

Western Australia

Road Traffic Act 1974

Part V Division 1 only

Incorporating the amendments proposed by
the *Road Traffic (Miscellaneous Amendments)*
Bill 2012 (Bill No. 319-1 Pt. 2)

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Defined Terms

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An Act to consolidate and amend the law relating to road traffic; to repeal the *Traffic Act 1919* and for incidental and other purposes.

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Division 1 Driving of vehicles: general offences

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Part V — Regulation of traffic

[Heading inserted by No. 76 of 1996 s. 11.]

Division 1 — Driving of vehicles: general offences

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

49AB. Circumstances of aggravation

(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

(b) the person was driving the vehicle concerned on a road at a speed that exceeded the speed limit applicable to the vehicle, or the length of road where the driving occurred, by 45 km/h or more; or

(c) the person was driving the vehicle concerned to escape pursuit by a member of the Police Force*.

*[*Because of the Road Traffic (Miscellaneous Amendments)*

Bill 2012 cl. 12 “member of the Police Force” will be replaced with “police officer” when the Road Traffic (Administration) Act 2008 s. 44 comes into operation.]

(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 the Road Traffic (Miscellaneous Amendments) Bill 2012 cl. 4 and 12.]

49. Driving while unlicensed or disqualified

(1) A person who —

(a) drives a motor vehicle on a road while not authorised under Part IVA to do so; or

(b) employs or permits another person to drive a motor vehicle as described in paragraph (a),

commits an offence.

Penalty:

(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), or (c) 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 section 44(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 has never held an Australian driver licence of a kind required and is disqualified from holding or obtaining an Australian driver licence of a kind required other than for the reason described in paragraph (d) or 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 voluntarily surrendered the licence most recently held or it expired; or
 - (ii) for the reason described in paragraph (d);
- or

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

a member of the Police Force may, without a warrant, arrest the person.

- (4) A person who would only come within a description in subsection (3)(a), (b), or (c) because of a decision for the review of which an application had been made to the State Administrative Tribunal 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 Director General has been ordered under section 76(3) 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), 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*¹ being an offence to which subsection (3)(a), (b), 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.]

49A. Offence when authorisation to drive lost because of penalty enforcement laws

- (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. Unauthorised driving by learner drivers

The holder of a learner's permit shall not drive a motor vehicle except in conformity with any conditions to which the permit is subject and unless accompanied by a driving instructor under whose instruction the permit authorises the holder to drive seated beside the holder or, in the case of a permit to drive a motor cycle, riding in a side car attached, or on a pillion seat fitted, to the motor cycle or riding on an accompanying motor cycle.

Penalty: 6 PU.

[Section 50 inserted by No. 76 of 1996 s. 12; amended by No. 50 of 1997 s. 13; No. 28 of 2001 s. 23(2); No. 54 of 2006 s. 9; No. 39 of 2007 s. 25.]

50A. Authorisation other than Australian driver licence

- (1) A person whose authority to drive depends on a licence or authorisation granted under the law of an external licensing authority 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 Director General;

and

(b) to produce that document for inspection at the request of
any member of the Police Force.

(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.]

51. Cancellation of drivers' licences granted on probation

(1) Where the holder of a driver's licence that is a provisional
licence —

(a) is convicted of an offence —

(i) mentioned in section 277 of *The Criminal Code*
and the offence arose out of the driving by him
of a motor vehicle; or

(ii) under section 378 of *The Criminal Code* where
the property in question was a motor vehicle; or

(iii) under section 53(1), section 54, 55, 56, 59, 59A,
61, 62, 62A, 64AA, 64A, 64AC, 89, 90 or 97; or

(iv) under any regulation that may be prescribed for
the purposes of this section;

or

(b) is disqualified by a court pursuant to the provisions of
this or any other Act (other than the *Fines, Penalties and
Infringement Notices Enforcement Act 1994*), from
holding or obtaining a driver's licence,

then, that licence is, by operation of this subsection, cancelled.

(2) A person whose driver's licence is cancelled by operation of
subsection (1) is disqualified from holding or obtaining a
driver's licence —

(a) for any period for which he is so disqualified by the
court; or

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- (b) for a period of 3 months from the date of his conviction or, where he is convicted on more than one occasion of an offence mentioned in subsection (1), from the date of his latest conviction,

whichever period terminates later.

- (3) Where the holder of a driver's licence that is a provisional licence is disqualified under Part VIA from holding or obtaining a driver's licence, the provisional licence is, by operation of this subsection, cancelled.

