

# Road Traffic Legislation Amendment Bill 2011

## Explanatory Memorandum

### Overview of Bill

This bill facilitates the introduction of the National Road Transport Reform (Compliance & Enforcement) Bill and the restructure of Western Australia's current Road Traffic legislation, by making the necessary consequential amendments to the *Road Traffic Act 1974* and other Western Australian Acts, which also refer to the *Road Traffic Act 1974*.

### Background

This Bill was previously introduced into Parliament in November 2007, as part of package of bills comprising of the;

- *Road Traffic (Administration) Bill 2007*;
- *Road Traffic (Authorisation to Drive) Bill 2007*;
- *Road Traffic (Vehicles)(Taxing) Bill 2007*;
- *Road Traffic (Vehicles) Bill 2007*;
- *Road Traffic (Consequential Provisions) Bill 2007*.

All the above bills passed through the Legislative Assembly in March 2008 and the Legislative Council in June 2008 however this Bill, including the *Road Traffic (Vehicles) Bill 2007*, lapsed when Parliament was prorogued on 6 August 2008. As a consequence this Bill must now be reintroduced into Parliament.

## Part 1 - Preliminary

### Clause 1 Short title

This is the formal clause titling the Bill.

### Clause 2 Commencement

This clause provides that clauses (1) and (2) come into operation on the day the Act receives Royal Assent and the remaining parts of the Act come in to operation on a date to be fixed by proclamation. This provision is necessary to allow time for regulations to be gazetted that are necessary to support the Act.

## **Part 2 – Repeal**

### **Clause 3 Act repealed**

This clause provides for the *Road Traffic Amendment (Vehicle Licensing) (Taxing) Act 2001* to be repealed. The substance of the repealed act is replicated in the *Road Traffic (Vehicles) (Taxing) Act 2008*.

## **Part 3 – Amendments to Road Traffic Act 1974**

### **Clause 4 Act amended**

Provides that the amendments contained within this part are to the *Road Traffic Act 1974*.

### **Clause 5 Long title amended**

Provides that the title is amended to reflect the amended intention of the Act, which is to make provisions in relation to the driving and use of vehicles and the regulation of traffic.

### **Clause 6 Section 5 replaced**

The term “Definitions” is deleted and replaced with “Terms used”

### **Clause 7 Section 5A deleted**

The provisions of section 5A are deleted as they are now contained under clause 6 of the *Road Traffic (Administration) Act 2008*.

### **Clause 8 Parts II to IVA deleted**

The various provisions under Part II to part IVA are being deleted as they are now contained under various parts of the *Road Traffic (Administration) Act 2008*, the proposed *Road Traffic (Vehicles) Act 2011* and the *Road Traffic (Authorisation to Drive) Act 2008*.

### **Clause 9 Section 49AA amended**

This clause amends Section 49AA by deleting the definition of “bodily harm” which is now contained at clause 4 of the *Road Traffic (Administration) Act 2008*.

### **Clause 10 Section 49 amended**

This clause amends sections 49(1)(a), 49(2)(a), 49(4), and 49(5) of the *Road Traffic Act 1974*, by deleting reference to Parts IVA and section 44(1) and terms contained within 49(4) and 49(5), as these provisions are now contained within the *Road Traffic (Authorisation to Drive) Act 2008*.

### **Clause 11 Sections 51 and 53 deleted**

Section 51 and 53 are deleted as those provisions are now reflected under Part 3 of the *Road Traffic (Authorisation to Drive) Act 2008* and Part 4 of the *Road Traffic (Administration) Act 2008* respectively.

**Clause 12 Sections 58 and 58A deleted**

Sections 58 and 58A are deleted as those provisions are now contained under Part 4 of the *Road Traffic (Administration) Act 2008*.

**Clause 13 Section 64A amended**

This clause amends various parts of section 64A as a consequence of reference changes and certain provisions being moved to the *Road Traffic (Authorisation to Drive) Act 2008*.

**Clause 14 Section 64AAA amended**

This clause amends section 64AAA(2) by deleting reference to section 104(2) which is being replaced by clause 40(2) of the *Road Traffic (Authorisation to Drive) Act 2008*.

**Clause 15 Section 71C amended**

This clause amends section 71C by replacing “a member of the Police Force (the member)” with a police officer (the police officer), “member” with police officer, “member of the Police Force” with police officer and Director General with CEO. The heading to section 71C is amended to read Disqualification by police officer.

**Clause 16 Section 71E**

This clause amends section 71E(1) by replacing “a member of the Police Force (the member)” with a police officer (the police officer), and 71E(2) by replacing “a member of the Police Force (the member)” with a police officer (the police officer), and replacing Director General with CEO. The heading to section 71E is amended to read Revocation of disqualification notice by police officer.

**Clause 17 Section 71F amended**

This clause amends section 71F(6) by replacing Director General with CEO.

**Clause 18 Section 71G amended**

This clause amends section 71G(2) by replacing Director General with CEO.

**Clause 19 Section 74 amended**

This clause deletes section 74(1) and (2) as those provisions are now contained under Part 3 of the *Road Traffic (Authorisation to Drive) Act 2008*.

**Clause 20 Sections 75, 76, 77 and 78 deleted**

This clause deletes sections 75, 76, 77 and 78 as those provisions are now contained under Part 3 of the *Road Traffic (Authorisation to Drive) Act 2008*.

**Clause 21 Section 78A amended**

**This clause is amends the definition of senior police officer.**

**Clause 22 Section 78C amended**

This clause amends section 78C(6)(b) by deleting “section 86A” and inserting “any other road law in relation to the moving of vehicles”.

**Clause 23 Section 78D amended**

This clause amends section 78D(c) by deleting reference to “members of the police force” and replacing with “police officers”.

**Clause 24 Section 79BA amended**

This clause amends section 79BA by replacing “member of the Police Force (the member)” with “police officer”.

**Clause 25 Section 80L amended**

This clause amends section 80L(2) by referencing section 10(1)(a), (2), (3), (4), and (5) of the *Road Traffic (Vehicles) Act 2011*.

**Clause 26 Sections 82 to 87 deleted**

This clause deletes section 82 to 87 as those provisions are now contained under various Parts of the proposed *Road Traffic (Vehicles) Act 2011*, the *Road Traffic (Authorisation to Drive) Act 2008* and the *Road Traffic (Administration) Act 2008*

**Clause 27 Sections 92 to 102D deleted**

This clause deletes sections 92 to 102D as those provisions are now contained under various parts of the *Road Traffic (Administration) Act 2008*.

**Clause 28 Part VIA deleted**

This clause deletes Part VIA as those provisions are now contained under Part 5 of the *Road Traffic (Administration) Act 2008*.

