

Road Traffic (Consequential Provisions) Bill 2007

Explanatory Memorandum

Overview of Bill

This Bill facilitates the introduction of the National Road Transport Reform (Compliance & Enforcement) Bill.

The Road Transport Reform (Compliance & Enforcement) Bill was developed by the National Transport Commission (NTC) in conjunction with its Legislation Advisory Panel and in consultation with representatives from the Commonwealth, State and Territory road transport agencies, police, the road transport industry, the Transport Workers Union, occupational health and safety organisations and road user organisations. This Road Transport Reform (Compliance & Enforcement) Bill is not law, but provides a legislative and policy framework for all jurisdictions.

The Road Transport Reform (Compliance & Enforcement) Bill provides nationally consistent framework to improve compliance outcomes for road safety, infrastructure and the environment, while minimising the adverse impacts of road transport on the community and minimising unfair competitive advantage. This is achieved via the introduction of the “chain of responsibility” concept, which is designed to promote positive changes to the on-road behaviour of those involved in the transport industry and to enable accountability to be placed upon all parties influencing compliance.

Given the size and complexity of the Bill it was necessary to restructure road traffic legislation in WA to facilitate the implementation of the concepts and policy objectives of the Bill.

The outcome of this restructure was the creation of the following proposed Bills:

- *Road Traffic (Administration) Bill 2007*
- *Road Traffic (Vehicles) Bill 2007*
- *Road Traffic (Authorisation to Drive) Bill 2007*
- *Road Traffic (Consequential Amendments) Bill 2007*
- *Road Traffic (Vehicles)(Taxing) Bill 2007*

A major benefit of this revised structure is that there will be clear delineation between the various administrative and enforcement functions relating to road traffic law in Western Australia.

This Bill therefore contains the necessary amendments needed to give effect to the new Road Traffic legislative structure.

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 – Amendments to *Road Traffic Act 1974*

Clause 3 The Act Amended

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

Clause 4 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 5 Section 5 replaced

The term “Definitions” is repealed and replaced with “Terms used in this Act”.

Clause 6 Section 5A repealed

The provisions of section 5A are repealed as they are now contained under clause 6 of the proposed *Road Traffic (Administration) Act 2007*.

Clause 7 Part II repealed

The provisions under Part II are being repealed as they are now contained under Part 2 of the proposed *Road Traffic (Administration) Act 2007*.

Clause 8 Part III repealed

The provisions under Part III are being repealed as they are now contained under Part 2 of the of the proposed *Road Traffic (Vehicles) Act 2007*.

Clause 9 Part IV repealed

The provisions under Part IV are being repealed as they are now contained under Part 3 of the proposed *Road Traffic (Vehicles) Act 2007*.

Clause 10 Part IVA repealed

The provisions under Part IVA are being repealed as they are now contained under Part 2 of the proposed *Road Traffic (Authorisation to Drive) Act 2007*.

Clause 11 Section 49AA amended

This clause amends Section 49AA by deleting the definition of “bodily harm” which is now contained at clause 4 of the proposed *Road Traffic (Administration) Act 2007*.

Clause 12 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 proposed *Road Traffic (Authorisation to Drive) Act 2007*.

Clause 13 Section 50A amended

This clause amends section 50(1)(a)(ii) by deleting reference to the “Director General” and inserting “CEO” in line with the new definition contained at clause 4 of the proposed *Road Traffic (Administration) Act 2007*.

Clause 14 Section 51 repealed

Section 51 is repealed as those provisions are now contained under Part 3 of the proposed *Road Traffic (Authorisation to Drive) Act 2007*.

Clause 15 Section 53 repealed

Section 53 is repealed as those provisions are now contained under Part 4 of the proposed *Road Traffic (Administration) Act 2007*.

Clause 16 Section 58 repealed

Section 58 is repealed as those provisions are now contained under Part 4 of the proposed *Road Traffic (Administration) Act 2007*.

Clause 17 Section 58A repealed

Section 58A is repealed as those provisions are now contained under Part 4 of the proposed *Road Traffic (Administration) Act 2007*.

Clause 18 Section 64A amended

This clause amends various parts of section 64A as a consequence of reference changes and certain provisions being moved of the proposed *Road Traffic (Authorisation to Drive) Act 2007*.

Clause 19 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 proposed *Road Traffic (Authorisation to Drive) Act 2007*.

Clause 20 Section 74 amended

This clause repeals section 74 as those provisions are now contained under Part 3 of the proposed *Road Traffic (Authorisation to Drive) Act 2007*.

Clause 21 Section 75 repealed

This clause repeals section 75 as those provisions are now contained under Part 3 of the proposed *Road Traffic (Authorisation to Drive) Act 2007*.

Clause 22 Section 76 repealed

This clause repeals section 76 as those provisions are now contained under Part 3 of the proposed *Road Traffic (Authorisation to Drive) Act 2007*.

Clause 23 Section 77 repealed

of the proposed This clause repeals section 77 as those provisions are now contained under Part 3 *Road Traffic (Authorisation to Drive) Act 2007*.

