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Dated 21 July 2021



TASMANIA

VEHICLE AND TRAFFIC ACT 1999

No. 70 of 1999

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VEHICLE AND TRAFFIC ACT 1999

No. 70 of 1999

An Act to provide for the licensing of drivers of motor vehicles, to provide for the registration of motor vehicles and trailers, to provide for the imposition of motor tax and for other purposes

[Royal Assent 24 November 1999]

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:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Vehicle and Traffic Act 1999*.

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2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

3. Interpretation

(1) In this Act, unless the contrary intention appears –

ADR means –

- (a) the vehicle standards (Australian Design Rules) determined under the MVSA and as amended or replaced from time to time; or
- (b) a national road vehicle standard determined under section 12 of the *Road Vehicle Standards Act 2018*, as amended or replaced from time to time;

ancillary certificate means one of the following:

- (a) a certificate authorising the holder to provide driving instruction for reward;
- (b) a certificate authorising the holder to drive a public passenger vehicle;

articulated for a vehicle, means –

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- (a) the vehicle consists of a motor vehicle and a trailer; and
- (b) the trailer is pivoted to the motor vehicle; and
- (c) part of the trailer (not being a pole, drawbar or similar device) is superimposed on the motor vehicle;

Australian driver licence means a licence (including a driver licence receipt) issued under this Act or a corresponding law authorising the holder to drive a motor vehicle;

authorised officer means a person authorised by the Commission under section 9(2) of the *Traffic Act 1925* to exercise the power or perform the function in reference to which the expression is used;

automatic statutory penalty means a penalty that, under an Act of this or any other State or a Territory, is imposed on an offender automatically if certain circumstances apply and not by order of a court;

axle means one or more shafts positioned in a line across a vehicle on which one or more of the wheels intended to support the vehicle turn;

bus means a motor vehicle that is designed and constructed to carry passengers and

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has seating capacity for more than 9 adults, including the driver;

camper van means a motor vehicle that is constructed principally for use as a dwelling;

class for an Australian driver licence, means –

- (a) in the case of a driver licence issued under this Act – a class established by the regulations; and
- (b) in the case of an Australian driver licence issued under a corresponding law – a class established under a corresponding law;

class A light vehicle means –

- (a) a motor vehicle constructed for use primarily for the carriage of passengers (other than a bus or a motor cycle); or
- (b) a camper van; or
- (c) a truck with a GVM of less than 3 tonnes;

combination means a motor vehicle connected to one or more trailers;

Commission means the Transport Commission established under the *Transport Act 1981*;

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Consumer Price Index means the Consumer Price Index (All Groups) for Hobart published by the Australian Bureau of Statistics or, if that Index is suspended or discontinued, any index published by the Australian Bureau of Statistics that measures price inflation for the household sector in Hobart;

Contracting State means a foreign country that is a signatory to the United Nations Convention on Road Traffic, Geneva, 1949;

contravention includes a failure to comply;

corresponding law means a law of another State or Territory of Australia dealing with either or both the following subjects:

- (a) the driving of motor vehicles on roads;
- (b) the use of motor vehicles and trailers on roads;

demerit points offence means an offence that attracts a demerit point or demerit points;

demerit points schedule means the prescribed schedule of demerit points offences setting out the number of demerit points attracted by each offence;

demerit points scheme means the scheme established by Division 4 of Part 3;

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document includes a metallic, plastic or any other medium on which words, letters, numbers or symbols are written or imprinted;

driver licence means a licence (including a driver licence receipt) issued under this Act that authorises the holder of the licence to drive one or more classes of motor vehicle;

driver licence receipt means a receipt issued after an application for an Australian driver licence and payment of the applicable fee authorising the person in whose favour the receipt is issued to drive one or more classes of motor vehicle;

escort vehicle means a vehicle that is being used –

- (a) to transport a police officer or an authorised officer; and
- (b) to warn other road users of the presence of an oversize vehicle or combination;

excessive speeding offence means a speeding offence where the prescribed speed limit is exceeded by 38km/h or more;

foreign driver licence means a licence –

- (a) issued under the law of a foreign country; and

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- (b) held by an international visitor who is ordinarily resident in that country; and
- (c) authorising the holder of the licence to drive a motor vehicle in that country;

full licence means an Australian driver licence that is neither a learner licence nor a provisional licence;

goods means any object, material or substance and includes an animal or a bird;

GCM for a motor vehicle, also known as the gross combination mass for a motor vehicle, means the greatest possible sum of the maximum loaded mass of the motor vehicle and of any vehicles that may be towed by it at the same time –

- (a) as specified on the RAV for that vehicle; or
- (b) if it is not specified on the RAV, as specified by the vehicle's manufacturer on an identification plate on the vehicle; or
- (c) if it is not specified on the RAV or an identification plate, or if the specification is not appropriate because the motor vehicle has been modified, as certified by a vehicle registration authority;

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GVM for a vehicle, also known as the gross vehicle mass for a vehicle, means the maximum loaded mass of the vehicle –

- (a) as specified on the RAV for that vehicle; or
- (b) if it is not specified on the RAV, as specified by the vehicle's manufacturer on an identification plate on the vehicle; or
- (c) if it is not specified on the RAV or an identification plate, or if the specification is not appropriate because the vehicle has been modified, as certified by a vehicle registration authority;

heavy vehicle has the same meaning as in the *Heavy Vehicle National Law (Tasmania) Act 2013*;

hire and drive vehicle means a motor vehicle that is used to operate a hire and drive passenger service, within the meaning of the *Passenger Transport Services Act 2011*;

identification number means –

- (a) a VIN; or
- (b) a chassis number on a vehicle; or
- (c) an engine number on a vehicle;

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identification plate means a plate placed on a vehicle, authorised to be placed on a vehicle or taken to have been placed on a vehicle, under the MVSA;

international driving permit means a permit issued by –

- (a) a competent authority of a Contracting State or a subdivision of such a State; or
- (b) an association duly empowered by such an authority –

in accordance with the United Nations Convention on Road Traffic, Geneva, 1949;

international visitor means a person who –

- (a) is ordinarily resident in a foreign country; and
- (b) is not a permanent resident of Australia;

learner licence means a driver licence issued under this Act, or a licence or permit issued under a corresponding law, authorising a person to drive a motor vehicle for the purpose of learning to drive, or demonstrating capacity to drive, a motor vehicle of a particular class;

light vehicle means a motor vehicle or a trailer that is not a heavy vehicle;

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manufacturer includes a manufacturer's agent;

mass includes weight;

medical examination includes an examination to determine mental fitness to drive a motor vehicle;

motor bike means a motor vehicle that runs on 2 wheels and, if a side-car supported by a third wheel is attached, includes the attached side-car;

motor cycle means a motor bike or a motor trike;

motor tax means tax imposed under Part 5;

motor trike means a motor vehicle that –

- (a) runs on 3 wheels symmetrically arranged in relation to the vehicle's longitudinal median axis; and
- (b) is constructed and controlled like a motor bike;

motor vehicle means a vehicle that is built to be propelled by a motor that forms part of the vehicle but does not include –

- (a) an aircraft; or
- (b) a motor vehicle that travels only on a railway, tramway or other fixed track; or

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- (c) a pedal cycle with an auxiliary motor (or motors) with a power output (or combined power output) of not more than 200 watts; or
 - (ca) a power-assisted pedal cycle within the meaning of the relevant ADR; or
 - (d) a self-propelled lawn or grass mower constructed and used solely for mowing lawn or grass that is not capable of travelling at a speed of more than 10 kilometres an hour; or
 - (e) a self-propelled wheelchair that is not capable of travelling at a speed of more than 10 kilometres an hour; or
 - (f) a self-propelled vehicle –
 - (i) not capable of travelling at a speed of more than 10 kilometres an hour; and
 - (ii) designed for off-road work in construction, maintenance or warehouse operation; and
 - (iii) only used on a public street for the purpose of loading or unloading another vehicle, loading

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or unloading the vehicle onto another vehicle or manoeuvring at a work site; or

- (g) a vehicle of a class excluded by regulation from the ambit of this definition;

MVSA means the *Motor Vehicle Standards Act 1989* of the Commonwealth, as in force immediately before its repeal;

national schedule of demerit points means the part of the demerit points schedule set apart as the national schedule of demerit points;

nominated configuration for a heavy vehicle, means the configuration nominated by the registered operator (or the applicant for registration) as the configuration in which the vehicle will be operated for the registration period;

novice driver means a person who has never held –

- (a) a full licence in relation to a motor vehicle; or
- (b) a foreign driver licence equivalent to a full licence in relation to a motor vehicle;

novice licensing stage means any of the novice licensing stages prescribed in the

