

Road Traffic (Vehicles) Amendment (Offensive Advertising) Bill 2022

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Western Australia

LEGISLATIVE ASSEMBLY

Road Traffic (Vehicles) Amendment (Offensive Advertising) Bill 2022

A Bill for

An Act to amend the *Road Traffic (Vehicles) Act 2012*.

The Parliament of Western Australia enacts as follows:

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1 **1. Short title**

2 This is the *Road Traffic (Vehicles) Amendment (Offensive*
3 *Advertising) Act 2022*.

4 **2. Commencement**

5 This Act comes into operation as follows —

- 6 (a) sections 1 and 2 — on the day on which this Act
7 receives the Royal Assent;
8 (b) the rest of the Act — on a day fixed by proclamation.

9 **3. Act amended**

10 This Act amends the *Road Traffic (Vehicles) Act 2012*.

11 **4. Section 3 amended**

12 In section 3(1) insert in alphabetical order:

13

14 *licence warning notice* has the meaning given in
15 section 19A(3);
16

17 **5. Part 2 Division 1 heading inserted**

18 At the beginning of Part 2 insert:

19

20 **Division 1 — General provisions about licensing**
21

22 **6. Section 4 amended**

23 In section 4(6) delete “4(3)(a),” and insert:

24

25 4(3A),
26

1 **7. Section 5 amended**

2 (1) In section 5(1) delete “a vehicle” (2nd occurrence) and insert:

3

4 the vehicle

5

6 (2) In section 5(3):

7 (a) delete “Upon an application under subsection (1) the
8 CEO, in accordance with the regulations, is to grant,
9 renew, transfer or vary a licence for a” and insert:

10

11 If an owner of a vehicle makes an application under
12 subsection (1), the CEO must, in accordance with the
13 regulations, grant, renew, transfer or vary a licence for
14 the

15

16 (b) in paragraph (j) delete “vehicle.” and insert:

17

18 vehicle; and

19

20 (c) after paragraph (j) insert:

21

22 (k) in the case of an application for the grant of a
23 licence where a licence warning notice relating
24 to the vehicle is in force — the CEO is satisfied
25 that the advertisement that gave rise to the
26 licence warning notice has been removed from
27 the vehicle; and

28 (l) in the case of an application for the transfer of a
29 licence — there is no licence warning notice
30 relating to the vehicle in force.

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1 **8. Section 9 amended**

2 (1) In section 9(1):

3 (a) in paragraph (d) delete “28A.” and insert:

4

5 28A; or

6

7 (b) after paragraph (d) insert:

8

9 (e) each of the following applies —

10 (i) the CEO gives a licence warning notice
11 to a responsible person for the vehicle
12 under section 19A;

13 (ii) it is on or after the day specified in the
14 notice under section 19A(3)(b);

15 (iii) the notice is in force.

16

17 (2) In section 9(2) delete “(b) or (c),” and insert:

18

19 (b), (c) or (e),

20

21 **9. Part 2 Division 2 inserted**

22 At the end of Part 2 insert:

23

24 **Division 2 — Offensive advertisements on vehicles**

25 **19A. Licence warning notices**

26 (1) In this section —

27 *Ad Standards* means the Australian Association of
28 National Advertisers ACN 003 179 673 carrying on
29 business under the name Ad Standards;

- 1 **advertising code** means —
- 2 (a) the Australian Association of National
- 3 Advertisers Code of Ethics, published by the
- 4 Australian Association of National Advertisers
- 5 ACN 003 179 673, as in force from time to
- 6 time; or
- 7 (b) another document prescribed by the regulations
- 8 for the purposes of this definition to be an
- 9 advertising code.
- 10 (2) This section applies if Ad Standards gives written
- 11 notice to the CEO that —
- 12 (a) Ad Standards, or a body appointed by Ad
- 13 Standards, has made a final determination that
- 14 an advertisement on a vehicle breaches the
- 15 advertising code; and
- 16 (b) Ad Standards does not believe that the
- 17 advertisement has been removed from the
- 18 vehicle.
- 19 (3) The CEO may give written notice (a **licence warning**
- 20 **notice**) to a responsible person for the vehicle stating
- 21 that —
- 22 (a) Ad Standards has notified the CEO that —
- 23 (i) a determination has been made that an
- 24 advertisement on the vehicle is in
- 25 breach of the advertising code; and
- 26 (ii) Ad Standards does not believe that the
- 27 advertisement has been removed from
- 28 the vehicle;
- 29 and

s. 9

- 1 (b) unless the CEO is satisfied that the
2 advertisement has been removed from the
3 vehicle, the CEO may cancel the vehicle
4 licence for the vehicle on or after the day
5 specified in the licence warning notice.
- 6 (4) The day specified under subsection (3)(b) must not be
7 less than 14 days after the day on which the CEO gives
8 the licence warning notice to the responsible person.
- 9 (5) The licence warning notice is in force until —
10 (a) it is withdrawn under section 19B; or
11 (b) the vehicle licence for the vehicle expires
12 without being renewed, or is cancelled, and a
13 new vehicle licence for the vehicle is granted.

14 **19B. Withdrawal of licence warning notices**

- 15 (1) This section applies if —
16 (a) the CEO gives a licence warning notice to a
17 responsible person for a vehicle; and
18 (b) the vehicle licence for the vehicle has not
19 expired or been cancelled since the licence
20 warning notice was given; and
21 (c) the CEO is satisfied that the advertisement that
22 gave rise to the licence warning notice has been
23 removed from the vehicle.
- 24 (2) The CEO must, by written notice given to the
25 responsible person, withdraw the licence warning
26 notice.
- 27 (3) The notice under subsection (2) must state that the
28 CEO cannot cancel the vehicle licence for the vehicle
29 on the basis of the licence warning notice.

- 1 (4) For the purposes of subsection (1)(b), a vehicle licence
2 that expires and is renewed is taken not to have
3 expired.

4
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