



Western Australia

Road Traffic Act 1974

**Incorporating the amendments proposed
by the *Road Traffic Amendment (Driving
Offences) Bill 2018 Pt. 2 (Bill No. 74-1)***

Note:

Pt. V Div. 2A-4 (s. 62B-80W) and Pt. VA-IX (s. 81A-111) have been omitted as they are not amended by the Bill.

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Road Traffic Act 1974

An Act to make provision in relation to the driving and use of vehicles, the regulation of traffic and for incidental and other purposes.

[Long title amended by No. 8 of 2012 s. 5.]

Part I — Preliminary

1. Short title

This Act may be cited as the *Road Traffic Act 1974*¹.

2. Commencement

- (1) Subject to subsection (2) the provisions of this Act shall come into operation on such date or such dates as is or are, respectively, fixed by proclamation¹.
- (2) Section 4 shall come into operation on the day on which this Act receives the Royal Assent.

[3. Deleted by No. 82 of 1982 s. 4.]

4. Repeal

The provisions of the *Traffic Act 1919* shall be repealed on such date or such dates as is or are, respectively, fixed by proclamation.

5. Terms used

The *Road Traffic (Administration) Act 2008* Part 1 Division 2 provides for the meanings of some terms and abbreviations in this Act.

[Section 5 inserted by No. 8 of 2012 s. 6.]

[5A. Deleted by No. 8 of 2012 s. 7.]

[Part II (s. 6-15A) deleted by No. 8 of 2012 s. 8.]

[Part IIA deleted by No. 5 of 2002 s. 15.]

[Part III: s. 15, 17-20, 22, 23A-29 deleted by No. 8 of 2012 s. 8;
s. 16 deleted by No. 28 of 2001 s. 7;
s. 21 deleted by No. 21 of 1995 s. 7;
s. 23 deleted by No. 39 of 2000 s. 11.]

[Part IV: s. 30-37 and 39-41 deleted by No. 8 of 2012 s. 8;
s. 38 deleted by No. 39 of 2009 s. 6.]

[Part IVA: s. 41A-44D, 47, 48 and 48A deleted by No. 8 of 2012 s. 8;
s. 45, 46 deleted by No. 18 of 2011 s. 11;
s. 48B-48F deleted by No. 54 of 2006 s. 6.]

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Division 1A When person taken to be instructor or in charge of vehicle

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speed limit means a speed limit set under a road law.

[Section 49AAA inserted by No. 25 of 2016 s. 42; amended by No. 51 of 2016 s. 4.]

Division 1A — When person taken to be instructor or in charge of vehicle

[Heading inserted by No. 25 of 2016 s. 42.]

49AA. Circumstances in which person taken to be instructor or in charge of motor vehicle

- (1) For the purposes of this Part, unless the contrary is shown, a person is to be taken to be an instructor providing driving instruction to a learner driver if the person is —
 - (a) seated beside the learner driver in a motor vehicle driven by the learner driver; or
 - (b) if there is no seat directly beside the learner driver —
 - (i) seated in the seat nearest the learner driver that faces forward in a motor vehicle driven by the learner driver; or
 - (ii) standing near the learner driver in a motor vehicle driven by the learner driver;or
 - (c) riding in a side car attached, or on a pillion seat fitted, to a motor cycle driven by the learner driver.
- (2) Without limiting the circumstances in which a person is in charge of a motor vehicle, an instructor providing driving instruction to a learner driver is, for the purposes of this Part (other than sections 49AB and 66A), to be taken to be in charge of the motor vehicle driven by the learner driver.
- (3) Subsection (2) does not affect any liability of a learner driver for any offence committed by that person while driving or being in charge of a vehicle.

[Section 49AA inserted by No. 25 of 2016 s. 42.]

Division 1 — Driving of vehicles: general offences

[Heading inserted by No. 10 of 2004 s. 6.]

49AB. Term used: circumstances of aggravation

(1AA) In this section —

prescribed authorisation —

(a) means —

(i) a learner's permit; or

(ii) an Australian driver licence; or

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

and

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

(1A) In this section an instructor providing driving instruction to a learner driver is not to be taken, under section 49AA, to be in charge of the motor vehicle driven by the learner driver.

(1) For the purposes of this Division, a person commits an offence in ***circumstances of aggravation*** if at the time of the alleged offence —

(a) the person was unlawfully driving the vehicle concerned without the consent of the owner or person in charge of the vehicle; or

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

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

(ac) the person holds a prescribed authorisation but the prescribed authorisation does not authorise the person to drive a vehicle of the kind concerned; or

(ad) the person commits an offence under the *Road Traffic (Authorisation to Drive) Act 2008* section 38(1); or

(b) the person was driving the vehicle concerned on a road at 30 km/h ~~45 km/h~~ or more above the speed limit; or

(c) the person was driving the vehicle concerned to escape pursuit by a police officer.

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(2A) Subsection (1)(ac) does not apply to a person who is a member of a class of persons prescribed for the purposes of the subsection by regulations made under the *Road Traffic (Authorisation to Drive) Act 2008* section 4(7).

- (2) For the purposes of subsection (1)(c) it does not matter whether the pursuit was proceeding, or had been suspended or terminated, at the time of the alleged offence.

[Section 49AB inserted by No. 59 of 2012 s. 4; amended by No. 59 of 2012 s. 12; No. 25 of 2016 s. 43; No. 51 of 2016 s. 6; Road Traffic Amendment (Driving Offences) Bill 2018 cl. 4.]

49. Driving while unlicensed or disqualified

- (1) A person who —
- (a) drives a motor vehicle on a road while not authorised under the *Road Traffic (Authorisation to Drive) Act 2008* Part 2 to do so; or
 - (b) employs or permits another person to drive a motor vehicle as described in paragraph (a),

commits an offence.

Penalty for this subsection:

- (a) unless subsection (3) applies —
 - (i) for a first offence, 6 PU;
 - (ii) for a subsequent offence, 12 PU;
- (b) if subsection (3)(d), but no other paragraph of subsection (3), applies —
 - (i) a fine of not less than 4 PU or more than 30 PU; and
 - (ii) imprisonment for not more than 12 months, and the court may order that the offender be disqualified from holding or obtaining a driver's licence for a period of not more than 3 years;
- (c) if subsection (3)(a), (b), (ca), (c) or (da) applies —
 - (i) for a first offence, a fine of not less than 8 PU or more than 40 PU, and imprisonment for not more than 12 months;

- (ii) for a subsequent offence, a fine of not less than 20 PU or more than 80 PU, and imprisonment for not more than 18 months, and the court shall order that the offender be disqualified from holding or obtaining a driver's licence for a period of not less than 9 months and not more than 3 years.
- (2) It is a defence to a charge of an offence under subsection (1) to prove that the motor vehicle was driven in accordance with —
- (a) regulations referred to in the *Road Traffic (Authorisation to Drive) Act 2008* section 11(1); or
 - (b) a necessity permit under section 49A.
- (3) If an offence under subsection (1)(a) is committed by a person —
- (a) who has applied for, but has been refused, an Australian driver licence of a kind required; or
 - (b) who, at the time of the commission of the offence, is disqualified from holding or obtaining an Australian driver licence of a kind required, other than for the reason described in paragraph (d), whether or not the person has ever held an Australian driver licence of the kind required; or
 - (ca) who has held an Australian driver licence of a kind required but ceased to hold the licence of that kind most recently held other than —
 - (i) because the person had, before the time of the commission of the offence, voluntarily surrendered the licence most recently held; or
 - (ii) because the licence expired; or
 - (iii) for the reason described in paragraph (d);or
 - (c) whose authority to drive, whether under an Australian driver licence or otherwise, is for the time being suspended other than for the reason described in paragraph (d); or
 - (da) who is a member of a class of persons prescribed for the purposes of this paragraph by regulations made for the purposes of the *Road Traffic (Authorisation to Drive) Act 2008* section 5A; or

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(d) who is no longer authorised to drive because of penalty enforcement laws, as described in subsection (9),

a police officer may, without a warrant, arrest the person.

(4) A person who would only come within a description in subsection (3)(a), (b), (ca) or (c) because of a decision for the review of which an application had been made is excluded from that description if the application had been made, but not determined, when the offence under subsection (1)(a) was committed.

(5) If a person to whom the CEO has been ordered under the *Road Traffic (Authorisation to Drive) Act 2008* section 30(1) to grant an extraordinary licence commits an offence under subsection (1)(a) —

(a) before the extraordinary licence is granted; or

(b) when the extraordinary licence has expired and has not been renewed,

neither the order nor any extraordinary licence granted affects subsection (3).

(6) An offence under subsection (1) is a subsequent offence if the offender has previously been convicted of any offence under that subsection as in force at any time, except that, if subsection (3)(a), (b), (ca) or (c) applies to an offence under subsection (1)(a), the offence is a subsequent offence only if the person has previously been convicted of a relevant offence.

(7) In subsection (6) —

relevant offence means —

(a) an offence under subsection (1)(a) as in force after the commencement of section 7 of the *Road Traffic Amendment Act 2006* being an offence to which subsection (3)(a), (b), (ca) or (c) applied; or

(b) an offence under subsection (1)(a) as in force at a time before the commencement of section 7 of the *Road Traffic Amendment Act 2006*¹ being an offence that would have been taken into account in determining whether another offence committed before that commencement, in circumstances mentioned in section 49(2)(a)(ii) or (iii) or (2)(b) as then in force, would have been a first or subsequent offence.

- (8) A period of disqualification ordered under subsection (1) is cumulative upon —
- (a) any other period of disqualification to which the person may then be subject; or
 - (b) any period for which the operation of a driver's licence held by the person may currently be suspended.
- (9) When subsection (3)(d) refers to a person who is no longer authorised to drive because of penalty enforcement laws, it means that the person —
- (a) has been disqualified from holding or obtaining a driver's licence under section 19 or 43 of the *Fines, Penalties and Infringement Notices Enforcement Act 1994*; or
 - (b) is the subject of any disqualification or suspension under a law of another jurisdiction that is prescribed to be a corresponding law for the purposes of this subsection.

[Section 49 inserted by No. 54 of 2006 s. 7; amended by No. 8 of 2012 s. 10 and 37; No. 2 of 2015 s. 11; No. 25 of 2016 s. 62.]

49A. Person breaching s. 49(1)(a) having lost licence etc. due to penalty enforcement laws, police may caution etc.

- (1) This section applies if a police officer finds a person (the *driver*) committing an offence under section 49(1)(a) in the circumstances referred to in section 49(3)(d).
- (2) If this section applies and the police officer suspects on reasonable grounds that, at the time of committing the offence, the driver —
- (a) did not know of the circumstances referred to in section 49(3)(d); and
 - (b) had not been cautioned previously under this section since those circumstances came about,
- the police officer may decline to charge the driver with an offence under section 49(1)(a) and may instead issue a caution to the driver.
- (3) The caution must be in a prescribed form.

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- (4) If this section applies and it appears to the police officer that it would be impracticable, or may jeopardise the safety of any person, for the driver to immediately cease driving —
- (a) if the police officer issues a caution, the caution must include a necessity permit; and
 - (b) in any other case, the police officer may grant the driver a necessity permit.

- (5) In subsection (4) —

necessity permit means a permit for the driver to drive by the shortest practicable route to a place specified in the permit.

[Section 49A inserted by No. 54 of 2006 s. 8.]

[Section 49A. Modifications to be applied in order to give effect to Cross-border Justice Act 2008: section altered 1 Nov 2009. See endnote 1M.]

[50. Deleted by No. 25 of 2016 s. 4.]

50A. Driver using foreign country's driver's licence etc. to carry it etc.

- (1) A person whose authority to drive depends on a licence or authorisation granted under the law of an external licensing authority (as defined in the *Road Traffic (Authorisation to Drive) Act 2008* section 3(1)) is required —
- (a) while driving a motor vehicle on a road, to carry —
 - (i) the official document that is evidence of that licence or authorisation; and
 - (ii) if the official document is not in the English language, a translation of it into the English language verified by a person or body approved by the CEO;
- and
- (b) to produce that document for inspection at the request of any police officer.