Clause 24 Section 78 repealed

This clause repeals section 78 as those provisions are now contained under Part 3 of the proposed *Road Traffic (Authorisation to Drive) Act 2007*.

Clause 25 Section 78C amended

This clause amends section 78C to reflect the amended made to section 86A at clause 35 of this Bill.

Clause 26 Section 78D amended

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

Clause 27 Section 80G amended

This clause amends section 80G by replacing the reference to “Director General” with “CEO”, as provided at clause 4 of the proposed *Road Traffic (Administration) Act 2007*.

Clause 28 Section 80L amended

This clause amends section 80L (1) and (2) by replacing the reference to “Director General” with “CEO”, as provided at clause 4 of the proposed *Road Traffic (Administration) Act 2007*.

Clause 29 Section 82 repealed

This clause repeals section 82 as those provisions are now contained under Part 12 of the proposed *Road Traffic (Vehicles) Act 2007*

Clause 30 Section 82A repealed

This clause repeals section 82A as those provisions are now contained under Part 3 of the proposed *Road Traffic (Authorisation to Drive) Act 2007*.

Clause 31 Section 83 repealed

This clause repeals section 83 as those provisions are now contained under Part 8 of the proposed *Road Traffic (Authorisation to Drive) Act 2007*.

Clause 32 Section 84 repealed

This clause repeals section 84 as those provisions are now contained under Part 7 of the proposed *Road Traffic (Administration) Act 2007*.

Clause 33 Section 85 repealed

This clause repeals section 85 as those provisions are now contained under Part 7 of the proposed *Road Traffic (Administration) Act 2007*.

Clause 34 Section 86 repealed

This clause repeals section 86 as those provisions are now contained under Part 4 of the proposed *Road Traffic (Administration) Act 2007*.

Clause 35 Section 86A repealed

This clause repeals section 86A as those provisions are now contained under Part 4 of the proposed *Road Traffic (Administration) Act 2007*.

Clause 36 Section 87 repealed

This clause repeals section 87 as those provisions are now contained under Part 8 of the proposed *Road Traffic (Administration) Act 2007*.

Clause 37 Section 92 repealed

This clause repeals section 92 as those provisions are now contained under Part 8 of the proposed *Road Traffic (Administration) Act 2007*.

Clause 38 Section 93 repealed

This clause repeals section 93 as those provisions are now contained under Part 6 of the proposed *Road Traffic (Administration) Act 2007*.

Clause 39 Section 97 repealed

This clause repeals section 97 as those provisions are now contained under Part 4 of the proposed *Road Traffic (Administration) Act 2007*.

Clause 40 Section 98 repealed

This clause repeals section 98 as those provisions are now contained under Part 6 of the proposed *Road Traffic (Administration) Act 2007*.

Clause 41 Section 98A repealed

This clause repeals section 98A as those provisions are now contained under Part 6 of the proposed *Road Traffic (Administration) Act 2007*.

Clause 42 Section 99 repealed

This clause repeals section 99 as those provisions are now contained under Part 8 of the proposed *Road Traffic (Administration) Act 2007*.

Clause 43 Section 100 repealed

This clause repeals section 100 as those provisions are now contained under Part 1 of the proposed *Road Traffic (Administration) Act 2007*.

Clause 44 Section 101 repealed

This clause repeals section 101 as those provisions are now contained under Part 8 of the proposed *Road Traffic (Administration) Act 2007*.

Clause 45 Section 101A repealed

This clause repeals section 101A as those provisions are now contained under Part 8 of the proposed *Road Traffic (Administration) Act 2007*.

Clause 46 Section 102 repealed

This clause repeals section 102 as those provisions are now contained under Part 5 of the proposed *Road Traffic (Administration) Act 2007*.

Clause 47 Section 102A repealed

This clause repeals section 102A as those provisions are now contained under Part 4 of the proposed *Road Traffic (Administration) Act 2007*.

Clause 48 Section 102B repealed

This clause repeals section 102B as those provisions are now contained under Part 5 of the proposed *Road Traffic (Administration) Act 2007*.

Clause 49 Section 102C repealed

This clause repeals section 102C as those provisions are now contained under Part 5 of the proposed *Road Traffic (Administration) Act 2007*.

Clause 50 Section 102D repealed

This clause repeals section 102D as those provisions are now contained under Part 5 of the proposed *Road Traffic (Administration) Act 2007*.

Clause 51 Part VIA repealed

This clause repeals Part VIA as those provisions are now contained under Part 5 of the proposed *Road Traffic (Administration) Act 2007*.

Clause 52 Section 105 repealed

This clause repeals section 105 as those provisions are now contained under Part 6 of the proposed *Road Traffic (Administration) Act 2007*.

Clause 53 Section 106 (1) and (2) repealed

This clause repeals section 106(1) and (2) as those provisions are now contained under Part 6 of the proposed *Road Traffic (Administration) Act 2007*.