- (4A) If the holder of a driver's licence that is a provisional licence is disqualified from holding or obtaining a driver's licence —

- (a) by a licence suspension order made under the *Fines, Penalties and Infringement Notices Enforcement Act 1994*; or
- (b) by a disqualification notice given to the person under section 71C,

the provisional licence is, by operation of this subsection, suspended so long as the disqualification continues in force.

- (4) While a provisional licence is suspended under subsection (4A) it is of no effect, but this section does not operate so as to extend the period for which the licence may be valid or effective beyond the time when the licence would be due to expire.

- (5) Subsection (5a) applies to a person if —

- (a) the person does not hold a driver's licence; and
- (b) the regulations would require that, if a driver's licence were to be granted to the person, it be a provisional licence.

- (5a) Where a person to whom this subsection applies is —

- (a) convicted of an offence such as is mentioned in subsection (1) or an offence against section 49(1)(a); or
- (b) disqualified by a court from holding or obtaining a driver's licence,

that person is disqualified from holding or obtaining a licence —

- (c) for any period for which he is so disqualified by the court; or

- (d) for a period of 3 months from the date of his conviction or, where he is convicted on more than one occasion of an offence referred to in paragraph (a), from the date of his latest conviction,

whichever period terminates later.

- (6) Regulations made for the purpose of subsection (1)(a)(iv) may limit the application of that subsection to offences against the regulations that are attended by prescribed circumstances.

[Section 51 amended by No. 105 of 1981 s. 19; No. 82 of 1982 s. 7; No. 11 of 1988 s. 10; No. 37 of 1991 s. 21; No. 13 of 1992 s. 6; No. 92 of 1994 s. 36; No. 76 of 1996 s. 13; No. 39 of 2000 s. 29; No. 51 of 2000 s. 16; No. 28 of 2001 s. 23(2) and (3); No. 10 of 2004 s. 7; No. 44 of 2004 s. 4; No. 54 of 2006 s. 11; No. 6 of 2007 s. 4; No. 51 of 2010 s. 5.]

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

53. Driver failing to give name and address to member of Police Force, failing to stop etc.

- (1) A driver of a vehicle who when required by a member of the Police Force* to state his or her name and place of abode refuses to do so, or states a false name or place of abode, commits an offence.

Penalty:

(a) for a first offence — a fine of 6 PU;

(b) for a subsequent offence — a fine of 12 PU.

*[*Because of the Road Traffic (Miscellaneous Amendments) Bill 2012 cl. 12 “member of the Police Force” will be replaced with “police officer” when the Road Traffic (Administration) Act 2008 s. 44 comes into operation.]*

- (2A) A driver of a vehicle who refuses or fails to stop his or her vehicle when called upon to do so by a member of the Police Force* commits an offence.

Penalty:

(a) unless paragraph (b) applies —

(i) for a first offence — a fine of 24 PU;

(ii) for a subsequent offence — a fine of 48 PU;

(b) if the offence is committed in the circumstance of aggravation referred to in section 49AB(1)(c) — imprisonment for 2 years, but the minimum penalty is

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a fine of 100 PU; 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.

*[*Because of the Road Traffic (Miscellaneous Amendments) Bill 2012 cl. 12 "member of the Police Force" will be replaced with "police officer" when the Road Traffic (Administration) Act 2008 s. 44 comes into operation.]*

~~(1) Any driver of a vehicle who~~

~~(a) when required by a member of the Police Force to state his name and place of abode refuses to do so, or states a false name or place of abode; or~~

~~(b) refuses or fails to stop his vehicle when called upon to do so by a member of the Police Force,~~

~~commits an offence.~~

~~Penalty: For a first offence, 6 PU.~~

~~For a subsequent offence, 12 PU.~~

(2) Any driver of a vehicle who, when required by any member of the Police Force, does not produce his driver's licence on demand, commits an offence against this Act and shall be liable to a penalty not exceeding 4 PU, but it shall not be an offence if the driver subsequently produces the licence, within a reasonable time after demand, to the Director General or to the officer-in-charge of any police station.

(3) Any person who was present at the scene of any accident in which a vehicle was involved, and who, in the opinion of a member of the Police Force, may be able to give information or evidence in relation to the accident, shall, if requested so to do by the member of the Police Force, furnish to him particulars of his name and place of abode, and if the person refuses to furnish any of those particulars when requested so to do, or furnishes particulars of his name or place of abode which are false or untrue in any respect he shall be guilty of an offence.

Penalty: 4 PU.