- (2) If the person fails to comply with any condition to which the licence or authorisation is subject that can lawfully be complied with in this State, the person commits an offence.

Penalty:

- (a) for a first offence, 8 PU;
(b) for a subsequent offence, 16 PU.

[Section 50A inserted by No. 54 of 2006 s. 10; amended by No. 8 of 2012 s. 11A (as amended by No. 10 of 2015 s. 14), 36 and 37.]

[51. Deleted by No. 8 of 2012 s. 11.]

[52. Deleted by No. 76 of 1996 s. 14.]

[53. Deleted by No. 8 of 2012 s. 11.]

54. Driver in incident occasioning bodily harm to stop, ensure assistance and give information

- (1) If a vehicle driven by a person (the **driver**) is involved in an incident occasioning bodily harm to another person, the driver must stop immediately after the occurrence of the incident and for as long as is necessary to comply with subsections (2) and (6).
- (2) If a vehicle driven by a person (the **driver**) is involved in an incident occasioning bodily harm to another person (a **victim**), the driver must ensure that each victim receives all the assistance, including medical aid, that is necessary and practicable in the circumstances.
- (3) A person who contravenes subsection (1) or (2) commits a crime.

Penalty for this subsection: imprisonment for —

- (a) 20 years, if the incident occasioned death and, in any event, the court convicting the person must order that the person be disqualified from holding or obtaining a driver's licence for a period of not less than 2 years;
- (b) 14 years, if the incident occasioned grievous bodily harm but not death and, in any event, the court convicting the person must order that the person be disqualified from holding or obtaining a driver's licence for a period of not less than 2 years;
- (c) 10 years, in any other case and, in any event, the court convicting the person must order that the person

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be disqualified from holding or obtaining a driver's licence for a period of not less than 12 months.

Summary conviction penalty in a case to which paragraph (c) applies: imprisonment for 3 years and, in any event, the court convicting the person must order that the person be disqualified from holding or obtaining a driver's licence for a period of not less than 12 months.

[(4) deleted]

(5) It is a defence to a charge of an offence under subsection (3) for the accused to prove that the accused was not aware of the occurrence of the incident.

(6) If a vehicle driven by a person (the **driver**) is involved in an incident occasioning bodily harm to another person (a **victim**), the driver must, if required to do so by a victim, a representative of a victim, or a police officer, give the driver's name and address and, if known to the driver, the name and address of a responsible person for the vehicle.

Penalty for this subsection: a fine of 30 PU.

(7) It is a defence to a charge of an offence under subsection (3) or (6) for the accused to prove that the accused could not comply with a requirement in the relevant provision because of an injury suffered by the accused in the incident.

[Section 54 inserted by No. 39 of 2007 s. 20; amended by No. 8 of 2012 s. 37; No. 25 of 2016 s. 5.]

55. Driver in incident occasioning property damage to stop and give information

(1) If a vehicle driven by a person (the **driver**) is involved in an incident in which any property is damaged, the driver must stop immediately after the occurrence of the incident and for as long as is necessary to comply with subsection (4).

Penalty: a fine of 30 PU.

(2) If in the opinion of the court an offence under subsection (1) is of a sufficiently serious nature the court may make an order disqualifying the offender from holding or obtaining a driver's licence for such period as it thinks fit.

(3) It is a defence to a charge of an offence under subsection (1) for the accused to prove that the accused was not aware of the occurrence of the incident.

- (4) If a vehicle driven by a person (the *driver*) is involved in an incident in which any property is damaged, the driver must, if required to do so by a person whose property was damaged in the incident or a representative of that person or a police officer, give the driver's name and address and, if known to the driver, the name and address of a responsible person for the vehicle.
Penalty: a fine of 30 PU.

- (5) It is a defence to a charge of an offence under subsection (1) or (4) for the accused to prove that the accused could not comply with a requirement in that subsection because of an injury suffered by the accused in the incident.

[Section 55 inserted by No. 39 of 2007 s. 20; amended by No. 8 of 2012 s. 37.]

56. Driver in incident occasioning bodily harm or property damage to report incident to police

- (1) If a vehicle driven by a person (the *driver*) is involved in an incident occasioning bodily harm to the driver or another person, the driver must report the incident forthwith to —
- (a) the officer in charge of a police station; or
 - (b) the Commissioner of Police in a manner approved by the Commissioner.

- (2) If a person contravenes subsection (1) and the incident occasioned death or grievous bodily harm, the person commits a crime.

Penalty: imprisonment for 10 years and in any event the court convicting the person must order that the offender is disqualified from holding or obtaining a driver's licence for a period of not less than 12 months.

Summary conviction penalty: imprisonment for 12 months and in any event the court convicting the person must order that the offender is disqualified from holding or obtaining a driver's licence for a period of not less than 12 months.

- (3) If a person contravenes subsection (1) and the incident did not occasion death or grievous bodily harm, the person commits an offence.

Penalty: imprisonment for 12 months and in any event the court convicting the person must order that the offender is disqualified from holding or obtaining a driver's licence for a period of not less than 12 months.

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- (4) If a vehicle driven by a person (the *driver*) is involved in an incident in which any property is damaged the driver must report the incident forthwith to —
- (a) the officer in charge of a police station; or
 - (b) the Commissioner of Police in a manner approved by the Commissioner.

Penalty:

- (a) for a first offence, a fine of 8 PU;
 - (b) for a subsequent offence, a fine of 16 PU.
- (5) It is a defence to a charge of an offence under subsection (2), (3) or (4) for the accused to prove that —
- (a) the accused could not comply with a requirement in the relevant provision because of an injury suffered by the accused in the incident; or
 - (b) a police officer attended at the scene of the incident and took the necessary particulars of the incident.
- (6) It is a defence to a charge of an offence under subsection (4) for the accused to prove —
- (a) that the accused had reasonable cause for believing that the total value of the damage did not exceed the amount prescribed for the purposes of this subsection; and
 - (b) that the owner, in each case, of any property damaged was present or represented at the place where and at the time when, or immediately after, the incident occurred.

[Section 56 inserted by No. 39 of 2007 s. 20; amended by No. 8 of 2012 s. 37; No. 25 of 2016 s. 6.]

[Section 56. Modifications to be applied in order to give effect to Cross-border Justice Act 2008: section altered 1 Nov 2009. See endnote 1M.]

57. Owner etc. of vehicle occasioning bodily harm etc. to help police identify driver etc.

- (1) Where the use of a motor vehicle has occasioned, or been an immediate or proximate cause of, the death of a person or bodily harm to a person, a responsible person for the vehicle and any person to whom the possession or control of the vehicle was entrusted shall, if required by a police officer, give any information which it is in his power to give which may lead to the identification of the person who was driving or who was in charge or control of the vehicle at the time when the use of the

vehicle occasioned or was an immediate or proximate cause of the death or bodily harm.

- (2) A person who is required under subsection (1) by a police officer to give information must not in response to the request give false information.

Penalty: applicable to subsections (1) and (2), a fine of 60 PU or imprisonment for 12 months.

[Section 57 amended by No. 105 of 1981 s. 19; No. 11 of 1988 s. 24; No. 50 of 1997 s. 13; No. 39 of 2000 s. 31; No. 39 of 2007 s. 21; No. 8 of 2012 s. 37.]

[58, 58A. Deleted by No. 8 of 2012 s. 12.]

59. Dangerous driving causing death or grievous bodily harm

- (1) If a motor vehicle driven by a person (the *driver*) is involved in an incident occasioning the death of, or grievous bodily harm to, another person and the driver was, at the time of the incident, driving the motor vehicle —
- (a) while under the influence of alcohol to such an extent as to be incapable of having proper control of the vehicle; or
 - (ba) while under the influence of drugs to such an extent as to be incapable of having proper control of the vehicle; or
 - (bb) while under the influence of alcohol and drugs to such an extent as to be incapable of having proper control of the vehicle; or
 - (b) 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,

the driver commits a crime and is liable to the penalty in subsection (3).

Summary conviction penalty in a case in which the incident does not occasion the death of another person:
imprisonment for 3 years or a fine of 720 PU and in any event the court convicting the person shall order that he be disqualified from holding or obtaining a driver's licence for a period of not less than 2 years.

- (2A) For an offence against this section that was committed before the day on which the *Manslaughter Legislation Amendment Act 2011* section 6(1) came into operation¹ amending

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subsection (1), subsection (1) applies as if that amendment had not been made.

(2) For the purposes of this section —

[(a) deleted]

- (b) it is immaterial that the death or grievous 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; and
- (c) when an incident occasions grievous bodily harm to a person and that person receives surgical or medical treatment, and death results either from the harm or the treatment, the incident is deemed to have occasioned the death of that person, although the immediate cause of death was the surgical or medical treatment if the treatment was reasonably proper in the circumstances and was applied in good faith.

(3) A person convicted on indictment of an offence against this section is liable —

- (a) if the offence is against subsection (1)(a), (ba) or (bb), or the offence is against subsection (1)(b) and is committed in circumstances of aggravation, to a fine of any amount and to imprisonment for —
 - (i) 20 years, if the person has caused the death of another person; or
 - (ii) 14 years, if the person has caused grievous bodily harm to another person;
- or
- (b) in any other circumstances, to a fine of any amount and to imprisonment for —
 - (i) 10 years, if the person has caused the death of another person; or
 - (ii) 7 years, if the person has caused grievous bodily harm to another person,

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 2 years.

- (4A) A court sentencing a person for an offence against this section committed in the circumstance of aggravation referred to in section 49AB(1)(c) must —
- (a) sentence the person to a term of imprisonment of at least 12 months; and
 - (b) not suspend the term of imprisonment.
- (4B) Subsection (4A) applies whether the person was convicted on indictment or summarily and despite the *Sentencing Act 1995* Part 5.
- (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 59A, 59BA(1), 61 or 62.

[Section 59 amended by No. 89 of 1978 s. 12; No. 82 of 1982 s. 9; No. 11 of 1988 s. 24; No. 37 of 1991 s. 6(2); No. 1 of 1992 s. 6; No. 50 of 1997 s. 13; No. 4 of 2004 s. 58; No. 44 of 2004 s. 5; No. 39 of 2007 s. 22; No. 29 of 2008 s. 38; No. 58 of 2011 s. 6; No. 59 of 2012 s. 6; No. 2 of 2015 s. 4; No. 25 of 2016 s. 23.]

59A. Dangerous driving causing bodily harm

- (1) If a motor vehicle driven by a person (the *driver*) is involved in an incident occasioning bodily harm to another person and the driver was, at the time of the incident, driving the motor vehicle —
- (a) while under the influence of alcohol to such an extent as to be incapable of having proper control of the vehicle; or
 - (ba) while under the influence of drugs to such an extent as to be incapable of having proper control of the vehicle; or
 - (bb) while under the influence of alcohol and drugs to such an extent as to be incapable of having proper control of the vehicle; or
 - (b) 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,
- the driver commits an offence.

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(2) For the purposes of this section —

[(a) deleted]

(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.

(3) Subject to subsection (3a), a person convicted of an offence against subsection (1) is liable —

(a) for a first offence, to a fine of 180 PU or to imprisonment for 9 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 12 months;

(b) for a second or subsequent offence, to a fine of 360 PU or to imprisonment for 18 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 18 months.

(3a) In the case of an offence under subsection (1)(a), (ba) or (bb), or an offence under subsection (1)(b) committed in circumstances of aggravation, the offence is a crime and a person convicted of it is liable to a fine of any amount and imprisonment for 10 years and in any event the court convicting the person shall order that he be disqualified from holding or obtaining a driver's licence for a period of not less than 2 years.

Summary conviction penalty: imprisonment for 3 years or a fine of 720 PU and in any event the court convicting the person shall order that he be disqualified from holding or obtaining a driver's licence for a period of not less than 18 months.