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regulations that a novice driver or novice rider is required to complete before obtaining a full licence;

novice rider means a person who has never held –

- (a) a full licence in relation to a motor cycle; or
- (b) a foreign driver licence equivalent to a full licence in relation to a motor cycle;

offensive advertising notice, in relation to a vehicle, means a notice, served under section 33(2) on the registered operator of the vehicle, that has not been revoked under section 33(4);

overmass means having a mass, including any load, that exceeds a prescribed mass limit under this Act;

oversize means having a dimension, including any load, that exceeds a prescribed dimension limit under this Act;

passenger vehicle means a vehicle designed and constructed primarily for the carriage of passengers;

personalised number plate means a number plate issued by the Registrar that –

- (a) contains a specific registration number; or

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- (b) does not meet the specifications of a number plate that is generally issued under this Act on payment of the basic fee prescribed for the issue of number plates;

photograph includes any visual representation derived from a photographic image or process, including a digitalised electronic or computer-generated image or process;

photographic detection device means a device, or a device of a kind, specified in a declaration under section 56D;

pilot vehicle means a vehicle that –

- (a) is being used to warn other road users of the presence of an oversize vehicle or combination; and
- (b) is not an escort vehicle;

prime mover means a motor vehicle designed and constructed to tow a semi-trailer;

probationary licence means a driver licence issued as a probationary licence –

- (a) to a person who applies for a driver licence following a period of disqualification from driving ordered by an Australian court; or

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- (ab) to a person who applies for a driver licence in prescribed circumstances; or
- (ac) to a person who has completed a period of suspension, or disqualification, in prescribed circumstances; or
- (b) to replace an equivalent licence issued under a corresponding law;

provisional licence means –

- (a) a driver licence issued under this Act as a provisional licence; or
- (b) an equivalent licence issued under a corresponding law;

public passenger vehicle means, except as the regulations or any of the regulations may otherwise provide, a motor vehicle that is –

- (a) used to operate a regular passenger service within the meaning of the *Passenger Transport Services Act 2011*; or
- (b) used to operate a passenger service, within the meaning of the *Passenger Transport Services Act 2011*, having the following characteristics:

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- (i) the passenger service is a transport concern within the meaning of that Act;
- (ii) the passenger service is available for use by any member of the general public;
- (iii) the passengers, or any of them, have to pay a fare within the meaning of that Act;

RAV means the Register of Approved Vehicles kept under section 14(1) of the RVSA;

red light offence means an offence, under the *Traffic Act 1925*, of a driver entering an intersection contrary to a red traffic light or red traffic arrow;

register means a register kept under this Act;

registered health care practitioner means –

- (a) a person registered under the Health Practitioner Regulation National Law (Tasmania) in the psychology profession; and
- (b) a person registered under the Health Practitioner Regulation National Law (Tasmania) in the optometry profession; and

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- (c) an occupational therapist registered or licensed as such under the law of a State or Territory;

registered operator of a motor vehicle or a trailer means –

- (a) the person recorded in the register of motor vehicles and trailers as the person responsible for it; or
- (b) if the registration of a motor vehicle or a trailer has expired, or been cancelled, the person last recorded as the registered operator unless that person has notified the Registrar that he or she is no longer responsible for the motor vehicle or trailer;

Registrar means the Registrar of Motor Vehicles;

registration number includes a number, letter, series of numbers or letters or combination of numbers and letters;

regulations means the regulations made and in force under section 45;

repairable write-off has the meaning given by section 3A;

restricted driver licence means a driver licence issued by order of an Australian court subject to conditions limiting the

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circumstances in which the driver is authorised to drive a motor vehicle;

restricted hire vehicle has the same meaning as in the *Taxi and Hire Vehicle Industries Act 2008*;

rigid for a motor vehicle, means it is not articulated;

road safety disqualification notice has the same meaning as in the *Road Safety (Alcohol and Drugs) Act 1970*;

RVSA means the *Road Vehicle Standards Act 2018* of the Commonwealth;

schedule of local demerit points offences means the part of the demerit points schedule set apart for demerit points offences that are included in neither the national schedule of demerit points nor the schedule of recognised interstate demerit points offences;

schedule of recognised interstate demerit points offences means the part of the demerit points schedule set apart for demerit points offences under a corresponding law that are recognised under the regulations;

semi-trailer means a trailer (including a pole-type trailer) that has –

- (a) one axle group or single axle towards the rear; and

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- (b) a means of attachment to a prime mover that would result in some of the load being imposed on the prime mover;

senior police officer means –

- (a) the Commissioner of Police; or
- (b) the Deputy Commissioner, or an Assistant Commissioner, of Police; or
- (c) a police officer of or above the rank of inspector;

short term unregistered vehicle permit means a permit authorising the use, on a temporary basis, of an unregistered vehicle on public streets, or a particular public street;

specific registration number means a combination of numbers or of letters, or of numbers and letters, that is requested as the registration number to be issued on a number plate;

speeding offence means an offence under the *Traffic Act 1925* of a driver exceeding –

- (a) the prescribed speed-limit applying to the driver for the length of road where the driver is driving; or

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- (b) the prescribed speed-limit applying to the driver in particular circumstances;

statutory write-off has the meaning given by section 3A;

temporary upgrade permit means a permit to use a registered motor vehicle in a combination that is not consistent with its nominated configuration;

total loss means a vehicle that –

- (a) is damaged by collision, fire, flood, accident, trespass, dismantling, demolition or other event to the extent that its fair salvage value plus the cost of repairing the vehicle for use on a public street would be more than the fair market value of the vehicle immediately before the event that caused the damage; or
- (b) has been stolen and not recovered; or
- (c) is of a class of vehicle prescribed by the regulations to be a total loss;

trade plate means a number plate authorising the use, on a temporary basis, of an unregistered vehicle to which the number plate is attached for the purposes of a trade or business;

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traffic offence means an offence against this Act or the *Heavy Vehicle National Law (Tasmania) Act 2013* involving the driving or use of a motor vehicle or a trailer;

trailer means a vehicle that is built to be towed, or is towed, by a motor vehicle but does not include –

- (a) a trailer that travels only on a railway, tramway or other fixed track; or
- (b) a motor vehicle that is being towed; or
- (c) a motor bike side-car; or
- (d) a vehicle excluded by regulation from the ambit of this definition;

truck means a rigid motor vehicle that is designed and constructed to carry goods;

unaccompanied driver offence means an offence prescribed in the regulations as an unaccompanied driver offence;

use of a motor vehicle or a trailer on a public street includes driving it on a public street and a person who parks or stops a motor vehicle or a trailer on a public street is taken to be using the vehicle on the public street while the vehicle remains parked or stationary (whether or

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not the person remains on, or in the vicinity of, the vehicle);

vehicle means a motor vehicle or a trailer;

vehicle registration authority means –

- (a) the Registrar; or
- (b) the authority responsible for registering vehicles under a corresponding law;

VIN means a vehicle identification number allocated to a vehicle in accordance with the relevant ADR;

weighing device means a weighbridge or a portable weighing device;

wheelchair means a vehicle consisting of a chair mounted on 2 or more wheels, or a vehicle of a prescribed kind, constructed to transport a person who is unable to walk or has difficulty in walking but does not include a pram, stroller or trolley;

wheel load means the mass transmitted to a road by the tyre of a vehicle wheel;

written-off vehicle means a statutory write-off or a repairable write-off.

(2) This Act is to be read together with the *Traffic Act 1925* as a single Act and accordingly –

- (a) words and expressions used in this Act that are defined under the *Traffic Act*

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1925 (and not in this Act) have, unless the contrary intention appears, the same respective meanings; and

- (b) a reference to “this Act” extends, unless the contrary intention appears, to both Acts.

3A. Repairable and statutory write-offs

- (1) In this Act –

repairable write-off means a vehicle that is not a statutory write-off but has been assessed by a prescribed person in Tasmania, another State or a Territory as a total loss;

statutory write-off means a vehicle that –

- (a) has been assessed by a prescribed person in Tasmania, another State or a Territory as a total loss; and
- (b) has been assessed by a prescribed person in Tasmania, another State or a Territory as only suitable for dismantling and processing as scrap; and
- (c) has been assessed and classified, or deemed, to be a statutory write-off in accordance with the Technical Guide by a prescribed person in Tasmania, another State or a Territory;

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Technical Guide means the *Damage Assessment Criteria for the Classification of Statutory Write-Offs* approved by Austroads Ltd (ABN 16 245 787 323) on 25 May 2011, as amended or substituted from time to time.