(4) Where a member of the Police Force has reasonable grounds for believing that a person has committed an offence against this Act, he may require that person to furnish him with particulars of his name and place of abode, and a person who, when so required, refuses to furnish those particulars or furnishes

particulars which are false or untrue in any respect commits an offence.

Penalty: For a first offence, 6 PU.

For a subsequent offence, 12 PU.

[Section 53 amended by No. 105 of 1981 s. 19; No. 11 of 1988 s. 24; No. 78 of 1995 s. 147; No. 76 of 1996 s. 20(3); No. 50 of 1997 s. 13; [Road Traffic \(Miscellaneous Amendments\) Bill 2012 cl. 5 and 12.](#)]

[Section 53. Modifications to be applied in order to give effect to Cross-border Justice Act 2008: section altered 1 Nov 2009. See endnote 1M.]

54. Bodily harm: duty to stop and give information and assistance

- (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: imprisonment for —

- (a) 20 years, if the incident occasioned death;
- (b) 14 years, if the incident occasioned grievous bodily harm but not death;
- (c) 10 years, in any other case.

Summary conviction penalty in a case to which paragraph (c) applies: imprisonment for 3 years.

- (4) If in the opinion of the court an offence under subsection (3) 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.

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- (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 member of the Police Force, 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.
- (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.]

55. Damage to property: duty 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 member of the Police Force, 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.]

56. Duty to report incidents involving bodily harm or damage to property

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

- (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 the officer in charge of a police station.

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 —

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- (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 member of the Police Force 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.]

[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. Duty of owner to identify driver of vehicle involved in accident

- (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 member of the Police Force, 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 member of the Police Force 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.]

58. Duty to identify offending driver or person in charge of vehicle

- (1) A responsible person for a vehicle commits an offence if —
- (a) an offence against any written law is alleged to have occurred of which the driving or being in charge of the vehicle is an element; and
 - (b) a member of the Police Force requests the responsible person to give information which may lead to the identification of the driver or person in charge of the vehicle at the time of the alleged offence; and
 - (c) the responsible person has, or could reasonably have ascertained, the information; and
 - (d) the responsible person fails to give the information.

Penalty: For a first offence by an individual, 24 PU.

For a subsequent offence by an individual, 48 PU.

For an offence by a person other than an individual, 100 PU.

- (2) A responsible person for a vehicle commits an offence if —
- (a) an offence against any written law is alleged to have occurred of which the driving or being in charge of the vehicle is an element; and
 - (b) a member of the Police Force requests the responsible person to give information which may lead to the identification of the driver or person in charge of the vehicle at the time of the alleged offence; and
 - (c) the responsible person gives false information in response to the request.

Penalty: For a first offence by an individual, 24 PU.

For a subsequent offence by an individual, 48 PU.

For an offence by a person other than an individual, 100 PU.

- (3) In subsections (1) and (2) —
responsible person includes a person to whom the possession or control of the vehicle was entrusted at the time of the alleged offence referred to in subsection (1)(a) or (2)(a), as the case may be.
- (4) Subsection (1) does not apply if the request for information was made in a notice under section 102C.

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- (5) If a person is charged with an offence against subsection (1) the person may be convicted of an offence against section 58A.

[Section 58 inserted by No. 39 of 2000 s. 32 (as amended by No. 84 of 2004 s. 80).]

58A. Duty to take reasonable measures to be able to comply with a driver identity request

- (1) In this section —

driver identity request means a request made under this Act for information as to the identity of the person who was driving or in charge of a vehicle at any particular time.

- (2) A responsible person for a vehicle commits an offence if the responsible person fails to take reasonable measures, or make reasonable arrangements, to ensure that if a driver identity request is made in relation to the vehicle, the responsible person will be able to comply with it.

Penalty: For a first offence by an individual, 24 PU.

For a subsequent offence by an individual, 48 PU.

For an offence by a person other than an individual, 100 PU.

[Section 58A inserted by No. 39 of 2000 s. 32.]

59. Dangerous driving causing death, injury etc.

- (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, drugs, or 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 operation amending 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), 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

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- (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, 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; [Road Traffic \(Miscellaneous Amendments\) Bill 2012 cl. 6.](#)]

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, drugs, or 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.

- (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~~ 80-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~~ 160-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), 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~~ 7 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~~ 18 months or a fine of 160 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.