Clause 54 Section 107 repealed

This clause repeals section 107 as those provisions are now contained under Part 6 of the proposed *Road Traffic (Administration) Act 2007*.

Clause 55 Section 109 repealed

This clause repeals section 109 as the concept of traffic inspectors is no longer relevant current road traffic law.

Clause 56 Section 110 repealed

This clause repeals section 110 in line with the repeal of traffic inspectors under clause 55.

Clause 57 Section 111 amended

This clause repeals various parts of section 111, as a consequence of reference changes and certain provisions being moved to the proposed *Road Traffic (Authorisation to Drive) Act 2007*, *Road Traffic (Vehicles) Act 2007* and *Road Traffic (Administration) Act 2007*, to give effect to the new Road Traffic legislative structure.

Clause 58 Section 111AA repealed

This clause repeals section 111AA as those provisions are now contained under Part 8 of the proposed *Road Traffic (Administration) Act 2007*.

Clause 59 Section 111AB amended

This clause repeals section 111AB as those provisions are now contained under Part 8 of the proposed *Road Traffic (Administration) Act 2007*.

Clause 60 Section 111A repealed

This clause repeals section 111A, as those provisions are being moved to the proposed *Road Traffic (Authorisation to Drive) Act 2007*, *Road Traffic (Vehicles) Act 2007* and *Road Traffic (Administration) Act 2007*.

Clause 61 Section 112 repealed

This clause repeals section 112 as those provisions are now contained under Part 8 Road of the proposed *Traffic (Administration) Act 2007*.

Clause 62 Section 113 repealed

This clause repeals section 113 as those provisions are now contained under Part 13 of the of the proposed *Road Traffic (Vehicles) Act 2007*.

Clause 63 References to “Member of the Police Force” changed to police officer”

This clause makes various amendments by replacing reference to “member of the Police Force” and replacing with “police officer”.

Clause 64 References to “member” changed to “police officer”

This clause replaces reference to “the member” with “the police officer” in accordance with the amendments under clause 63.

Part 3 – Consequential amendments to other Acts

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

Clause 65 The Act amended

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

Clause 66 Section 7 amended

This clause amends the references to “vehicle” which is are now contained within the proposed *Road Traffic (Administration) Act 2007*.

Division 2 — *Biosecurity and Agriculture Management Act 2006*

Provides that amendments under this Division are to the *Biosecurity and Agriculture Management Act 2006*.

Clause 68 Section 6 amended

This clause amends references to the definitions of “owner” and “vehicle” as those definitions are now contained within the proposed *Road Traffic (Administration) Act 2007*.

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

Clause 69 The Act amended

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

Clause 70 Section 3 amended

This clause amends references to the definitions of “owner” and “vehicle” as those definitions are now contained within the proposed *Road Traffic (Administration) Act 2007*.

Clause 71 Section 50 amended

This clause amends the reference to “speed measuring equipment”, which is now contained at clause 117(2) of the proposed *Road Traffic (Administration) Act 2007*.

Division 4 — *Chattel Securities Act 1987*

Clause 72 The Act amended

Provides that amendments under Division 4 are to the *Chattel Securities Act 1987*

Clause 73 Section 3 amended

This clause amends section 3(1) to reflect changes to references, which are now contained in the proposed *Road Traffic (Administration) Act 2007*.

Clause 74 Section 7 amended

This clause amends the reference to the definition of “motor vehicle” that has been moved to the proposed *Road Traffic (Administration) Act 2007*.

Clause 75 Section 13 amended

This clause amends the reference to the definition of “motor vehicle” that has been moved to the proposed *Road Traffic (Administration) Act 2007*.

This clause further amends the reference under which “vehicle licenses are now issued” to the proposed *Road Traffic (Vehicles) Act 2007*.

Clause 76 Section 30 amended

This clause amends the reference whereby vehicle licences are now issued under, being the proposed *Road Traffic (Vehicles) Act 2007*.

Division 5 — *Children and Community Services Act 2004*

Clause 77 The Act amended

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

Clause 78 Section 102 amended

This clause amends the reference to the definition of “motor vehicle” that has been moved to the proposed *Road Traffic (Administration) Act 2007*.

Division 6 — Children’s Court of Western Australia Act 1988

Clause 79 The Act amended

Provides that amendments under Division 6 are to the *Children’s Court of Western Australia Act 1988*.

Clause 80 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 proposed *Road Traffic (Administration) Act 2007*.

Division 7 — Civil Judgments Enforcement Act 2004

Clause 81 The Act amended

Provides that amendments under Division 7 are to the *Civil Judgments Enforcement Act 2004*.

Clause 82 Section 113 amended

This clause amends section 113 by inserting the new references to the proposed *Road Traffic (Administration) Act 2007*, *Road Traffic (Authorisation to Drive) Act 2007* and *Road Traffic (Vehicles) Act 2007*.

Clause 83 Section 114 amended

This clause amends section 114 to reflect the new term of “road law”, which is now contained in the proposed *Road Traffic (Administration) Act 2007*.