(4A) A court sentencing a person for an offence against this section committed in the circumstance of aggravation referred to in section 49AB(1)(c) must —

(a) sentence the person to a term of imprisonment of at least 6 months; and

(b) not suspend the term of imprisonment.

(4B) Subsection (4A) applies whether the person was convicted on indictment or summarily and despite the *Sentencing Act 1995* Part 5.

- (4) A person charged with an offence against this section may, instead of being convicted of that offence, be convicted of an offence against section 59BA(1), 61 or 62.

[Section 59A inserted by No. 89 of 1978 s. 13; amended by No. 82 of 1982 s. 10; No. 11 of 1988 s. 24; No. 50 of 1997 s. 13; No. 50 of 2003 s. 92(2); No. 44 of 2004 s. 6; No. 39 of 2007 s. 23; No. 59 of 2012 s. 7; No. 2 of 2015 s. 5; No. 25 of 2016 s. 24.]

59BA. Careless driving causing death, grievous bodily harm or bodily harm

- (1) If a motor vehicle driven by a person (the *driver*) is involved in an incident occasioning the death of, or grievous bodily harm or bodily harm to, another person and the driver was, at the time of the incident, driving the motor vehicle without due care and attention, the driver commits an offence.

Penalty for this subsection: imprisonment for 3 years or a fine of 720 PU and, in any event, the court convicting the person must order that the person be disqualified from holding or obtaining a driver's licence for a period of not less than 3 months.

- (2) For the purposes of subsection (1) —
- (a) it is immaterial that the death, grievous bodily harm or 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; and
 - (b) when an incident occasions grievous bodily harm to a person and that person receives surgical or medical treatment, and death results either from the harm or the treatment, the incident is deemed to have occasioned the death of that person, although the immediate cause of death was the surgical or medical treatment if the treatment was reasonably proper in the circumstances and was applied in good faith.
- (3) A person charged with an offence against subsection (1) may, instead of being convicted of that offence, be convicted of an offence against section 62.

[Section 59BA inserted by No. 25 of 2016 s. 25.]

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59B. Ancillary matters and defences for sections 59, 59A and 59BA

- (1) For the purposes of sections 59, 59A and 59BA(1), the circumstances in which a motor vehicle is involved in an incident occasioning the death of, or grievous bodily harm or bodily harm to, a person include those in which the death or harm is occasioned through —
 - (a) the motor vehicle overturning or leaving a road while the person is being conveyed in or on the motor vehicle (whether as a passenger or otherwise); or
 - (b) the person falling from the motor vehicle while being conveyed in or on it (whether as a passenger or otherwise); or
 - (c) an impact between any object or thing and the motor vehicle while the person is being conveyed in or on the motor vehicle (whether as a passenger or otherwise); or
 - (d) an impact between the person and the motor vehicle; or
 - (e) an impact of the motor vehicle with another vehicle or an object or thing in, on or near which the person is at the time of impact; or
 - (f) an impact with any object on or attached to the motor vehicle; or
 - (g) an impact with any object that is in motion through falling from the motor vehicle.
- (2) For the purposes of sections 59, 59A and 59BA(1), a motor vehicle is also involved in an incident occasioning the death of, or grievous bodily harm or bodily harm to, a person if the death or harm is occasioned through the motor vehicle —
 - (a) causing an impact between other vehicles or between another vehicle and any object, thing or person; or
 - (b) causing another vehicle to overturn or leave a road; or
 - (c) causing a person being conveyed in or on another vehicle to fall from that other vehicle.

[(3), (4) deleted]

- (5) In any proceeding for an offence against section 59 or 59A a person who had at the time of the alleged offence a blood alcohol content of or above 0.15 g of alcohol per 100 ml of blood shall be deemed to have been under the influence of alcohol to such an extent as to be incapable of having proper control of a motor vehicle at the time of the alleged offence.

- (6) In any proceeding for an offence against section 59 or 59A it is a defence for the person charged to prove that the death, grievous bodily harm or bodily harm occasioned by the incident was not in any way attributable (as relevant) —
- (a) to the fact that the person charged was under the influence of alcohol, drugs, or alcohol and drugs; or
 - (b) to the manner (which expression includes speed) in which the motor vehicle was driven.
- (7) In any proceeding for an offence against section 59BA(1) it is a defence for the person charged to prove that the death, grievous bodily harm or bodily harm occasioned by the incident was not in any way attributable to the level of care and attention with which the motor vehicle was driven.

[Section 59B inserted by No. 44 of 2004 s. 7; amended by No. 39 of 2007 s. 4; No. 59 of 2012 s. 8; No. 25 of 2016 s. 26.]

60. Driving in reckless manner

- (1) For the purposes of this section, a motor vehicle is driven in a **reckless manner** if it is driven in a manner (which expression includes speed) that is inherently dangerous or that is, having regard to all the circumstances of the case, dangerous to the public or to any person.
- (1A) A person commits an offence if the person wilfully drives a motor vehicle in a reckless manner in —
- (a) a confiscation zone; or
 - (b) any other place.

[(1b), (1c), (1D) deleted]

- (2) A person charged with an offence against this section may, instead of being convicted of that offence, be convicted of an offence against section 60A, 61, 62 or 62A.

[Section 60 amended by No. 11 of 1988 s. 24; No. 78 of 1995 s. 147; No. 50 of 1997 s. 13; No. 50 of 2003 s. 92(2); No. 10 of 2004 s. 8; No. 54 of 2006 s. 12; No. 24 of 2008 s. 4; No. 23 of 2009 s. 5; No. 8 of 2012 s. 37; No. 59 of 2012 s. 9; No. 51 of 2016 s. 7.]

60A. Driving at reckless speed

- (1) A person commits an offence if the person drives a motor vehicle at a speed of 155 km/h or more on any other length of road.

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- (2) A person commits an offence if the person drives a motor vehicle at 45 km/h or more above the speed limit —
 - (a) in a confiscation zone; or
 - (b) on any other length of road.
- (3) A person charged with an offence against this section may, instead of being convicted of that offence, be convicted of an offence against section 60(1A), 61 or 62.

[Section 60A inserted by No. 51 of 2016 s. 8.]

60B. Penalties for offences against sections 60 and 60A

- (1) In this section —
offence means an offence against section 60 or 60A.
- (2) A person convicted of an offence is liable —
 - (a) for a first offence, to a fine of 120 PU or to imprisonment for 9 months; and
 - (b) for a second offence, to a fine of 180 PU or to imprisonment for 9 months; and
 - (c) for a third or subsequent offence, to a fine of 240 PU or to imprisonment for 12 months.
- (3) In any event, a court convicting a person —
 - (a) of a first offence, must order that the person be disqualified from holding or obtaining a driver's licence for a period of not less than 6 months; and
 - (b) of a second offence, must order that the person be disqualified from holding or obtaining a driver's licence for a period of not less than 12 months; and
 - (c) of a third or subsequent offence, must order that the person be permanently disqualified from holding or obtaining a driver's licence.
- (4) If an offence is committed in the circumstance of aggravation referred to in section 49AB(1)(c), the offence is a crime.

Penalty for this subsection: imprisonment for 5 years.

Summary conviction penalty for this subsection: imprisonment for 2 years.

- (5) A court sentencing a person for an offence committed in the circumstance of aggravation referred to in section 49AB(1)(c) must —
- (a) sentence the person to a term of imprisonment of at least 6 months; and
 - (b) not suspend the term of imprisonment; and
 - (c) for a first or second offence — order that the offender is disqualified from holding or obtaining a driver's licence for a period of not less than 2 years; and
 - (d) for a third or subsequent offence — order that the offender is permanently disqualified from holding or obtaining a driver's licence.
- (6) Subsection (5) applies whether the person was convicted on indictment or summarily and despite the *Sentencing Act 1995* Part 5.
- (7) A reference in subsection (5)(c) or (d) to an offence is a reference to the offence whether or not committed in the circumstance of aggravation referred to in section 49AB(1)(c).

[Section 60B inserted by No. 51 of 2016 s. 8.]

60C. Arrest without warrant for driving in reckless manner or at reckless speed

A police officer who reasonably suspects that a person has committed an offence against section 60 or 60A may, without a warrant, arrest the person.

[Section 60C inserted by No. 51 of 2016 s. 8.]

61. Dangerous driving

- (1) Every person who drives 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) A person charged with an offence against this section may, instead of being convicted of that offence, be convicted of an offence against section 62 or 62A.
- (3) A person convicted of an offence against this section is liable —
- (a) unless paragraph (b) applies —
 - (i) for a first offence — to a fine of 60 PU;

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- (ii) for a subsequent offence — to a fine of 120 PU or to imprisonment for 9 months; and, in any event, the court convicting the person must order that the offender is disqualified from holding or obtaining a driver's licence for a period of not less than 12 months;
 - (b) if the offence is committed in the circumstance of aggravation referred to in section 49AB(1)(c) — to a fine of 720 PU or to imprisonment for 3 years; and, in any event, the court convicting the person must order that the offender is disqualified from holding or obtaining a driver's licence for a period of not less than 2 years.
- (4) For the purposes of subsection (3), where a person is convicted of an offence against this section any offence previously committed by him against section 59, 59A, 60, as in force from time to time, or 60A shall be taken into account and be deemed to have been an offence against this section (but not to the exclusion of any other previous offence against this section) in determining whether that first-mentioned offence is a first or subsequent offence.

[Section 61 amended by No. 11 of 1988 s. 24; No. 78 of 1995 s. 147; No. 50 of 1997 s. 13; No. 50 of 2003 s. 92(2); No. 54 of 2006 s. 13; No. 23 of 2009 s. 6; No. 59 of 2012 s. 10; No. 51 of 2016 s. 9.]

61A. Defence for police officers driving in reckless manner in certain circumstances

- (1) It is a defence to a prosecution for an offence against section 59(1)(b), 59A(1)(b), 60(1A) or 61(1) if the accused satisfies the court that, at the time of the alleged commission of the offence —
 - (a) the accused was on official duty as a police officer; and
 - (b) the driving was substantially in accordance with the Commissioner's policies and guidelines relating to driving, applicable at the time of the driving, and any direction given under such a policy or guideline; and
 - (c) having regard to all of the circumstances of the case, it was reasonable, and in the public interest, for the accused to have driven the motor vehicle in the manner that he or she did.

- (2) Subsection (1) does not affect the application of any other defence the accused may have.

[Section 61A inserted by No. 59 of 2012 s. 11; amended by No. 59 of 2012 s. 12; No. 51 of 2016 s. 10.]

61B. Defence for certain officers driving at reckless speed

The driver of a motor vehicle is not guilty of an offence under section 60A if —

- (a) either —
- (i) the driver is on official duty as a police officer and the driving is substantially in accordance with the Commissioner's policies and guidelines relating to driving, applicable at the time of the driving, and any direction given under such a policy or guideline; or
 - (ii) the driver is on official duty responding to a fire or fire alarm; or
 - (iii) the driver is on official duty responding to an emergency or rescue operation where it is reasonable to assume that human life is likely to be in danger; or
 - (iv) the motor vehicle is an ambulance and is being used to answer an urgent call or to convey a person to a place for the provision of urgent medical treatment;

and

- (b) the driver is taking reasonable care; and
- (c) the vehicle is displaying a blue or red flashing light or sounding an alarm unless, in the circumstances, it is reasonable for a light not to be displayed or an alarm not to be sounded.

[Section 61B inserted by No. 51 of 2016 s. 11.]

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62. Careless driving

Every person who drives a motor vehicle without due care and attention commits an offence.

Penalty: a fine of 30 PU.

[Section 62 amended by No. 11 of 1988 s. 24; No. 50 of 1997 s. 13; No. 25 of 2016 s. 27.]

62A. Causing excessive noise or smoke from vehicle's tyres

A person commits an offence if the person wilfully drives a motor vehicle so as to cause one or more of its tyres to create smoke or excessive noise in or on, or leave a substance on the driving surface of —

- (a) a confiscation zone; or
- (b) any other length of road; or
- (c) a carpark.