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- (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 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; [Road Traffic \(Miscellaneous Amendments\) Bill 2012 cl. 7.](#)]

59B. Section 59 and 59A offences: ancillary matters and defence

- (1) For the purposes of sections 59 and 59A, 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 and 59A, 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]~~

- ~~(3) For the purposes of sections 59 and 59A 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~~
- ~~(b) the person was driving the vehicle concerned on a road at a speed that exceeded, by more than 45 km/h, the speed limit (if any) applicable to that length of road; or~~
- ~~(c) the person was driving the vehicle concerned to escape pursuit by a member of the Police Force.~~
- ~~(4) For the purposes of subsection (3)(c) it does not matter whether the pursuit was still proceeding, or had been suspended or terminated, at the time of the alleged offence.~~

- (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 0.15g of alcohol per 100ml 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.

[Section 59B inserted by No. 44 of 2004 s. 7; amended by No. 39 of 2007 s. 4; [Road Traffic \(Miscellaneous Amendments\) Bill 2012 cl. 8.](#)]

60. Reckless driving

- (1) Every person who wilfully drives a motor vehicle in a manner (which expression includes speed) that is inherently dangerous

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or that is, having regard to all the circumstances of the case, dangerous to the public or to any person commits an offence.

- (1a) A person who drives a motor vehicle at a speed of 155 km/h or more commits an offence.
- (1b) A person who drives a motor vehicle at a speed exceeding the speed limit set under this Act for that vehicle or the place where the driving occurs by 45 km/h or more commits an offence.
- (1c) Despite subsections (1a) and (1b), the driver of a motor vehicle is not guilty of an offence under those subsections if —
 - (a) either —

(i) the driver is on official duty as a member of the Police Force* 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

*[*Because of the Road Traffic (Miscellaneous Amendments) Bill 2012 cl. 12 “member of the Police Force” will be replaced with “police officer” when the Road Traffic (Administration) Act 2008 s. 44 comes into operation.]*

~~(i) the motor vehicle is being used to convey a member of the Police Force on official duty and the travelling at such speed is necessary to prevent the commission or continuation of an offence or to apprehend an offender or to assist a driver excused under subparagraphs (ii), (iii) or (iv); 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.
- (1D) A member of the Police Force who reasonably suspects that a person has committed an offence against this section may, without a warrant, arrest the person.
- (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 61 or 62 or, if the charge is of an offence against subsection (1), an offence against section 62A.
- (3) A person convicted of an offence against this section is liable —
 - (a) for a first offence, to a fine of ~~120~~40 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 6 months; and
 - (b) for a second offence, to a fine of ~~180~~60 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; and
 - (c) for a third or subsequent offence, to a fine of ~~240~~80 PU or to imprisonment for 12 months; and, in any event, the court convicting that person shall order that he be permanently disqualified from holding or obtaining a driver's licence.

(4) If an offence against this section is committed in the circumstance of aggravation referred to in section 49AB(1)(c), the offence is a crime.

Penalty: imprisonment for 5 years.

Summary conviction penalty: imprisonment for 2 years.

(5) 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; and

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(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 an offence against this section whether or not committed in the circumstance of aggravation referred to in section 49AB(1)(c).

[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; Road Traffic (Miscellaneous Amendments) Bill 2012 cl. 9 and 12.]

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;

(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.

~~(a) for a first offence, to a fine of 16 PU; and~~

~~(b) for any subsequent offence, to a fine of 40 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.~~

- (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, or 60 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; Road Traffic (Miscellaneous Amendments) Bill 2012 cl. 10.]

61A. Reckless or dangerous driving — defence for police officers in certain circumstances

- (1) It is a defence to a prosecution for an offence against section 59(1)(b), 59A(1)(b), 60(1) 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 member of the Police Force*; and

*[*Because of the Road Traffic (Miscellaneous Amendments) Bill 2012 cl. 12 "member of the Police Force" will be replaced with "police officer" when the Road Traffic (Administration) Act 2008 s. 44 comes into operation.]*

(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.

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

[Section 61A inserted by the Road Traffic (Miscellaneous Amendments) Bill 2012 cl. 11 and 12.]

62. Careless driving

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

Penalty: 12 PU.

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

62A. Causing excessive noise, smoke

A person who wilfully drives a motor vehicle on a road or in a carpark so as to cause —

- (a) excessive noise to be made with one or more of the vehicle's tyres; or
- (b) smoke to come from one or more of the vehicle's tyres or a substance on the driving surface,

commits an offence.

Penalty: 12 PU.

[Section 62A inserted by No. 10 of 2004 s. 9.]