**Clause 29 Section 105 deleted**

This clause deletes section 105 as those provisions are now contained under Part 6 of the *Road Traffic (Administration) Act 2008*.

**Clause 30 Section 106 amended**

This clause amends section 106(1) and (2) as those provisions are now contained under Part 6 of the *Road Traffic (Administration) Act 2008*.

**Clause 31 Section 107, 109 and 110 deleted**

This clause deletes section 107, as those provisions are now contained under Part 6 of the *Road Traffic (Administration) Act 2008*.

This clause deletes sections 109 and 110 as the concept of traffic inspectors is no longer relevant to current road traffic law

**Clause 32 Section 111 amended**

This clause amends various parts of section 111, as a consequence of reference changes and certain provisions being moved to the *Road Traffic (Authorisation to Drive) Act 2008*, *Road Traffic (Vehicles) Act 2011* and *Road Traffic (Administration) Act 2008*, to give effect to the new Road Traffic legislative structure.

**Clause 33 Section 111AA deleted**

This clause deletes section 111AA as those provisions are now contained under Part 8 of the *Road Traffic (Administration) Act 2008*.

**Clause 34 Section 111AB amended**

This clause amends section 111AB(2) by replacing the reference to “Director General” with “CEO”, as provided at clause 4 of the *Road Traffic (Administration) Act 2008*. It also amends and deletes certain sections to align with the new legislative structure.

**Clause 35 Section 111A to 113 deleted**

This clause deletes sections 111A to 113, as those provisions are being moved to the *Road Traffic (Authorisation to Drive) Act 2008*, *Road Traffic (Vehicles) Act 2011* and *Road Traffic (Administration) Act 2008*.

**Clause 36 Various references to “Director General” amended**

This clause makes various amendments by replacing the reference to “Director General” with “CEO”.

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

This clause amends various provisions, by replacing references to “member of the police force” with “police officer”.

**Clause 38 Various references to “the member” amended**

This clause replaces various provisions by replacing “member” with “the police officer”.

## **Part 4 – Consequential amendments to other Acts**

### **Division 1 — *Agriculture and Related Resources Protection Act 1976* amended**

**Clause 39 Act amended**

Provides that amendments under Division 1 are to the *Agriculture and Related Resources Protection Act 1976*.

**Clause 40 Section 7 amended**

This clause amends the definition of “vehicle” which is now contained within the *Road Traffic (Administration) Act 2008*.

**Division 2 — *Biosecurity and Agriculture Management Act 2007 amended***

**Clause 41 Act amended**

Provides that amendments under this Division are to the *Biosecurity and Agriculture Management Act 2007*.

**Clause 42 Section 6 amended**

This clause amends references to the definitions of “owner” and “vehicle” as those definitions are now contained within the *Road Traffic (Administration) Act 2008*.

**Division 3 — *Botanic Gardens and Parks Authority Act 1998 amended***

**Clause 43 Act amended**

Provides that amendments under Division 3 are to the *Botanic Gardens and Parks Authority Act 1998*

**Clause 44 Section 3 amended**

This clause amends references to the definitions of “owner” and “vehicle” as those definitions are now contained within the *Road Traffic (Administration) Act 2008* and the *Road Traffic (Licensing) Act 2011*.

**Clause 45 Section 50 amended**

This clause amends the definition of “speed measuring equipment”, which is now contained at clause 117(2) of the *Road Traffic (Administration) Act 2008*.

**Division 4 — *Bush Fires Act 1954 amended***

**Clause 46 Act amended**

Provides that amendments under Division 4 are to the *Bush Fires Act 1954*.

**Clause 47 Section 14B amended**

This section replaces reference to The Road Traffic Act 1974 to *Road Traffic (Vehicles) Act 2011*

**Division 5 - *Chattel Securities Act 1987 amended***

**Clause 48 Act amended**

Provides that amendments under Division 5 are to the *Chattel Securities Act 1987*

**Clause 49 Section 3 amended**

This clause amends the definition of “lease” in section 3(1) to reflect changes to references, which are now contained in the *Road Traffic (Administration) Act 2008*.

**Clause 50 Section 7 amended**

This clause amends the references to the definitions in the *Road Traffic Act 1974* which are now contained in the *Road Traffic (Administration) Act 2008* and *Road Traffic (Vehicles) Act 2011*.

**Clause 51 Section 13 amended**

This clause amends the references to the definitions in the *Road Traffic Act 1974* which are now contained in the *Road Traffic (Administration) Act 2008* and *Road Traffic (Vehicles) Act 2011*.

**Clause 52 Section 30 amended**

This clause deletes the reference to the *Road Traffic Act 1974* replacing it with *Road Traffic (Vehicles) Act 2011*.

**Division 6 — *Children and Community Services Act 2004* amended**

**Clause 53 Act amended**

Provides that amendments under Division 5 are to the *Children and Community Services Act 2004*.

**Clause 54 Section 102 amended**

This clause amends the reference to the definition of “motor vehicle” which has been moved to the *Road Traffic (Administration) Act 2008*.

**Division 7 — *Children’s Court of Western Australia Act 1988* amended**

**Clause 55 Act amended**

Provides that amendments under Division 7 are to the *Children’s Court of Western Australia Act 1988*.

**Clause 56 Section 51A amended**

As a consequence of the deletion of the definition of “Director General” from the *Road Traffic Act 1974*, section 51A is amended to refer to the new definition of “CEO” in the *Road Traffic (Administration) Act 2008*.

**Division 8 — *Civil Judgments Enforcement Act 2004* amended**

**Clause 57 Act amended**

Provides that amendments under Division 8 are to the *Civil Judgments Enforcement Act 2004*.

**Clause 58 Section 113 amended**

This clause amends section 113 by inserting the new references to the *Road Traffic (Administration) Act 2008*, *Road Traffic (Authorisation to Drive) Act 2008* and *Road Traffic (Vehicles) Act 2011*.

**Clause 59 Section 114 amended**

This clause amends section 114 to include the new term of “road law”, which is now contained in the *Road Traffic (Administration) Act 2008*.

#### **Division 9 — Consumer Affairs Act 1971 amended**

##### **Clause 60 Act amended**

Provides that amendments under Division 9 are to the *Consumer Affairs Act 1971*.

##### **Clause 61 Schedule amended**

This clause amends the schedule to the *Consumer Affairs Act 1971*, by inserting new references to *Road Traffic (Administration) Act 2008*, *Road Traffic (Authorisation to Drive) Act 2008* and *Road Traffic (Vehicles) Act 2011*.

#### **Division 10— Control of vehicles (Off-road Areas) Act 1978 amended**

##### **Clause 62 Act amended**

Provides that amendments under Division 10 are to the *Control of vehicles (Off-road Areas) Act 1978*.