Penalty: a fine of 30 PU.

[Section 62A inserted by No. 51 of 2016 s. 12.]

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Notes

¹ This is a compilation of the *Road Traffic Act 1974* and includes the amendments made by the other written laws referred to in the following table^{1M, 1a}. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Road Traffic Act 1974</i>	59 of 1974	3 Dec 1974	s. 4: 3 Dec 1974 (see s. 2(2)); s. 6-10 and 12: 21 Feb 1975 (see s. 2(1) and <i>Gazette</i> 21 Feb 1975 p. 633); Act other than s. 4, 6-10 and 12: 1 Jun 1975 (see s. 2(1) and <i>Gazette</i> 29 May 1975 p. 1442)
<i>Road Traffic Act Amendment Act 1975</i>	77 of 1975	14 Nov 1975	1 Jul 1976 (see s. 2 and <i>Gazette</i> 12 Dec 1975 p. 4481)
<i>Road Traffic Act Amendment Act (No. 2) 1975</i>	93 of 1975	20 Nov 1975	20 Feb 1976 (see s. 2 and <i>Gazette</i> 20 Feb 1976 p. 445)
<i>Road Traffic Act Amendment Act 1976</i>	17 of 1976	3 Jun 1976	21 Aug 1976 (see s. 2 and <i>Gazette</i> 6 Aug 1976 p. 2658)
<i>Road Traffic Act Amendment Act (No. 2) 1976</i>	48 of 1976	10 Sep 1976	Act other than s. 3 and 4(a)-(f) and (h): 10 Sep 1976 (see s. 2(1)); s. 3 and 4(a)-(f) and (h): 1 Jun 1977 (see s. 2(2) and <i>Gazette</i> 20 May 1977 p. 1490)
<i>Road Traffic Act Amendment Act (No. 3) 1976</i>	135 of 1976	9 Dec 1976	9 Dec 1976
<i>Road Traffic Act Amendment Act 1977</i>	4 of 1977	29 Aug 1977	29 Aug 1977
<i>Road Traffic Act Amendment Act 1978</i> ³	89 of 1978 (as amended by No. 82 of 1982 s. 30 and 31)	8 Nov 1978	Act other than s. 16(a), (b) and (c), 18 and 23: 25 May 1979 (see s. 2 and <i>Gazette</i> 25 May 1979 p. 1377); s. 18: 1 Jan 1980 (see s. 2 and <i>Gazette</i> 7 Dec 1979 p. 3770)
<i>Acts Amendment and Repeal (Road Maintenance) Act 1979 Pt. II</i>	9 of 1979	18 May 1979	1 Jul 1979 (see s. 2(2))
<i>Road Traffic Act Amendment Act 1979</i>	10 of 1979	18 May 1979	18 May 1979

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Short title	Number and year	Assent	Commencement
<i>Road Traffic Act Amendment Act (No. 2) 1979</i>	71 of 1979	27 Nov 1979	Act other than s. 4, 5, 8-11, 13, 14 and 18: 27 Nov 1979 (see s. 2(1)); s. 8-11, 13, 14 and 18: 1 Feb 1980 (see s. 2(2) and <i>Gazette</i> 1 Feb 1980 p. 284); s. 4: 15 Feb 1980 (see s. 2(2) and <i>Gazette</i> 15 Feb 1980 p. 456); s. 5: 2 May 1980 (see s. 2(2) and <i>Gazette</i> 2 May 1980 p. 1405)
Untitled regulations published in <i>Gazette</i> p. 1671-2			6 Jun 1980
Reprint of the Road Traffic Act 1974 approved 22 Jul 1980 (includes amendments listed above)			
<i>Road Traffic Amendment Act 1980</i>	42 of 1980	12 Nov 1980	Act other than s. 3-6, 8, 9(a) and 10: 12 Nov 1980 (see s. 2(1)); s. 3-6, 8, 9(a) and 10: 1 Jan 1981 (see s. 2(2))
<i>Acts Amendment (Motor Vehicle Pools) Act 1980 Pt. II</i>	48 of 1980	19 Nov 1980	19 Nov 1980
<i>Road Traffic Amendment Act (No. 2) 1980</i> ⁴	81 of 1980	5 Dec 1980	5 Dec 1980
<i>Road Traffic (Fees for Vehicle Licences) Regulations 1981</i> published in <i>Gazette</i> p. 1611-18			29 May 1981
<i>Road Traffic Amendment Act 1981</i>	39 of 1981	25 Aug 1981	25 Aug 1981
<i>Road Traffic Amendment Act (No. 2) 1981</i>	71 of 1981	30 Oct 1981	1 Aug 1982 (see s. 2 and <i>Gazette</i> 23 Jul 1982 p. 2842)
<i>Road Traffic Amendment Act (No. 4) 1981</i>	105 of 1981	4 Dec 1981	2 Feb 1982 (see s. 2 and <i>Gazette</i> 2 Feb 1982 p. 393)
<i>Companies (Consequential Amendments) Act 1982</i> s. 28	10 of 1982	14 May 1982	1 Jul 1982 (see s. 2(1) and <i>Gazette</i> 25 Jun 1982 p. 2079)
<i>Acts Amendment (Motor Vehicle Fees) Act 1982 Pt. III</i>	25 of 1982	27 May 1982	1 Jul 1982 (see s. 2)
<i>Road Traffic (Fees for Vehicle Licences) Regulations 1982</i> published in <i>Gazette</i> p. 1728-34			28 May 1982

Short title	Number and year	Assent	Commencement
<i>Road Traffic Amendment Act 1982</i>	60 of 1982	24 Sep 1982	Act other than s. 3 and 6(a): 1 Oct 1982 (see s. 2 and <i>Gazette</i> 1 Oct 1982 p. 3885); s. 3 and 6(a): 1 Nov 1982 (see s. 2 and <i>Gazette</i> 1 Oct 1982 p. 3885)
<i>Road Traffic Amendment Act (No. 2) 1982</i> ⁵	82 of 1982	11 Nov 1982	Act other than s. 5, 7, 9, 11-14, 15(d), (e), (g), (j), (l) and (n), 16, 17, 18(a)(ii), (b), (d) and (e), 19, 20(a)-(c) and (e), 21(1), 25 and 26: 11 Nov 1982 (see s. 2(1)); s. 5, 7, 9, 11-13, 14(b), 15(d), 16, 20(a)-(c) and (e), 21(1), 25 and 26: 9 Dec 1982 (see s. 2(2)); s. 14(a), 15(e), (g), (j), (l), and (n), 17, 18(a)(ii), (b), (d) and (e) and 19: 1 Mar 1983 (see s. 2(3) and <i>Gazette</i> 25 Feb 1983 p. 638)
<i>Road Traffic (Fees for Vehicle Licences) Regulations 1983</i> published in <i>Gazette</i> p. 1525-32			20 May 1983
Reprint of the Road Traffic Act 1974 approved 9 Jul 1983 (includes amendments listed above)			
<i>Road Traffic (Fees for Vehicle Licences) Regulations 1984</i> published in <i>Gazette</i> p. 1741-51			28 Jun 1984
<i>Road Traffic Amendment Act 1984</i>	95 of 1984	7 Dec 1984	4 Jan 1985
<i>Acts Amendment and Repeal (Credit) Act 1984</i> Pt. VII	102 of 1984	19 Dec 1984	31 Mar 1985 (see s. 2 and <i>Gazette</i> 8 Mar 1985 p. 867)
<i>Acts Amendment and Repeal (Transport Co-ordination) Act 1985</i> Pt. VI	54 of 1985	28 Oct 1985	1 Jan 1986 (see s. 2 and <i>Gazette</i> 20 Dec 1985 p. 4822)
<i>Road Traffic Amendment Act 1985</i>	89 of 1985	4 Dec 1985	4 Dec 1985 (see s. 2)
<i>Road Traffic (Fees for Vehicle Licences) Regulations 1986</i> published in <i>Gazette</i> p. 1769-75 (erratum 13 Jun 1986 p. 1979)			30 May 1986
<i>Road Traffic Amendment Act (No. 2) 1986</i>	78 of 1986	4 Dec 1986	4 Dec 1986 (see s. 2)
<i>Road Traffic (Fees for Vehicle Licences) Regulations 1987</i> published in <i>Gazette</i> p. 2263-73			29 May 1987

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Short title	Number and year	Assent	Commencement
<i>Road Traffic Amendment Act (No. 2) 1987</i> ^{6,7}	121 of 1987 (as amended by No. 84 of 2004 s. 80 cl. 123 and No. 8 of 2009 s. 112)	24 Dec 1987	s. 1 and 2: 24 Dec 1987; s. 3-6 and 8-10: 24 Dec 1987 (see s. 2 and <i>Gazette</i> 24 Dec 1987 p. 4561); s. 7: 1 Oct 1988 (see s. 2 and <i>Gazette</i> 30 Sep 1988 p. 3967); s. 11(a): 21 Dec 1990 (see s. 2 and <i>Gazette</i> 21 Dec 1990 p. 6212)
<i>Road Traffic Amendment Act 1988</i> ⁸	11 of 1988	6 Sep 1988	s. 1 and 2: 6 Sep 1988; s. 3, 20, 21 and 23: 28 Oct 1988 (see s. 2 and <i>Gazette</i> 28 Oct 1988 p. 4274); s. 8(a) and (b): 4 Nov 1988 (see s. 2 and <i>Gazette</i> 4 Nov 1988 p. 4365); s. 4-7, 9-17, 19, 22 and 24: 16 Nov 1988 (see s. 2 and <i>Gazette</i> 16 Nov 1988 p. 4517); s. 8(c) and 18 (other than paragraph (b)): 21 Jul 1989 (see s. 2 and <i>Gazette</i> 21 Jul 1989 p. 2212); s. 18(b): 19 Sep 1989 (see s. 2 and <i>Gazette</i> 21 Jul 1989 p. 2212)
<i>Road Traffic Amendment (Random Breath Tests) Act 1988</i> ⁹	16 of 1988 (as amended by No. 46 of 1989 s. 4; No. 76 of 1996 s. 41 and No. 39 of 2000 s. 67)	9 Sep 1988	s. 1 and 2: 9 Sep 1988; Act other than s. 1, 2 and 5: 1 Oct 1988 (see s. 2 and <i>Gazette</i> 30 Sep 1988 p. 3967)
<i>Road Traffic Amendment Act (No. 3) 1988</i>	32 of 1988	24 Nov 1988	s. 1 and 2: 24 Nov 1988; Act other than s. 1 and 2: 21 Jul 1989 (see s. 3 and <i>Gazette</i> 21 Jul 1989 p. 2212)
<i>Road Traffic Amendment Act (No. 2) 1988</i>	57 of 1988	8 Dec 1988	s. 1 and 2: 8 Dec 1988; Act other than s. 1 and 2: 1 Feb 1989 (see s. 2 and <i>Gazette</i> 23 Dec 1988 p. 4937)
<i>Acts Amendment (Events on Roads) Act 1988 Pt. 2</i>	64 of 1988	8 Dec 1988	1 Feb 1991 (see s. 2 and <i>Gazette</i> 1 Feb 1991 p. 511)
<i>Acts Amendment (Children's Court) Act 1988 Pt. 7</i>	49 of 1988	22 Dec 1988	1 Dec 1989 (see s. 2 and <i>Gazette</i> 24 Nov 1989 p. 4327)
<i>Road Traffic (Fees for Vehicle Licences) Regulations 1989</i> published in <i>Gazette</i> p. 2695-704		11 Aug 1989	