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> ⁴	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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<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	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> ⁵	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
<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)

Short title	Number and year	Assent	Commencement
<i>Road Traffic Amendment Act (No. 2) 1982</i> ⁶	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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<i>Road Traffic Amendment Act (No. 2) 1987</i> ^{7,8}	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, 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> ⁹	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> ¹⁰	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

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<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 ¹¹	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 ¹²	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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Short title	Number and year	Assent	Commencement
<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> 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> ^{13,14}	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> 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> p. 2344-9			13 May 1997

Short title	Number and year	Assent	Commencement
<i>Road Traffic Amendment Act 1997</i> ¹⁵	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)

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Short title	Number and year	Assent	Commencement
<i>Road Traffic Amendment Act 2000 Pt. 2</i> ¹⁶⁻¹⁹	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)

Short title	Number and year	Assent	Commencement
<i>Machinery of Government (Planning and Infrastructure) Amendment Act 2002</i> Pt. 7 ²⁰	7 of 2002	19 Jun 2002	1 Jul 2002 (see s. 2 and <i>Gazette</i> 28 Jun 2002 p. 3037)
<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> 20 May 2003 p. 1804-6			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> 28 May 2004 p. 1843-5			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)

Road Traffic Act 1974

Short title	Number and year	Assent	Commencement
<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)
<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. 3-35)	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);

Short title	Number and year	Assent	Commencement
			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)
<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)

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Short title	Number and year	Assent	Commencement
<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)
<i>Road Traffic Legislation Amendment (Disqualification by Notice) Act 2010</i> Pt. 2 (other than s. 12(2)(c), (5)(d) and (7)(b))	51 of 2010	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 (other than s. 9)	18 of 2011	2 Jun 2011	30 Jun 2011 (see s. 2(b) and <i>Gazette</i> 29 Jun 2011 p. 2611)
<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 Cwllth 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> s. 15-18	8 of 2012	21 May 2012	1 Aug 2012 (see s. 2(c) and <i>Gazette</i> 27 Jul 2012 p. 3664)
Road Traffic (Miscellaneous Amendments) Bill 2012		Current Bill (No. 319-1 Pt. 2)	

^{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>Road Traffic Legislation Amendment (Disqualification by Notice) Act 2010</i> s. 12(2)(c), (5)(d) and (7)(b) ²⁹	51 of 2010	8 Dec 2010	To be proclaimed (see s. 2(c))
<i>Road Traffic Legislation Amendment (Information) Act 2011</i> s. 9 ³¹	18 of 2011	2 Jun 2011	To be proclaimed (see s. 2(b))
<i>Road Traffic Legislation Amendment Act 2012</i> Pt. 3 (other than s. 15-18) ³²	8 of 2012	21 May 2012	Operative on commencement of the <i>Road Traffic (Administration) Act 2008</i> (see s. 2(d))
<i>Fire and Emergency Services Legislation Amendment Act 2012</i> Pt. 7 Div. 13 ³³	22 of 2012	29 Aug 2012	To be proclaimed (see s. 2(b))

² Repealed by the *Interpretation Act 1984*.

³ Section 111(2)(f) of this Act has been deleted.

⁴ 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.

⁵ 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.

⁶ The *Road Traffic Amendment Act (No. 2) 1982* s. 21(2) is a transitional provision that is of no further effect.

⁷ 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.

⁸ 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.

⁹ 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.

¹⁰ 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.

¹¹ 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.

¹² The *Criminal Law Amendment Act 1991* it. 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.

¹³ 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.

¹⁴ The *Road Traffic Amendment Act 1996* s. 8(3) was deleted by the *Road Traffic Amendment Act 2006* s. 43(2).

¹⁵ The amendment to s. 20(2) referred to in the *Road Traffic Amendment Act 1997* s. 13 did not come into operation because of an error in the reference to the provision to be amended.

¹⁶ The *Road Traffic Amendment Act 2000* s. 48, which gives effect to Sch. 1, reads as follows:

48. Savings and transitional

Schedule 1 has effect.

Schedule 1 reads as follows:

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.

¹⁷ 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).

¹⁸ 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);

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

- (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.
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.

²⁷ 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.

²⁸ The *Road Traffic Amendment Act 2006* Pt. 4 Div. 4 will not be included because the *Road Traffic Amendment (Vehicle Licensing) Act 2001* has already commenced (see s. 45-48).

²⁹ On the date as at which this compilation was prepared, the *Road Traffic Legislation Amendment (Disqualification by Notice) Act 2010* s. 12(2)(c), (5)(d) and (7)(b) had not come into operation. They read as follows:

Part 2 — Road Traffic Act 1974 amended

12. Section 76 amended

(2) In section 76(1a):

(c) after each of paragraphs (a) to (f) insert:

or

(5) In section 76(3):

(d) after each of paragraphs (a) to (d) insert:

and

(7) In section 76(3b):

(b) after paragraph (a) insert:

or

³⁰ Footnote no longer applicable.

