

Road Traffic Amendment (Driving Offences) Bill 2018

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Western Australia

LEGISLATIVE ASSEMBLY

**Road Traffic Amendment (Driving Offences)
Bill 2018**

A Bill for

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

The Parliament of Western Australia enacts as follows:

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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.

1 **Part 2 — Road Traffic Act 1974 amended**

2 **3. Act amended**

3 This Part amends the *Road Traffic Act 1974*.

4 **4. Section 49AB amended**

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

6

7 (1AA) In this section —

8 ***prescribed authorisation*** —

9 (a) means —

10 (i) a learner’s permit; or

11 (ii) an Australian driver licence; or

12 (iii) a licence or authorisation granted under
13 the law of an external licensing
14 authority as defined in the *Road Traffic*
15 (*Authorisation to Drive*) *Act 2008*
16 section 3(1);

17 and

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

21

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

23

24 (aa) the person has never held a prescribed
25 authorisation; or

26 (ab) the person has held a prescribed authorisation
27 but is a person described in section 49(3)(a),
28 (b), (ca), (c) or (da); or

29 (ac) the person holds a prescribed authorisation but
30 the prescribed authorisation does not authorise

s. 4

- 1 the person to drive a vehicle of the kind
2 concerned; or
- 3 (ad) the person commits an offence under the *Road*
4 *Traffic (Authorisation to Drive) Act 2008*
5 section 38(1); or
6
- 7 (3) In section 49AB(1)(b) delete “45 km/h” and insert:
8
9 30 km/h
10
- 11 (4) After section 49AB(1) insert:
12
- 13 (2A) Subsection (1)(ac) does not apply to a person who is a
14 member of a class of persons prescribed for the
15 purposes of the subsection by regulations made under
16 the *Road Traffic (Authorisation to Drive) Act 2008*
17 section 4(7).
18

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

3 **5. Act amended**

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

6 **6. Section 4 amended**

7 After section 4(6) insert:
8

9 (7) The regulations may provide that the *Road Traffic*
10 *Act 1974* section 49AB(1)(ac) does not apply to a
11 person —

12 (a) holding a class of authorisation specified in the
13 regulations; and

14 (b) driving a kind of vehicle specified in the
15 regulations for that class of authorisation.

16 (8) The Minister must consult with the Minister
17 responsible for the administration of the *Road Traffic*
18 *Act 1974* before recommending to the Governor that
19 regulations referred to in subsection (7) be made,
20 amended or repealed.
21

22