- (2) Despite subsection (1), a vehicle is only a repairable write-off if the vehicle is assessed as a total loss not later than the end of the month which is the fifteenth anniversary of its date of manufacture, within the meaning of the relevant ADR.
- (3) For the avoidance of doubt, it is declared that if a damaged vehicle has been assessed as a repairable write-off before the commencement of the *Vehicle and Traffic Amendment (Written-off Vehicles) Act 2013* –
 - (a) that assessment continues to have effect after that commencement; and
 - (b) that vehicle, as so damaged, may not be reassessed as a statutory write-off after that commencement.

4. Binding the Crown

- (1) This Act binds the Crown in right of Tasmania and, so far as the legislative power of Parliament permits, in all its other capacities.
- (2) Nothing in this Act makes the Crown liable to be prosecuted for an offence.

PART 2 – ADMINISTRATION

Division 1 – Registrar of Motor Vehicles

5. Appointment of Registrar

- (1) The Minister may appoint to be the Registrar of Motor Vehicles a person who is a State Service officer or State Service employee.
- (2) The Registrar may hold that office in conjunction with State Service employment.
- (3) A person who, immediately before the commencement of the *Vehicle and Traffic Amendment Act 2019*, held the office of Registrar continues to hold that office on the same terms and conditions as set out in his or her instrument of appointment.

6. Responsibilities of Registrar

The Registrar is responsible for the administration of the provisions of this Act relating to –

- (a) driver licensing and regulation of the drivers of motor vehicles; and
- (b) vehicle registration and regulation of the use of motor vehicles and trailers on public streets; and
- (c) the imposition and recovery of tax on motor vehicles and trailers; and

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- (d) vehicle standards.

7. Delegation

- (1) The Registrar may delegate any of the Registrar's powers or functions under this or any other Act.
- (2) The Registrar may enter into an agreement with a delegate or proposed delegate about –
 - (a) the remuneration of the delegate; and
 - (b) other matters incidental to the exercise of delegated powers or functions by the delegate.

Division 2 – Commission to administer vehicle operations

7A. Commission to administer vehicle operations

The Commission is responsible for the administration of the provisions of this Act relating to vehicle operations.

PART 3 – MOTOR VEHICLE DRIVERS

Division 1 – Licensing of drivers

8. Requirement to hold driver licence

- (1) A person must not drive a motor vehicle on a public street unless the person –
- (a) holds a driver licence under this Act authorising the person to drive a motor vehicle of the relevant class; or
 - (b) is exempt, under subsection (2), from the requirement to hold a driver licence under this Act authorising the person to drive a motor vehicle of the relevant class; or
 - (c) is exempted by the regulations from the requirement to hold a driver licence authorising the person to drive a motor vehicle of the relevant class.

Penalty: In the case of –

- (a) a first offence – a fine not exceeding 20 penalty units; and
- (b) a second or subsequent offence – a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 3 months.

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- (2) Subject to the regulations, a person is exempt from the requirement to hold a driver licence under this Act authorising the person to drive a motor vehicle of a particular class –
- (a) if the person holds an Australian driver licence issued under a corresponding law authorising the person to drive motor vehicles of the relevant class; and
 - (b) if the person is an international visitor who holds a foreign driver licence authorising the visitor to drive motor vehicles of the relevant class in the foreign country in which the licence was issued and either –
 - (i) the foreign driver licence is in English or accompanied by an English translation made by the authority that issued the licence or a person accredited to translate from the relevant language into English; or
 - (ii) the person also holds an international driving permit.
- (3) A person must not employ, cause or permit another to drive a motor vehicle on a public street contrary to this section.

Penalty: In the case of –

- (a) a first offence – a fine not exceeding 20 penalty units; and

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- (b) a second or subsequent offence –
 - (i) for a body corporate – a fine not exceeding 200 penalty units; and
 - (ii) for an individual – a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 3 months.
- (4) It is a defence to a charge of an offence against subsection (3) to prove that the defendant did not know, and could not reasonably be expected to have known, that the driver was driving contrary to this section.

9. Driving while subject to licence suspension

- (1) A person must not drive a motor vehicle on a public street while the person's Australian driver licence or foreign driver licence is under suspension.

Penalty: In the case of –

- (a) a first offence – a fine not exceeding 30 penalty units or imprisonment for a term not exceeding 3 months; and
- (b) a second or subsequent offence – a fine not exceeding 60

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penalty units or imprisonment
for a term not exceeding 6
months.

- (2) A person must not employ, cause or permit another to drive a motor vehicle on a public street if the other person's Australian driver licence or foreign driver licence is under suspension.

Penalty: In the case of –

(a) a first offence –

- (i) for a body corporate – a fine not exceeding 150 penalty units; and
- (ii) for an individual – a fine not exceeding 30 penalty units or imprisonment for a term not exceeding 3 months; and

(b) a second or subsequent offence –

- (i) for a body corporate – a fine not exceeding 300 penalty units; and
- (ii) for an individual – a fine not exceeding 60 penalty units or imprisonment for a

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term not exceeding 6 months.

- (3) It is a defence to a charge of an offence against subsection (2) to prove that the defendant did not know, and could not reasonably be expected to have known, that the driver's Australian driver licence or foreign driver licence was under suspension.
- (4) This section does not apply if –
- (a) the driver holds a restricted driver licence and drives as authorised by that licence; or
 - (b) the driver is disqualified from driving by –
 - (i) an Australian court under an Act of this or any other State or a Territory; or
 - (ii) an automatic statutory penalty.

10. Eligibility to hold licence

- (1) A person is eligible to hold a driver licence of a particular class if the person –
- (a) is a natural person resident in Tasmania; and
 - (b) either –
 - (i) complies with the eligibility criteria for a driver licence of the

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relevant class prescribed by the regulations; or

(ii) is eligible to hold a driver licence of the relevant class under the principle of mutual recognition.

(2) A person is eligible to hold a driver licence of a particular class under the principle of mutual recognition if the person holds an Australian driver licence of the corresponding class issued under a corresponding law.

11. Issue of licence

(1) The Registrar must issue a driver licence of a particular class to an applicant for the licence who –

(a) makes an application for the licence in accordance with the regulations; and

(b) satisfies the Registrar that he or she is eligible to hold the licence.

(2) The Registrar may issue a driver licence on conditions the Registrar considers appropriate.

(3) If –

(a) an applicant is eligible to hold a driver licence of a particular class under the principle of mutual recognition; and

(b) the applicant's Australian driver licence issued under a corresponding law is subject to conditions –

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the driver licence under this Act must be issued on the same conditions unless the conditions are incapable of application in Tasmania.

- (4) If a condition is incapable of application in Tasmania, a driver licence may be issued under this Act subject to a condition for the same general purpose that is capable of application in Tasmania.

12. Compliance with conditions

- (1) The holder of a driver licence issued under this Act must comply with the conditions of the licence.

Penalty: In the case of –

- (a) a first offence – a fine not exceeding 20 penalty units;
and
- (b) a second or subsequent offence – a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 3 months.
- (2) The holder of an Australian driver licence issued under a corresponding law must, while in Tasmania, comply with the conditions of the licence (other than conditions that are incapable of application in Tasmania).

Penalty: In the case of –

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- (a) a first offence – a fine not exceeding 20 penalty units;
and
 - (b) a second or subsequent offence – a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 3 months.
- (3) The holder of a foreign driver licence must, while in Tasmania, comply with the conditions of the licence (other than conditions that are incapable of application in Tasmania).

Penalty: In the case of –

- (a) a first offence – a fine not exceeding 20 penalty units;
and
 - (b) a second or subsequent offence – a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 3 months.
- (4) A person must not employ, cause or permit another to drive a motor vehicle on a public street in breach of a condition of a driver licence issued under this Act, an Australian driver licence issued under a corresponding law or a foreign driver licence.

Penalty: In the case of –

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- (a) a first offence – a fine not exceeding 20 penalty units; and
 - (b) a second or subsequent offence –
 - (i) for a body corporate – a fine not exceeding 200 penalty units; and
 - (ii) for an individual – a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 3 months.
- (5) It is a defence to a charge of an offence against subsection (4) to prove that the defendant did not know, and could not reasonably be expected to have known, that the driver was driving in breach of a condition of a driver licence issued under this Act, an Australian driver licence issued under a corresponding law or a foreign driver licence.

13. Driving while disqualified

- (1) A person must not drive a motor vehicle on a public street in Tasmania if the person is disqualified from driving by –
 - (a) an Australian court under an Act of this or any other State or a Territory; or

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(b) an automatic statutory penalty.