³¹ On the date as at which this compilation was prepared, the *Road Traffic Legislation Amendment (Information) Act 2011* s. 9 had not come into operation. It reads as follows:

Part 2 — Road Traffic Act 1974 amended

9. Section 43A inserted

At the end of Part IVA Division 3 insert:

43A. Matters to do with identity

- (1) In this section —
destroyed includes damaged so as to be unusable;
photograph includes a negative or an image stored electronically.
- (2) The Director General cannot issue a learner's permit until the applicant has provided, in support of the application, any evidence required by the regulations to establish the applicant's identity and residential address in this State.
- (3) Except as prescribed in the regulations, the Director General cannot issue a learner's permit unless the applicant has provided the Director General with —
 - (a) a photograph taken at the time of the application; and
 - (b) a signature made at the time of the application,for use on the learner's permit document and, in the circumstances described in subsection (5), on a driver's licence document issued to the applicant.
- (4) The photograph and signature are to be provided in a manner and form approved by the Director General.
- (5) A photograph or signature provided under this section may be used on a driver's licence document for a driver's licence granted or renewed within 10 years of the application for the learner's permit.
- (6) The Director General must ensure that any photograph or signature provided under this section is destroyed if it, or a copy of it, has not been used on —
 - (a) a learner's permit document for a learner's permit issued in the preceding 10 years; or
 - (b) a driver's licence document for a driver's licence granted or renewed in the preceding 10 years.
- (7) A person who, other than for the purposes of this Part, possesses a photograph or signature provided under this section that is not on a learner's permit document or a driver's licence document commits an offence.
Penalty: Imprisonment for 2 years.
- (8) Subsection (7) does not apply to a person who possesses a photograph provided under this section as a result of its disclosure under Division 4A.
- (9) A person employed or engaged in connection with any aspect of the production of learner's permit documents or driver's licence documents or otherwise concerned in the administration of this Part, who, otherwise than in the administration of this Part —

- (a) reproduces, by any means, a photograph or signature provided under this section; or
 - (b) causes or permits another person to do so,
- commits an offence.
Penalty: Imprisonment for 2 years.

³² On the date as at which this compilation was prepared, the *Road Traffic Legislation Amendment Act 2012* Pt. 3 (other than s. 15-18) had not come into operation. It reads as follows:

Part 3 — Consequential amendments to the *Road Traffic Act 1974*

4. Act amended

This Part amends the *Road Traffic Act 1974*.

5. Long title amended

In the long title delete “**consolidate and amend the law relating to road traffic; to repeal the *Traffic Act 1919***” and insert:

make provision in relation to the driving and use of vehicles, the regulation of traffic

6. Section 5 replaced

Delete section 5 and insert:

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.

7. Section 5A deleted

Delete section 5A.

8. Parts II to IVA deleted

Delete Parts II to IVA.

9. Section 49AA amended

In section 49AA delete the definition of *bodily harm*.

10. Section 49 amended

- (1) In section 49(1)(a) delete “Part IVA” and insert:

the *Road Traffic (Authorisation to Drive) Act 2008* Part 2

- (2) In section 49(2)(a) delete “section 44(1); or” and insert:

the *Road Traffic (Authorisation to Drive) Act 2008*
section 11(1); or

- (3) In section 49(4) delete “to the State Administrative Tribunal”.
- (4) In section 49(5) delete “Director General has been ordered under section 76(3)” and insert:

CEO has been ordered under the *Road Traffic (Authorisation to Drive) Act 2008* section 30(1)

11. Sections 51 and 53 deleted

Delete sections 51 and 53.

12. Sections 58 and 58A deleted

Delete sections 58 and 58A.

13. Section 64A amended

- (1) In section 64A(2):
 - (a) in paragraph (a) delete “licence;” and insert:

licence as defined in the *Road Traffic (Authorisation to Drive) Act 2008* section 3(1); or

- (b) in paragraph (d) delete “section 75(2a) or (2b)” and insert:

the *Road Traffic (Authorisation to Drive) Act 2008* section 22(1) or (2)

- (c) in paragraph (e) delete “licence; or” and insert:

licence as defined in the *Road Traffic (Authorisation to Drive) Act 2008* section 3(1); or

- (2) In section 64A(3)(b) delete “section 75(2a) or (2b)” and insert:

the *Road Traffic (Authorisation to Drive) Act 2008* section 22(1) or (2)

- (3) In section 64A(5)(d) delete “gross combination mass” and insert:

GCM

- (4) Delete section 64A(6).

