

SIGNED for and on behalf of THE STATE OF WESTERN AUSTRALIA by the Honourable JOHN TRESIZE TONKIN, the Premier of the State, in the presence of—

John T. Tonkin

W. S. Lennie

SIGNED for and on behalf of THE STATE OF TASMANIA by the Honourable WALTER ANGUS BETHUNE, the Premier of the State, in the presence of—

W. A. Bethune

B. Cowling

THE SECOND SCHEDULE.

(Section 18.)

Rural Reconstruction Act 1971.

PROTECTION CERTIFICATE.

THIS IS TO CERTIFY that [*the farmer*] of _____ is protected under the *Rural Reconstruction Act 1971* in respect of all debts contracted by him before the day of issue hereof [*or a debt owing by him to _____, of _____, for _____, [or under _____]] until the _____ day of _____, 19_____.*

Issued by the Rural Reconstruction Board under its common seal at Hobart this _____ day of _____, 19_____.

The common seal of the Rural Reconstruction Board affixed in the presence of

A. B. _____, chairman [*or member*] and
C. D. _____, member [*or secretary*].

L. S.

TRAFFIC.

No. 50 of 1971.

AN ACT to amend the *Traffic Act 1925*.

[28 October 1971.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Traffic Act 1971*.

(2) The *Traffic Act 1925*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) This Act shall commence on a date to be fixed by proclamation and does not apply to offences committed before its commencement.

2 Section three of the Principal Act is amended—Interpre-
tation.

(a) by inserting in subsection (1), after the definition of “council”, the following definition:—

“ ‘disqualification notice’ has the meaning assigned to that expression by subsection (4) of section forty-three E;”;

(b) by inserting in subsection (1), after the definition of “traffic area”, the following definition:—

“ ‘traffic infringement notice’ has the meaning assigned to that expression by subsection (1) of section forty-three H;”;

(c) by adding at the end of subsection (1), the following definition:—

“ ‘withdrawal notice’ has the meaning assigned to that expression by subsection (1) of section forty-three J.”.

3 Section thirty-six A of the Principal Act is amended by inserting after subsection (1A) the following subsections:—Effect of dis-
qualification.

“(1B) For the purposes of this section a person disqualified under section forty-three E for obtaining or holding a driver’s licence shall be deemed to be so disqualified for a period of less than three months.

“(1C) Notwithstanding subsection (1) of this section, where a person is disqualified under section forty-three E the reinstatement of any driver’s licence held by him at the time of that disqualification is subject to a practical demonstration, to the satisfaction of a testing officer being an officer of the Commission, of his ability to operate and drive a motor vehicle of the class or type in respect of which the licence was issued with safety to the public and to the certificate of the Registrar that, in his opinion, that person is not otherwise unfit to hold a driver’s licence.

“(1D) In any case in which a person is disqualified under section forty-three E and the reinstatement of his driver’s licence at the end of the period of disqualification is deferred owing to the refusal of the Registrar to issue his certificate under subsection (1C) of this section, that person may appeal to a stipendiary magistrate as provided by this Act against that refusal.

“(1E) A demonstration of ability to operate and drive a motor vehicle under subsection (1C) of this section, the issue or refusal to issue by the Registrar his certificate under that subsection, and the making and hearing of an appeal under subsection (1D) of this section, may occur during the period of disqualification.

“(1F) Notwithstanding section forty-three E, a person driving a motor vehicle for the purpose of a practical demonstration under subsection (1C) of this section is deemed, for the purpose of any law, contract, or for any other purpose whatsoever, to be a duly licensed driver.

“(1G) Notwithstanding section forty-three E, a person disqualified under that section who, in giving a practical demonstration under subsection (1C) of this section fails to satisfy the testing officer of his ability to drive with safety to the public, may drive a motor

vehicle if there is seated beside him a person holding a current motor driving instructor's licence issued under this Act and, when so driving a motor vehicle, the person who is so disqualified is deemed, for the purpose of any law, contract, or for any other purpose whatsoever, to be a duly licensed driver.”.

4 After Part IV of the Principal Act the following Parts are inserted:—

“ PART IVA.

“ THE DEMERIT POINTS SYSTEM.

Prescription of demerit points.

“ 43B For the purposes of this Part the prescribed offences are the offences described in the first columns respectively of Part II and Part III of the fifth schedule and the number of demerit points prescribed in respect of any such offence is the number of demerit points so prescribed by that schedule.

Award of demerit points on conviction.

“ 43C—(1) Subject to this section, where a person is convicted of a prescribed offence the court shall award against him the number of demerit points prescribed in respect of that offence.

