



TRAFFIC AMENDMENT ACT (No. 2) 1981

No. 34 of 1981

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**AN ACT to amend the Traffic Act 1925 for the purposes of providing police officers with the power of arrest for offences under section 41 of that Act and of providing for the delayed commencement of suspension of drivers' licences as a result of the accumulation of demerit points and for other purposes.**

[Royal Assent 30 June 1981]

**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 (No. 2)* Short title. 1981.

Commencement. **2**—This Act shall commence on the fourteenth day after the date of assent to this Act.

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

Substitution of section 41 of Principal Act. **4**—Section 41 of the Principal Act is repealed and the following section is substituted:—

Refusing to give name and address, &c.

41—(1) A person who, when required by a police officer or an authorized officer in the execution of his duty under this Act—

- (a) to give that person's name, age, or the address of his place of residence; or
- (b) where that person is the driver of a vehicle and is not the owner of the vehicle—to give the name and the address of the place of residence of the owner of the vehicle,

fails or refuses to do so, or gives particulars which he knows are likely to mislead the police officer or authorized officer, is guilty of an offence against this Act.

(2) Where a request is made of a person by a police officer or authorized officer under subsection (1) (b), that person is not guilty of an offence under this Act by reason of his failure to give the name and address of the place of residence of the owner of the vehicle he is driving if he proves to the satisfaction of the court before which he is prosecuted for that offence that he did not know, and could not with reasonable diligence have ascertained and given, the particulars requested.

(3) A police officer may arrest a person without warrant if that person, in response to a request made by the officer under subsection (1) (a)—

- (a) refuses to give his name or the address of his place of residence; or
- (b) gives a name or an address of a place of residence that the officer has reasonable grounds for believing is false or misleading.

\* 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, and Nos. 13 and 19 of 1981.

(4) A person who, when required by a police officer or an authorized officer, in the execution of his duty under this Act, to sign his name for the purpose of his identification, refuses to do so, is guilty of an offence against this Act.

**5**—After section 41A of the Principal Act, the following section is inserted:—

Insertion in Principal Act of new section 41B.

41B—A person who obstructs a police officer or an authorized officer exercising a power under this Act is guilty of an offence against this Act.

Obstructing police officers or authorized officers.

**6**—Section 43E of the Principal Act is amended by omitting subsection (4) and substituting the following subsections:—

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

(4) Where a person is liable to be disqualified under this section from obtaining or holding a driver's licence, a registering authority shall, subject to subsection (4A), 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 90 days.

(4A) Where a person is liable to be disqualified under this section from obtaining or holding a driver's licence, he may, before being served with a disqualification notice, surrender his licence to a police officer or authorized officer or to the Commission, and, on the surrender of his licence, he becomes so disqualified.

(4B) The period of disqualification referred to in subsection (4) shall commence—

(a) on the expiration of a period of 14 days after the date of the serving on him of that notice; or

(b) where he surrenders his licence to a police officer or an authorized officer or to the Commission within the period referred to in paragraph (a), on the date on which the licence is surrendered.

(4C) A disqualification notice may be served on a person—

(a) by delivering it to him personally;

- (b) by leaving it at the address of his place of residence last known to the Commission with someone who apparently resides there, being a person who has or apparently has attained the age of 16 years; or
- (c) by sending it by certified mail to the address of his place of residence last known to the Commission.