Division 8 — Consumer Affairs Act 1971

Clause 84 The Act amended

Provides that amendments under Division 8 are to the *Consumer Affairs Act 1971*.

Clause 85 Schedule amended

This clause amends the schedule to the *Consumer Affairs Act 1971*, by inserting new references to *Road Traffic (Administration) Act 2007*, *Road Traffic (Authorisation to Drive) Act 2007* and *Road Traffic (Vehicles) Act 2007*.

Division 9— *Control of vehicles (Off-road Areas) Act 1978*

Clause 86 The Act amended

Provides that amendments under Division 9 are to the *Control of vehicles (Off-road Areas) Act 1978*.

Clause 87 Section 3 amended

This clause amends references to definitions that are now contained in the proposed *Road Traffic (Administration) Act 2007* and the *Road Traffic (Vehicles) Act 2007*.

Clause 88 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 proposed *Road Traffic (Vehicles) Act 2007*.

Clause 89 Section 11 amended

This clause amends references within section 11 to refer to the proposed *Road Traffic (Administration) Act 2007* and the *Road Traffic (Vehicles) Act 2007*.

Clause 90 Section 34 amended

This clause amends section 11 due to the deletion of the concept of “licensing provisions” from the *Road Traffic Act 1974* and replaces it with the proposed *Road Traffic (Vehicles) Act 2007*, which now deals with licensing of vehicles

Clause 91 Section 36 amended

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

Clause 92 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 93 Section 39 amended

This clause amends section 39 to reflect that provisions relating to licensing of vehicles are now contained with the proposed *Road Traffic (Vehicles) Act 2007*.

Division 10 — *Court Security and Custodial Act 1999*

Clause 94 The Act amended

Provides that amendments under Division 10 are to the *Court Security and Custodial Act 1999*

Clause 95 Section 47 amended

This clause amends section 47(b) to refer to the payment of infringement notices now contained in Part 5 of the proposed *Road Traffic (Administration) Act 2007*.

Division 11 — Credit Act 1984

Clause 96 The Act amended

Provides that amendments under Division 11 are to the *Credit Act 1984*.

Clause 97 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 proposed *Road Traffic (Administration) Act 2007*.

Division 12 — Criminal Appeals Act 2004

Clause 98 The Act amended

Provides that amendments under Division 12 are to the *Criminal Appeals Act 2004*.

Clause 99 Section 11 amended

This clause provides that section 11(3) of the Act are amended by deleting reference to *Road Traffic Act 1974* and inserting in its place “a road law” as defined in the proposed *Road Traffic (Administration) Act 2007*.

Division 13 — The Criminal Code

Clause 100 The Act amended

Provides that amendments under Division 13 are to *The Criminal Code*.

Clause 101 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 proposed *Road Traffic (Administration) Act 2007*.

Clause 102 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 proposed *Road Traffic (Vehicles) Act 2007*.

Division 14 — Criminal Investigation Act 2006

Clause 103 The Act amended

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

Clause 104 Section 18 amended

This clause amends the reference to the definition of “road” and ‘vehicle” that have been moved to the proposed *Road Traffic (Administration) Act 2007*.

Clause 105 Section 28 amended

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

Clause 106 Section 135 amended

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

Division 15 — Criminal Procedures Act 2004

Clause 107 The Act amended

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

Clause 108 Section 3 amended

This clause amends the reference to the definition of ‘vehicle” which has now contained within the proposed *Road Traffic (Administration) Act 2007*.

Clause 109 Section 11 amended

This clause amends the reference to “vehicle licensing laws”, and corresponding laws” to refer to the proposed *Road Traffic (Vehicles) Act 2007*, under which vehicle licensing functions will now be performed.

Division 16 — Cross-border Justice Act 2007

Clause 110 The Act amended

Provides that amendments under Division 16 are to the *Cross-border Justice Act 2007*.

Clause 111 Section 138 amended

This clause amends section 138 to reflect the creation of the new road traffic legislative structure, which incorporates the proposed *Road Traffic (Administration) Act 2007*, *Road Traffic (Vehicles) Act 2007* and the *Road Traffic (Authorisation to Drive) Act 2007*, that encompass the definition of a “road law”.

Division 17 — *Dangerous Goods Safety Act 2004*

Clause 112 The Act amended

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

Clause 113 Section 14 amended

This clause amends the reference to the definition of ‘owner’ that has been moved to the proposed *Road Traffic (Administration) Act 2007*, as a consequence of the restructure of the road traffic legislation.

Clause 114 Section 15 amended

This clause amends the reference to the definitions of ‘owner’ and ‘responsible person’ that have been moved to the proposed *Road Traffic (Administration) Act 2007*, as a consequence of the restructure of the road traffic legislation.

Division 18 — *Duties Act 2007*

Clause 115 The Act amended

Provides that amendments under Division 18 are to the *Duties Act 2007*.

Clause 116 Section 227 amended

This clause amends definitions at section 227 to reflect the new definitions of ‘CEO’ and ‘heavy vehicle’ which are now contained in the proposed *Road Traffic (Administration) Act 2007*. The clause further amends the reference to the definition of ‘motor vehicle’, which has been moved to the proposed *Road Traffic (Administration) Act 2007*.