“(2) Where the number of demerit points prescribed in respect of an offence depends on facts that do not necessarily have to be established for a conviction for that offence a court in convicting a person of that offence shall declare such of those facts as it finds have been established on the trial of that person for that offence.

“(3) Where, on the conviction of a person for a prescribed offence, the court is satisfied that, in the special circumstances of the case, no demerit points should be awarded against him in respect of that conviction or a number of points less than the number that would otherwise be awarded in respect of that conviction should be so awarded it may, as it considers just in the circumstances, refrain from awarding him any demerit points or award him a number of demerit points less than the number that would otherwise be awarded in respect of that conviction.

“(4) In a case where two or more offences are committed by the same person and, having regard to the nature of the offences and the circumstances in which they were committed, the court is of the opinion that they can fairly be regarded as having arisen out of the same occurrence or out of a course of conduct pursued by that person at the time at which the offences were committed, it may, if it considers it just so to do, treat the fact that they may so be regarded as a special circumstance for the purposes of subsection (3) of this section.

Award of demerit points on infringement notice.

“ 43D Where a traffic infringement notice has been accepted by the person on whom it was served, and has not been withdrawn, there shall be awarded against that person the number of demerit points prescribed in respect of the offence indicated in the notice as the offence in respect of which it was served.

Liability for disqualification on accumulation of demerit points.

“ 43E—(1) Where, in respect of the offences committed by a person during any period of three years or less, the aggregate number of demerit points awarded against him is nine or more, that person is liable to be disqualified under this section for obtaining or holding a driver's licence.

“(2) For the purposes of this section an offence for which a person has been convicted, or in respect of which he has accepted a traffic infringement notice, shall be deemed to have been committed at the time at which the act or conduct constituting that offence occurred.

“(3) Where a person—

- (a) has, on his conviction for an offence, been disqualified for obtaining or holding a driver's licence for a period of not less than three months; or
- (b) has been disqualified under this section for obtaining or holding such a licence,

there shall be disregarded, for the purposes of subsection (1) of this section, that offence and any offence of which he was convicted, or in respect of which he accepted a traffic infringement notice (not being a notice that has been withdrawn), before he became so disqualified.

“(4) Where a person is liable to be disqualified under this section for obtaining or holding a driver's licence, a registering authority shall serve on him a notice (in this Act referred to as a ‘disqualification notice’) informing him that he is so disqualified for the period of ninety days commencing on the date of the service of the notice; and on the service of that notice he becomes so disqualified for that period.

“(5) Notwithstanding any other provision of this section a disqualification imposed on any person thereunder shall be deemed not to disqualify him for obtaining or holding a driver's licence that only authorizes him to drive farm tractors within, or within one mile of, a farm for the purposes of that farm; and any driver's licence that is held by him at the time the disqualification is imposed and authorizes him to drive farm tractors continues to have effect as a driver's licence that only authorizes him to drive farm tractors within, or within one mile of, a farm for the purposes of that farm.

“(6) For the purposes of this section—

‘farm’ means an area of land in the same occupation on which farming, dairying, pastoral, or horticultural pursuits are carried on; and

‘farm tractor’ means a tractor constructed and used primarily for drawing a plough, harvester, baler, or other contrivance used for the purposes of a farm, not being a motor vehicle that forms part of an articulated vehicle.

“(7) A disqualification notice shall be served on a person by delivering it to him personally.

“43F—(1) A record of the particulars of the demerit points awarded against any person shall be kept at the office of the Commission, and section eleven applies to that record as it applies to the record referred to in that section.

Records of
demerit points.

“(2) For the purpose of making or keeping the record required to be kept under subsection (1) of this section, the regulations may confer powers or impose duties on officers of courts, police officers, officers of the Commission, and other persons.

“(3) Any person, or some other person authorized by him in that behalf, is entitled, on payment of the prescribed fee, to search the records kept under this section so far as it relates to the demerit points awarded against him.

“(4) An authority given to any person for the purposes of subsection (3) of this section shall be given in writing unless it is given to a legal practitioner acting for that person.

“(5) Any person who considers that the record made or kept under this section in respect of him is incorrect in any particular may apply in the prescribed manner to a stipendiary magistrate for an order for the correction of the record and, on such an application the magistrate, unless he is satisfied that the record is correct shall order it to be corrected in such manner as may be specified in the order.

“(6) The Commission shall cause effect to be given to the orders made under subsection (5) of this section.

“(7) A stipendiary magistrate who hears an application under subsection (5) of this section—

(a) shall, if he is satisfied that the record in respect of which the application is made is incorrect; or

(b) may, if he is satisfied that that record is correct and that the application was made frivolously or vexatiously,

make such order as he considers just in respect of the costs of the application.

“ PART IVB.

“ TRAFFIC INFRINGEMENT NOTICES.