14. Section 64AAA amended

In section 64AAA(2) in the definition of *novice driver* delete “section 104(2).” and insert:

the *Road Traffic (Authorisation to Drive) Act 2008* section 40(2).

19. Section 74 amended

Delete section 74(1) and (2).

20. Sections 75 to 78 deleted

Delete sections 75 to 78.

21. Section 78A amended

In section 78A in the definition of *senior police officer* delete “person appointed under the *Police Act 1892* Part I to be a member of the Police Force of Western Australia” and insert:

police officer

22. Section 78C amended

In section 78C(6)(b) delete “section 86A.” and insert:

any other road law in relation to the moving of vehicles.

23. Section 78D amended

In section 78D(c) delete “members of the Police Force” and insert:

police officers

24. Section 79BA amended

In section 79BA(1)(a) delete “member of the Police Force (the *member*)” and insert:

police officer (the *police officer*)

25. Section 80L amended

Delete section 80L(2) and insert:

- (2) The *Road Traffic (Vehicles) Act 2012* section 10(1)(a), (2), (3), (4) and (5) do not apply if the CEO is given notice under subsection (1)(a).

26. Sections 82 to 87 deleted

Delete sections 82 to 87.

27. Sections 92 to 103 deleted

Delete sections 92 to 103.

- 28. Part VIA deleted**
Delete Part VIA.
- 29. Section 105 deleted**
Delete section 105.
- 30. Section 106 amended**
Delete section 106(1) and (2).
- 31. Sections 107, 109 and 110 deleted**
Delete sections 107, 109 and 110.
- 32. Section 111 amended**
- (1) In section 111(1) delete “licensing.”
- (2) In section 111(2):
- (a) in paragraph (a)(iii) and (iiia) delete “erect traffic signs and” and insert:
- erect, establish or display traffic or road signs,
road markings,
- (b) delete paragraph (a)(iv);
- (c) in paragraph (b) delete “owners, responsible persons.”;
- (d) delete paragraphs (d), (da), (e), (g) and (i);
- (e) in paragraph (k) delete “section, not being an offence referred to in paragraph (l) or (m);” and insert:
- section;
- (f) delete paragraph (l) and (m);
- (g) after each of paragraph (a)(i), (ii) and (iii) insert:
- or
- (3) Delete section 111(2a) and (2b).
- 33. Section 111AA deleted**
Delete section 111AA.
- 34. Section 111AB amended**
- (1) In section 111AB(2) delete “section 111(2)(d).” and insert:
- section 111(2)(aa) or (c).
- (2) Delete section 111AB(3) and (4).
- 35. Sections 111A to 113 deleted**
Delete sections 111A to 113.

36. Various references to “Director General” amended

In the provisions listed in the Table delete “Director General” (each occurrence) and insert:

CEO

Table

s. 50A(1)(a)(ii)	s. 79BC(4)
s. 79BD(1), (2)	s. 79B(1)(c), (3A)(b), (3C)(b)
s. 80G(7)	s. 80L(1)(a) and (b)
s. 111(4)(b) and (d)(ii)	s. 111AB(2)

37. Various references to “member of the Police Force” amended

In the provisions listed in the Table delete “member of the Police Force” (each occurrence) and insert:

police officer

Table

s. 49(3)	s. 50A(1)(b)
s. 54(6)	s. 55(4)
s. 56(5)(b)	s. 57(1), (2)
s. 59B(3)(c)	s. 60(1c)(a)(i), (1D)
s. 65 def. of <i>driver assessment</i>	s. 66(1), (1aa), (1a), (1b), (2), (3), (4), (5), (6), (6a), (10), (11), (12)
s. 66A(1), (2), (3), (4), (5), (6), (7)	s. 66B(1), (2), (3), (4)
s. 66C(1), (2), (3), (4), (5), (6), (7)	s. 66D(1), (3)
s. 66E(1), (2), (3), (4)	s. 66F(1)
s. 67(1), (3a)	s. 67AA(1) def. of <i>requirement</i>
s. 67AB(1) def. of <i>requirement</i>	s. 67A(1)
s. 68(3), (7)	s. 69(1)

s. 69A	s. 69B
s. 70(3b)	s. 71A(1) def. of <i>sample</i>
s. 71B(1), (2), (3), (5), (6), (8)	s. 78C(1), (2A), (2), (3), (4)
s. 79(1), (2), (3A), (3)	s. 79A(1)
s. 79BB(2)	s. 79BCA(2), (7)
s. 79BCB(2)	s. 79BCD(2), (7)
s. 79BCE(2)	s. 79C(1), (2), (3)
s. 79D(2)(a), (7)	