Clause 117 Section 229 amended

As a consequence of Part III of the *Road Traffic Act 1974* being repealed, this clause amend section 229(2) by inserting the appropriate reference to the proposed *Road Traffic (Vehicles) Act 2007*.

Clause 118 Section 239 amended

This clause amends the references that relate to the granting of vehicle licences, to reflect that vehicle licences will now will be granted under the proposed *Road Traffic (Vehicles) Act 2007*.

Clause 119 References to the “Road Traffic Act” changed to “Vehicles Act”

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

Clause 120 References to “Direction General” changed to “CEO”

This clause amends the reference to “Director General” to “CEO” e.

Division 19 — *Emergency Management Act 2005*

Clause 121 The Act amended

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

Clause 122 Section 68 amended

This clause replaces the reference to the *Road Traffic Act 1974* with “road laws” which encompasses the proposed *Road Traffic (Administration) Act 2007*, *Road Traffic (Vehicles) Act 2007*, *Road Traffic (Authorisation to Drive) Act 2007* as well as the existing *Road Traffic Act 1974*.

Division 20 — *Environmental Protection Act 1986*

Clause 123 The Act amended

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

Clause 124 Section 3 amended

This clause amends the references to the definitions of ‘driver’, ‘motor vehicle’, ‘owner’ and ‘road’, that have been moved to the *Road Traffic (Administration) Act 2007*.

Division 21 — *Finance Brokers Control Act 1975*

Clause 125 The Act amended

Provides that amendments under Division 21 are to the *Finance Brokers Control Act 1975*.

Clause 126 Section 4 amended

This clause amends the reference to the definition of “motor vehicle” that has been moved to the proposed *Road Traffic (Administration) Act 2007*.

Division 22 — *Fines, Penalties and Infringement Notices Enforcement Act 1994*

Clause 127 The Act amended

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

Clause 128 Section 3 amended

This clause amends the reference to “Director General” to “CEO” under the definition contained in the *Road Traffic (Administration) Act 2007*. This clause further amends the references under which vehicle and driver licences are issued and introduces the new definition of “road law”.

Clause 129 Section 9 amended

This clause removes the reference to the *Road Traffic Act 1974* from section 9 of the *Fines, Penalties and Infringement Notices Enforcement Act 1994*, and replaces it with a “road law”, encompassing the *Road Traffic Act 1974* and the proposed *Road Traffic (Administration) Act 2007*, *Road Traffic (Authorisation to Drive) Act 2007* and the *Road Traffic (Vehicles) Act 2007*

Clause 130 Section 10 amended

This clause permits the Registrar of the Fines Enforcement Agency to access drivers and vehicle licences records for the purpose of performing his/ her functions under the Act. As records of drivers and vehicle licences will no longer necessarily be kept under the *Road Traffic Act 1974*, this section is amended to allow the Sheriff access to such records which will be kept under a “road law”, the definition of which is contained in Section 4 of the proposed *Road Traffic (Administration) Act 2007*.

Clause 131 Section 19 amended

As licence suspension orders will no longer be granted under the *Road Traffic Act 1974*, section 19(9) is amended to refer to licence suspension orders issued under the all-encompassing definition of a “road law”, as defined in the *Road Traffic (Administration) Act 2007*.

Clause 132 Section 20 amended

As licence suspension orders will no longer be granted under the *Road Traffic Act 1974*, section 20(6) is amended to refer to licence suspension orders issued under the all-encompassing definition of a “road law”, as defined in the *Road Traffic (Administration) Act 2007*.

Clause 133 Section 26 amended

This clause amends references that relate to the issue of an infringement notices that are now contained under section 79 of the *Road Traffic (Administration) Act 2007*.

Clause 134 Section 27A amended

As licence suspension orders will no longer be issued or cancelled under the provisions of the *Road Traffic Act 1974*, section 27A(9) is amended to refer to licence suspension orders issued under the all encompassing definition of a “road law” as defined in the *Road Traffic (Administration) Act 2007*.

Clause 135 Section 43 amended

As licence suspension orders will no longer be issued or cancelled under the provisions of the *Road Traffic Act 1974*, section 43(9) is amended to refer to licence suspension orders issued under the all encompassing definition of a “road law” as defined in the *Road Traffic (Administration) Act 2007*.

Clause 136 Section 44 amended

As licence suspension orders will no longer be issued or cancelled under the provisions of the *Road Traffic Act 1974*, section 44(6) is amended to refer to licence

suspension orders issued under the all encompassing definition of a “road law” as defined in the *Road Traffic (Administration) Act 2007*.

Clause 137 Section 47A amended

As licence suspension orders will no longer be issued or cancelled under the provisions of the *Road Traffic Act 1974*, section 47A(5) is amended to refer to licence suspension orders issued under the all encompassing definition of a “road law” as defined in the *Road Traffic (Administration) Act 2007*.

