

TRAFFIC AMENDMENT ACT 1987

No. 34 of 1987

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TRAFFIC AMENDMENT ACT 1987

No. 34 of 1987

AN ACT to amend the Traffic Act 1925 and the Transport Act 1981.

[Royal Assent 8 May 1987]

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—This Act may be cited as the *Traffic Amendment Act* Short title. 1987.

2—(1) This section and sections 1, 5, and 19 shall commence Commencement. on the day on which this Act receives the Royal assent.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be fixed by proclamation.

3—In this Act, the *Traffic Act 1925** is referred to as the Principal Act. Principal Act.

4—Section 16A of the Principal Act is amended by inserting Amendment of section 16A of Principal Act (Applications for issue, &c., of licences). the following subsection after subsection (1):—

* 16 Geo. V No. 38. For this Act, as amended to 1st October 1979, see the continuing Reprint of Statutes. Subsequently amended by No. 76 of 1979, Nos. 10, 11, 74, and 107 of 1980, Nos. 13, 19, 34, and 69 of 1981, No. 99 of 1982, Nos. 9 and 19 of 1983, Nos. 29, 55, and 80 of 1984, and No. 35 of 1986.

(1A) An application for the issue of a licence (other than a temporary licence) shall be accompanied by the prescribed fee.

Repeal of section 14B of Principal Act (Administrator of Road Transport).

5—Section 14B of the Principal Act is repealed.

Amendment of section 38 of Principal Act (Effect of disqualification).

6—Section 38 (1B) of the Principal Act is amended by inserting “for a period of 90 days” after “driver’s licence”.

Substitution of section 43B of Principal Act.

7—Section 43B of the Principal Act is repealed and the following section is substituted:—

Prescribed offences and penalties for Part IVA.

43B—(1) The Governor may make regulations prescribing offences for the purposes of this Part and the penalty and the demerit points applicable to each such offence.

(2) Offences may be prescribed under subsection (1) that are offences under regulations made under this Act and in force for the time being.

Amendment of section 43D of Principal Act (Award of demerit points on infringement notice).

8—Section 43D of the Principal Act is amended by omitting all words from and including “number” and substituting “largest number of demerit points prescribed in respect of an offence indicated in the notice as an offence in respect of which it was served”.

Amendment of section 43E of Principal Act (Liability for disqualification on accumulation of demerit points).

9—Section 43E of the Principal Act is amended as follows:—

(a) by inserting the following subsections after subsection (3):—

(3A) Notwithstanding the provisions of subsections (4A) and (4B), where, while a person is disqualified under this Act or any other Act, the aggregate number of demerit points recorded against him is the number specified in subsection (1) or (1A), as the case may be, then that person is liable to a further period of disqualification commencing at the termination of the current period of disqualification.

(3B) For the purposes of subsection (3A), demerit points leading to the current period of disqualification or awarded in respect of offences to which subsection (3) applies shall not be taken into account.

(b) by omitting from subsection (4) “period of 90 days” and substituting “appropriate period”;

(c) by inserting the following subsection after subsection (4):—

(4AA) For the purposes of subsection (4), the following are the appropriate periods of disqualification:—

(a) subject to paragraphs (b) and (c), 90 days;

(b) where the date of commission of the last offence leading to the disqualification is not later than 3 years after the end of a previous period of disqualification of a type referred to in this subsection, 6 months;

(c) where the date of commission of the last offence leading to the disqualification is not later than 6 years after the end of a previous period of disqualification of a type referred to in this subsection and, within the 6 year period, there has been a further period of disqualification of a type referred to in this subsection, 12 months.

10—Section 43G of the Principal Act is repealed.

Repeal of section 43G of Principal Act (Prescription of offences and penalties for purposes of Part IVB).

11—Section 43H of the Principal Act is amended as follows:—

(a) by inserting in subsection (1) “or offences” after “prescribed offence”;

(b) by inserting in subsection (1) “or those offences” after “that offence”;

(c) by omitting from subsection (1A) “or who does not hold a driver’s licence”;

(d) by omitting subsection (2) and substituting the following subsection:—

(2) A traffic infringement notice shall—

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

(b) specify the number of demerit points (if any) prescribed in respect of that offence or each of those offences, as the case may be, and the prescribed penalty or penalties that is or are applicable.

Amendment of section 43H of Principal Act (Service and acceptance of traffic infringement notices).

(e) by omitting from subsection (6A) "or who did not hold a driver's licence".

Amendment of section 43K of Principal Act (Effect of undertaking to pay a prescribed penalty).

12—Section 43K (2) of the Principal Act is amended by omitting "28 days from the date on which they are given" and substituting "63 days from the date on which the infringement notice was served".

Amendment of section 43L of Principal Act (Service of notices).

13—Section 43L of the Principal Act is amended by omitting from subsection (1) all words after "in person".

Insertion of new section 43N in Part IVB of Principal Act.

14—The Principal Act is amended by inserting the following section after section 43M in Part IVB:—

Prescribed offences and penalties for Part IVB.

43N—(1) The Governor may make regulations prescribing offences for the purposes of this Part and the penalty and the demerit points applicable to each such offence.

(2) Offences may be prescribed under subsection (1) that are offences under regulations made under this Act and in force for the time being.

Amendment of Schedule 2 to Principal Act (FEES IN RESPECT OF MOTOR VEHICLES AND DRIVERS THEREOF).

15—Schedule 2 to the Principal Act is amended—

- (a) by omitting "6.00" from the item relating to the transfer of registration under the heading "*Motor vehicle (other than a motor cycle)*—" and substituting "10.00";
- (b) by omitting "6.00" from the item relating to the transfer of registration under the heading "*Motor cycle*" and substituting "10.00"; and
- (c) by omitting "3.00" from the item relating to the transfer of registration under the heading "*Trailer attached to a motor vehicle (other than a motor cycle)*—" and substituting "5.00".

Amendment of Schedule 3 to Principal Act (FEES IN RESPECT OF PUBLIC VEHICLE LICENCES AND LICENCES FOR HIRE-AND-DRIVE CARS).

16—Schedule 3 to the Principal Act is amended—

- (a) by omitting "\$1" from item 4 in Part II and substituting "\$10"; and
- (b) by inserting the following item after item 4:—

5. Issue of a duplicate or further certificate or licence \$5.

Repeal of Schedule 5 to Principal Act (DEMERIT POINTS AND PRESCRIBED PENALTIES).

17—Schedule 5 to the Principal Act is repealed.

18—Notwithstanding the repeal of Schedule 5, that Schedule Transitional. as in force prior to the commencement of this Act shall continue to apply in relation to any offence committed, or alleged to have been committed, prior to the day of that commencement.

19—Section 9 of the *Transport Act 1981*† is amended by Amendment of section 9 of Transport Act 1981 (Transport Department). omitting “, the Administrator of Road Transport appointed pursuant to the *Traffic Act 1925*,”.

† No. 20 of 1981. Amended by No. 62 of 1981, No. 10 of 1982, No. 18 of 1983, No. 29 of 1984, and Nos. 52 and 62 of 1986.