Short title	Number and year	Assent	Commencement
<i>Road Traffic (Fees for Vehicle Licences) Regulations (No. 2) 1989</i> published in <i>Gazette</i> 22 Sep 1989 p. 3463			22 Sep 1989
<i>Road Traffic (Fees for Vehicle Licences) Regulations (No. 3) 1989</i> published in <i>Gazette</i> 17 Nov 1989 p. 4161-5 (erratum 8 Dec 1989 p. 4463)			17 Nov 1989
<i>Acts Amendment (Chemistry Centre (WA)) Act 1990</i> Pt. 3 ¹⁰	19 of 1990	24 Jul 1990	9 Aug 1991 (see s. 2 and <i>Gazette</i> 9 Aug 1991 p. 4101)
<i>Road Traffic (Fees for Vehicle Licences) Regulations 1990</i> published in <i>Gazette</i> 29 Aug 1990 p. 4383-90 (erratum 7 Dec 1990 p. 6051)			29 Aug 1990
<i>Road Traffic (Fees for Vehicle Licences) Regulations (No. 2) 1990</i> published in <i>Gazette</i> 23 Nov 1990 p. 5850-1			23 Nov 1990
<i>Road Traffic Amendment Act (No. 3) 1990</i>	60 of 1990	17 Dec 1990	s. 1 and 2: 17 Dec 1990; Act other than s. 1 and 2: 21 Dec 1990 (see s. 2 and <i>Gazette</i> 21 Dec 1990 p. 6212)
Reprint of the Road Traffic Act 1974 as at 4 Apr 1991 (includes amendments listed above except those in the <i>Acts Amendment (Chemistry Centre (WA)) Act 1990</i>)			
<i>Road Traffic (Fees for Vehicle Licences) Regulations 1991</i> published in <i>Gazette</i> 23 Aug 1991 p. 4417-22			23 Aug 1991
<i>Road Traffic (Fees for Vehicle Licences) Regulations (No. 2) 1991</i> published in <i>Gazette</i> 22 Nov 1991 p. 5958-9			22 Nov 1991
<i>Criminal Law Amendment Act 1991</i> s. 6(2) and 21 ¹¹	37 of 1991	12 Dec 1991	s. 6(2): 12 Dec 1991 (see s. 2(1)); s. 21: 10 Feb 1992 (see s. 2(2) and <i>Gazette</i> 31 Jan 1992 p. 477)
<i>Road Traffic (Bicycle Helmets) Amendment Act 1991</i>	46 of 1991	17 Dec 1991	17 Dec 1991 (see s. 2)
<i>Road Traffic Amendment (Power Assisted Pedal Cycles) Act 1991</i>	50 of 1991	17 Dec 1991	s. 1 and 2: 17 Dec 1991; Act other than s. 1 and 2: 24 Dec 1991 (see s. 2 and <i>Gazette</i> 24 Dec 1991 p. 6395)
<i>Criminal Law Amendment Act 1992</i> Pt. 3	1 of 1992	7 Feb 1992	9 Mar 1992 (see s. 2)
<i>Road Traffic Amendment Act 1992</i>	13 of 1992	16 Jun 1992	16 Jun 1993 (see s. 2)
<i>Road Traffic (Fees for Vehicle Licences) Regulations 1992</i> published in <i>Gazette</i> 21 Aug 1992 p. 4162-6			21 Aug 1992
<i>Road Traffic (Fees for Vehicle Licences) Regulations (No. 2) 1992</i> published in <i>Gazette</i> 13 Nov 1992 p. 5591-2			13 Nov 1992
<i>Financial Administration Legislation Amendment Act 1993</i> s. 6 and 11	6 of 1993	27 Aug 1993	s. 11: 1 Jul 1993 (see s. 2(1)); s. 6: 27 Aug 1993 (see s. 2(2))

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<i>Acts Amendment (Vehicles on Roads) Act 1994 Pt. 3</i>	13 of 1994	15 Apr 1994	17 May 1994 (see s. 2 and <i>Gazette</i> 17 May 1994 p. 2065)
<i>Taxi Act 1994 s. 48</i>	83 of 1994	20 Dec 1994	10 Jan 1995 (see s. 2 and <i>Gazette</i> 10 Jan 1995 p. 73)
<i>Acts Amendment (Fines, Penalties and Infringement Notices) Act 1994 Pt. 19</i>	92 of 1994	23 Dec 1994	1 Jan 1995 (see s. 2(1) and <i>Gazette</i> 30 Dec 1994 p. 7211)
Reprint of the Road Traffic Act 1974 as at 1 Jun 1995 (includes amendments listed above)			
<i>Road Traffic Amendment Act 1995</i>	21 of 1995	13 Jul 1995	s. 1 and 2: 13 Jul 1995; Act other than s. 1 and 2: 25 Nov 1995 (see s. 2 and <i>Gazette</i> 24 Nov 1995 p. 5390)
<i>Acts Amendment (Vehicle Licences) Act 1995 Pt. 2</i>	57 of 1995	20 Dec 1995	20 Dec 1995 (see s. 2)
<i>Sentencing (Consequential Provisions) Act 1995 Pt. 71 and s. 147</i>	78 of 1995	16 Jan 1996	4 Nov 1996 (see s. 2 and <i>Gazette</i> 25 Oct 1996 p. 5632)
<i>Road Traffic (Fees for Vehicle Licences) Regulations 1996</i> published in <i>Gazette</i> 24 May 1996 p. 2181-9			24 May 1996
<i>Local Government (Consequential Amendments) Act 1996 s. 4</i>	14 of 1996	28 Jun 1996	1 Jul 1996 (see s. 2)
<i>Consumer Credit (Western Australia) Act 1996 s. 13</i>	30 of 1996	10 Sep 1996	1 Nov 1996 (see s. 2)
<i>Road Traffic Amendment (Measuring Equipment) Act 1996</i>	37 of 1996	27 Sep 1996	27 Sep 1996 (see s. 2)
<i>Financial Legislation Amendment Act 1996 s. 27(3) and 64</i>	49 of 1996	25 Oct 1996	25 Oct 1996 (see s. 2)
<i>Road Traffic Amendment Act 1996</i> ^{12, 13}	76 of 1996 (as amended by No. 49 of 1996 s. 27(4); No. 54 of 2006 s. 43(2))	14 Nov 1996	s. 1 and 2: 14 Nov 1996; Act other than s. 1, 2 and 8(3): 1 Feb 1997 (see s. 2 and <i>Gazette</i> 31 Jan 1997 p. 613)
<i>Road Traffic (Fees for Vehicle Licences) Regulations (No. 2) 1996</i> published in <i>Gazette</i> 17 Dec 1996 p. 7014-15			17 Dec 1996
Reprint of the Road Traffic Act 1974 as at 25 Mar 1997 (includes amendments listed above)			
<i>Road Traffic (Fees for Vehicle Licences) Regulations 1997</i> published in <i>Gazette</i> 13 May 1997 p. 2344-9			13 May 1997

Short title	Number and year	Assent	Commencement
<i>Road Traffic Amendment Act 1997</i> ¹⁴	50 of 1997	12 Dec 1997	s. 1 and 2: 12 Dec 1997; Act other than s. 1 and 2: 1 Jan 1998 (see s. 2 and <i>Gazette</i> 23 Dec 1997 p. 7400)
<i>Statutes (Repeals and Minor Amendments) Act 1997</i> s. 106	57 of 1997	15 Dec 1997	15 Dec 1997 (see s. 2(1))
<i>Road Traffic (Fees for Vehicle Licences) Regulations 1998</i> published in <i>Gazette</i> 12 May 1998 p. 2799-800			15 May 1998 (see r. 2)
<i>Road Traffic (Fees for Vehicle Licences) Regulations (No. 2) 1998</i> published in <i>Gazette</i> 3 Jul 1998 p. 3603-4			3 Jul 1998 (see r. 2)
<i>Road Traffic Amendment Act 1998</i>	52 of 1998	7 Dec 1998	7 Dec 1998 (see s. 2)
<i>Perth Parking Management (Consequential Provisions) Act 1999</i> s. 7(4)	16 of 1999	19 May 1999	7 Aug 1999 (see s. 2 and <i>Gazette</i> 6 Aug 1999 p. 3727)
<i>Road Traffic (Fees for Vehicle Licences) Regulations 1999</i> published in <i>Gazette</i> 25 May 1999 p. 2070-1			25 May 1999 (see r. 2)
<i>Revenue Laws Amendment (Assessment) Act 1999</i> Pt. 3	24 of 1999	29 Jun 1999	1 Jul 1999 (see s. 2(3))
Reprint of the Road Traffic Act 1974 as at 17 Sep 1999 (includes amendments listed above)			
<i>School Education Act 1999</i> s. 247	36 of 1999	2 Nov 1999	1 Jan 2001 (see s. 2 and <i>Gazette</i> 29 Dec 2000 p. 7904)
<i>Acts Amendment (Police Immunity) Act 1999</i> s. 9	42 of 1999	25 Nov 1999	25 Nov 1999 (see s. 2)
<i>Road Traffic (Fees for Vehicle Licences) Regulations 2000</i> published in <i>Gazette</i> 17 May 2000 p. 2421-3			31 May 2000 (see r. 2 and <i>Gazette</i> 17 May 2000 p. 2426)
<i>Statutes (Repeals and Minor Amendments) Act 2000</i> s. 39 and 55	24 of 2000	4 Jul 2000	4 Jul 2000 (see s. 2)

Road Traffic Act 1974

Short title	Number and year	Assent	Commencement
<i>Road Traffic Amendment Act 2000 Pt. 2</i> ¹⁵⁻¹⁹	39 of 2000 (as amended by No. 5 of 2002 s. 15; No. 45 of 2002 s. 28(2); No. 84 of 2004 s. 80 (cl. 124))	10 Oct 2000	s. 3, 17(1), 34-37 and 47(3): 30 Jan 2001 (see s. 2 and <i>Gazette</i> 30 Jan 2001 p. 615); s. 18, 23, 24, 27, 29 and 48 and Sch. 1 (except cl. 3 and 5): 5 Feb 2001 (see s. 2 and <i>Gazette</i> 30 Jan 2001 p. 615); s. 19-22, 25, 26, 28 and 45 and Sch. 1 cl. 3 and 5: 7 May 2001 (see s. 2 and <i>Gazette</i> 23 Mar 2001 p. 1665); Proclamation of 9 Feb 2001 p. 767 revoked (see <i>Gazette</i> 23 Mar 2001 p. 1665); s. 6 deleted by No. 5 of 2002 s. 15; s. 4, 5, 7-16, 17(2), 30-33, 38-44, 46, 47(1), (2) and (4): 1 Jan 2006 (see s. 2 and <i>Gazette</i> 23 Dec 2005 p. 6244-5)
<i>Acts Amendment (Fines Enforcement and Licence Suspension) Act 2000 Pt. 3</i>	51 of 2000	28 Nov 2000	5 Feb 2001 (see s. 2 and <i>Gazette</i> 30 Jan 2001 p. 615)
<i>Road Traffic (Fees for Vehicle Licences) Regulations 2001</i> published in <i>Gazette</i> p. 3247			29 Jun 2001 (see r. 2)
<i>Road Traffic (Fees for Vehicle Licences) Regulations (No. 2) 2001</i> published in <i>Gazette</i> p. 4256-8			14 Aug 2001 (see r. 2)
Reprint of the Road Traffic Act 1974 as at 19 Oct 2001 (includes amendments listed above except those in the <i>Road Traffic Amendment Act 2000</i> s. 4-16, 17(2), 30-33, 38-44, 46, 47(1), (2) and (4))			
<i>Road Traffic Amendment Act 2001</i>	27 of 2001	21 Dec 2001	s. 1 and 2: 21 Dec 2001; Act other than s. 1 and 2: 10 Aug 2002 (see s. 2 and <i>Gazette</i> 9 Aug 2002 p. 3853-4)
<i>Road Traffic Amendment (Vehicle Licensing) Act 2001 Pt. 2</i>	28 of 2001 (as amended by No. 45 of 2002 s. 29(2))	21 Dec 2001	4 Dec 2006 (see s. 2 and <i>Gazette</i> 28 Nov 2006 p. 4889)
<i>Road Traffic (Fees for Vehicle Licences) Regulations 2002</i> published in <i>Gazette</i> p. 2558-60			17 May 2002 (see r. 2)
<i>Motor Vehicle Dealers Amendment Act 2002</i> s. 72	4 of 2002	4 Jun 2002	1 Sep 2002 (see s. 2 and <i>Gazette</i> 13 Aug 2002 p. 4151)
<i>Road Safety Council Act 2002</i> s. 15	5 of 2002	4 Jun 2002	1 Jul 2002 (see s. 2(1) and <i>Gazette</i> 1 Jul 2002 p. 3205)
<i>Machinery of Government (Planning and Infrastructure) Amendment Act 2002 Pt. 7</i> ²⁰	7 of 2002	19 Jun 2002	1 Jul 2002 (see s. 2 and <i>Gazette</i> 28 Jun 2002 p. 3037)