##### **Clause 63 Section 3 amended**

This clause amends references to definitions in the *Road Traffic Act 1974*, which are now contained in the *Road Traffic (Administration) Act 2008* and the *Road Traffic (Vehicles) Act 2011*.

##### **Clause 64 Section 7 amended**

As vehicle licences will no longer be issued under the *Road Traffic Act 1974*, section 7(1)(a) is amended to refer to vehicle licenses issued under the *Road Traffic (Vehicles) Act 2011*.

##### **Clause 65 Section 11 amended**

This clause amends references to the *Road Traffic Act 1974* within section 11 to refer to the *Road Traffic (Administration) Act 2008* and the *Road Traffic (Vehicles) Act 2011*.

##### **Clause 66 Section 34 amended**

This section amends section 34(2) by replacing the reference to the *Road Traffic Act 1974* with the *Road Traffic (Vehicles) Act 2011*.

##### **Clause 67 Section 36 amended**

This clause amends section 36 by amending references to definitions affected by the restructure of the Road Traffic legislation.

##### **Clause 68 Section 38 amended**

This clause amends section 38 by amending references to definitions that have moved by the restructure of the Road Traffic legislation.



**Clause 69 Section 39 amended**

This clause amends section 39 to reflect that provisions relating to licensing of vehicles are now contained with the *Road Traffic (Vehicles) Act 2011*.

**Division 11 — *Court Security and Custodial Act 1999* amended**

**Clause 70 Act amended**

Provides that amendments under Division 11 are to the *Court Security and Custodial Act 1999*

**Clause 71 Section 47 amended**

This clause amends section 47(b) to refer to the payment of infringement notices now contained in Part 5 of the *Road Traffic (Administration) Act 2008*.

**Division 12 — *Credit Act 1984* amended**

**Clause 72 Act amended**

Provides that amendments under Division 12 are to the *Credit Act 1984*.

**Clause 73 Section 5 amended**

As a consequence of the deletion of the definition of “motor vehicle” (as it relates to a commercial vehicle for the purposes of this Act) from the *Road Traffic Act 1974*, section 5 is amended to refer to the new definition of “motor vehicle” in the *Road Traffic (Administration) Act 2008*.

**Division 13 — *Criminal Appeals Act 2004* amended**

**Clause 74 Act amended**

Provides that amendments under Division 13 are to the *Criminal Appeals Act 2004*.

**Clause 75 Section 11 amended**

This clause provides that section 11(3) of the Act is amended by deleting reference to the *Road Traffic Act 1974* and inserting in its place “a road law” as defined in the *Road Traffic (Administration) Act 2008*.

**Division 14 — *Criminal Investigation Act 2006* amended**

**Clause 76 Act amended**

Provides that amendments under Division 14 are to the *Criminal Investigation Act 2006*.

**Clause 77 Section 18 amended**

This clause amends the reference to the definition of “road” and “vehicle” that have been moved to the *Road Traffic (Administration) Act 2008*.

**Clause 78 Section 28 amended**

This clause amends section 28(2) by replacing the reference to “member of the Police Force” with “police officer”.

**Clause 79 Section 135 amended**

This clause amends section 135(2)(b) of Act by replacing the reference to a “member of the Police Force” with “police officer”. It further amends the reference to “such a member” with “police officer”.

**Division 15 — *Criminal Procedures Act 2004* amended**

**Clause 80 Act amended**

Provides that amendments under Division 15 are to the *Criminal Procedures Act 2004*

**Clause 81 Section 3 amended**

This clause amends the reference to the definition of ‘vehicle’ in the *Road Traffic Act 1974* which is now contained within the *Road Traffic (Administration) Act 2008*.

**Clause 82 Section 11 amended**

This clause amends the reference to “vehicle licensing law”, and “corresponding law” to refer to the *Road Traffic (Vehicles) Act 2011*, under which vehicle licensing functions will now be performed.

**Division 16 — *Cross-border Justice Act 2008* amended**

**Clause 83 Act amended**

Provides that amendments under Division 16 are to the *Cross-border Justice Act 2008*.

**Clause 84 Section 68 amended**

Amends section 68(2)(h) by removing the reference to the *Road Traffic Act 1974* in respect to the definition of “road traffic laws” as defined in section 138.

**Clause 85 Section 138 amended**

This clause amends the definition of “road traffic laws” in section 138 to reflect the creation of the new road traffic legislative structure, which incorporates the *Road Traffic (Administration) Act 2008*, *Road Traffic (Vehicles) Act 2011* and the *Road Traffic (Authorisation to Drive) Act 2008*, that encompass the definition of a “road law”.

**Division 17 — *Dangerous Goods Safety Act 2004* amended**

**Clause 86 Act amended**

Provides that amendments under Division 17 are to the *Dangerous Goods Safety Act 2004*.

**Clause 87 Section 14 amended**

This clause amends references to definitions in the *Road Traffic Act 1974*, which are now contained in the *Road Traffic (Administration) Act 2008*, as a consequence of the restructure of the road traffic legislation.

**Clause 88 Section 15 amended**

This clause amends the references to definitions in the *Road Traffic Act 1974*, which are now contained in the *Road Traffic (Administration) Act 2008*, as a consequence of the restructure of the road traffic legislation.

**Division 18 — *Duties Act 2008* amended**

**Clause 89 Act amended**

Provides that amendments under Division 18 are to the *Duties Act 2008*.

**Clause 90 Section 228 amended**

This clause amends definitions at section 228 to reflect the new definitions of “CEO”, “heavy vehicle”, “motor vehicle” and “vehicle” which are now contained in the *Road Traffic (Administration) Act 2008*.

**Clause 91 Section 230 amended**

As a consequence of Part III of the *Road Traffic Act 1974* being deleted, this clause amends section 230(2) by inserting the appropriate reference to the *Road Traffic (Vehicles) Act 2011*.

**Clause 92 Section 240 amended**

This clause deletes references to the *Road Traffic Act 1974*, and reflects that vehicle licences will now be granted under the *Road Traffic (Vehicles) Act 2011*.

**Clause 93 Section 243 amended**

Replaces reference to “Road Traffic Act” with *Road Traffic Act 1974* or the Vehicles Act.

**Clause 94 Section 244A amended**

Replaces reference to “Road Traffic” with “Vehicles” and inserting the appropriate reference to the *Road Traffic (Vehicles) Act 2011*.

**Clause 95 Various references to “Road Traffic Act” amended**

This clause makes various amendments by replacing references to the “*Road Traffic Act*” to “*Vehicles Act*”

**Clause 96 Various reference to “Director General” amended**

This clause makes various amendments by replacing references to the “Director General” to CEO.

