

TRAFFIC (No. 4).

8° Elizabeth II., No. LXVII.

No. 67 of 1959.

AN ACT to amend the Traffic Act, 1919-1959.

[Assented to 10th December, 1959.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Traffic Act Amendment Act (No. 4), 1959.*

Short title and citation.

(2) In this Act the Traffic Act, 1919-1959, is referred to as the principal Act.

Reprinted as approved for reprint 23/4/58 in Vol. 12 of the Reprinted Acts and amended by Acts Nos. 57 and 59 of 1958 and Nos. 12 and 18 of 1959.

(3) The principal Act as amended by this Act may be cited as the Traffic Act, 1919-1959.

Commence-
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

ss. 33A and
33B added.

3. The principal Act is amended by adding after section thirty-three the following sections—

Removal of
disqualifica-
tion and
suspension.

33A. (1) Where by virtue of a conviction for an offence against this Act or an order made by a Court under this Act

the license to drive a vehicle that has been granted and issued to a person is suspended; or

a person is disqualified from obtaining a license to drive a vehicle; or the license is so suspended and the person so disqualified,

the person may at any time after the date of the conviction or order on complaint duly laid before any Court of Petty Sessions composed of a Stipendiary Magistrate and served on the Commissioner of Police as defendant to the proceedings, apply to the Court for an order removing the suspension or disqualification or both.

(2) The Court may if it thinks proper having regard to

- (a) the safety of the public generally;
- (b) the character of the complainant;
- (c) the circumstances of the case;
- (d) the nature of the offence;
- (e) the conduct of the complainant subsequent to the conviction or order; and
- (f) the degree of hardship and inconvenience which would otherwise result to the complainant and his family, if it refrains from making the order;

make an order subject to the provisions of subsection (4) of this section that the suspension

or disqualification or both be removed as from such date as may be specified in the order or dismiss the complaint.

(3) Where a complaint made under this section is dismissed, no further complaint thereunder shall be heard if it is made within six months after the date the complaint is dismissed.

(4) (a) Where the Court makes an order removing the suspension or disqualification or both, it shall if requested by the complainant direct the Commissioner of Police on payment of the prescribed fee to grant and issue to him an extraordinary license under section twenty-four A of this Act for such period not exceeding twelve months from the date on which it is issued, as the Court thinks fit and shall also specify in the direction such limitations and conditions, including conditions

as to the locality in which, the class of vehicle that may be driven under the authority of the license, the roads on and the hours during which the complainant is entitled to drive,

as the Court thinks proper, subject to the observance of which the authority to drive on roads pursuant to the license may be exercised.

(b) The Commissioner shall give effect to the direction and when issuing the license shall specify therein the limitations or conditions so ordered to be imposed.

(c) An extraordinary license shall be renewed from time to time, on payment of the prescribed fee, by the Commissioner of Police or any member of the Police Force acting with his authority for any period not exceeding twelve months if during the currency of the license the holder of the license has not contravened any

of the limitations and conditions which the Court imposed when directing the license to be issued and has otherwise complied with the provisions of this Act, and the renewal thereof shall be endorsed thereon by the person renewing it.

(d) Subject to the provisions of this Act, if the Court makes an order under the provisions of this section, the complainant is not entitled to apply for or be granted or issued with a license under the provisions of section twenty-three of this Act until after the expiration of the period for which the suspension or disqualification referred to in subsection (1) of this section would have, but for the making of the order, continued.

(5) (a) The holder of an extraordinary license issued under this section may from time to time during the currency of the license apply to the Court in the manner provided in subsection (1) of this section, for an order varying the limitations and conditions to which the license is for the time being subject or cancelling and substituting other limitations and conditions therefor.

(b) If the Court is of opinion that the limitations and conditions, to which the extraordinary license is then subject, should be varied or cancelled and other limitations or conditions substituted therefor for the reason that the complainant has changed his place of residence, place of employment or hours of employment or for any other reason which the Court considers sufficient, the Court may order accordingly.

(c) When an order is so made, the Commissioner of Police shall cause the limitations and conditions as so varied or substituted to be endorsed on the license.

(d) The Court may order the complainant to pay the whole or any part of the costs of an application made under this section.

33B. (1) Any person to whom an extraordinary license has been issued pursuant to the provisions of section thirty-three A of this Act shall not drive on a road any motor vehicle

Penalty for
contravening
conditions
of extra-
ordinary
license.

- (a) at a time or in a locality other than as specified in the license;
- (b) other than the motor vehicle or the class of motor vehicles in respect of which the license was issued;
- (c) otherwise than in compliance with such other limitations and conditions, if any, as are specified in the license.

Penalty: One hundred pounds.

(2) In addition to the penalty which may be imposed under the provisions of subsection (1) of this section, the Court before which the defendant is convicted shall cancel the extraordinary license and declare the defendant disqualified from holding a license under this Division for such period as it thinks fit unless the Court thinks that, having regard to the special circumstances of the case, a fine would be an adequate punishment, for the offence.
