

3 Section eighty-eight of the Principal Act is amended—

(a) by transposing the word “and” from the end of paragraph (c) of subsection (5) to the end of paragraph (d) of that subsection; and

(b) by inserting at the end of that subsection, the following paragraph:—

“(e) prescribe the size and colour of notices required by subsection (10) of section sixty-four to be displayed and the size and kind of lettering to be used thereon.”.

General provisions relating to regulations.

4 For the purposes of amending the Principal Act, the *Factories, Shops, and Offices Act 1967* shall be deemed to have commenced immediately before the expiry of Part VIII of the Principal Act.

Expiry of Part VIII.

TRAFFIC (No. 2).

No. 94 of 1971.

AN ACT to amend the *Traffic Act 1925*.

[14 December 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 (No. 2) 1971*.

Short title and citation.

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

2 Section ten of the Principal Act is amended—

(a) by inserting in subsection (1) thereof, after paragraph (m), the following paragraph:—

“(ma) providing for preventing or minimizing noise arising from the operation or driving of a motor vehicle;” and

Regulations.

(b) by inserting in that subsection, after paragraph (s), the following paragraph:—

“(sa) providing for advanced courses of instruction and examinations in driving techniques and the remuneration, if any, payable to instructors, lecturers, and examiners;”.

Driving
instructors'
licences.

3 Section fourteen AA of the Principal Act is amended—

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

“(1A) A person who pays any fee, reward, salary, wages, or other remuneration or consideration to any person for or with respect to the payee or any other person teaching any person to drive a motor vehicle, the payee or other person who so teaches in consequence of such payment not being the holder of an instructor's licence, is guilty of an offence against this section.”; and

(b) by inserting, in subsection (3) thereof, after the word “section”, the words “, other than an offence under subsection (1A),”.

Administrator
of Road
Transport.

4 Section fourteen B of the Principal Act is amended—

(a) by omitting from subsection (2) thereof the word “The” and substituting therefor the words “Subject to subsections (2B) and (2C) of this section, the”; and

(b) by inserting after that subsection the following subsections:—

“(2B) Notwithstanding subsection (2) of this section, the Administrator may, at any time after attaining the age of sixty years, on his election retire before attaining the age of sixty-five years.

“(2C) Notwithstanding subsection (2) of this section, the Administrator may be retired or permitted to retire at any time on the ground of invalidity not due to his own fault.”.

Reckless
driving.

5 Section thirty-two of the Principal Act is amended by omitting subsection (4) and substituting therefor the following subsections:—

“(4) Where a person is brought before a stipendiary magistrate on a complaint for an offence under subsection (1) of this section, the stipendiary magistrate may, before asking him whether he pleads guilty or not guilty or desires to show cause, ask him if he is willing to be tried by the stipendiary magistrate or if he wishes to be tried by jury.

“(4AA) Where—

(a) a person elects under subsection (4) of this section to be tried by jury; or

- (b) notwithstanding election under that subsection to be tried summarily, the stipendiary magistrate, at any time before the commencement of the case for the defence, considers that the offence is of so serious a nature that it should be tried on indictment,

the offence shall be deemed to be a crime within the meaning of the *Criminal Code* and to be punishable on indictment thereunder accordingly, and the stipendiary magistrate shall proceed therein as provided in Part VII of the *Justices Act 1959*."

6 Section forty-five of the Principal Act is amended by adding at the end of paragraph (e) thereof the words "or the Australian Design Rules for Motor Vehicle Safety as determined from time to time by the Motor Vehicles Design Advisory Panel and published in the *Commonwealth Gazette*".

Local and other special provisions in regulations.

7 Section fifty-nine of the Principal Act is amended—

Traffic signs.

- (a) by inserting in subsection (1) thereof after the word "authorities" the words "and such other authorities as may be prescribed";
- (b) by adding at the end of subsection (2) thereof the words "and such other authorities as may be prescribed";
- (c) by inserting in subsection (3) thereof after the word "authority" the words "and such other authority as may be prescribed".

8 Section sixty of the Principal Act is amended by omitting from subsection (1) the words "and to cause avoidable danger to traffic,".

Removal of obstructions to vision of drivers.

9 Section sixty-four of the Principal Act is amended—

Policies of insurance.

- (a) by adding at the beginning of paragraph (d) of subsection (2) thereof the words "subject to subsection (2AAA)," and
- (b) by inserting after subsection (2) thereof the following subsection:—
- “(2AAA) A policy of insurance issued or which issues in accordance with this Part after the third day of November 1936 is deemed, in the absence of an express stipulation for the purpose, to provide for payment by the insurer in respect of a claim of the insured arising out of any liability of the insured to indemnify any person who is bound by law or contract to compensate—
- (a) a person suffering bodily injury arising from an accident; or
- (b) the personal representative or dependant of a person who dies as the result of an accident, any stipulation to the contrary in any such policy notwithstanding.”.