**Division 19 — *Emergency Management Act 2005* amended**

**Clause 97 Act amended**

Provides that amendments under Division 19 are to *Emergency Management Act 2005*.

**Clause 98 Section 68 amended**

This clause replaces the reference to the *Road Traffic Act 1974* the *Road Traffic (Vehicles) Act 2011*.

**Division 20 — *Environmental Protection Act 1986* amended**

**Clause 99 Act amended**

Provides that amendments under Division 20 are to the *Environmental Protection Act 1986*

**Clause 100 Section 3 amended**

This clause amends the references to the definitions of "driver", "motor vehicle", "owner" and "road", which have been moved to the *Road Traffic (Administration) Act 2008*.

**Division 21 *Fair Trading Act 2010* amended**

**Clause 101 Act amended**

The clause provides that amendments under Division 21 are to the *Fair Trading Act 2010*.

**Clause 102 Section 63 amended**

This clause replaces the "*Road Traffic Act 1974*" as it relates to the definition of a motor vehicle with the *Road Traffic (Administration) Act 2008*.

**Clause 103 Schedule 1 amended**

This amends the schedule inserting the new Road Traffic Legislation.

**Division 22 — *Finance Brokers Control Act 1975* amended**

**Clause 104 Act amended**

Provides that amendments under Division 22 are to the *Finance Brokers Control Act 1975*.

**Clause 105 Section 4 amended**

This clause amends the reference to the definition of "motor vehicle" which has been moved to the *Road Traffic (Administration) Act 2008*.

**Division 23 — *Fines, Penalties and Infringement Notices Enforcement Act 1994* amended**

**Clause 106 Act amended**

Provides that amendments under Division 22 are to the *Fines, Penalties and Infringement Notices Enforcement Act 1994*.

**Clause 107 Section 3 amended**

This clause amends the reference to “Director General” to “CEO” under the definition contained in the *Road Traffic (Administration) Act 2008*. This clause further amends the references under which vehicle and driver licences are issued and introduces the new definition of “road law”.

**Clause 108 Section 26 amended**

This clause removes the reference to the *Road Traffic Act 1974* from section 26 of the *Fines, Penalties and Infringement Notices Enforcement Act 1994*, and replaces it with the references to the *Road Traffic (Administration) Act 2008* and *Road Traffic (Authorisation to Drive) Act 2008*. This clause also amends the definition of “infringement notice”.

**Clause 109 Various References to “the Road Traffic Act 1974” amended**

As licence suspension orders will no longer be issued or cancelled under provisions of the *Road Traffic Act 1974*, this clause introduces the concept of “road law” and applies it to various sections of the *Fines, Penalties and Infringement Notices Enforcement Act 1994*.

**Division 24 — Fish Resources Management Act 1994 amended**

**Clause 110 Act amended**

Provides that amendments under Division 24 are to the *Fish Resource Management Act 1994*

**Clause 111 Section 4 amended**

This clause amends the references to the *Road Traffic Act 1974* in the definition of “vehicle” that has been moved to the *Road Traffic (Administration) Act 2008*.

**Division 25 — Government Railways Act 1904 amended**

**Clause 112 Act amended**

Provides that amendments under Division 25 to the *Government Railways Act 1904*

**Clause 113 Section 73 amended**

As offences involving the driving of a motor vehicle may not necessarily occur under the *Road Traffic Act 1974*, and may occur under the *Road Traffic Act 1974*, *Road Traffic (Administration) Act 2008*, *Road Traffic (Vehicles) Act 2011* or the *Road Traffic (Authorisation to Drive) Act 2008*, section 73(2) is amended to refer to offences that may occur under the all encompassing definition of a “road law” in the *Road Traffic (Administration) Act 2008*.

**Division 26 — Juries Act 1957 amended**

**Clause 114 Act amended**

Provides that amendments made under Division 26 are to the *Juries Act 1957*.

**Clause 115 Section 5 amended**

As offences involving the driving of a motor vehicle may occur under the *Road Traffic Act 1974*, *Road Traffic (Administration) Act 2008*, *Road Traffic (Vehicles) Act 2011* or the *Road Traffic (Authorisation to Drive) Act 2008*, section 5(b)(iv) is amended to refer to offences that

may occur under the all encompassing definition of a “road law” as defined in the *Road Traffic (Administration) Act 2008* .

**Division 27 — *Land Administration Act 1997* amended**

**Clause 116 Act amended**

Provides that amendments under Division 27 are to the *Land Administration Act 1997*

**Clause 117 Section 61 amended**

As legislation relating to the control and management of traffic will no longer be exclusively contained in the *Road Traffic Act 1974*, section 61(2)(a) is amended to refer to legislation contained under the all encompassing definition of a “road law” in the *Road Traffic (Administration) Act 2008* .

**Division 28 — *Liquor Control Act 1988* amended**

**Clause 118 Act amended**

Provides that amendments under Division 27 are to the *Liquor Control Act 1988*.

**Clause 118 Section 119 amended**

As a consequence of the deletion of the definition of “road” from the *Road Traffic Act 1974*, section 119(4)(a) is amended to refer to the definition of “road” in the *Road Traffic (Administration) Act 2008*.

**Division 29 — *Local Government Act 1995* amended**

**Clause 120 Act amended**

Provides that amendments under Division 29 are to the *Local Government Act 1995*

**Clause 121 Section 3.38 amended**

As a consequence of the deletion of the definition of “vehicle” from the *Road Traffic Act 1974*, section 3.38 is amended to refer to the definition of “vehicle” in the *Road Traffic (Vehicles) Act 2011*.

**Clause 122 Section 3.40 amended**

As vehicle licences will no longer be issued under the *Road Traffic Act 1974*, section 3.40(3) is amended to refer to vehicle licences issued under the *Road Traffic (Vehicles) Act 2011*.

**Clause 123 Section 9.13 amended**

This clause deletes the definition of “owner” as it relates to the *Road Traffic Act 1974* and inserts the definition as contained in the *Road Traffic (Vehicles) Act 2011*, as a consequence of the restructure of the road traffic legislation.

**Clause 124 Section 9.15 amended**

This clause deletes the definition of “owner” as it relates to the *Road Traffic Act 1974* and inserts the definition as contained in the *Road Traffic (Vehicles) Act 2011*, as a consequence of the restructure of the road traffic legislation.

**Division 30 — *Magistrates Court Act 2004* amended**

**Clause 125 Act amended**

Provides that amendments under Division 30 are to the *Magistrates Court Act 2004*.

**Clause 126 Section 33 amended**

This clause amends the reference “Director General” to “CEO” under the new definition contained in the *Road Traffic (Administration) Act 2008*.

