

TRAFFIC (No. 2).

No. 74 of 1968.

AN ACT to amend the *Traffic Act* 1925, and the
Traffic Act 1966. [20 December 1968.]

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* (No. 2) 1968. Short title and citation.

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

2 Section three of the Principal Act is amended by adding at the end thereof the following subsection:— Interpretation.

“(2) References in this Act to a licence shall be construed as references to any document issued in lieu of a licence.”.

3 Section twenty-eight of the Principal Act is repealed.

Production
of licence at
hearing of
charge:
Endorse-
ment:
Cancellation
or suspension
on conviction.

4 Section thirty A of the Principal Act is amended—

Public
Vehicles
Licensing
Appeal
Tribunal.

(a) by omitting from subsection (2) the words “two other persons appointed by the Governor as provided by subsection (3) of this section.” and substituting therefor the words “two members and two deputy members appointed by the Governor as provided in this section.”;

(b) by omitting subsection (3) and substituting therefor the following subsections:—

“(3) Of the two members and two deputy members referred to in subsection (2) of this section—

(a) one member and one deputy member shall be appointed on the nomination of the Commission; and

(b) one member and one deputy member shall be appointed on the nomination of the body of persons known as the Tasmanian Road Transport Association.

“(3A) For the purpose of hearing any proceedings the tribunal shall be constituted of three persons, of whom—

- (a) one shall be the chairman of the tribunal;
- (b) one shall be a member or a deputy member referred to in paragraph (a) of subsection (3) of this section; and
- (c) one shall be a member or a deputy member referred to in paragraph (b) of that subsection.

“(3B) A deputy member of the tribunal shall not sit as a member thereof except with the permission of the chairman of the tribunal.”;

- (c) by inserting in subsection (4), after the word “member”, the words “and deputy member”; and
- (d) by inserting in subsection (5), after the word “members”, the words “and deputy members”.

Production
of licence
at court.

5 Section thirty-five of the Principal Act is repealed.

Disqualifica-
tion of
drivers.

6 Section thirty-six of the Principal Act is amended by omitting subsections (1) and (2) and substituting therefor the following subsections:—

“(1) Subject to subsection (2) of this section, where a person is convicted of a prescribed offence and at the time at which the offence was committed he did not hold a driver's licence or held a provisional licence, the court shall order him to be disqualified for holding or obtaining a driver's licence for a period of three months or such longer period as the court may specify in the order.

“(2) Notwithstanding anything in subsection (1) of this section, where such a person as is referred to therein is convicted of such a prescribed offence as is referred to in paragraph (b) of subsection (5) of this section, and the court before which he is charged is satisfied—

- (a) that the offence was not of such a serious nature as to warrant his disqualification for holding or obtaining a driver's licence for a period of three months; or
- (b) that, having regard to the circumstances in which the offence was committed, there are grounds for mitigating the consequences of the conviction that would otherwise arise under subsection (1) of this section,

it may order that he be not disqualified for holding or obtaining a driver's licence or order that he be so disqualified for a period of less than three months.

“(2A) For the purposes of paragraph (b) of subsection (2) of this section the circumstances in which an offence was committed include the nature, condition, and use of the public street in which the offence was committed and the traffic that actually was at the time the offence was committed, or might reasonably be expected to be at that time, on that public street.”.

7 After section thirty-six of the Principal Act the following section is inserted:—

“36AA—(1) No person shall drive a motor vehicle in a public street while he is disqualified under this or any other Act for holding or obtaining a driver’s licence. Driving while disqualified.

Penalty: One hundred dollars or imprisonment for three months, or both such fine and imprisonment.

“(2) This section does not apply in respect of a disqualification for holding or obtaining a licence imposed under section forty-one.”.

8 Section thirty-six A of the Principal Act is amended by omitting subsection (6). Effect of disqualification.

9 After section thirty-six A of the Principal Act the following section is inserted:—

“36AB—(1) For so long as a person is disqualified under this or any other Act for obtaining or holding a driver’s licence, any licence or authority issued elsewhere than in this State by virtue of which, if he were not so disqualified, he would be authorized to drive a vehicle in this State is of no effect for the purposes of this Act. Effect of disqualification on licences, &c., issued outside State.

“(2) Where a licence or other authority is of no effect for the purposes of this Act pursuant to subsection (1) of this section the person by whom it is held shall, on demand being made to him by a police officer or an authorized officer, deliver that licence or other authority to that police officer or authorized officer or to the Commission.

“(3) So long as a licence or authority is, pursuant to this section, of no effect for the purposes of this Act it may be retained in the possession of the Commission.”.

10 Section thirty-six B of the Principal Act is repealed and the following section is substituted therefor:—

“36B—(1) Where a court—

(a) orders that a person be disqualified for holding or obtaining a driver’s licence; or

(b) orders that any driver’s licence shall take effect as a provisional licence,

it shall forthwith cause the Commission to be notified of the making of the order. Endorsement of licences.

“(2) Where the Commission is notified of the making of such an order as is referred to in subsection (1) of this section in respect of any person, it shall cause to be endorsed—

- (a) on any driver's licence held by that person that is produced to the Commission and that is, for the time being, suspended, or was, as a consequence of the making of the order, suspended; and
- (b) on any driver's licence issued to that person after the making of the order,

particulars of the order and of the conviction on which it was made.”.

Incorporation of standards, &c., in regulations.

11 Section forty-five of the Principal Act is amended—

- (a) by omitting from paragraph (c) the word “and” (occurring at the end thereof); and
- (b) by adding at the end thereof:—

“; and

“(e) adopt or incorporate, either wholly or in part and either specifically or by reference, any rules, codes, or specifications published or formulated by, or on behalf of, the Standards Association of Australia or the British Standards Association, or any other similar body specified in the regulations.”.

Provisions as to alcohol content of blood of drivers of motor vehicles.

12 Section eleven of the *Traffic Act* 1966 is repealed.

Transitory provisions.

13 This Act applies to any offence committed before the commencement of this Act if the summons for that offence is issued after that commencement, but, except as provided in the foregoing provisions of this section, the proceedings on any such offence shall be had and determined in like manner as if this Act had not been enacted.

TEXTILE PRODUCTS (DESCRIPTION).

No. 75 of 1968.

AN ACT to amend the *Textile Products (Description) Act* 1953. [20 December 1968.]

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:—