Short title	Number and year	Assent	Commencement
<i>Taxation Administration (Consequential Provisions) Act 2002</i> s. 27 ²¹	45 of 2002	20 Mar 2003	1 Jul 2003 (see s. 2(1) and (2) and <i>Gazette</i> 27 Jun 2003 p. 2383)
<i>Nurses Amendment Act 2003</i> Pt. 3 Div. 7	9 of 2003	9 Apr 2003	9 Apr 2003 (see s. 2)
<i>Road Traffic (Fees for Vehicle Licences) Regulations 2003</i> published in <i>Gazette</i> p. 1804-6		20 May 2003	31 May 2003 (see r. 2)
<i>Sentencing Legislation Amendment and Repeal Act 2003</i> Pt. 3 and s. 92	50 of 2003	9 Jul 2003	Pt. 3: 30 Aug 2003 (see s. 2 and <i>Gazette</i> 29 Aug 2003 p. 3833); s. 92: 15 May 2004 (see s. 2 and <i>Gazette</i> 14 May 2004 p. 1445)
<i>Statutes (Repeals and Minor Amendments) Act 2003</i> s. 105 ²²	74 of 2003	15 Dec 2003	15 Dec 2003 (see s. 2)
<i>Criminal Code Amendment Act 2004</i> s. 58	4 of 2004	23 Apr 2004	21 May 2004 (see s. 2)
<i>Road Traffic (Fees for Vehicle Licences) Regulations 2004</i> published in <i>Gazette</i> p. 1843-5		28 May 2004	31 May 2004 (see r. 2)
<i>Road Traffic Amendment Act 2004</i>	6 of 2004	10 Jun 2004	10 Jun 2004 (see s. 2)
<i>Road Traffic Amendment (Impounding and Confiscation of Vehicles) Act 2004</i>	10 of 2004	23 Jun 2004	s. 1 and 2: 23 Jun 2004; Act other than s. 1 and 2: 4 Sep 2004 (see s. 2 and <i>Gazette</i> 3 Sep 2004 p. 3849)
Reprint 8: The Road Traffic Act 1974 as at 16 Jul 2004 (includes amendments listed above except those in the <i>Road Traffic Amendment Act 2000</i> s. 4, 5, 7-16, 17(2), 30-33, 38-44, 46, 47(1), (2) and (4), <i>Road Traffic Amendment (Vehicle Licensing) Act 2001</i> and the <i>Road Traffic Amendment (Impounding and Confiscation of Vehicles) Act 2004</i>)			
<i>Road Traffic Amendment (Dangerous Driving) Act 2004</i> ²³	44 of 2004	9 Nov 2004	s. 1 and 2: 9 Nov 2004; Act other than s. 1 and 2: 1 Jan 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7132)
<i>Courts Legislation Amendment and Repeal Act 2004</i> s. 141 ²⁴	59 of 2004 (as amended by No. 2 of 2008 s. 77(13))	23 Nov 2004	1 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7128)
<i>State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004</i> Pt. 2 Div. 115 ²⁵	55 of 2004	24 Nov 2004	1 Jan 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)
<i>Criminal Law Amendment (Simple Offences) Act 2004</i> s. 82	70 of 2004	8 Dec 2004	31 May 2005 (see s. 2 and <i>Gazette</i> 14 Jan 2005 p. 163)

Road Traffic Act 1974

Short title	Number and year	Assent	Commencement
<i>Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004</i> s. 78, 80 and 82	84 of 2004	16 Dec 2004	2 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7129 (correction in <i>Gazette</i> 7 Jan 2005 p. 53))
<i>Road Traffic (Fees for Vehicle Licences) Regulations (No. 2) 2004</i> published in <i>Gazette</i> 24 Dec 2004 p. 6255			1 Feb 2005 (see r. 2)
<i>Road Traffic (Fees for Vehicle Licences) Regulations 2005</i> published in <i>Gazette</i> 27 May 2005 p. 2306-8			31 May 2005 (see r. 2)
Reprint 9: The Road Traffic Act 1974 as at 10 Mar 2006 (includes amendments listed above except those in the <i>Road Traffic Amendment (Vehicle Licensing) Act 2001</i>)			
<i>Road Traffic (Fees for Vehicle Licences) Regulations 2006</i> published in <i>Gazette</i> 26 May 2006 p. 1885-8			31 May 2006 (see r. 2)
<i>Nurses and Midwives Act 2006</i> Sch. 3 cl. 20	50 of 2006	6 Oct 2006	19 Sep 2007 (see s. 2 and <i>Gazette</i> 18 Sep 2007 p. 4711)
<i>Road Traffic Amendment Act 2006</i> Pt. 2 (s. 3-35) ²⁶⁻²⁸	54 of 2006	26 Oct 2006	s. 27: 7 Jul 2007 (see s. 2 and <i>Gazette</i> 6 Jul 2007 p. 3385); s. 19: 11 Oct 2007 (see s. 2 and <i>Gazette</i> 11 Oct 2007 p. 5475); Pt. 2 (other than s. 19 and 27): 30 Jun 2008 (see s. 2 and <i>Gazette</i> 10 Jun 2008 p. 2471)
<i>Financial Legislation Amendment and Repeal Act 2006</i> s. 4	77 of 2006	21 Dec 2006	1 Feb 2007 (see s. 2(1) and <i>Gazette</i> 19 Jan 2007 p. 137)
<i>Road Traffic Amendment Act 2007</i>	4 of 2007	11 Apr 2007	s. 1 and 2: 11 Apr 2007; Act other than s. 1 and 2: 1 May 2007 (see s. 2 and <i>Gazette</i> 27 Apr 2007 p. 1831)
<i>Road Traffic Amendment (Drugs) Act 2007</i> Pt. 2	6 of 2007	23 May 2007	12 Oct 2007 (see s. 2 and <i>Gazette</i> 11 Oct 2007 p. 5475)
<i>Chemistry Centre (WA) Act 2007</i> s. 43	10 of 2007	29 Jun 2007	1 Aug 2007 (see s. 2(1) and <i>Gazette</i> 27 Jul 2007 p. 3735)
<i>Road Traffic Amendment Act (No. 2) 2007</i> Pt. 2 (s. 3-40)	39 of 2007	21 Dec 2007	Div. 6: 22 Dec 2007 (see s. 2(j)); s. 3-16 (other than s. 6(2)(b)(ii), 19-24, 27-30: 15 Mar 2008 (see s. 2(b)-(j) and <i>Gazette</i> 14 Mar 2008 p. 829); s. 6(2)(b)(ii): 15 Mar 2008 (see s. 2(c)); s. 17, 18 and 25: 30 Jun 2008 (see s. 2(d)-(f)); s. 26 and Div. 5: 1 Jul 2008 (see s. 2(g)-(i) and <i>Gazette</i> 27 Jun 2008 p. 3117); Div. 4 (other than s. 26): 1 Dec 2010 (see s. 2(g) and <i>Gazette</i> 12 Nov 2010 p. 5659)

Short title	Number and year	Assent	Commencement
<i>Acts Amendment (Justice) Act 2008</i> s. 131	5 of 2008	31 Mar 2008	30 Sep 2008 (see s. 2(d) and <i>Gazette</i> 11 Jul 2008 p. 3253)
<i>Duties Legislation Amendment Act 2008</i> Sch. 1 cl. 33	12 of 2008	14 Apr 2008	1 Jul 2008 (see s. 2(d))
<i>Medical Practitioners Act 2008</i> Sch. 3 cl. 51	22 of 2008	27 May 2008	1 Dec 2008 (see s. 2 and <i>Gazette</i> 25 Nov 2008 p. 4989)
<i>Road Traffic Amendment Act 2008</i>	24 of 2008	13 Jun 2008	s. 1 and 2: 13 Jun 2008 (see s. 2(1)(a)); Act other than s. 1, 2, 5(a) and 8: 19 Jul 2008 (see s. 2(1)(b) and <i>Gazette</i> 18 Jul 2008 p. 3329); s. 5(a) and 8: 1 Jul 2009 (see s. 2(1)(b) and (2) and <i>Gazette</i> 23 Jun 2009 p. 2423)
<i>Criminal Law Amendment (Homicide) Act 2008</i> s. 38	29 of 2008	27 Jun 2008	1 Aug 2008 (see s. 2(d) and <i>Gazette</i> 22 Jul 2008 p. 3353)
Reprint 10: The Road Traffic Act 1974 as at 3 Oct 2008 (includes amendments listed above except those in the <i>Medical Practitioners Act 2008</i> , <i>Road Traffic Amendment Act (No. 2) 2007</i> Pt. 2 Div. 4 (other than s. 26) and the <i>Road Traffic Amendment Act 2008</i> s. 5(a) and 8) (correction in <i>Gazette</i> 19 Oct 2010 p. 5202)			
<i>Road Traffic Amendment (Hoons) Act 2009</i> Pt. 2	23 of 2009	6 Oct 2009	1 Jan 2010 (see s. 2(1)(b) and (2) and <i>Gazette</i> 31 Dec 2009 p. 5421)
<i>Road Traffic Legislation Amendment (Registration Labels) Act 2009</i> Pt. 2	39 of 2009	3 Dec 2009	1 Jan 2010 (see s. 2(b))
<i>Credit (Commonwealth Powers) (Transitional and Consequential Provisions) Act 2010</i> s. 12	14 of 2010	25 Jun 2010	1 Jul 2010 (see s. 2(b) and <i>Gazette</i> 30 Jun 2010 p. 3185)
<i>Standardisation of Formatting Act 2010</i> s. 51	19 of 2010	28 Jun 2010	11 Sep 2010 (see s. 2(b) and <i>Gazette</i> 10 Sep 2010 p. 4341)
<i>Road Traffic Amendment Act 2010</i>	20 of 2010	7 Jul 2010	s. 1 and 2: 7 Jul 2010 (see s. 2(a)); Act other than s. 1 and 2: 1 Sep 2010 (see s. 2(b) and <i>Gazette</i> 27 Aug 2010 p. 4105)
<i>Health Practitioner Regulation National Law (WA) Act 2010</i> Pt. 5 Div. 45	35 of 2010	30 Aug 2010	18 Oct 2010 (see s. 2(b) and <i>Gazette</i> 1 Oct 2010 p. 5075-6)