Prescription of offences and penalties for purposes of Part IVB.

“43G For the purposes of this Part the prescribed offences are the offences described in the first column of Part III of the fifth schedule and the prescribed penalty in respect of any such offence is the penalty so prescribed by that schedule.

Service and acceptance of traffic infringement notices.

“43H—(1) Where a police officer is satisfied that a person has committed a prescribed offence he may serve on that person a notice (in this Act referred to as a ‘ traffic infringement notice ’) in respect of that offence.

“(2) A traffic infringement notice shall—

(a) indicate the offence in respect of which it is served; and

(b) specify the number of demerit points (if any) prescribed under Part IVA in respect of that offence and the prescribed penalty for that offence,

and shall be in such form, or contain such information or other matter, as may be prescribed.

“(3) A traffic infringement notice served on any person shall clearly indicate to him that he may disregard the notice, but if he does so he may be prosecuted before a court for the offence to which it relates.

“(4) Unless it has been withdrawn, a traffic infringement notice served on a person in respect of any offence may be accepted by him either—

- (a) by the payment, within twenty-one days of the service of the notice, of the prescribed penalty to the designated clerk of petty sessions specified in that behalf in the notice; or
- (b) by lodging with that clerk of petty sessions, within twenty-one days of the service of the notice, a written undertaking by that person to pay the penalty by such instalments or within such time as that clerk may direct.

“(5) Where a traffic infringement notice in respect of a prescribed offence has been served on a person no proceedings shall be brought against that person for that offence if the notice has been accepted and has not been withdrawn, and (whether or not the notice is accepted) no such proceedings shall be brought within the period of twenty-eight days following the service of the notice unless it has been withdrawn.

“(6) Where a traffic infringement notice in respect of an offence has been accepted by a person and has not been withdrawn that acceptance shall, in relation to proceedings for any other offence, be treated as a conviction for the offence in respect of which the notice was served unless the court before which those proceedings are taken is satisfied that it is unjust that it should be so treated.

“(7) Acceptance of a traffic infringement notice shall not be regarded as an admission of liability for the purpose of, nor in any way affect or prejudice, any civil claim, action, or proceeding.

“(8) The Governor may, by order, declare the districts the clerks of petty sessions of which are to be designated clerks of petty sessions for the purpose of this section, and the clerk of petty sessions for any district so declared is a designated clerk of petty sessions for the purposes of this section.

“43J—(1) A traffic infringement notice that has been served on any person may, whether or not it has been accepted, be withdrawn at any time within twenty-eight days after the service of the notice, by the service on that person by the Commissioner of Police or some police officer authorized by him in that behalf of a notice in the prescribed form (in this Act referred to as a ‘withdrawal notice’) stating that the traffic infringement notice has been withdrawn.

Withdrawal
of traffic
infringement
notices.

“(2) Where a traffic infringement notice has been withdrawn under this section and any sums have been paid to a clerk of petty sessions by way of penalty in pursuance of that notice, that clerk of petty sessions shall repay the sum so paid to the person on whom the notice was served.

“(3) Where a traffic infringement notice has been served in respect of an offence and has been withdrawn no evidence of the service, acceptance, or withdrawal of the notice is admissible in any proceedings for that offence.

“(4) References in this Act to the withdrawal of a traffic infringement notice shall be construed as references to the withdrawal of that notice under this section.

Effect of undertaking to pay a prescribed penalty.

“43K—(1) Where such an undertaking as is referred to in paragraph (b) of subsection (4) of section forty-three H is lodged with a clerk of petty sessions the clerk shall give directions to the person by whom the undertaking is given requiring him to pay the penalty to which the undertaking relates in such instalments or within such time as may be specified in the directions.

“(2) No directions shall be given under subsection (1) of this section that would have the effect of allowing any part of the penalty to which they relate being paid after the expiration of twenty-eight days from the date on which they are given.

“(3) Before giving directions under subsection (1) of this section with respect to any person the clerk shall consider any representations made to him by or on behalf of that person, whether at the time the undertaking is lodged or otherwise, with respect to his financial circumstances, and shall give such directions as, having regard to those representations and all the circumstances of the case, he considers just and reasonable.

“(4) Where a person fails to comply with any directions given to him under subsection (1) of this section the like proceedings may be had in respect of so much of the penalty to which the directions relate as remains unpaid as if the penalty were a penalty imposed on him on his summary conviction for an offence.

Service of notices.

“43L—(1) A traffic infringement notice shall be served on a person by a police officer delivering it to him in person at or as near as practicable to the place of the commission of the offence.

“(2) A withdrawal notice shall be served on a person by delivering it to him in person.

Application of penalties.