Clause 138 Section 55A amended

As licence suspension orders will no longer be issued or cancelled under the provisions of the *Road Traffic Act 1974*, section 55A(9) is amended to refer to licence suspension orders issued under the all encompassing definition of a “road law” as defined in the *Road Traffic (Administration) Act 2007*

Division 23 — *Fish Resources Management Act 1994*

Clause 139 The Act amended

Provides that amendments under Division 23 are to the *Fish Resource Management Act 1994*

Clause 140 Section 4 amended

This clause amends the references to the definition of ‘vehicle ‘ that has been moved to the proposed *Road Traffic (Administration) Act 2007*.

Division 24 — *Government Railways Act 1904*

Clause 141 The Act amended

Provides that amendments under Division 24 to the *Government Railways Act 1904*

Clause 142 Section 73 amended

As offences involving the driving of a motor vehicle will no longer necessarily occur under the *Road Traffic Act 1974*, they may occur under any of the *Road Traffic Act 1974*, *Road Traffic (Administration) Act 2007*, *Road Traffic (Vehicles) Act 2007* or the *Road Traffic (Authorisation to Drive) Act 2007*, 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 2007*.

Division 25 — *Health Act 1911*

Clause 143 The Act amended

Provides that amendments under Division 25 are to the *Health Act 1911*

Clause 144 Section 246ZZ amended

The averments clauses in the *Road Traffic Act 1974* relating the production of certificates and documents for vehicles have been moved to the proposed *Road*

Traffic (Administration) Act 2007. Section 246ZZ of the Act is amended to reflect the change of references.

Division 26 — *Land Administration Act 1997*

Clause 145 The Act amended

Provides that amendments under Division 26 are to the *Land Administration Act 1997*

Clause 146 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 2007*.

Division 27 — *Liquor Control Act 1988*

Clause 147 The Act amended

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

Clause 148 Section 119 amended

As a consequence of the deletion of the definition of the “road” from the *Road Traffic Act 1974*, section 119(4)(a) is amended to refer to the definition of “road” in the proposed *Road Traffic (Administration) Act 2007*.

Division 28 — *Local Government Act 1995*

Clause 149 The Act amended

Provides that amendments under Division 28 are to the *Local Government Act 1995*

Clause 150 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 proposed *Road Traffic (Administration) Act 2007*.

Clause 151 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 proposed *Road Traffic (Vehicles) Act 2007*.

Clause 152 Section 9.13 amended

This clause amends the references to the definitions of ‘owner’, ‘responsible person’, and ‘vehicle’ which have been moved to the proposed *Road Traffic (Administration) Act 2007*, as a consequence of the restructure of the road traffic legislation.

Clause 153 Section 9.15 amended

This clause amends the reference to the definition of ‘owner‘ have been moved to the proposed *Road Traffic (Administration) Act 2007*, as a consequence of the restructure of the road traffic legislation.

Clause 154 Section 9.18 amended

This clause amends the references to the definitions of ‘owner‘ and ‘vehicle‘ that have been moved to the proposed *Road Traffic (Administration) Act 2007*, as a consequence of the restructure of the road traffic legislation.

Division 29 — *Magistrates Court Act 2004*

Clause 155 The Act amended

Provides that amendments under Division 29 are to the *Magistrates Court Act 2004*.

Clause 156 Section 33 amended

This clause amends the reference to ‘Director General‘ to ‘CEO‘ under the new definition contained in the proposed *Road Traffic (Administration) Act 2007*.

Division 30 — *Main Roads Act 1930*

Clause 157 The Act amended

Provides that amendments under Division 30 are to the *Main Roads Act 1930*.

Clause 158 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 2007*, section 13(4) is no longer necessary as it’s purpose is now covered by the revised definition.

Clause 159 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(1)(b) is amended to refer to legislation contained under the definition of a ‘road law‘ in the proposed *Road Traffic (Administration) Act 2007*.

Clause 160 Section 31 amended

This clause amends section 31 by changing the reference whereby the CEO is required to credit certain funds to the Main Roads Trust Fund, from the *Road Traffic Act 1974* to the proposed *Road Traffic (Administration) Act 2007*.

Division 31 — *Marine and Harbours Act 1981*

Clause 161 The Act amended

Provides that amendments under Division 31 are of the *Marine and Harbours Act 1981*.

Clause 162 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 proposed *Road Traffic (Administration) Act 2007*.

Division 32 — *Mines Safety and Inspection Act 1994*

Clause 163 The Act amended

Provides that amendments under Division 32 of the *Mines Safety and Inspection Act 1994*.

Clause 164 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 proposed *Road Traffic (Administration) Act 2007*.

Division 33 — *Motor Vehicle Dealer Act 1973*

Clause 165 The Act amended

Provides that amendments under Division 30 are to the *Motor Vehicle Dealer Act 1973*.

Clause 166 Section 5 amended

This clause amends section 5(1) to reflect that vehicle licences will now be issued under the proposed *Road Traffic (Vehicles) Act 2007*. Further, the clause amends section 5(2)(a) to reflect that the definition of “motor vehicle” is now contained within the proposed *Road Traffic (Administration) Act 2007*.