Road Traffic Act 1974

Short title	Number and year	Assent	Commencement
<i>Road Traffic Legislation Amendment (Disqualification by Notice) Act 2010</i> Pt. 2 (other than s. 12(2)(c), (5)(d) and (7)(b)) ²⁹	51 of 2010 (as amended by No. 17 of 2014 s. 36)	8 Dec 2010	s. 3 and 6-10: 9 Dec 2010 (see s. 2(b)); s. 4 and 13: 9 Apr 2011 (see s. 2(c) and <i>Gazette</i> 8 Apr 2011 p. 1281); s. 12 (other than 12(2)(c), (5)(d) and (7)(b)): 4 Jul 2011 (see s. 2(c) and <i>Gazette</i> 20 May 2011 p. 1837); s. 5, 11, 14 and 15: 1 Aug 2012 (see s. 2(c) and <i>Gazette</i> 27 Jul 2012 p. 3664)
Reprint 11: The Road Traffic Act 1974 as at 28 Jan 2011 (includes amendments listed above except those in the <i>Road Traffic Legislation Amendment (Disqualification by Notice) Act 2010</i> s. 4, 5 and 11-15)			
<i>Road Traffic Amendment (Alcohol and Drug Related Offences) Act 2011</i> Pt. 2	14 of 2011	25 May 2011	1 Oct 2011 (see s. 2(b) and <i>Gazette</i> 30 Aug 2011 p. 3503)
<i>Road Traffic Legislation Amendment (Information) Act 2011</i> Pt. 2	18 of 2011	2 Jun 2011	Pt. 2 (other than s. 9): 30 Jun 2011 (see s. 2(b) and <i>Gazette</i> 29 Jun 2011 p. 2611); s. 9: 14 Jan 2013 (see s. 2(b) and <i>Gazette</i> 4 Jan 2013 p. 3)
<i>Personal Property Securities (Consequential Repeals and Amendments) Act 2011</i> Pt. 12 Div. 3	42 of 2011	4 Oct 2011	30 Jan 2012 (see s. 2(c) and Cwlth Legislative Instrument No. F2011L02397 cl. 5 registered 21 Nov 2011)
<i>Manslaughter Legislation Amendment Act 2011</i> Pt. 3	58 of 2011	30 Nov 2011	17 Mar 2012 (see s. 2(b) and <i>Gazette</i> 16 Mar 2012 p. 1245)
<i>Road Traffic Legislation Amendment Act 2012</i> Pt. 3 (s. 4-38)	8 of 2012 (as amended by No. 10 of 2015 s. 14-18)	21 May 2012	Pt. 3 (s. 15-18): 1 Aug 2012 (see s. 2(c)(ii) and <i>Gazette</i> 27 Jul 2012 p. 3664); Pt. 3 (other than s. 15-18): 27 Apr 2015 (see s. 2(b)(i) and (d) and <i>Gazette</i> 17 Apr 2015 p. 1371)
<i>Fire and Emergency Services Legislation Amendment Act 2012</i> Pt. 7 Div. 13	22 of 2012	29 Aug 2012	1 Nov 2012 (see s. 2(b) and <i>Gazette</i> 31 Oct 2012 p. 5255)
<i>Fines, Penalties and Infringement Notices Enforcement Amendment Act 2012</i> Pt. 4 Div. 7	48 of 2012	29 Nov 2012	21 Aug 2013 (see s. 2(b) and <i>Gazette</i> 20 Aug 2013 p. 3815)
<i>Road Traffic (Miscellaneous Amendments) Act 2012</i> Pt. 2	59 of 2012 (as amended by No. 10 of 2015 s. 21)	11 Dec 2012	Pt. 2 (other than s. 12): 12 Dec 2012 (see s. 2(b)); s. 12: 27 Apr 2015 (see s. 2(c)(ii) and <i>Gazette</i> 17 Apr 2015 p. 1371)

Short title	Number and year	Assent	Commencement
Reprint 12: The Road Traffic Act 1974 as at 22 Mar 2013 (includes amendments listed above except those in the <i>Road Traffic Legislation Amendment Act 2012</i> Pt. 3 (other than s. 15-18), the <i>Fines, Penalties and Infringement Notices Enforcement Amendment Act 2012</i> and the <i>Road Traffic (Miscellaneous Amendments) Act 2012</i> s. 12)			
<i>Medicines and Poisons Act 2014</i> s. 188	13 of 2014	2 Jul 2014	30 Jan 2017 (see s. 2(b) and <i>Gazette</i> 17 Jan 2017 p. 403)
<i>Statutes (Repeals and Minor Amendments) Act 2014</i> s. 35	17 of 2014	2 Jul 2014	6 Sep 2014 (see s. 2(b) and <i>Gazette</i> 5 Sep 2014 p. 3213)
<i>Road Traffic Amendment (Alcohol Interlocks and Other Matters) Act 2015</i> Pt. 2 (other than s. 9) and Pt. 3 Div. 1 ³⁰	2 of 2015	25 Feb 2015	Pt. 2 (other than s. 9): 4 Apr 2016 (see s. 2(1)(b) and <i>Gazette</i> 24 Mar 2016 p. 927); Pt. 3 Div. 1: 24 Oct 2016 (see s. 2(1)(b) and (2) and <i>Gazette</i> 20 Sep 2016 p. 3965)
<i>Road Traffic Legislation Amendment Act 2015</i> Pt. 2	10 of 2015	1 Apr 2015	2 Apr 2015 (see s. 2(b))
Reprint 13: The Road Traffic Act 1974 as at 12 Jun 2015 (includes amendments listed above except those in the <i>Medicines and Poisons Act 2014</i> and the <i>Road Traffic Amendment (Alcohol Interlocks and Other Matters) Act 2015</i>)			
<i>Public Health (Consequential Provisions) Act 2016</i> s. 101	19 of 2016	25 Jul 2016	24 Jan 2017 (see s. 2(1)(c) and <i>Gazette</i> 10 Jan 2017 p. 165)
<i>Road Traffic Legislation Amendment Act 2016</i> Pt. 2 Div. 1, Pt. 3 Div. 1 Subdiv. 1, Div. 2, Div. 3 Subdiv. 1, Div. 4 Subdiv. 1 (other than s. 64)	25 of 2016	21 Sep 2016	Pt. 1: 21 Sep 2016 (see s. 2(a)); Pt. 2: Div. 1: 22 Sep 2016 (see s. 2(b)); Pt. 3 Div. 1 Subdiv. 1, Div. 3 Subdiv. 1 (other than s. 46 and 53) and Div. 4 Subdiv. 1 (other than s. 64): 28 Nov 2016 (see s. 2(c) and <i>Gazette</i> 25 Nov 2016 p. 5279); Pt. 3 Div. 2, s. 46 and 53: 10 Mar 2017 (see s. 2(c) and <i>Gazette</i> 7 Feb 2017 p. 1158-9)
<i>Road Traffic Amendment (Impounding and Confiscation of Vehicles) Act 2016</i> Pt. 2 ³¹	51 of 2016	28 Nov 2016	14 Jan 2017 (see s. 2(1)(b) and (2) and <i>Gazette</i> 13 Jan 2017 p. 338)
Reprint 14: The Road Traffic Act 1974 as at 1 Dec 2017 (includes amendments listed above)			
<u><i>Road Traffic Amendment (Driving Offences) Bill 2018</i> Pt. 2</u>		<u>Current Bill No. 74-1</u>	

^{1M} Under the *Cross-border Justice Act 2008* section 14, in order to give effect to that Act, this Act must be applied with the modifications prescribed by the *Cross-border Justice Regulations 2009* Part 3 Division 19 as if this Act had been altered in that way. If a modification is to replace or insert a numbered provision, the new provision is identified by the superscript 1M appearing after the provision number. If a modification is to replace or insert a definition, the new definition is identified by the superscript 1M appearing after the defined term.

^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
<i>Taxi Drivers Licensing Act 2014</i> Pt. 10 Div. 1 ³²	18 of 2014	2 Jul 2014	To be proclaimed (see s. 2(c))
<i>Public Health (Consequential Provisions) Act 2016</i> Pt. 5 Div. 21 ³³	19 of 2016	25 Jul 2016	To be proclaimed (see s. 2(1)(c))
<i>Road Traffic Legislation Amendment Act 2016</i> s. 64 ³⁴	25 of 2016	21 Sep 2016	To be proclaimed (see s. 2(c))
<i>Health Practitioner Regulation National Law (WA) Amendment Act 2018</i> s. 120 ³⁵	4 of 2018	19 Apr 2018	To be proclaimed (see s. 2(d))

² Repealed by the *Interpretation Act 1984*.

³ The *Road Traffic Amendment Act (No. 2) 1982* s. 30 and 31 deleted the *Road Traffic Act Amendment Act 1978* s. 16(a), (b) and (c) and 23.

⁴ The *Road Traffic Amendment Act (No. 2) 1980* s. 10(2) reads as follows:

- (2) A traffic sign or traffic control signal or similar device purported to have been erected for the purposes of the principal Act and the regulations made thereunder before the coming into operation of this section shall be and always have been a valid and effective traffic sign, traffic control signal, or device for those purposes.

⁵ The *Road Traffic Amendment Act (No. 2) 1982* s. 21(2) is a transitional provision that is of no further effect.

⁶ The *Road Traffic Amendment Act (No. 2) 1987* s. 10(2) reads as follows:

- (2) A certificate that was in force under section 72(3)(b) of the principal Act immediately before the commencement of subsection (1)(d) shall have effect after that commencement as if it certified the person named in the certificate as being competent to operate all types of breath analysing equipment.

⁷ The *Road Traffic Amendment Act (No. 2) 1987* s. 11(b) had not come into operation when it was deleted by the *Statutes (Repeals and Miscellaneous Amendments) Act 2009* s. 112.

⁸ The *Road Traffic Amendment Act 1988* s. 17(2) and (3) read as follows:

- (2) In subsection (3) ***the relevant regulations*** means any regulations purporting to have been made under the principal Act before 1 July 1984 that would have been authorised under section 43(7) or (8) of the *Interpretation Act 1984* if they had been made on or after 1 July 1984.
- (3) The principal Act as enacted from time to time before 1 July 1984 is deemed to have authorised the making of the relevant regulations and those regulations shall be deemed to have taken effect and had the force of law accordingly.

⁹ The *Road Traffic Amendment (Random Breath Tests) Act 1989* s. 4 and the *Road Traffic Amendment Act 1996* s. 41 amended the *Road Traffic Amendment (Random Breath Tests) Act 1988* s. 5, which was deleted by the *Road Traffic Amendment Act 2000* s. 67.

¹⁰ The *Acts Amendment (Chemistry Centre (WA)) Act 1990* s. 9 and 10 read as follows:

9. Saving of certificates and labels

A certificate or label issued under the principal Act that purports to have been signed by the director of the Government Chemical Laboratories or prepared by the Government Chemical Laboratories before the commencement of this Act shall continue to have effect as if this Act had not come into operation.

10. Validation

Every act or thing purporting to have been done by the Director or any other officer of the Chemistry Centre (WA) under the principal Act before the commencement of this Act that would have been lawful if this Act had been in force at the time when it was done is hereby validated and declared to have been lawfully done.

¹¹ The *Criminal Law Amendment Act 1991* cl. 1(2) of Pt. A of the Sch. reads as follows:

- (2) Notwithstanding subclause (1), section 59(2), as it was immediately before the commencement of this clause, continues to apply in relation to —
- (a) any death that occurred before the commencement of this clause; and

- (b) any death that occurs after the commencement of this clause if the driving which directly or indirectly causes the death occurs not less than a year and a day before the commencement of this clause.

¹² The *Road Traffic Amendment Act 1996* s. 52 reads as follows:

52. Actions of delegates validated

- (1) Anything done before the commencement of this section by a person acting under any delegation purporting to have been made by the Traffic Board under any written law, is as valid and has the same force and effect, and is to be regarded as having always been as valid and had the same force and effect, as if it had been done by the Traffic Board.
- (2) In subsection (1) —
Traffic Board means the Traffic Board constituted under section 6 of the *Road Traffic Act 1974* as it was before the commencement of this Act.

¹³ The *Road Traffic Amendment Act 1996* s. 8(3) was deleted by the *Road Traffic Amendment Act 2006* s. 43(2).

¹⁴ The amendment in the *Road Traffic Amendment Act 1997* s. 13 to amend s. 20(2) did not come into operation because of an error in the reference to the provision to be amended.

¹⁵ The *Road Traffic Amendment Act 2000* s. 48 and Sch. 1 read as follows:

48. Savings and transitional

Schedule 1 has effect.

Schedule 1 — Savings and transitional

[s. 48]

1. Interpretation

In this Part —

commencement day means the day on which this Act comes into operation under section 2.

2. Section 18 amendments have no effect in relation to certain applications

The amendments made by section 18 have no effect in relation to an application for a driver's licence by a person who holds a permit issued under section 48C of the *Road Traffic Act 1974* before the commencement day.