Note: The heading to amended section 67A is to read:
Failure to comply with other requirements of police officer

38. Various references to “the member” amended

In the provisions listed in the Table delete “the member” (each occurrence) and insert:

the police officer

Table

s. 70(3b)(j)(i)	s. 78C(4)
s. 79(1), (3A)	s. 79A(1)
s. 79BA(1)(b), (b)(ii) and (2)	s. 79C(1)(a) and (b), (2)(a) and (b)

³³ On the date as at which this compilation was prepared, the *Fire and Emergency Services Legislation Amendment Act 2012* Pt. 7 Div. 13 had not come into operation. It reads as follows:

Division 13 — Road Traffic Act 1974 amended

137. Act amended

This Division amends the *Road Traffic Act 1974*.

138. Section 64A amended

In section 64A(4A)(b) delete “*Authority of Western Australia*”.

139. Section 64AAA amended

In section 64AAA(2A)(b) delete “*Authority of Western Australia*”.

Defined Terms

Defined Terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined Term	Provision(s)
a surrender alternative vehicle notice.....	79BCD(2)
alleged offence.....	71C(1)
alleged offender.....	71C(1), 71C(1), 79BCA(1), 79BCD(1), 79D(2), 79D(2), 79D(2),79D(2), 79D(6)
alternative vehicle.....	79BCD(4), 79B(3C)
amended provisions.....	72A(1)
analyst.....	65
approved.....	78A
approved device.....	65
approved expert.....	70(7)
authorised drug tester.....	65
authorised person.....	65
blood alcohol content.....	65
bodily harm.....	49AA
breath analysing equipment.....	65
business owner.....	79D(2)
circumstances of aggravation.....	49AB(1), 59B(3)
commencement day.....	72A(1)
Commissioner.....	78A, 80G(1)
conduct.....	65
confiscated vehicle.....	80J(1)
day of the offence.....	78A
dentist.....	65
disqualification notice.....	71C(2)
disqualified.....	76(13)
driver.....	49A(1), 54(1), 54(2), 54(6), 55(1), 55(4), 56(1), 56(4), 59(1), 59A(1),79BC(1)
driver assessment.....	65
driver identity request.....	58A(1)
drug.....	65
drug testing.....	65
drugs analyst.....	65
grievous bodily harm.....	49AA
gross combination mass.....	64A(6)
hired.....	78A
impounded vehicle.....	79D(1), 80JA(1)
impounding offence (driver's licence).....	78A
impounding offence (driving).....	78A
impounding or confiscation order.....	78A
impounding order.....	78A
impounding period.....	78A
impounding provision.....	79BA(1), 79BA(1), 79BCA(5), 79BCD(5)
initially impounded vehicle.....	79BCA(1)
interest.....	80G(1), 80JA(1)
item.....	80J(1)
lent.....	78A
material time.....	71(1)

Defined Terms

medical practitioner	65
member	79BA(1)
necessity permit	49A(5)
notice to surrender.....	79BCC(1)
nurse practitioner	65
offence	79BA(1), 79BCA(1), 79BCD(1)
offender	71B(1), 80LA(1)
order	80G(1)
police officer	71C(1), 71C(1)
preliminary oral fluid test.....	65
preliminary test	65
prescribed illicit drug	65
prescribed offence	75(6)
present offence	75(1a), 75(2), 75(2b)
previous offender	79(1A), 79BC(1)
registered nurse	65
relevant authority	64A(6)
relevant offence.....	49(7)
requirement	67(1), 67AA(1), 67AB(1)
responsible person.....	58(3)
road rage circumstances	78A
road rage offence.....	78A
sample	71A(1)
self-testing breath analysing equipment.....	65
selling expenses	80LA(2)
senior police officer	78A
service	79D(1)
shorter impounding period.....	79BC(2), 79BC(3)
subject	71A(1)
substitute vehicle.....	79BCA(4), 79B(3A)
surrender notice.....	79(1A), 79BA(2)
surrender period	78A
surrender substitute vehicle notice	79BCA(2)
taxi	79D(1)
taxi operator	79D(1)
technologist	70(7)
the alleged offence	71C(1)
time of sampling	71(1)
uncollected vehicle.....	80J(1)
undergoes	65
vehicle	79BA(1)
vehicle A	79BCD(1)
vehicle referred to in section 80GA	78A
vehicle service provider	79D(1)
victim	54(2), 54(6)