“43M Any sums paid to a clerk of petty sessions under this Part by way of penalty shall be paid into the Consolidated Revenue.”

The fifth schedule.

5 The Principal Act is amended by adding at the end thereof the following schedule:—

“ THE FIFTH SCHEDULE.

(Sections 43B and 43G.)

“ DEMERIT POINTS AND PRESCRIBED PENALTIES.

“ PART I.

“ General.

“ 1—(1) In this schedule, ‘ the traffic regulations ’ means the regulations for the time being in force under section 10, section 31, or section 44.

“(2) Except where the contrary intention otherwise appears, words and expressions used in this schedule have the same meaning as they have for the purposes of the traffic regulations.

“ 2. The number of demerit points prescribed—

(a) in respect of an offence described in the first column of Part II of this schedule is the number set forth against that offence, as so described, in the second column of that Part; and

(b) in respect of an offence described in the first column of Part III of this schedule is the number set forth against that offence, as so described, in the second column of that Part.

“ 3. The penalty prescribed in respect of an offence described in the first column of Part III of this schedule is the penalty set forth against that offence, as so described, in the third column of that Part.

“ PART II.

“ *Offences for which demerit points are prescribed, but in respect of which traffic infringement notices may not be served.*

Offence.	Number of demerit points.
An offence under section 32 of this Act	4
An offence under the <i>Road Safety (Alcohol and Drugs) Act 1970</i> , not being an offence under any of the following provisions of that Act, namely:— Subsection (2) or subsection (3) of section 7; or Section 15	

“ PART III.

“ *Offences for which demerit points are prescribed, and in respect of which traffic infringement notices may be served.*

Offence.	Demerit points.	Penalty.
“ 1. Any of the following offences under the traffic regulations committed by a person driving or in charge of a motor vehicle, namely:—		
(a) Exceeding a prescribed speed limit (not being a limit imposed by a road sign)—		
(i) by not less than 10 miles per hour;	3	\$15
(ii) by less than 10 miles per hour;	2	\$15
(b) Failure to give way to, or allow to proceed, any vehicle to the right;	3	\$15
(c) Driving without due care and attention or without reasonable consideration for other persons;	3	\$15
(d) Failure to comply with a road sign (not being a sign limiting the parking of vehicles);	3	\$15
(e) Failure to observe traffic control light signals or the direction of a police officer;	3	\$15
(f) Failure to give way to, or give precedence to, a pedestrian at any crossing marked in or on a public street or at any traffic control light signals;	3	\$15
(g) Overtaking or passing contrary to the Traffic Regulations;	3	\$15
(h) Driving a vehicle so that parallel lines are not on the right or off-side thereof;	3	\$15

Offence.	Demerit points.	Penalty.
(i) Failure to keep a vehicle to the left or near side, or to the left of the centre, of a street or carriageway;	3	\$15
(j) Driving a motor vehicle that is unfit for safe use or that has insufficient brakes;	3	\$15
(k) Failure to keep a vehicle wholly within a traffic lane, or failure to indicate an intention to change traffic lanes, or changing traffic lanes when it is not safe to do so;	2	\$15
(l) Failure to indicate an intention to turn, or stop;	2	\$15
(m) Turning, or attempting to turn, contrary to the Traffic Regulations;	2	\$15
(n) Failure to stop at a railway crossing, when required to do so, or driving or attempting to drive across a railway crossing contrary to the Traffic Regulations.	2	\$15
"2. Any offence under the traffic regulations, not elsewhere described in this Part of this schedule, committed by the driver of a motor vehicle in motion or a person attempting to drive, or in charge of a motor vehicle."	1	\$10

PRESBYTERIAN CHURCH OF AUSTRALIA.

No. 51 of 1971.

An Act to vary the trusts of property held for the purposes of the Presbyterian Church of Tasmania and to enable certain arrangements entered into between the Presbyterian Churches of New South Wales, Victoria, Queensland, South Australia, Western Australia, and Tasmania, to be carried into effect and for other purposes.
[28 October 1971.]

WHEREAS by the *Presbyterian Church Act 1896* new provision was made for the government and property of the Presbyterian Church of Tasmania and for effecting a union of that church with any one or more of the Presbyterian Churches in any one or more of the Australasian colonies but without affecting the property of the church:

And whereas the Presbyterian Church of Tasmania, acting pursuant to that Act, the Presbyterian Church of New South Wales (now known as the Presbyterian Church of Australia in the State of New South Wales), the Presbyterian Church of Victoria, the Presbyterian Church of Queensland, the Presbyterian Church of South Australia, and the Presbyterian Church in Western Australia resolved to unite and form one Presbyterian Church, to be called the "Presbyterian Church of Australia" within which those Churches continued