Penalty: In the case of –

(a) a first offence –

(i) a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 6 months, or both; and

(ii) a further period of disqualification, not exceeding 3 years, fixed by the court; and

(b) a second or subsequent offence –

(i) a fine not exceeding 80 penalty units or imprisonment for a term not exceeding 12 months, or both; and

(ii) a further period of disqualification, not exceeding 5 years, fixed by the court.

(2) Subsection (1) does not apply to –

(a) a person who drives a motor vehicle as authorised by a restricted driver licence; or

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- (b) a person who drives a motor vehicle while subject to a disqualification imposed under the *Road Safety (Alcohol and Drugs) Act 1970*.
- (3) A police officer who has reasonable grounds to suspect that a person has committed an offence against subsection (1) may exercise either or both of the following powers:
- (a) arrest the person without warrant;
 - (b) impound the vehicle driven by the person and have it removed to a convenient place for safe-keeping.
- (4) A person entitled to possession of an impounded vehicle may collect the vehicle, or have it collected, from the place to which it has been removed for safe-keeping on payment of the reasonable cost of impounding and removing the vehicle and of its safe-keeping.
- (5) A court may, on convicting a person of an offence against subsection (1), order the convicted person to pay the reasonable cost of impounding and removing the vehicle and of its safe-keeping.
- (6) A person must not employ, cause or permit another to drive a motor vehicle on a public street if the other person is disqualified from driving.

Penalty: In the case of –

- (a) a first offence –

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- (i) for a body corporate – a fine not exceeding 200 penalty units; and
 - (ii) for an individual – a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 6 months, or both; and
 - (b) a second or subsequent offence –
 - (i) for a body corporate – a fine not exceeding 400 penalty units; and
 - (ii) for an individual – a fine not exceeding 80 penalty units or imprisonment for a term not exceeding 12 months, or both.
- (7) It is a defence to a charge of an offence against subsection (6) to prove that the defendant did not know, and could not reasonably be expected to have known, that the driver was disqualified from driving.

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13B. Recommencement or extension of provisional period on conviction for prescribed offence

- (1) If a novice driver or novice rider –
- (a) commits a prescribed offence before completing the first continuous 12-month period for which he or she is required to hold a provisional licence; and
 - (b) is subsequently convicted of that offence –

that person is to recommence the relevant provisional period, or that period is to be extended, as prescribed by the regulations.

- (2)

Division 2 – Ancillary certificates

14. Driving instructors

- (1) Subject to the regulations, a person must not provide driving instruction for reward unless the person –
- (a) holds an Australian driver licence to drive a motor vehicle of the relevant class; and
 - (b) holds an ancillary certificate authorising the person to provide the driving instruction for reward.

Penalty:

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- (a) if the person was, at the time of the offence, disqualified from holding or obtaining an ancillary certificate in driving instruction –
 - (i) for a first offence - a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 6 months, or both, plus a further period of disqualification of 6 months; and
 - (ii) for a second or subsequent offence – a fine not exceeding 80 penalty units or imprisonment for a term not exceeding 12 months, or both, plus a further period of disqualification of 12 months; or
- (b) if the person held an ancillary certificate in driving instruction that was, at the time of the offence, under suspension –
 - (i) for a first offence - a fine not exceeding 30 penalty units or

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imprisonment for a term not exceeding 3 months, plus disqualification for a period of 6 months from holding or obtaining such a certificate; and

- (ii) for a second or subsequent offence - a fine not exceeding 60 penalty units or imprisonment for a term not exceeding 6 months, plus disqualification for a period of 12 months from holding or obtaining such a certificate; or

(c) in any other case –

- (i) for a first offence - a fine not exceeding 20 penalty units; and
- (ii) for a second or subsequent offence - a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 3 months, plus disqualification for a

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period of 6 months
from holding or
obtaining such a
certificate.

- (1A) Notwithstanding subsection (1), the regulations may provide that a person or class of persons specified in the regulations be exempted, subject to such conditions, and until such date, as may be specified in the regulations, from the requirement to hold an ancillary certificate referred to in subsection (1)(b).
- (2) A person must not employ, cause or permit another to act as a driving instructor in a business in the course of which driving instruction is provided for reward if the other person is providing the driving instruction contrary to this section.

Penalty:

(a) if the driving instructor was, at the time of the offence, disqualified from holding or obtaining an ancillary certificate in driving instruction –

(i) for a first offence –

(ia) for a body corporate – a fine not exceeding 200 penalty units; and

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- (ib) for an individual – a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 6 months, or both; and
- (ii) for a second or subsequent offence –
 - (ia) for a body corporate – a fine not exceeding 400 penalty units; and
 - (iib) for an individual – a fine not exceeding 80 penalty units or imprisonment for a term not exceeding 12 months, or both; or
- (b) if the driving instructor’s ancillary certificate was, at the time of the offence, under suspension –
 - (i) for a first offence –
 - (ia) for a body corporate – a fine not exceeding 150 penalty units; and
 - (ib) for an individual – a fine not exceeding 30 penalty units or imprisonment for a term not exceeding 3 months; and

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- (ii) for a second or subsequent offence –
 - (ia) for a body corporate – a fine not exceeding 300 penalty units; and
 - (ib) for an individual – a fine not exceeding 60 penalty units or imprisonment for a term not exceeding 6 months; or
- (c) in any other case –
 - (i) for a first offence – a fine not exceeding 20 penalty units; and
 - (ii) for a second or subsequent offence –
 - (ia) for a body corporate – a fine not exceeding 200 penalty units; and
 - (ib) for an individual – a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 3 months.
- (3) It is a defence to a charge of an offence against subsection (2) to prove that the defendant did not know, and could not reasonably be expected to have known, that the instructor was providing driving instruction contrary to this section.

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- (4) A person must not use, or permit the use of, a motor vehicle for providing driving instruction for reward unless the vehicle complies with the requirements of the regulations for vehicles used for that purpose.

Penalty: In the case of –

- (a) a first offence – a fine not exceeding 20 penalty units; and
- (b) a second or subsequent offence –
 - (i) for a body corporate – a fine not exceeding 200 penalty units; and
 - (ii) for an individual – a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 3 months.

15. Public passenger vehicles

- (1) Subject to the regulations, a person must not drive a public passenger vehicle unless the person –
- (a) holds an Australian driver licence to drive a motor vehicle of the relevant class; and

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- (b) holds an ancillary certificate authorising the person to drive a public passenger vehicle of the relevant class.

Penalty:

- (a) if the person was, at the time of the offence, disqualified from holding or obtaining an ancillary certificate for driving public passenger vehicles –
- (i) for a first offence - a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 6 months, or both, plus a further period of disqualification of 6 months; and
 - (ii) for a second or subsequent offence— a fine not exceeding 80 penalty units or imprisonment for a term not exceeding 12 months, or both, plus a further period of disqualification of 12 months; or
- (b) if the person held an ancillary certificate for driving public passenger vehicles that was, at

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the time of the offence, under suspension –

- (i) for a first offence - a fine not exceeding 30 penalty units or imprisonment for a term not exceeding 3 months, plus disqualification for a period of 6 months from holding or obtaining such a certificate; and
 - (ii) for a second or subsequent offence - a fine not exceeding 60 penalty units or imprisonment for a term not exceeding 6 months, plus disqualification for a period of 12 months from holding or obtaining such a certificate; or
- (c) in any other case –
- (i) for a first offence - a fine not exceeding 20 penalty units; and
 - (ii) for a second or subsequent offence - a

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fine not exceeding 40
penalty units or
imprisonment for a
term not exceeding 3
months, plus
disqualification for a
period of 6 months
from holding or
obtaining such a
certificate.

- (1A) Notwithstanding subsection (1), the regulations may provide that a person or class of persons specified in the regulations be exempted, subject to such conditions, and until such date, as may be specified in the regulations, from the requirement to hold an ancillary certificate referred to in subsection (1)(b).
- (2) A person must not employ, cause or permit another to drive a public passenger vehicle contrary to this section.