Clause 167 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 proposed *Road Traffic (Vehicles) Act 2007*.

Clause 168 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 proposed *Road Traffic (Vehicles) Act 2007*.

Division 34 — *Motor Vehicle Drivers Instructors Act 1963*

Clause 169 The Act amended

Provides that amendments under Division 34 are to the *Motor Vehicle Drivers Instructors Act 1963*.

Clause 170 Section 3 amended

This clause amends the references to the definitions of ‘motor vehicle‘ and ‘road ’ that have been moved to the proposed *Road Traffic (Administration) Act 2007*, as a consequence of the restructure of the road traffic legislation.

Clause 171 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 proposed *Road Traffic (Vehicles) Act 2007*.

Clause 172 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) is amended to refer to legislation contained under the definition of a ‘road law’ in the proposed *Road Traffic (Administration) Act 2007*.

Division 35 — Motor Vehicle (Third Party Insurance) Act 1943

Clause 173 The Act amended

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

Clause 174 Section 2 amended

This clause replaces the reference to the *Road Traffic Act 1974* with the proposed *Road Traffic (Vehicles) Act 2007*, as that Act will provide for the grant of vehicle licences.

Clause 175 Section 3 amended

This clause amends the reference to ‘Director General’ to ‘CEO’ under the new definition contained in the *Road Traffic (Administration) Act 2007*. The clause further inserts the definition of ‘Vehicles Act’, to reflect the *Road Traffic (Vehicles) Act 2007*, under which vehicle licences will be granted.

Clause 176 Section 4 amended

This clause amends section 4(3)(b) to reflect that provisions relating to vehicle licensing are now contained under Part 2 of the proposed *Road Traffic (Vehicles) Act 2007*.

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 subclause 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 proposed *Road Traffic (Authorisation to Drive) Act 2007* and vehicle licenses issued under the proposed *Road Traffic (Vehicles) Act 2007*.

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

Clause 177 Section 18 amended

This clause amends section 18 to reflect that driver licences will be issued under the proposed *Road Traffic (Authorisation to Drive) Act 2007*.

Clause 178 Section 21 amended

This clause amends section 21 to reflect that vehicle licenses will be issued under the proposed *Road Traffic (Vehicles) Act 2007*.

Clause 179 Various provisions amended in relation to Traffic Act

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 proposed *Road Traffic (Vehicles) Act 2007*.

Division 36 — Parks and Reserves Act 1895

Clause 180 The Act amended

Provides that amendments under Division 36 are to the *Parks and Reserves Act 1895*.

Clause 181 Section 2 amended

This clause amends the references to the definitions of 'owner' and "vehicle" that have been moved to the proposed *Road Traffic (Administration) Act 2007*.

Clause 182 Section 7A amended

This clause amends section 7A(2) to reflect that vehicle licences will now be issued under the proposed *Road Traffic (Vehicles) Act 2007*.

Clause 183 Section 7C amended

This clause amends the reference to the definition of "speed measuring equipment" that have been moved to the propose clause 117(2) of the *Road Traffic (Administration) Act 2007*.

Division 37 — *Perth Market Act 1926*

Clause 184 The Act amended

Provides that amendments under Division 37 are to the *Perth Market Act 1926*

Clause 185 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 proposed *Road Traffic (Vehicles) Act 2007*.

Division 38 — *Petroleum Products Pricing Act 1973*.

Clause 186 The Act amended

Provides that amendments under Division 38 are to the *Petroleum Products Act 1973*.

Clause 187 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 2007*.

Division 39 — *Planning and Development Act 2005*

Clause 188 The Act amended

Provides that amendments under Division 39 are to the *Planning and Development Act 2005*.

Clause 189 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 2007*.

Division 40 — *Prisons Act 1981*

Clause 190 The Act amended

Provides that amendments under Division 40 are to the *Prisons Act 1981*.

Clause 191 Section 15L amended

This clause amends the reference to the definition of “infringement notice” that is now contained at clause 79 of the proposed *Road Traffic (Administration) Act 2007*.

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 2007*.

Division 41 — *Retail Trading Hours Act 1987*

Clause 192 The Act amended

Provides that amendments under Division 41 are to the *Retail Trading Hours Act 1987*.

Clause 193 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 2007*.

Division 42 — *Owner- Drivers (contracts and Disputes Act 2007*

Clause 194 The Act amended

Provides that amendments under Division 42 are to the *Owners – Drivers (Contracts and Disputes) Act 2007*.

Clause 195 Section 3 amended

As the *Road Traffic (Vehicles) Act 2007* will introduce a definition of “heavy vehicle”, section 3(1) is amended to refer to that definition for consistency.

Division 43 — *Road Safety Council Act 2002*

Clause 196 The Act amended

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

Clause 197 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 proposed *Road Traffic (Administration) Act 2007*.

Clause 198 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 reference of Minister administering the *Road Traffic (Administration) Act 2007*.

