

**7** After section three hundred and ninety-one of the *Criminal Code* the following section is inserted in Chapter XLIII:—

“391A Where a person is convicted of a crime arising out of the driving by him of a motor vehicle (including a conviction on the trial of an indictment under section thirty-two of the *Traffic Act* 1925) the trial judge may, either in addition to or in lieu of imposing any other punishment to which that person is liable under the Code, exercise, in relation to that person all or any of the powers conferred on a court of petty sessions by section thirty-six of that Act, and any reference in the lastmentioned section to the court shall be construed as including a reference to the trial judge.”

Suspension of licence, &c., in certain cases.

**8** Section three hundred and ninety-four of the *Criminal Code* is amended by omitting therefrom the word “aforesaid,” and substituting therefor the words “are referred to in paragraph II of subsection (1) of that section,”.

Power to judge to award indeterminate sentence.

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## TRAFFIC.

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### No. 14 of 1957.

AN ACT to amend the *Traffic Act* 1925.

[11 April 1957.]

**B**E 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* 1957.

Short title and citation.

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

**2** Section thirty-two of the Principal Act is repealed and the following section is substituted therefor:—

“32—(1) A person who drives a motor vehicle on a public street recklessly, or at a speed or in a manner that is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition, and use of the public street and the amount of traffic that actually is at the time or that might reasonably be expected to be on the public street, is guilty of an offence against this Act.

Reckless driving.

Penalty: Imprisonment for two years, or a fine of two hundred pounds, or both.

(2) A person who drives a motor vehicle on a public street negligently, having regard to all the circumstances of the case, including the nature, condition, and use of the public street and the amount of traffic that actually is at the time or that might reasonably be expected to be on the public street, is guilty of an offence against this Act.

Penalty: Fifty pounds.

(3) Notwithstanding any other law to the contrary but subject to the right of election conferred by subsection (4) of this section, proceedings in respect of offences under this section shall be heard and determined by a police magistrate sitting alone.

(4) If on a person being charged with an offence under subsection (1) of this section—

I That person, on his appearance to answer the charge and not afterwards, elects to be tried on the charge by jury: or

II The police magistrate before whom that person is charged 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 police magistrate shall proceed therein as provided in Part IV of the *Justices Procedure Act 1919*.

(5) A person may lawfully be charged and convicted of an offence under this section notwithstanding that death or bodily harm has resulted from the driving of the motor vehicle in the circumstances that are the subject of the charge and that he might have been charged with a crime under the *Criminal Code* arising out of the same circumstances.

(6) A police officer may apprehend without warrant the driver of a motor vehicle who commits an offence under subsection (1) of this section within his view if the driver refuses to give his name and address when required so to do by the police officer, or if the motor vehicle does not bear a distinguishing number or mark of identification, or its proper distinguishing number or mark of identification.

(7) If the driver of a motor vehicle who commits an offence under subsection (1) of this section refuses to give his name and address when required so to do, or gives a false name or address, he is guilty of an offence against this Act, and it is the duty of the owner of the vehicle, if required by a police officer, to give any information that it is within his power to give, and that may lead to the identification and apprehension of the driver, and if the owner fails to do so he also is guilty of an offence against this Act."

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