**Division 31 — *Main Roads Act 1930* amended**

**Clause 127 Act amended**

Provides that amendments under Division 31 are to the *Main Roads Act 1930*.

**Clause 128 Section 13 amended**

Consequential upon the deletion of the definition of “Government road” from the *Road Traffic Act 1974*, and the placement of a revised definition in clause 132(1) of the *Road Traffic (Administration) Act 2008*, section 13(4) is no longer necessary as its purpose is now covered by the revised definition.

**Clause 129 Section 16 amended**

As legislation relating to the control and management of traffic will no longer be exclusively contained in the *Road Traffic Act 1974*, section 16(1b) is amended to refer to legislation contained under the definition of a “road law” in the *Road Traffic (Administration) Act 2008*.

**Clause 130 Section 31 amended**

This clause deletes reference to the *Road Traffic Act 1974* as referred to in section 31(1)(d) and inserts reference to the *Road Traffic (Administration) Act 2008* as a consequence of the restructure of the road traffic legislation.

**Division 32 — *Marine and Harbours Act 1981* amended**

**Clause 131 Act amended**

Provides that amendments under Division 32 are of the *Marine and Harbours Act 1981*.

**Clause 132 Section 18B amended**

As a consequence of the deletion of the definition of “motor vehicle” from the *Road Traffic Act 1974*, section 18B(3) is amended to refer to the definition of “motor vehicle” in the *Road Traffic (Administration) Act 2008*.

**Division 33 — *Mines Safety and Inspection Act 1994* amended**

**Clause 133 Act amended**

Provides that amendments under Division 33 are of the *Mines Safety and Inspection Act 1994*.

**Clause 134 Section 4 amended**

As a consequence of the deletion of the definition of “road” from the *Road Traffic Act 1974*, the definition of “mining operations” in the Act is amended to refer to the definition of “road” in the *Road Traffic (Administration) Act 2008*.

**Division 34 – Motor Vehicle (Third Party Insurance) Act 1943 amended**

**Clause 135 Act amended**

Provides that amendments under Division 35 are to the *Motor Vehicle (Third Party Insurance) Act 1943*.

**Clause 136 Section 2 amended**

This clause replaces the reference to the *Road Traffic Act 1974* in section 2(2) with the *Road Traffic (Vehicles) Act 2011*, as that Act will provide for the grant of vehicle licences.

**Clause 137 Section 3 amended**

This clause amends the reference to “Director General” to “CEO” under the new definition contained in the *Road Traffic (Administration) Act 2008*. The clause further inserts the definition of “Vehicles Act”, to reflect the *Road Traffic (Vehicles) Act 2011*, under which vehicle licences will be granted.

**Clause 138 Section 4 amended**

This clause amends section 4(3B) to reflect that provisions relating to vehicle licensing are now contained under Part 2 of the *Road Traffic (Vehicles) Act 2011*.

Under the current provisions of section 4 of the *Motor Vehicle (Third Party Insurance) Act 1943* it is an offence for a person to use or cause or permit the use of a vehicle on a road without a valid insurance policy, issued under that Act. That insurance policy is issued as part of a vehicle licence granted under section 15 of the RTA. Furthermore, section 4 provides that where a person has been convicted of an offence under section 15 of the Act, they cannot be convicted or punished for an offence under the section 4(3)(a) of the *Motor Vehicle (Third Party Insurance) Act 1943* that occurred at the same time.

The RTA generally provides that the payment of a modified penalty does not lead to a conviction. It will be possible to deal with an unlicensed vehicle offence under section 15 by way of paying a modified penalty. The amendment in this sub clause provides that where a person has paid a modified penalty, it will not be possible to convict or punish them for an offence under section 4(3)(a) of the *Motor Vehicle (Third Party Insurance) Act 1943* that occurred at the same time as the offence to which the modified penalty related.

The clause further amends section 4(4) to reflect that driver’s licenses will now be issued under the *Road Traffic (Authorisation to Drive) Act 2008* and vehicle licenses issued under the *Road Traffic (Vehicles) Act 2011*.

Reference to ‘an inspector appointed under the Traffic Act’ at Section 4(7A) is deleted as these appointments are no longer applicable.



**Clause 139 Section 18 amended**

This clause amends section 18 to reflect that driver licences will be issued under the *Road Traffic (Authorisation to Drive) Act 2008*.

**Clause 140 Section 21 amended**

This clause amends section 21(1C)(a) to reflect that vehicle licenses will be issued under the *Road Traffic (Vehicles) Act 2011*.

**Clause 141 Various references to “Traffic” amended**

This clause amends various provisions by replacing reference to the “Traffic Act” with “Vehicles”, to reflect that vehicle licences will now be issued under the *Road Traffic (Vehicles) Act 2011*.

**Division 35 — *Motor Vehicle Dealer Act 1973* amended**

**Clause 142 Act amended**

Provides that amendments under Division 35 are to the *Motor Vehicle Dealer Act 1973*.

**Clause 143 Section 5 amended**

This clause amends section 5(1) to reflect that vehicle licences will now be issued under the *Road Traffic (Vehicles) Act 2011*. Further, the clause amends section 5(2)(a) to reflect that the definition of “motor vehicle” is now contained within the *Road Traffic (Administration) Act 2008*.

**Clause 144 Section 28A amended**

As vehicle licenses will no longer be issued under the *Road Traffic Act 1974*, section 28A(2) is amended to refer to vehicle licenses issued under the *Road Traffic (Vehicles) Act 2011*.

**Clause 145 Section 33 amended**

As vehicle licenses will no longer be issued under the *Road Traffic Act 1974*, section 33(3)(e) is amended to refer to vehicle licenses issued under the *Road Traffic (Vehicles) Act 2011*.

**Division 36 — *Motor Vehicle Drivers Instructors Act 1963* amended**

**Clause 146 Act amended**

Provides that amendments under Division 36 are to the *Motor Vehicle Drivers Instructors Act 1963*.

**Clause 147 Section 3 amended**

This clause amends the references to the definitions of “motor vehicle” and “road” which have been moved to the *Road Traffic (Administration) Act 2008*, as a consequence of the restructure of the road traffic legislation.

**Clause 148 Section 5 amended**

As vehicle compliance requirements will no longer be contained in the *Road Traffic Act 1974* and its subsidiary legislation, section 5(1)(d) of this act is amended to refer to requirements for vehicles contained in or under the *Road Traffic (Vehicles) Act 2011*.

**Clause 149 Section 7 amended**

As legislation relating to the control and management of traffic will no longer be exclusively contained in the *Road Traffic Act 1974*, section 7(3)(b) and section 7(5)(e) are amended to refer to legislation contained under the definitions of a “road law” and “drivers licence” in the *Road Traffic (Administration) Act 2008* and *Road Traffic (Authorisation to Drive) Act 2008*.