Penalty:

(a) if the driver was, at the time of the offence, disqualified from holding or obtaining an ancillary certificate for driving public passenger vehicles –

(i) for a first offence –

(ia) for a body corporate – a fine not exceeding 200 penalty units; and

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- (ib) for an individual – a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 6 months, or both; and
- (ii) for a second or subsequent offence –
 - (ia) for a body corporate – a fine not exceeding 400 penalty units; and
 - (ib) for an individual – a fine not exceeding 80 penalty units or imprisonment for a term not exceeding 12 months, or both; or
- (b) if the driver’s ancillary certificate was, at the time of the offence, under suspension –
 - (i) for a first offence –
 - (ia) for a body corporate – a fine not exceeding 150 penalty units; and
 - (ib) for an individual – a fine not exceeding 30 penalty units or imprisonment for a term not exceeding 3 months; and

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- (ii) for a second or subsequent offence –
 - (ia) for a body corporate – a fine not exceeding 300 penalty units; and
 - (ib) for an individual – a fine not exceeding 60 penalty units or imprisonment for a term not exceeding 6 months; or
- (c) in any other case –
 - (i) for a first offence – a fine not exceeding 20 penalty units; and
 - (ii) for a second or subsequent offence –
 - (ia) for a body corporate – a fine not exceeding 200 penalty units; and
 - (ib) for an individual – a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 3 months.
- (3) It is a defence to a charge of an offence against subsection (2) to prove that the defendant did not know, and could not reasonably be expected to have known, that the driver was driving a public passenger vehicle contrary to this section.

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16. Compliance with conditions

- (1) The holder of an ancillary certificate must comply with the conditions of the certificate.

Penalty: In the case of –

- (a) a first offence – a fine not exceeding 20 penalty units; and
- (b) a second or subsequent offence – a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 3 months.

- (2)

- (3) A person must not employ, cause or permit another to provide driving instruction for reward, or to drive a public passenger vehicle, contrary to a condition of an ancillary certificate.

Penalty: In the case of –

- (a) a first offence– a fine not exceeding 20 penalty units; and
- (b) a second or subsequent offence –
 - (i) for a body corporate– a fine not exceeding 200 penalty units; and

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- (ii) for an individual– a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 3 months.
- (4) It is a defence to a charge of an offence against subsection (3) to prove that the defendant did not know, and could not reasonably be expected to have known, that the other person was acting contrary to a condition of an ancillary certificate.

Division 3 – Powers of court with regard to driving

17. Power of court to order disqualification

- (1) Subject to sections 19B and 19E, a court that convicts a person of a traffic offence may disqualify the person from driving for a period specified by the court.
- (2) Subject to subsection (3), if a disqualification is imposed under this or any other Act against the holder of an Australian driver licence, the court must either suspend or cancel the licence as follows:
 - (a) if the disqualification is for 4 months or less, the licence is to be suspended;
 - (b) if the disqualification is for more than 4 months, the licence is to be cancelled.
- (3) The court may, instead of cancelling a licence that is liable to cancellation under subsection (2),

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suspend the licence if the court thinks there is good reason to do so.

- (4) A disqualification imposed by a court under this or any other Act, and a related licence suspension or cancellation imposed by the court, takes effect as follows:
- (a) if the convicted person is not subject to a current period of disqualification, licence suspension or ineligibility to hold a driver licence as a result of the accumulation of demerit points – at the time of the order or a later time fixed by the court;
 - (b) if the convicted person is subject to a current period of disqualification, licence suspension or ineligibility to hold a driver licence as a result of the accumulation of demerit points – at the end of that period unless the court fixes an earlier or later time.
- (5) If a disqualification is imposed under this or any other Act on a person who is not present in court when the disqualification is imposed, the court must postpone the commencement of the disqualification (and the related licence suspension or cancellation) for a specified period of at least 10 days and, in that event, the disqualification (and the related licence suspension or cancellation) commences –
- (a) at the end of that period; or

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- (b) if the person against whom the disqualification is imposed submits to the disqualification on an earlier day by returning the licence to the Registrar, on that earlier day.
- (6) The court's powers under this section are in addition to other powers the court may have to punish or deal with the convicted person in other ways.

18. Restricted driver licences

- (1) A person whose Australian driver licence (other than a learner licence) is, or is liable to be, suspended or cancelled because of –
 - (a) an accumulation of demerit points; or
 - (b) a disqualification order made by an Australian court; or
 - (c) an automatic statutory penalty –may, subject to subsection (2), apply to a court of petty sessions for an order authorising the issue of a restricted driver licence subject to conditions as specified in the order.
- (2) None of the following is entitled to apply for a restricted driver licence:
 - (a) a person whose Australian driver licence is, or is liable to be, suspended because of an accumulation of demerit points and who has, or had, the option of entering into an undertaking to be of good

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behaviour under the provisions of the demerit points scheme but did not take up, or proposes not to take up, that option;

(b) a person who, under section 25, is subject or liable to a period of ineligibility to hold a driver licence because of an accumulation of demerit points;

(ba)

(c) a person who is disqualified from driving in accordance with a road safety disqualification notice.

(2A) If a person referred to in subsection (2)(a) is liable to be, or is, disqualified from driving pursuant to section 19A(1)(a) or section 19B(1)(a), the bar contained in that subsection does not apply to the person before, or during, the period of disqualification.

(3) An application under this section –

(a) must be made in writing; and

(b) must state the name and residential address of the applicant and an address for the service of notices; and

(c) must state the applicant's Australian driver licence number or, if the applicant's Australian driver licence has been cancelled, the applicant's former Australian driver licence number; and

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- (d) must, as far as practicable, give details of all offences (against the law of Tasmania, another State or a Territory or a foreign country) involving the driving or use of a motor vehicle committed by the applicant (whether or not relevant to the suspension or disqualification) including the following:
- (i) the date of commission;
 - (ii) the court by which, and the date on which, the applicant was convicted and particulars of penalties imposed or other orders made in respect of the offence or, if the offence was dealt with by –
 - (A) a traffic infringement notice, the traffic infringement notice number and the date on which it was lodged; or
 - (B) an infringement notice under the *Heavy Vehicle National Law (Tasmania) Act 2013*, the infringement notice number and the date on which it was lodged; and
- (e) must give details of the licence suspension or disqualification and state whether a licence suspension or disqualification has previously been

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- imposed on the applicant and, if so, the period of the licence suspension or disqualification and the reasons for it; and
- (f) must state the grounds on which the applicant asks for an order to be made under this section; and
 - (g) must contain details of the severe and unusual hardship that would be suffered by the applicant, or the applicant's dependants, if the application were refused (including a statement of available forms of transport and why they are not adequate for the needs of the applicant or the applicant's dependants); and
 - (h) must state the conditions on which the applicant asks the court to authorise the issue of a restricted driver licence; and
 - (i) must be verified by statutory declaration made by the applicant; and
 - (j) must be filed with the clerk of the court.
- (4) At least 7 days before the application is to be heard by the court, the applicant must give a copy of the application to –
- (a) the Registrar; and
 - (b) the officer in charge of the Police Prosecutions Branch nearest the court to which the application is made.

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- (5) The court may make an order authorising the issue of a restricted driver licence if the court is satisfied that –
- (a) the licence suspension or disqualification is imposing, or will impose, severe and unusual hardship on the applicant or the applicant’s dependants; and
 - (b) a restricted driver licence should be issued to mitigate or alleviate that hardship; and
 - (c) the issue of the restricted driver licence would not be contrary to the public interest.
- (5A) If the applicant is a person who, but for subsection (2A), would have been barred by subsection (2)(a) from making the application, the court must, by the order, provide that the restricted driver licence issued to the person will expire when the person’s period of disqualification expires.
- (6) The Registrar must, on application by a person in whose favour an order has been made under this section, issue a restricted driver licence to the applicant that conforms with the terms of the order.
- (7) If the person in whose favour the order was made held an ancillary certificate authorising the holder to provide driving instruction or to drive a public passenger vehicle, the ancillary certificate is, subject to any order of the court to the

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contrary, restored for the period for which the restricted driver licence remains in force.

- (8) A court of petty sessions may, on application by the holder of a restricted driver licence supported by the evidence the court considers necessary and appropriate in the circumstances, vary the terms or conditions of a restricted driver licence.
- (9) A court that has dealt with, or is about to deal with, the holder of a restricted driver licence for an offence relating to the driving or use of a motor vehicle, or a court of petty sessions, may, on its own initiative or on application by the Registrar or a police officer, vary the terms or conditions of a restricted driver licence or revoke the licence.
- (10) A person who holds a restricted driver licence must not drive a motor vehicle in breach of a condition imposed in accordance with an order of a court.

Penalty: In the case of –

- (a) a first offence – a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 6 months, or both; and
- (b) a second or subsequent offence – a fine not exceeding 80 penalty units or imprisonment for a term not exceeding 12 months, or both.

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- (11) A person must not employ, cause or permit the holder of a restricted driver licence to drive a motor vehicle in breach of a condition of the licence.

Penalty: In the case of –

(a) a first offence –

- (i) for a body corporate – a fine not exceeding 200 penalty units; and
- (ii) for an individual – a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 6 months, or both; and

(b) a second or subsequent offence –

- (i) for a body corporate – a fine not exceeding 400 penalty units; and
- (ii) for an individual – a fine not exceeding 80 penalty units or imprisonment for a term not exceeding 12 months, or both.

