the provisions of this section may, subject to subsections (4a) and (5) of this section, be renewed for a period of six months or twelve months at the option of the applicant. ;

- (d) by adding after subsection (4) the following subsection—

(4a) Where a vehicle license in force under this section on the first day of January, nineteen hundred and seventy-one expires and an application is made in accordance with the provisions of this section for the renewal of the license, the local authority shall renew the license for a period—

(a) of not less than three and not more than six months, as selected by the local authority; or

(b) of more than six and not more than twelve months, as selected by the local authority,

but the applicant may elect which of the periods selected by the local authority pursuant to paragraphs (a) and (b) of this subsection he desires to be the period for which the vehicle license is to be renewed, but upon any subsequent renewal of the vehicle license the license shall be renewed for a period of six months or twelve months at the option of the applicant. ; and

- (e) by adding after subsection (9) the following subsection—

(10) Notwithstanding the provisions of subsection (9) of this section, the additional fee of twenty-five cents referred to therein is not payable where a license is renewed for a period exceeding six months pursuant to paragraph (b) of subsection (4a) of this section. .

4. Section 10A of the principal Act is amended by adding after the word, “the” in line seven, the words, “issue of a vehicle license for a period of three months or for the”.

S. 10A
amended.

S. 27A
added.

5. The principal Act is amended by adding after section 27 the following section—

Drivers
and pillion
passengers
upon motor
cycles to
wear
protective
helmets.

27A. (1) A person shall not drive a motor cycle unless—

- (a) he is wearing securely on his head a protective helmet of the prescribed type and standard; and
- (b) where any other person is riding or being carried on the motor cycle, that other person is wearing securely on his head a protective helmet of the prescribed type and standard.

(2) In this section, “motor cycle” means any motor vehicle that has two wheels, or, where a side-car is attached thereto, has three wheels.

(3) The provisions of subsection (1) of this section do not apply so as to require the wearing of a protective helmet by a person who has, for reasons relating to his medical condition, been exempted in writing by the Commissioner from that requirement. .

S. 36
amended.

6. Subsection (3) of section 36 of the principal Act is amended by adding after the word, “Force” in line three of paragraph (b), the words, “or a traffic inspector”.

S. 47
amended.

7. Subsection (2) of section 47 of the principal Act is amended—

- (a) by substituting for the passage, “section.” in line five of paragraph (i), the passage, “section, not being an offence referred to in paragraph (j) of this subsection;” ; and
- (b) by adding after paragraph (i) the following paragraph—
 - (j) imposing for offences against the Traffic (Vehicle Weights) Regulations, 1963 as amended from time to

time or against any regulations made in substitution therefor—

- (i) penalties not exceeding one hundred dollars for a first offence; and
 - (ii) for any subsequent offence minimum penalties irreducible, in each case, in mitigation notwithstanding the provisions of any other Act, of from twenty dollars to two hundred dollars, both inclusive, according to the nature of the offence or the circumstances by which it is attended, and maximum penalties of five hundred dollars. .
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