**Division 37 — *Owner-Drivers (Contracts and Disputes) Act 2007* amended**

**Clause 150 Act amended**

Provides that amendments under Division 37 are to the *Owner-Drivers (Contracts and Disputes) Act 2007*

**Clause 151 Section 3 amended**

This clause amends section 3 by deleting the definition of “gross vehicle mass” and amending the definition of “heavy vehicle” which is now contained in the *Road Traffic (Vehicles) Act 2011*.

**Division 38 — *Parks and Reserves Act 1895* amended**

**Clause 152 Act amended**

Provides that amendments under Division 38 are to the *Parks and Reserves Act 1895*.

**Clause 153 Section 2 amended**

This clause amends references to the definitions of “owner” and “vehicle” which have been moved to the *Road Traffic (Administration) Act 2008* and the *Road Traffic (Vehicles) Act 2011*.

**Clause 154 Section 7A amended**

This clause amends section 7A(2) to reflect that vehicle licences will now be issued under the *Road Traffic (Vehicles) Act 2011*.

**Clause 155 Section 7C amended**

This clause amends the reference to the definition of “speed measuring equipment” which has been moved to clause 117(2) of the *Road Traffic (Administration) Act 2008*.

**Division 39 — *Perth Market Act 1926* amended**

**Clause 156 Act amended**

Provides that amendments under Division 39 are to the *Perth Market Act 1926*

**Clause 157 Section 1A amended**

As vehicle licenses will no longer be issued under the *Road Traffic Act 1974*, the definition of “owner” under section 1A is amended to refer to vehicle licences issued under the *Road Traffic (Vehicles) Act 2011*.

**Division 40 — *Petroleum Products Pricing Act 1983* amended.**

**Clause 158 Act amended**

Provides that amendments under Division 40 are to the *Petroleum Products Pricing Act 1973*.

**Clause 159 Section 3 amended**

As a consequence of the deletion of the definition of “motor vehicle” from the *Road Traffic Act 1974*, section 3(1) is amended to refer to the definition of “motor vehicle” in the *Road Traffic (Administration) Act 2008*.

**Division 41 — *Planning and Development Act 2005* amended**

**Clause 160 Act amended**

Provides that amendments under Division 41 are to the *Planning and Development Act 2005*.

**Clause 161 Section 4 amended**

As a consequence of the deletion of the definition of “road” from the *Road Traffic Act 1974*, section 4(1) is amended to refer to the definition of “road” in the *Road Traffic (Administration) Act 2008*.

**Division 42 — *Prisons Act 1981* amended**

**Clause 162 Act amended**

Provides that amendments under Division 42 are to the *Prisons Act 1981*.

**Clause 163 Section 15L amended**

This clause amends the reference to the definition of “infringement notice” that is now contained at clause 79 of the *Road Traffic (Administration) Act 2008*.

As legislation relating to the control and management of traffic will no longer be exclusively contained in the *Road Traffic Act 1974*, section 15L(b) is amended to refer to legislation contained under the all encompassing definition of a “road law” in the *Road Traffic (Administration) Act 2008*.

**Division 43 – *Prohibited Behaviour Orders Act 2010* amended**

**Clause 164 Act amended**

Provides that amendments under Division 43 are to the *Prohibited Behaviour Orders Act 2010*

**Clause 165 Section 10 amended**

As driver licensing is now provided for under the *Road Traffic (Authorisation to Drive) Act 2008*, section 10(7)(b) as been replaced so that it references conditions imposed on extraordinary drivers licences as defined in the *Road Traffic (Authorisation to Drive) Act 2008*.

#### **Division 44 – *Rail Safety Act 2010* amended**

##### **Clause 166 Act amended**

Provides that amendments made under Division 44 are to the *Rail Safety Act 2010*

##### **Clause 167 Section 3 amended**

Replaces the reference to the *Road Traffic Act 1974* with the *Road Traffic (Authorisation to Drive) Act 2008* with respect to the definition of “public road”.

#### **Division 45 — *Retail Trading Hours Act 1987* amended**

##### **Clause 168 Act amended**

Provides that amendments under Division 42 are to the *Retail Trading Hours Act 1987*.

##### **Clause 169 Section 3 amended**

As a consequence of the deletion of the definition of “motor vehicle” from the *Road Traffic Act 1974*, section 3(1) of this Act is amended to refer to the definition of “motor vehicle” in the *Road Traffic (Administration) Act 2008*.

#### **Division 46 — *Road Safety Council Act 2002* amended**

##### **Clause 170 Act amended**

Provides that amendments under Division 43 are to the *Road Safety Council Act 2002*.

##### **Clause 171 Section 3 amended**

As a consequence of the deletion of the definition of “road” from the *Road Traffic Act 1974*, section 3 is amended to refer to the definition of “road” in the *Road Traffic (Administration) Act 2008*.

##### **Clause 172 Section 6 amended**

This clause amends sections 6(1)(e) to reflect the removal of the concept of “licensing provisions” from the *Road Traffic Act 1974*. Section 6(2) is also amended to reflect the new definition of “CEO” and persons authorised by the Minister under the *Road Traffic (Administration) Act 2008* for appointment to the Road Safety Council.

##### **Clause 173 Section 12 amended**

This clause amends the definitions of “photograph-based vehicle infringement notice”, “prescribed penalty” and “traffic infringement notice” which have been moved to the *Road Traffic (Administration) Act 2008*, the clause also introduces the new all encompassing term of “road law”, as consequence of the restructure of the road traffic legislation.

#### **Division 47 — *Sentencing Act 1995* amended**

##### **Clause 174 Act amended**

Provides that amendments under Division 47 are to the *Sentencing Act 1995*.

##### **Clause 175 Section 45 amended**

As driver's licence's will not necessarily be disqualified or cancelled under the *Road Traffic Act 1974*, section 45(5)(a)(i) is amended to refer to driver's licence's disqualified under the all-encompassing definition of a "road law", as defined in the *Road Traffic (Administration) Act 2008*.

**Clause 176 Section 105 amended**

This clause makes various reference changes to reflect provisions which have been moved to the *Road Traffic (Administration) Act 2008*, as consequence of the restructure of the road traffic legislation.

**Division 48— Taxation Administration Act 2003 amended**

**Clause 177 Act amended**

Provides that amendments under Division 48 are to the *Taxation Administration Act 2003*.

**Clause 178 Section 34 amended**

As "traffic infringement notice(s)" will no longer be issued under section 102 of the *Road Traffic Act 1974*, section 34(2)(b) is amended to refer to the definition of "infringement notice" contained with the *Road Traffic (Administration) Act 2008*.