- (12) It is a defence to a charge of an offence against subsection (11) to prove that the defendant did not know, and could not reasonably be expected

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to have known, that the driver was driving in breach of a condition of a restricted driver licence.

- (13)
- (14) This section has effect subject to section 19 of the *Road Safety (Alcohol and Drugs) Act 1970*.

19. Effect of disqualification

- (1) If a person is disqualified from driving by a court or automatic statutory penalty of another Australian jurisdiction, or a person's driver licence is cancelled or suspended by such a court or penalty, the disqualification, cancellation or suspension is effective in Tasmania.
- (2)
- (3) If a court imposes a disqualification from driving against a person who holds a driver licence issued under this Act without also suspending or cancelling the driver licence –
 - (a) the driver licence is, by force of this subsection, suspended if the disqualification is for 4 months or less; and
 - (b) if the disqualification is for more than 4 months, the licence is, by force of this subsection, cancelled.
- (4) If –

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- (a) a person is disqualified from driving by a court or automatic statutory penalty of another Australian jurisdiction, or a person's driver licence is cancelled or suspended by such a court or penalty; and
- (b) immediately before the court's order or automatic statutory penalty takes or, if applicable, took effect, the person –
 - (i) holds or, if applicable, held a driver licence issued under this Act; or
 - (ii) is or, if applicable, was a resident of Tasmania not holding an Australian driver licence; and
- (c) the Registrar is notified of the disqualification, cancellation or suspension by the driver licensing authority under a corresponding law –

the Registrar must record relevant details in the register.

- (5) Any driver licence (other than a restricted driver licence) purportedly issued to a person who is disqualified from driving under the law of this State or the law of another Australian jurisdiction is void and of no effect.
- (6) As soon as practicable after the Registrar is notified of a disqualification from driving or a licence suspension or cancellation imposed by a

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court or automatic statutory penalty of this State, the Registrar must –

- (a) record relevant details in the register; and
- (b) if the disqualification, suspension or cancellation applies to a person who, immediately before the disqualification, suspension or cancellation takes or, if applicable, took effect –
 - (i) holds or, if applicable, held an Australian driver licence issued under the corresponding law of another State or a Territory; or
 - (ii) is or, if applicable, was a resident of another State or a Territory not holding an Australian driver licence –

give the driver licensing authority under the corresponding law of that State or Territory relevant details.

- (7) The relevant details are details of which the Registrar has been informed about –
 - (a) the court that ordered the disqualification, suspension or cancellation or the nature of the automatic statutory penalty; and
 - (ab) the date of the court's order or the date on which the automatic statutory penalty takes or, if applicable, took effect; and

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- (b) the effect of the court's order or of the automatic statutory penalty and, in particular –
 - (i) if a disqualification from driving is imposed– the period of the disqualification and its date of commencement; and
 - (ii) if a licence suspension is imposed– the period of the suspension and its date of commencement; and
 - (iii) if an Australian driver licence is cancelled– the date of cancellation.

Division 3A – Excessive speeding offences

19A. Automatic disqualification for excessive speeding

- (1) If a person who commits an excessive speeding offence is taken to have been convicted of that offence in accordance with section 20 of the *Monetary Penalties Enforcement Act 2005* –
 - (a) the person is, by that conviction, disqualified from driving for a period starting and ending on the dates specified in a notice of disqualification served on the person by the Registrar; and
 - (b) if the person holds an Australian driver licence, the licence is suspended for the period of the disqualification.

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- (2) The penalty imposed by subsection (1) is in addition to any other penalty that the person may be liable to in respect of the excessive speeding offence.
 - (3) For subsection (1), the period of disqualification is as follows:
 - (a) 3 months if the traffic infringement notice indicates that the person exceeded the prescribed speed limit by 38km/h or more, but by less than 45km/h;
 - (b) 4 months if the traffic infringement notice indicates that the person exceeded the prescribed speed limit by 45km/h or more.
 - (4)

19B. Court-imposed penalties for excessive speeding

- (1) A court that convicts a person of an excessive speeding offence must –
 - (a) disqualify the convicted person from driving for a period of not less than –
 - (i) 3 months if the court finds that the person exceeded the prescribed speed limit by 38km/h or more, but by less than 45km/h; or
 - (ii) 4 months if the court finds that the person exceeded the

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prescribed speed limit by 45km/h
or more; and

- (b) exercise the court's power under section 17(2) or (3) consequent on the disqualification; and
- (c) impose on the convicted person a fine of –
 - (i) not less than –
 - (A) \$250 or, if another amount is prescribed (whether in dollars or penalty units), the prescribed amount if the court finds that the person exceeded the relevant speed limit by 38km/h or more, but by less than 45km/h; or
 - (B) \$400 or, if another amount is prescribed (whether in dollars or penalty units), the prescribed amount if the court finds that the person exceeded the relevant speed limit by 45km/h or more; but
 - (ii) not more than the maximum fine prescribed under the *Traffic Act 1925*.

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- (2) Notwithstanding subsection (1), the court may impose a lesser period of disqualification or a lesser fine than the minimum period of disqualification or fine required under that subsection if it is satisfied that it is just to do so because there are, in the circumstances of the case, special reasons for exercising the power conferred by this subsection.

Division 3B – Road safety disqualification notice

19C. Automatic suspension of licence for road safety disqualification notice

- (1) If a person is disqualified from driving in accordance with a road safety disqualification notice, his or her driver licence is suspended for the period of disqualification determined in accordance with the notice.
- (2) The suspension imposed by subsection (1) is in addition to any other penalty that the person may be liable to in respect of the offence that resulted in the person being given the road safety disqualification notice.
- (3) A period of suspension under this section takes effect –
- (a) if the person is not subject to a current period of disqualification, licence suspension or ineligibility to hold a driver licence as a result of the accumulation of demerit points, as soon as the person is given the road safety disqualification notice; or

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- (b) if, at the time of being given the notice, the person is subject to a current period of disqualification, licence suspension or ineligibility to hold a driver licence as a result of the accumulation of demerit points, on the expiration of that period of disqualification, suspension or ineligibility.

Division 3C – Prescribed offences by learner drivers

19D. Conviction under *Monetary Penalties Enforcement Act 2005* for unaccompanied driver offence

- (1) If a novice driver who commits an unaccompanied driver offence is taken to have been convicted of that offence in accordance with section 20 of the *Monetary Penalties Enforcement Act 2005* –
 - (a) he or she is, by that conviction, disqualified from driving for a period of 3 months; and
 - (b) any driver licence held by him or her is cancelled.
- (2) The penalty imposed by subsection (1) is in addition to any other penalty that the person may be liable to in respect of the offence.
- (3) A period of disqualification under this section starts and ends on the dates specified in a notice of disqualification served on the person by the Registrar.

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19E. Court-imposed penalties for unaccompanied driver offence

- (1) A court that convicts a novice driver of an unaccompanied driver offence must –
 - (a) disqualify the convicted person from driving for a period of not less than 3 months; and
 - (b) cancel any driver licence held by the person; and
 - (c) impose on the person a fine of –
 - (i) not less than \$150 or, if another amount is prescribed (whether in dollars or penalty units), the prescribed amount; and
 - (ii) not more than the maximum fine prescribed under this Act.
- (2) Notwithstanding subsection (1), the court may impose a lesser period of disqualification or a lesser fine than the minimum period of disqualification or fine required under that subsection if it is satisfied that it is just to do so because there are, in the circumstances of the case, special reasons for exercising the power conferred by this subsection.

Division 4 – Demerit points scheme

19F. Interpretation

For the purposes of this Division –

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traffic infringement notice includes –

- (a) a traffic infringement notice within the meaning assigned to that expression by section 43H(1) of the *Traffic Act 1925*; and
- (b) an infringement notice issued under the *Heavy Vehicle National Law (Tasmania) Act 2013*.

20. Offences attracting demerit points

- (1) A traffic offence attracts demerit points if demerit points are fixed in relation to that offence in the demerit points schedule.
- (2) The demerit points schedule is to consist of the following 3 parts:
 - (a) the national schedule of demerit points;
 - (b) the schedule of recognised interstate demerit points offences;
 - (c) the schedule of local demerit points offences.
- (3) A person is incapable of being awarded demerit points under this Division unless that person is a natural person.

21. Award of demerit points on conviction

- (1) Subject to this section, a court must, on convicting a person of a traffic offence attracting

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demerit points, award against the convicted person the number of demerit points prescribed in respect of that offence.

