



## TRAFFIC

No. 37 of 1976

### ANALYSIS

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2. Vehicles registered outside the State.
3. Hire and drive cars to be let only by licensed persons.
4. Drivers of, and passengers on, motor cycles to wear protective helmets.
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**AN ACT to amend the Traffic Act 1925 and the Traffic Act 1972.**  
**[21 June 1976]**

**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* 1976.

Short title and  
citation.

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

Vehicles registered outside the State.

**2** Section 10A of the Principal Act is amended by omitting subsection (2).

Hire and drive cars to be let only by licensed persons.

**3** Section 14A of the Principal Act is amended by inserting in subsection (10) after the words " section 16B " the numeral "(1)".

Drivers of, and passengers on, motor cycles to wear protective helmets.

**4** Section 43A of the Principal Act is amended by inserting after subsection (1) the following subsections:—

"(1A) Subsection (1) does not apply to a person who is exempted from wearing a protective helmet by virtue of a permit issued under subsection (1B).

"(1B) Where the registering authority is satisfied—

(a) on the production of a certificate from a legally-qualified medical practitioner that it is impracticable or undesirable for a person to wear a protective helmet; or

(b) that the wearing of a protective helmet is contrary to a person's religious belief,

it may issue a permit exempting that person from wearing a protective helmet.

"(1C) A permit issued under subsection (1B) (a) shall specify the period for which the permit shall remain in force.

"(1D) The registering authority may revoke a permit issued under subsection (1B) if it is satisfied that the grounds on which it was granted no longer exist."

Prescription of offences and penalties for purposes of Part IVb.

**5** Section 43G of the Principal Act is amended by inserting after the numeral " III " the words " and in the first column of Part IV ".

Facilitation of proof of certain matters.

**6** Section 51 of the Principal Act is amended by omitting paragraph (e) of subsection (1) and substituting the following paragraphs:—

"(da) the production of a document purporting to be signed by—

(i) the officer authorized to register or license any vehicle or person; or

(ii) the officer in charge of the records referred to in section 11.

certifying that a vehicle referred to in the document is unregistered or a person named in the document is unlicensed for the purpose mentioned in that document, shall be *prima facie* evidence of the fact so certified;

“(e) the production of a document purporting to be signed by—

- (i) the officer authorized to register or license any vehicle or person; or
- (ii) the officer in charge of the records referred to in section 27,

certifying that a vehicle referred to in the document is unlicensed for the purpose mentioned in that document, shall be *prima facie* evidence of the fact so certified.”.

**7** Schedule II to the Principal Act is amended by omitting from the item “*Driver of motor vehicle*” the words “Temporary licence not exceeding three months for visiting motorist from beyond the State .... 0·25”.

Amendment of  
Schedule II.

**8** Schedule V to the Principal Act is amended—

Amendment of  
Schedule V.

(a) by omitting paragraph 3 of Part I and substituting the following paragraph:—

“3 The penalty prescribed—

- (a) in respect of an offence described in the first column of Part III is the penalty set forth against that offence, as so described, in the third column of that Part; and
- (b) in respect of an offence described in the first column of Part IV is the penalty specified in the second column of that Part.”;

(b) by omitting from Part III the words “Traffic Regulations” (wherever occurring) and substituting the words “traffic regulations” in each case;

(c) by omitting from paragraph 2 of that Part all the words following the word “motion”; and

(d) by adding at the end of that Schedule the following Part:—

“ PART IV

“ *Offences for which no demerit points are prescribed but in respect of which traffic infringement notices may be served*

Offence	Penalty
Any offence under the traffic regulations not described in Part III of this Schedule .....	\$ 10 ”.

Amendment of  
Traffic Act  
1972.

**9** Section 3 of the *Traffic Act 1972* is repealed.