**Division 49 — Taxi Act 1994 amended**

**Clause 179 Act amended**

Provides that amendments under Division 49 are to the *Taxi Act 1994*

**Clause 180 Section 16 amended**

As offences relating to driving and motor vehicles will no longer necessarily be contained in the *Road Traffic Act 1974*, this clause amends section 16(8)(b) to refer to offences that occur under the all-encompassing definition of a "road law" in the *Road Traffic (Administration) Act 2008*.

This clause also amends section 16(10) to reflect that the definition of "owner" is now contained in the *Road Traffic (Administration) Act 2008*.

**Clause 181 Section 32 amended**

As driver's licenses will no longer be issued under the *Road Traffic Act 1974*, this clause amends section 32 to reflect that driver's licences are now issued under the *Road Traffic (Authorisation to Drive) Act 2008*.

**Division 50 – The Criminal Code amended**

**Clause 182 Act amended**

Provides that amendments under Division 50 are to *The Criminal Code*.

**Clause 183 Section 1 amended**

As a consequence of the deletion of the definition of “motor vehicle” from the *Road Traffic Act 1974*, section 1 of the Act is amended to refer to the new definition of “motor vehicle” in the *Road Traffic (Administration) Act 2008*

**Clause 184 Section 297 Amended**

As a consequence of the deletion of the definition of “motor vehicle” from the *Road Traffic Act 1974*, this provides definitions for a taxi under the *Taxi Act 1994* and definition of an omnibus under the *Transport Co-Ordination Act 1966*.

**Clause 185 Section 318 amended**

As a consequence of the deletion of the definition of “omnibus” from the *Road Traffic Act 1974*, section 318(1)(g) (iii) of the Act is amended to refer to the new definition of “omnibus” contained at clause 130(1) of the *Road Traffic (Vehicles) Act 2011*.

**Division 51 — Transport Co-ordination Act 1966 amended**

**Clause 186 Act amended**

Provides that amendments under Division 47 are to the *Transport Co-ordination Act 1966*.

**Clause 187 Section 27 amended**

The term “Metropolitan Traffic Area” is deleted, as it no longer used under current legislative framework, as it is now dealt with via reference to a “road” under the *Main Roads Act 1930*, which covers all roads under the Commissioner of Main Roads control.

**Clause 188 Section 32 amended**

As vehicle licences will no longer be issued under the *Road Traffic Act 1974*, section 32 is amended to refer to vehicle licences issued under the *Road Traffic (Vehicles) Act 2011*.

**Clause 189 Section 42 amended**

As vehicle licences will no longer be issued under the *Road Traffic Act 1974*, section 42 is amended to refer to vehicle licences issued under the *Road Traffic (Vehicles) Act 2011*.

**Clause 190 Section 47ZD amended**

This clause amends the reference under which the Director General is notified of that a vehicle is owned by more than one person, to reflect the new proposed clause 5(2) of the *Road Traffic (Administration) Act 2008*.

**Clause 191 Section 47ZE amended**

This clause amends section 47ZE to reflect that a taxi driver licence will now be issued under the *Road Traffic (Authorisation to Drive) Act 2008*.

**Clause 192 Section 47ZG amended**

This clause refers to by-laws made under section 111 of the *Road Traffic Act 1974*, which have been amended. As such section 47ZG(5) can be deleted, as it is no longer relevant.

**Clause 193 Section 58B amended**

Section 58B(3) is amended to refer to the new definition of “motor vehicle” contained in the *Road Traffic (Administration) Act 2008*.

**Clause 194 Section 59 amended**

As licensing and traffic control provisions currently contained in the *Road Traffic Act 1974* will now be contained across the *Road Traffic Act 1974* and the proposed, *Road Traffic (Administration) Act 2008*, *Road Traffic (Vehicles) Act 2011* and the *Road Traffic (Authorisation to Drive) Act 2008*, clause 59 is amended to refer to the all-encompassing definition of a “road law” as defined by the *Road Traffic (Administration) Act 2008*.

**Clause 195 First Schedule amended**

As vehicle licenses will no longer be issued under the *Road Traffic Act 1974*, the First Schedule of that Act is amended to refer to vehicle licences issued under the *Road Traffic (Vehicles) Act 2011*.

**Division 52 — *University of Western Australia Act 1911* amended**

**Clause 196 Act amended**

Provides that amendments under Division 48 are to the *University of Western Australia Act 1911*.

**Clause 197 Section 16A amended**

This clause deletes the references to the “owner” and replaces them with “responsible person” as defined by the *Road Traffic (Administration) Act 2008*, as a consequence of the restructure of the road traffic legislation.

**Division 53 — *Western Australian Sports Centre Trust Act 1986* amended**

**Clause 198 Act amended**

Provides that amendments under Division 49 are to the *Western Australian Sports Centre Trust Act 1986*.

**Clause 199 Section 18D amended**

This clause amends reference to the definition of “motor vehicle” which has been moved to the *Road Traffic (Administration) Act 2008*. Further, section 18D(3) amends the definition of “owner” to reflect that vehicle licences are now issued under the *Road Traffic (Vehicles) Act 2011*.

**Division 54 — *Young Offenders Act 1994* amended**

**Clause 200 Act amended**

Provides that amendments under Division 54 are to the *Young Offenders Act 1994*.

**Clause 201 Section 46 amended**

This clause amends the current reference to section 106 of the *Road Traffic Act 1974* to the new section 121, of the *Road Traffic (Administration) Act 2008*.

**Clause 202 Section 55 amended**

This clause amends section 55(4) to reflect that an order for the disqualification or cancellation of a driver's licence will be issued under the all-encompassing definition of a "road law", as defined in the *Road Traffic (Administration) Act 2008*.

**Clause 2032 Section 189 amended**

As a consequence of section 5 of the *Road Traffic Act 1974*, being replaced, the definition of "drivers licence" is amended to reflect that the definition is now contained under section 4 of the *Road Traffic (Administration) Act 2008*.

**Division 55 — Zoological Parks Authority Act 2001 amended**

**Clause 204 Act amended**

Provides that amendments under Division 55 are to the *Zoological Parks Authority Act 2001*.

**Clause 205 Section 3 amended**

This clause amends section 3 to reflect that the definition of "owner" will now refer to the *Road Traffic (Vehicles) Act 2011*, and that vehicle licence's will now also be issued under the *Road Traffic (Vehicles) Act 2011*, The clause further amends the definition of "vehicle" which is now contained within the *Road Traffic (Administration) Act 2008*.

**Part 5 – Road Traffic (Administration) Act 2008 amended**

**Clause 206 Act amended**

Provides that amendments made under this Part are to the *Road Traffic (Administration) Act 2008*

**Clause 207 Long title amended**

Provides that the long title is to be amended to reflect the appropriate name and year of the Act.

