



## TRAFFIC

No. 58 of 1977

### ANALYSIS

1. Short title and citation.
2. Regulations: Application to the Crown.
3. Restricted licences.
4. Penalties.
5. Amendment of *Criminal Code*.

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### AN ACT to amend the Traffic Act 1925 and the Criminal Code.

[21 September 1977]

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 1977*.

Short title  
and citation.

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

\* 16 Geo. V No. 38. For this Act as amended to 1974, see Appendix B of the Annual Volume of Statutes for 1974. Subsequently amended by No. 108 of 1974, Nos. 58 and 66 of 1975, and Nos. 37 and 96 of 1976.

Regulations:  
Application  
to the Crown.

**2** Section 10 of the Principal Act is amended by omitting from paragraph (u) of subsection (1) the words “, or the existence or contents of a certificate of insurance under Part VII”.

Restricted  
licences.

**3** Section 36 of the Principal Act is amended—

(a) by inserting after subsection (1) the following subsection:—

“(1A) Where a person is disqualified elsewhere than in this State for holding or obtaining a licence or other authority authorizing him to drive a motor vehicle, he may apply for an order to be made under this section in like manner as if that disqualification had arisen from an offence under this Act.”; and

(b) by inserting after subsection (10) the following subsection:—

“(10A) No person in respect of whom an order is in force under this section shall drive a motor vehicle in a public street otherwise than in accordance with the conditions or restrictions contained in the order.

Penalty: \$250 or 6 months’ imprisonment, or both.”.

Penalties.

**4** Section 52 of the Principal Act is amended—

(a) by omitting from subsection (2) “ \$40 ” and “ \$100 ” and substituting “ \$200 ” and “ \$500 ” respectively; and

(b) by adding at the end of that section the following subsection:—

“(3) The foregoing provisions of this section do not apply to breaches of the regulations under this Act and except as otherwise provided in this Act any regulations made under this Act may impose penalties, not exceeding \$200, in respect of breaches of the regulations.”.

Amendment of  
*Criminal Code.*

**5** Section 391A of the *Criminal Code* is amended—

(a) by inserting in subsection (5A) after the word “ conviction ” the words “ whether before or after the commencement of this subsection,”; and

(b) by omitting from subsection (5B) the words “ the trial judge ” and substituting the words “ a judge ”.