Clause 199 Section 12 amended

This clause makes various references changes to reflect provisions that have been moved to the proposed *Road Traffic (Administration) Act 2007*, *Road Traffic (Vehicles) Act 2007* or the *Road Traffic (Authorisation to Drive) Act 2007*, as consequence of the restructure of the road traffic legislation.

Division 44 — Sentencing Act 1995

Clause 200 The Act amended

Provides that amendments under Division 44 are to the *Sentencing Act 1995*.

Clause 201 Section 45 amended

As driver's licences will no longer be necessarily disqualified or cancelled under the *Road Traffic Act 1974*, section 45(5)(a)(i) is amended to refer to drivers licences disqualified under the all-encompassing definition of a "road law", defined in the *Road Traffic (Administration) Act 2007*.

Clause 202 Section 105 amended

This clause makes various references changes to reflect provisions that have been moved to the proposed *Road Traffic (Administration) Act 2007*, *Road Traffic (Vehicles) Act 2007* or the *Road Traffic (Authorisation to Drive) Act 2007*, as consequence of the restructure of the road traffic legislation.

Division 45— Taxation Administration Act 2003

Clause 203 The Act amended

Provides that amendments under Division 45 are to the *Taxation Administration Act 2003*.

Clause 204 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 proposed *Road Traffic (Administration) Act 2007*.

Division 46 — Taxi Act 1994

Clause 205 The Act amended

Provides that amendments under Division 46 are to the *Taxi Act 1994*

Clause 206 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 2007*.

This clause also amends section 16(10) to reflect that the definition of "owner" is now contained in the proposed *Road Traffic (Administration) Act 2007*.

Clause 207 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 proposed *Road Traffic (Authorisation to Drive) Act 2007*.

Division 47 — Transport Co-ordination Act 1966

Clause 208 The Act amended

Provides that amendments under Division 447 are to the *Transport Co-ordination Act 1966*.

Clause 209 Section 27 amended

Term of "Metropolitan Transport Area" is deleted, as it no longer used under current legislative framework, as it is now dealt with via reference to the *Main Roads Act 1930*, which covers all roads under the Commissioner of Main Roads control.

Clause 210 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 proposed *Road Traffic (Vehicles) Act 2007*.

Clause 211 Section 42 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 proposed *Road Traffic (Vehicles) Act 2007*.

Clause 212 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 2007*.

Clause 213 Section 47ZE amended

This clause amends section 47ZE to reflect that "taxi driver licences" will now be issued under the *Road Traffic (Authorisation to Drive) Act 2007*.

Clause 214 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, this reference is no longer relevant and can be repealed.

Clause 215 Section 58B amended

Section 58B(3) is amended to refer to the new definition of "motor vehicle" contained in the proposed *Road Traffic (Administration) Act 2007*.

Clause 216 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 2007*, *Road Traffic (Vehicles) Act 2007* and the *Road Traffic (Authorisation to Drive) Act 2007*, clause 59 is amended to refer to the all-encompassing definition of a “road law” contained in the *Road Traffic (Administration) Act 2007*.

Clause 217 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 proposed *Road Traffic (Vehicles) Act 2007*.

Division 48 — *University of Western Australia Act 1911*

Clause 218 The Act amended

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

Clause 219 Section 16A amended

This clause amends the references to the definitions of ‘owner“ and “responsible person” that have been moved to the proposed *Road Traffic (Administration) Act 2007*, as a consequence of the restructure of the road traffic legislation.

Division 49 — *Western Australian Sports Centre Trust Act 1986*

Clause 220 The Act amended

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

Clause 221 Section 18D amended

This clause amends the references to the definition of ‘motor vehicle“ that has been moved to the proposed *Road Traffic (Administration) Act 2007*. Further, section 18D(3) is amended to reflect that vehicle licences are now issued under the proposed *Road Traffic (Vehicles) Act 2007*.

Division 50 — *Young Offenders Act 1994*

Clause 222 The Act amended

Provides that amendments under Division 50 are to the *Young Offenders Act 1994*.

Clause 223 Section 46 amended

This clause amends the current reference to section 106(1) and (2) of the *Road Traffic Act 1974* to the new clause 121, of the proposed *Road Traffic (Administration) Act 2007*.

Clause 224 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 2007*.

Clause 225 Section 189 amended

As a consequence of section 5 of the *Road Traffic Act 1974*, being replaced, the definition of "drivers licence" is now repealed and replaced with the definition of "drivers licence" which is now contained under clause 4 of the *Road Traffic (Administration) Act 2007*.

Division 51 — Zoological Parks Authority Act 2001

Clause 226 The Act amended

Provides that amendments under Division 51 are to the *Zoological Parks Authority Act 2001*.

Clause 227 Section 3 amended

This clause amends section 3 to reflect that vehicle licences will now be issued under the proposed *Road Traffic (Vehicles) Act 2007* and that the definition of "vehicle" is now contained within the proposed *Road Traffic (Administration) Act 2007*.