



TRAFFIC (SPECIAL PENALTIES)

No. 52 of 1978

ANALYSIS

1. Short title and citation.
2. Amendments of the Principal Act providing for increase of special penalties under certain regulations.
3. Amendments of Schedule V.
4. Other amendments of the Principal Act relating to increase, &c., of special penalties for various offences.

AN ACT to amend the Traffic Act 1925 to provide for the increase of special penalties under the Act and under certain regulations made pursuant to the Act.

[13 December 1978]

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 (Special Penalties) Act 1978*. Short title and citation.

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

* 16 Geo. V No. 38. For this Act, as amended to 1974, see Appendix B to the Annual Volume of the Statutes for 1974. Subsequently amended by No. 108 of 1974, Nos. 58 and 66 of 1975, Nos. 37 and 96 of 1976, Nos. 58 and 92 of 1977, and No. 10 of 1978.

Amendments of the Principal Act providing for increase of special penalties under certain regulations

2—(1) Section 10 of the Principal Act is amended by omitting subsection (7) and substituting the following subsection:—

“(7) Any regulations under paragraph (r) or paragraph (ra) of subsection (1) may prescribe a penalty not exceeding \$500 for a first offence, \$1 000 for a second or subsequent offence for a breach of those regulations.”.

(2) Section 31 of the Principal Act is amended by omitting subsection (4) and substituting the following subsection:—

“(4) Any regulations under this section regulating or restricting the mass of a vehicle and load (either generally or on a particular street or in any particular circumstance)—

- (a) may prescribe a penalty not exceeding \$500 for a first offence, \$1 000 for a second or subsequent offence for a breach of those regulations; and
- (b) may provide that, where a court convicts a person for a breach of those regulations, it shall impose an additional penalty calculated in the manner prescribed in the regulations with reference to the amount by which the mass transmitted to the road by the vehicle or part thereof exceeds that permitted by those regulations.”.

Amendments of Schedule V.

3—(1) Schedule V to the Principal Act is amended—

- (a) by omitting from Part III the amount “ \$15 ” (wherever occurring) and substituting, in each case, the amount “ \$25 ”;
- (b) by omitting from that Part the amount “ \$10 ” and substituting the amount “ \$15 ”; and
- (c) by omitting from Part IV the numeral “ 10 ” and substituting the numeral “ 15 ”.

(2) This section shall commence on a day to be fixed by proclamation.

Other amendments of the Principal Act relating to increase, &c., of special penalties for various offences.

4 The provisions of the Principal Act specified in the first column of the Schedule to this Act are amended as respectively specified in the second column of that Schedule.

SCHEDULE

(Section 4)

AMENDMENTS OF THE PRINCIPAL ACT

Provision amended	How amended
Section 12	By omitting the penalty at the end of subsections (1) and (2) respectively.
Section 13A	<p>(a) By omitting the penalty at the end of subsection (1) and substituting the following:—</p> <p>“Penalty:—</p> <p>(a) \$1 000 or 6 months’ imprisonment for a first offence; and</p> <p>(b) \$2 000 or 12 months’ imprisonment for a second or subsequent offence.”; and</p> <p>(b) By omitting the penalty at the end of subsection (3).</p>
Section 14AA (3)	By omitting from subsection (3) the words “to a penalty of \$50 and, for a second or subsequent offence, to a penalty of \$100” and substituting the words “to a penalty of \$200 and, for a second or subsequent offence, to a penalty of \$500”.
Section 14A	By omitting the penalty at the end of subsections (1) and (2A) respectively.
Section 24	<p>(a) By omitting the penalty at the end of subsections (1), (5), (5A), (12), and (13) respectively and substituting the following, in each case:—</p> <p>“Penalty:—</p> <p>(a) \$500 for a first offence; and</p> <p>(b) \$1 000 or 6 months’ imprisonment for a second or subsequent offence.”;</p> <p>(b) By omitting the penalty at the end of subsections (3B), (6), (8), (9A), (10), (10A), and (11) respectively; and</p> <p>(c) By omitting the penalty at the end of subsections (4) and (7) respectively and substituting the following, in each case:—</p>
Section 32	<p>“Penalty: \$200 and a daily penalty of \$50.”.</p> <p>(a) By omitting the penalty at the end of subsection (1) and substituting the following:—</p> <p>“Penalty:—</p> <p>(a) \$1 000 or 2 years’ imprisonment or both for a first offence; and</p> <p>(b) \$2 000 or 2 years’ imprisonment or both for a second or subsequent offence.”; and</p>

Provision amended	How amended
	<p>(b) By omitting the penalty at the end of subsection (2) and substituting the following:—</p> <p>“Penalty:—</p> <p>(a) \$500 for a first offence; and</p> <p>(b) \$1 000 or 6 months’ imprisonment for a second or subsequent offence.”.</p>
Section 33	<p>By omitting from subsection (2) the words “he shall be liable to a penalty of \$4” and substituting the words “he is guilty of an offence against this Act”.</p>
Section 37	<p>By omitting the penalty at the end of subsection (1) and substituting the following:—</p> <p>“Penalty:—</p> <p>(a) \$500 or 3 months’ imprisonment or both for a first offence; and</p> <p>(b) \$1 000 or 6 months’ imprisonment or both for a second or subsequent offence.”.</p>
Section 43A	<p>(a) By omitting from subsection (2) the words “against this section” and substituting the words “against this Act”; and</p> <p>(b) By omitting the penalty at the end of that subsection.</p>