**Clause 208 Section 4 amended**

Provides for the definition of "optional plates information", "inspection station", "permit information" in accordance with the *Road Traffic (Vehicles) Act 2011*. Additionally, refers appropriately to the *Road Traffic (Vehicles) Act 2011* with respect information contained in the register of vehicle licences.

**Clause 209 Section 8 amended**

Amends section 8(5) to appropriately reference the new Road Traffic legislation.

**Clause 210 Section 11 amended**

Section amended to include "optional plates information"

**Clause 211 Section 12 amended**



Amendments made to reference the *Road Traffic (Vehicles) Act 2011* with respect to the definition of "relevant authorisation". Further to that, amendments made to include "optional plates information" at section 12(2)(da).

**Clause 212 Section 13A amended**

Amendments made to include "optional plates information" at section 13A(2)(da).

**Clause 213 Section 16A inserted**

With the enactment of the *Personal Property Securities Act 2009 (Cth)* the CEO may now disclose licensing information to the Registrar as defined in the *Personal Property Securities Act 2009*. The insertion of section 16A is to enable such disclosure.

**Clause 214 Section 18 amended**

Amendments made to reflect changes in Road Traffic Legislation.

**Clause 215 Section 20 amended**

Amendments made to reflect changes in Road Traffic Legislation.

**Clause 216 Section 36 amended**

Amendments made to reflect changes in Road Traffic Legislation.

**Clause 217 Section 52 amended**

Amendments made to reflect changes in Road Traffic Legislation.

**Clause 218 Section 70 replaced**

This clause replaces section 70 and provides a definition of "entitled person" in relation to a seized record at 70(1)

70(2) and (3) provides that a police officer must give a receipt and a copy of a seized record to an entitled person as soon as possible after the request but not later than 6 months.

70(4) and (5) provides a police officer must return or allow an entitled person to inspect a seized record unless it will jeopardise the evidentiary value of the record.

70(6) provides a police officer must comply with a request under subsections (4) and (5) within 6 months unless he reasonably suspects it will jeopardise the evidentiary value of the record.

**Clause 219 Section 105 amended**

This clause inserts section 105(3A) to require that a prosecution under section 29(1) of the *Road Traffic (Vehicles) Act 2011* requires the approval of a senior officer who will be a person or class of persons to be prescribed.

This provision has been included in recognition of the new liability provisions that the legislation now creates on parties throughout the transport chain. In particular, Part 9 of the Bill creates new liabilities on parties such as company directors, employers, partnerships.

This provision will place an added requirement on all enforcement officers to ensure that any prosecution action commenced under section 29(1) *Road Traffic (Vehicles) Act 2011* is supported by the appropriate evidence and is not being misused.

Section 105(3B) provides that a prosecution is not invalidated by failing to comply with subsection 3A.

**Clause 220 Section 109 amended**

Amendments made to reflect changes to Road Traffic Legislation in section 109(1).

Section 109(3) is inserted to provide that proof is not required for an offence under a road law that (a) the prosecutor is authorised to commence the prosecution, (b) the prosecutor has any approval required under section 105(3A), (c) the signature on the prosecution notice is the signature of a person authorised to commence the prosecution.

**Clause 221 Section 111 amended**

Amendments made to reflect changes to Road Traffic Legislation

**Clause 222 Section 116 amended**

Amendments made to the definition of “office holder” to reflect changes to Road Traffic Legislation

**Clause 223 Section 133 amended**

Amendments made to reflect changes to Road Traffic Legislation. The addition of Section 133(2) will enable regulations to be made to allow for the review of decisions by a Court, State Administrative Tribunal or other Tribunal, particularly in light of recent case law, requiring an enabling Act to allow for a decision to be reviewed.

**Clause 224 Section 143A amended**

This clause inserts subsection (3) to provide information relating to commercial operations cannot be disclosed under subsection (2) even if it's disclosure could not reasonably be expected to identify the commercial operation.

**Clause 225 Part 9 Division 1 heading amended**

Heading of Part 9 amended to “*Legislation Amendment Act 2011*” to reflect the changes in Road Traffic legislation.

**Clause 226 Part 9 Division 1 Subdivision 1 heading amended**

Amendments made to the subdivision heading of Part 9 Division 1 to reflect the changes from “*Consequential Provisions) Act 2008*” to “*Legislation Amendment Act 2011*”.

**Clause 227 Section 147 amended**

Amendments made to section 147, definition of “amending act” and “commencement day”, to reflect the changes from “*Consequential Provisions) Act 2008* to “*Legislation Amendment Act 2011*”.

**Clause 228 Part 9 Division 1 Subdivision 2 heading amended**

Amendments made to the heading of Subdivision 2 Part 9 Division 1 to reflect the changes from “*Consequential Provisions) Act 2008* to “*Legislation Amendment Act 2011*”.

**Clause 229 Section 165 amended**

Amendments made to section 165 to reflect the changes from “*Consequential Provisions) Act 2008* to “*Legislation Amendment Act 2011*”.

**Clause 230 Part 9 Division 2 heading amended**

Amendment to delete “2008” in the heading of Part 9 Division to reflect the changes in the Road Traffic Legislation.

**Clause 231 Section 166 amended**

Amendments made to reflect the changes from “*(Vehicles Act) 2008 of the Road Traffic (Consequential Provisions) Act 2008*” with *(Vehicles) Act 2011 of the Road Traffic Legislation Amendment Act 2011*,

**Clause 232 Various references to “2008” amended**

Various amendments made reflecting the change from “2008” to 2011.

## **Part 6      *Road Traffic (Authorisation to Drive) Act 2008 amended***

### **Clause 233    Act amended**

Provides that amendments in Part 6 are to the *Road Traffic (Authorisation to Drive) Act 2008*.

### **Clause 234    Part 6 Division 1 heading amended**

Amendment to the heading to Part 6 Division 1 heading to reflect the changes from “*Consequential Provisions) Act 2008*” to “*Legislation Amendment Act 2011*”.

### **Clause 235    Section 64 amended**

The definition of “amending Act” and “commencement day” have been amended to reflect the change in references “(*Consequential Provisions) Act 2008* to *Legislation Amendment Act 2011*”.

## **Part 7- *Road Traffic (Vehicles) (Taxing) Act 2008 amended***

### **Clause 236    Act amended**

Provides that this Part amends the *Road Traffic (Vehicles) (Taxing) Act 2008*.

### **Clause 237    Long title amended**

Amendments made to reflect the change in legislation from “2008” to “2011”

### **Clause 238    Section 3 amended**

Amendments made to reflect the change in legislation from “2008” to “2011”