- (2) Where the number of demerit points prescribed in respect of an offence depends on facts that do not necessarily have to be established for a conviction for the offence, a court must, on convicting a person of the offence, declare such of those facts as it finds have been established on the trial of the person for the offence.
- (3)
- (4) If, on the conviction of a person for a red light offence or speeding offence, the court is satisfied that –
 - (a) the offence is –
 - (i) in the case of a red light offence, one of 2 or more red light offences committed in succession by the convicted person; or
 - (ii) in the case of a speeding offence, one of 2 or more speeding offences committed in succession by the convicted person; and
 - (b) the offences were detected by photographic detection devices; and
 - (c) at the time of the detection of the offence for which the conviction has been recorded, the convicted person had not been served with a traffic infringement

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notice or a summons for the earlier
offence or offences –

the court may refrain from awarding demerit
points for the offence.

- (5) The court may refrain from awarding demerit points or reduce the number of demerit points to be awarded against a convicted person if satisfied that it is just to do so because there are, in the circumstances of the case, special reasons for exercising the power conferred by this subsection.

22. Award of demerit points on traffic infringement notice

- (1) Where a traffic infringement notice relating to a traffic offence that attracts demerit points has been served on the person alleged to have committed the offence and –
- (a) the notice has not been withdrawn; and
 - (b) the person is taken to have been convicted of that offence in accordance with section 20 of the *Monetary Penalties Enforcement Act 2005* –

the number of demerit points prescribed in
respect of that offence is to be awarded against
that person.

- (2) Where –
- (a) the number of demerit points prescribed in respect of an offence depends on facts

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that do not necessarily have to be established for a conviction for the offence; and

- (b) any such facts are stated in the traffic infringement notice; and
- (c) the person is taken to have been convicted of that offence in accordance with section 20 of the *Monetary Penalties Enforcement Act 2005* –

the relevant facts are taken to have been established against the person alleged to have committed the offence and demerit points are to be awarded accordingly.

- (3) If a traffic infringement notice relating to a red light offence or speeding offence has been served on the person alleged to have committed the offence and –
 - (a) the offence is –
 - (i) in the case of a red light offence, one of 2 or more red light offences committed in succession by the same offender; or
 - (ii) in the case of a speeding offence, one of 2 or more speeding offences committed in succession by the same offender; and
 - (b) the offences were detected by photographic detection devices; and

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- (c) at the time of the detection of the offence to which the notice relates, the offender had not been served with a traffic infringement notice or a summons for the earlier offence or offences –

the offender may, on being taken to have been convicted of that offence in accordance with section 20 of the *Monetary Penalties Enforcement Act 2005*, give the Commissioner of Police a written request setting out the circumstances of the case and asking the Commissioner to exercise the Commissioner's discretion under subsection (4) in the offender's favour.

- (4) If the Commissioner of Police (or the Commissioner's delegate) is satisfied that the offender committed the offence to which the traffic infringement notice relates before being served with a traffic infringement notice or a summons for the earlier offence or offences, and that a direction under this subsection is warranted in the circumstances of the case, the Commissioner (or the Commissioner's delegate) may direct –
- (a) that no demerit points be awarded for the offence to which the traffic infringement notice relates; or
- (b) if demerit points have already been recorded for the offence to which the traffic infringement notice relates – that the demerit points be deleted (and, in that

case, the demerit points will be taken never to have been recorded).

23. Recording of demerit points

(1) If –

- (a) a Tasmanian court awards demerit points in respect of a traffic offence that attracts demerit points; or
- (b) demerit points are to be awarded following the service of a traffic infringement notice; or
- (c) the Registrar is notified by a driver licensing authority under a corresponding law that a person who holds a driver licence under this Act, or a person who does not hold an Australian driver licence but is a resident of Tasmania –
 - (i) has been convicted by a court, in the jurisdiction of the corresponding law, of an offence in respect of which demerit points are prescribed in the national schedule of demerit points or the schedule of recognised interstate demerit points offences; or
 - (ii) has committed such an offence in the jurisdiction of the corresponding law and has been dealt with under a procedure

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corresponding to the traffic
infringement notice procedure –

the Registrar must record or transmit the relevant
information as required in this section.

- (2) The relevant information is –
 - (a) the name and address of the offender;
and
 - (b) the nature of the offence and the date of
its commission; and
 - (c) whether the offence was dealt with by a
court or a traffic infringement notice or a
similar procedure under the law of
another jurisdiction.
- (3) Demerit points awarded by a court on conviction
are not to be recorded, and information is not to
be transmitted, under this section until –
 - (a) the time for appealing against the
conviction has passed; or
 - (b) if there is an appeal – the appeal is
determined, withdrawn or discontinued.
- (4) Information is to be recorded or transmitted as
follows:
 - (a) if the person holds a driver licence under
this Act (or is a resident of Tasmania
who does not hold an Australian driver
licence)– the Registrar must record the
date of commission of the offence, and

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the number of demerit points awarded, in the demerit points register;

- (b) if the person holds an Australian driver licence issued under the corresponding law of another State or a Territory (or is a resident of another State or a Territory who does not hold an Australian driver licence) – the Registrar must, as soon as practicable, transmit the relevant information to the driver licensing authority for the relevant State or Territory.
- (5) Demerit points are taken to have been recorded in the demerit points register on the date of commission of the offence to which they relate.
 - (6) Demerit points are to be recorded in the demerit points register even though the person who has incurred the demerit points, and against whom they are to be recorded, does not hold (or has never held) an Australian driver licence.
 - (7) For the purpose of calculating the aggregate number of demerit points recorded against the holder of a driver licence or a person who has held, but not longer holds, a driver licence, it is immaterial whether the demerit points were incurred during the currency of the licence or during a period when the person did not hold a driver licence.

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24. Licence to be suspended when demerit points reach prescribed limit

- (1) A driver licence is liable to suspension because of the accumulation of demerit points against the holder of the licence as follows:
 - (a) a learner or provisional licence is liable to suspension if –
 - (i) the holder of the licence has never held a full licence; and
 - (ii) the demerit points recorded against the holder for traffic offences committed during a period of 12 months or less amount, in aggregate, to 4 or more;
 - (b) a driver licence (whatever its type) is liable to suspension if the demerit points recorded against the holder for traffic offences committed during a period of 3 years or less amount, in aggregate, to 12 or more;
 - (c) a full licence is liable to suspension if the demerit points recorded against the holder for traffic offences committed during a period of 12 months or less as the holder of a previous provisional licence amount, in aggregate, to 4 or more.
- (2) If a driver licence becomes liable to suspension under subsection (1), the Registrar must serve a

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notice of licence suspension on the holder of the licence stating the period of licence suspension and when the period is to commence.

- (2A) The Registrar, by notice in writing served on the holder of the licence, may withdraw a notice of licence suspension at any time before the suspension takes effect.
- (3) The period of suspension is –
- (a) for the holder of a learner or provisional licence or the holder of a full licence whose liability to suspension arises under subsection (1)(c)– 3 months (unless the person would have been liable to a longer period of licence suspension if paragraph (b) was applicable, in which case the longer period applies); or
 - (b) in any other case as follows:
 - (i) if the aggregate number of demerit points recorded against the holder of the driver licence when it became liable to suspension is 12 or more but not more than 15 – 3 months;
 - (ii) if the aggregate number of demerit points recorded against the holder of the driver licence when it became liable to suspension is 16 or more but not more than 19 – 4 months;

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- (iii) if the aggregate number of demerit points recorded against the holder of the driver licence when it became liable to suspension is 20 or more – 5 months.
- (4) Unless the driver licence is a learner licence or a provisional licence, the holder of the licence may, as an alternative to undergoing the licence suspension under this section, give the Registrar a written undertaking to be of good behaviour for a period of 12 months from the date on which the licence suspension would otherwise have taken effect.
- (5) The undertaking must be given in the form required by the Registrar –
 - (a) within 21 days from the date of service of the notice of licence suspension; or
 - (b) at a later time allowed by the Registrar in a particular case.
- (6) If –
 - (a) the holder of a driver licence gives an undertaking to be of good behaviour as required under this section; and
 - (b) during the period to which the undertaking relates commits an offence (or offences) in respect of which 2 or more demerit points (in aggregate) are recorded –

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the Registrar must serve a further notice of licence suspension on the holder of the licence (whether or not the period of good behaviour has expired) for twice the period of licence suspension to which the person was liable when the first notice of licence suspension was served, and the person is not entitled to give a further undertaking under subsection (4) as an alternative to undergoing the licence suspension.