3. Licences to drive vehicles formerly classified by reference to use

If —

- (a) immediately before the commencement day, a person was the holder of a driver's licence authorising the person to drive a motor vehicle classified under

section 43(2) by reference to the purpose for which or manner in which it is being used; and

- (b) on and after the commencement day the purpose or manner is prohibited by regulations under section 43(1)(aa) of the *Road Traffic Act 1974*,

the licence, or any new class of licence held by the person under section 43(1)(e) of the *Road Traffic Act 1974*, is to be regarded as having been endorsed to confer the authority to drive for that purpose or in that manner.

4. Section 23 amendments have effect only in relation to licences issued after commencement

The amendments made by section 23 have effect only in relation to a driver's licence issued after the commencement day.

5. Duplicate licences

If —

- (a) after the commencement day a person applies for a duplicate of a driver's licence under section 48B of the *Road Traffic Act 1974*; and
- (b) the licence was issued before the commencement day without the photograph and signature of the licence holder,

then section 42B of the *Road Traffic Act 1974* applies to the issue of the duplicate as if it were the issue of a driver's licence.

¹⁶ The amendment in the *Road Traffic Amendment Act 2000* s. 16(2) to amend s. 25(2) is not included because the subsection it sought to amend had been deleted by the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* s. 1062(2).

¹⁷ The amendment in the *Road Traffic Amendment Act 2000* s. 33 to amend s. 59(1a) is not included because the subsection it sought to amend had been deleted by the *Criminal Code Amendment Act 2004* Sch. 3 cl. 27(3);

¹⁸ The amendment in the *Road Traffic Amendment Act 2000* s. 33 to amend s. 59(3) is not included because the subsection it sought to amend had been amended by the *Road Traffic Amendment (Dangerous Driving) Act 2004* s. 5(3).

¹⁹ The amendment in the *Road Traffic Amendment Act 2000* s. 39 to amend s. 89 is not included because the section it sought to amend had been deleted by the *Criminal Law Amendment (Simple Offences) Act 2004* s. 82.

²⁰ The *Machinery of Government (Planning and Infrastructure) Amendment Act 2002* s. 67-69 read as follows:

67. Agreements under former *Transport Co-ordination Act 1966* section 15C

- (1) To the extent that, immediately before the commencement of this Act, an agreement under the former section 15C made provision about the performance of functions of the former Director General under a relevant Act, the agreement continues, when this Act comes into operation, as an agreement under the new provision of the relevant Act.

- (2) To the extent that the agreement continues under subsection (1), it applies as if —
- (a) instead of being made by the Minister referred to in the former section 15C, the agreement had been made by the Director General referred to in the new provision of the relevant Act; and
 - (b) instead of providing for the performance of functions of the former Director General, the agreement made similar provision for the performance of the corresponding functions of the Director General referred to in the new provision of the relevant Act.
- (3) In this section —
- former Director General** means the Director General of Transport under the *Transport Co-ordination Act 1966* section 8 as in force before it was repealed by this Act;
- former section 15C** means the *Transport Co-ordination Act 1966* section 15C as in force before it was repealed by this Act;
- new provision** means —
- (a) the *Control of Vehicles (Off-road Areas) Act 1978* section 4B;
 - (b) the *Motor Vehicle Drivers Instructors Act 1963* section 4A;
 - (c) the *Motor Vehicle (Third Party Insurance) Act 1943* section 3QA; or
 - (d) the *Road Traffic Act 1974* section 6B;
- relevant Act** means —
- (a) the *Control of Vehicles (Off-road Areas) Act 1978*;
 - (b) the *Motor Vehicle Drivers Instructors Act 1963*;
 - (c) the *Motor Vehicle (Third Party Insurance) Act 1943*; or
 - (d) the *Road Traffic Act 1974*.

68. Delegations under former *Transport Co-ordination Act 1966* section 18

- (1) To the extent that, immediately before the commencement of this Act, a delegation under the former section 18 applied to the performance of functions or powers of the former Director General under a relevant Act, the delegation continues, when this Act comes into operation, as a delegation under the new provision of the relevant Act.
- (2) To the extent that the delegation continues under subsection (1), it applies as if —
- (a) instead of being made by the former Director General, the delegation had been made by the Director General referred to in the new provision of the relevant Act;
 - (b) instead of delegating the performance of functions of the former Director General, the performance of the corresponding functions of the Director General referred to in the new provision of the relevant Act were delegated; and

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- (c) any Ministerial approval that would have been required in order for the delegation to be made under the new provision of the relevant Act had been given.
- (3) In this section —
- former Director General** means the Director General of Transport under the *Transport Co-ordination Act 1966* section 8 as in force before it was repealed by this Act;
- former section 18** means the *Transport Co-ordination Act 1966* section 18 as in force before it was amended by this Act;
- new provision** means —
- (a) the *Control of Vehicles (Off-road Areas) Act 1978* section 4A;
 - (b) the *Motor Vehicle Drivers Instructors Act 1963* section 4;
 - (c) the *Motor Vehicle (Third Party Insurance) Act 1943* section 3QB;
 - (d) the *Rail Safety Act 1998* section 57A;
 - (e) the *Road Traffic Act 1974* section 6A; or
 - (f) the *Transport Co-ordination Act 1966* section 18;
- relevant Act** means —
- (a) the *Control of Vehicles (Off-road Areas) Act 1978*;
 - (b) the *Motor Vehicle Drivers Instructors Act 1963*;
 - (c) the *Motor Vehicle (Third Party Insurance) Act 1943*;
 - (d) the *Rail Safety Act 1998*;
 - (e) the *Road Traffic Act 1974*; or
 - (f) the *Transport Co-ordination Act 1966*.

69. Regulations about transitional matters

- (1) If there is no sufficient provision in this Act for dealing with a transitional matter, regulations under an Act amended by this Act may include any provision that is required, or is necessary or convenient, for dealing with the transitional matter.
- (2) In subsection (1) —

transitional matter means a matter that needs to be dealt with for the purpose of effecting the transition from the provisions of the Acts amended by this Act as in force before this Act comes into operation to the provisions of those Acts as in force after this Act comes into operation.
- (3) Regulations including a provision described in subsection (1) may be expressed to have effect before the day on which they are published in the *Gazette*.
- (4) To the extent that a regulation including a provision described in subsection (1) may have effect before the day of its publication in the *Gazette*, it does not —
 - (a) affect in a manner prejudicial to any person (other than the State or an agency of the State), the rights of that person existing before the day of its publication; or
 - (b) impose liabilities on any person (other than the State or an agency of the State) in respect of anything done or omitted to be done before the day of its publication.

- ²¹ The *Taxation Administration (Consequential Provisions) Act 2002* s. 30 and 32 will not come into operation (see s. 2(2)).
- ²² The amendment in the *Statutes (Repeals and Minor Amendments) Act 2003* s. 105(4) is not included because the section it sought to amend had been replaced by the *Sentencing Legislation Amendment and Repeal Act 2003* s. 28.
- ²³ The *Road Traffic Amendment (Dangerous Driving) Act 2004* s. 12 reads as follows:
- 12. Review**
- (1) The Minister is to carry out a review of the operations and effectiveness of the amendments made to the *Road Traffic Act 1974* by this Act as soon as is practicable after the expiry of 18 months from the commencement of the *Road Traffic Amendment (Dangerous Driving) Act 2004*.
- (2) The Minister is to prepare a report based on the review carried out under subsection (1) and is to cause that report to be laid before each House of Parliament as soon as practicable.
- ²⁴ The *Courts Legislation Amendment and Repeal Act 2004* Sch. 2 cl. 46 was deleted by the *Criminal Law and Evidence Amendment Act 2008* s. 77(13).
- ²⁵ The *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* Pt. 5, the *State Administrative Tribunal Act 2004* s. 167 and 169, and the *State Administrative Tribunal Regulations 2004* r. 28 and 42 deal with certain transitional issues some of which may be relevant for this Act.
- ²⁶ The amendment in the *Road Traffic Amendment Act 2006* s. 15(a) to amend the Table to s. 64(2) is not included because the subsection it sought to amend had been amended by the *Road Traffic Amendment Act (No. 2) 2007* s. 6.
- ²⁷ The amendment in the *Road Traffic Amendment Act 2006* s. 22(9) to amend s. 76 is not included because the subsection it sought to amend had been amended by the *Road Traffic Amendment (Vehicle Licensing) Act 2001* s. 23.
- ²⁸ The *Road Traffic Amendment Act 2006* s. 35(2) and Pt. 3 read as follows:

35. Sections 111AA and 111AB inserted and saving

- (2) A declaration under section 103A of the *Road Traffic Act 1974* or regulation under section 103B of that Act made before the commencement of this section is to have effect after the commencement of this section as if it was made under section 111AA or 111AB, as the case requires, of that Act.

Part 3 — Transitional provision

36. Existing demerit points

Points currently recorded in respect of a person under section 103 of the *Road Traffic Act 1974* immediately before that section is repealed by section 29, and details of any offence in respect of which the points were recorded, are to be recorded as demerit points against the person in the demerit points register referred to in Part VIA of the *Road Traffic Act 1974* as inserted by section 31.

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- ²⁹ The *Road Traffic Legislation Amendment (Disqualification by Notice) Act 2010* s. 12(2)(c), (5)(d) and (7)(b) had not come into operation when they were deleted by the *Statutes (Repeals and Minor Amendments) Act 2014* s. 36.
- ³⁰ The *Road Traffic Amendment (Alcohol Interlocks and Other Matters) Act 2015* s. 9 will not come into operation because the section it seeks to amend was deleted by the *Road Traffic Legislation Amendment Act 2012* s. 8.
- ³¹ The *Road Traffic Amendment (Impounding and Confiscation of Vehicles) Act 2016* s. 5 and Pt. 3 Div. 3 will not come into operation (see. s. 57(1)).
- ³² The *Taxi Drivers Licensing Act 2014* Pt. 10 Div. 1 cannot come into operation because the sections it seeks to amend were deleted by the *Road Traffic Legislation Amendment Act 2012* s. 8.
- ³³ On the date as at which this compilation was prepared, the *Public Health (Consequential Provisions) Act 2016* Pt. 5 Div. 21 had not come into operation. It reads as follows:

Part 5 — Other Acts amended

Division 21 — *Road Traffic Act 1974* amended

325. Act amended

This Division amends the *Road Traffic Act 1974*.

326. Section 70 amended

In section 70(7) delete the definition of *technologist* and insert:

technologist means a person approved, or belonging to a class of persons approved, by the Minister to prepare sampling equipment.

- ³⁴ On the date as at which this compilation was prepared, the *Road Traffic Legislation Amendment Act 2016* s. 64 had not come into operation. It reads as follows:

64. Section 110 inserted

At the end of Part VIII insert:

110. Transitional provisions for the *Road Traffic Legislation Amendment Act 2016*

- (1) Until the *Road Traffic Legislation Amendment Act 2016* section 62(2) comes into operation, section 49(1) has effect as if paragraph (c) of the Penalty also referred to the application of subsection (3)(ca).

Road Traffic Act 1974

- (2) Until the *Road Traffic Legislation Amendment Act 2016* section 63 comes into operation, the definition of **impounding offence (driver's licence)** paragraph (a) in section 78A, has effect as if it also referred to section 49(3)(ca).

³⁵ On the date as at which this compilation was prepared, the *Health Practitioner Regulation National Law (WA) Amendment Act 2018* s. 120 had not come into operation. It reads as follows:

120. **Road Traffic Act 1974 amended**

- (1) This section amends the *Road Traffic Act 1974*.
- (2) In section 65 in the definition of **nurse practitioner** delete “whose name is entered on the Register of Nurses kept under that Law as being qualified to practice as a” and insert:

in the nursing profession whose registration under that Law is endorsed as

- (3) In section 65 in the definition of **registered nurse** delete “and midwifery”.