- (7) A period of licence suspension under this section commences –
- (a) on such day following the 21 day period after the relevant notice of licence suspension is served as the Registrar determines and specifies in that notice; or
 - (b) if the holder of the licence is not subject to a current period of licence suspension, disqualification from driving or ineligibility to hold a driver licence and submits to the licence suspension on an earlier day by returning the licence to the Registrar, on that earlier day.
- (8) Subject to subsection (9), when a period of licence suspension commences, or an undertaking to be of good behaviour is given, under this section, the demerit points recorded in the register, as at the date of the notice of licence suspension, against the person to whom the notice is given are taken to be deleted.
- (9) Subsection (8) is subject to the following qualifications:

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- (a) demerit points that had not been recorded at the date of the notice of licence suspension (whether incurred before or after that date) are not taken to be deleted;
 - (b) if the notice of licence suspension is given because of the accumulation of demerit points during a period for which the person liable to the licence suspension has undertaken to be of good behaviour, demerit points incurred after the date of the first notice of licence suspension are not taken to be deleted.
- (10) If a driver licence would, but for this subsection, expire during the course of a period of licence suspension imposed under this section, the term of the licence is extended by this subsection until the end of the period of suspension.
- (11) If a driver licence that is liable to suspension under this section is due to expire during a period of disqualification from driving imposed for an excessive speeding offence –
- (a) the holder of the licence may, notwithstanding the disqualification, apply for the renewal of the licence; and
 - (b) the renewal, if granted, is not capable of taking effect before the expiration of the period of disqualification.

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25. Period of ineligibility for unlicensed drivers

- (1) A person who does not hold a current driver licence is liable to a period of ineligibility to hold a driver licence because of the accumulation of demerit points as follows:
- (a) if –
 - (i) the person has never held a full licence and has not progressed beyond the status of a provisional driver; and
 - (ii) the demerit points recorded against the person for traffic offences committed during a period of 12 months or less amount, in aggregate, to 4 or more;
 - (b) whether or not the person has ever held a full licence – if the demerit points recorded against the person for traffic offences committed during a period of 3 years or less amount, in aggregate, to 12 or more.
- (1A) Subsection (1)(a) does not apply to a person who has held a provisional licence for the required period to be eligible to obtain a full licence but has never held a full licence.
- (2) If a person becomes liable to a period of ineligibility under subsection (1), the Registrar must serve a notice of ineligibility stating the

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period of ineligibility and when the period is to commence.

- (3) The period of ineligibility is –
- (a) for a person who has never held a full licence and has not progressed beyond the status of a provisional driver – 3 months (unless the person would have been liable to a longer period of ineligibility if paragraph (b) was applicable, in which case the longer period applies); or
 - (b) in any other case as follows:
 - (i) if the aggregate number of demerit points recorded against the person when he or she became liable to the period of ineligibility is 12 or more but not more than 15 – 3 months;
 - (ii) if the aggregate number of demerit points recorded against the person when he or she became liable to the period of ineligibility is 16 or more but not more than 19 – 4 months;
 - (iii) if the aggregate number of demerit points recorded against the person when he or she became liable to the period of ineligibility is 20 or more – 5 months.

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- (4) A period of ineligibility under this section commences on such day as the Registrar determines and specifies in the relevant notice of ineligibility.
- (5) Before a period of ineligibility commences, the person on whom the notice of ineligibility was served may apply for the renewal of his or her last driver licence if –
- (a) the person would, apart from the ineligibility resulting from the accumulation of demerit points, be entitled to renewal of the licence; and
 - (b) the person –
 - (i) has, at some time in the past, held a full licence (whether or not his or her last licence was a full licence) and has not reverted to the status of a learner driver or, if so, has progressed beyond that status; or
 - (ii) has held a provisional licence for the required period to be eligible to obtain a full licence but has never held a full licence.
- (6) The application for renewal may be accompanied by a written undertaking, in the form required by the Registrar, to be of good behaviour for a period of 12 months from the date on which the period of ineligibility would otherwise have taken effect.

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- (7) If a person who makes an application for renewal of a driver licence under subsection (5) would, apart from the ineligibility, be entitled to the renewal, the Registrar must renew the licence and, in that event –
- (a) if the application was not accompanied by a written undertaking, in the form required by the Registrar, to be of good behaviour for a period of 12 months – the licence will, as from the date of its renewal, be under suspension as if –
 - (i) the notice of ineligibility had been a notice of licence suspension under section 24; and
 - (ii) the person on whom the notice was served had been, at the time of service, the holder of a current driver licence; and
 - (iii) the period of the licence suspension had been the same as the period of ineligibility and had commenced at the date of renewal of the licence; or
 - (b) if the application was accompanied by such an undertaking – the licence will not be under suspension on its renewal, but section 24 applies as if –
 - (i) the notice of ineligibility had been a notice of licence suspension under section 24; and

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- (ii) the person on whom the notice was served had been, at the time of service, the holder of a current driver licence; and
 - (iii) the period of the licence suspension had been the same as the period of ineligibility and had commenced at the date of renewal of the licence; and
 - (iv) the undertaking were an undertaking given under section 24, to be of good behaviour for a period of 12 months from the date of renewal of the licence, as an alternative to undergoing the period of licence suspension.
- (8) Subject to subsection (9), when a period of ineligibility or licence suspension commences, or an undertaking to be of good behaviour is given, under this section, the demerit points recorded in the register, as at the date of the notice of ineligibility, against the person to whom the notice is given are taken to be deleted.
- (9) Demerit points that had not been recorded at the date of the notice of ineligibility (whether incurred before or after that date) are not taken to be deleted.
- (10) Once a period of ineligibility imposed under this section has commenced –

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- (a) the person subject to the ineligibility cannot apply for, or be issued with, a driver licence until the end of the period of ineligibility; and
 - (b) if the person held a driver licence that has expired but may still, apart from this subsection, be renewed – the licence cannot be renewed while the period of ineligibility continues.
- (11) For subsection (5)(a) and subsection (7), a disqualification from driving for an excessive speeding offence is taken not to be a condition that would disentitle a person so disqualified to the renewal of the person's last driver licence.
- (12) If a person who is disqualified from driving for an excessive speeding offence makes an application under subsection (5) which is granted, the renewal of the person's last driver licence is not capable of taking effect before the expiration of the period of disqualification.

26. Interrelationship with penalties imposed by court

- (1) A period of licence suspension or ineligibility to hold a driver licence imposed under this Division is in addition to any licence suspension, disqualification or penalty imposed by an Australian court or under another law.
- (2) Demerit points are not affected by a period of licence suspension or disqualification imposed on a basis separate from the demerit points scheme.

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**PART 4 – REGISTRATION OF MOTOR VEHICLES
AND TRAILERS**

27. Requirement for registration

- (1) Subject to subsection (3), a person must not use, or permit the use of, a motor vehicle or a trailer on a public street unless the vehicle is registered under this Act.

Penalty: In the case of –

- (a) a first offence – a fine not exceeding 20 penalty units; and
 - (b) a second or subsequent offence –
 - (i) for a body corporate – a fine not exceeding 200 penalty units; and
 - (ii) for an individual – a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 3 months.
- (2) The court may impose an additional fine on a person convicted of an offence against subsection (1) not exceeding the amount of motor tax payable for registration of the vehicle or combination for a registration period of 12 months.

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- (3) Subsection (1) does not apply to –
- (a) a vehicle of a class that is exempt from registration under this Act; or
 - (b) a vehicle for which a short term unregistered vehicle permit is in force authorising its use on a public street; or
 - (c) the use of a vehicle in circumstances in which its use is authorised by a trade plate; or
 - (d) the use of a vehicle in circumstances in which the regulations permit its use without registration.
- (4) If in proceedings for an offence against this section the prosecution establishes that –
- (a) an unregistered vehicle was found parked or standing on a public street; and
 - (b) the defendant –
 - (i) is the registered operator of the vehicle; or
 - (ii) is the owner of the vehicle; or
 - (iii) is entitled to possession of the vehicle –

it will be presumed, in the absence of proof to the contrary, that the defendant used or permitted the use of the vehicle in contravention of this section.

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28. Vehicles registered under corresponding law

- (1) Subject to the regulations, a motor vehicle or a trailer is exempt from registration under this Act if the use of the vehicle on roads is authorised under a corresponding law by registration or an authorisation that corresponds, or is similar, to a short term unregistered vehicle permit or a trade plate.
- (2) Conditions affecting the use of the vehicle on roads imposed under the corresponding law (other than conditions that are incapable of application in Tasmania) are taken to be conditions affecting the use of the vehicle on public streets in Tasmania.
- (3) A person must not contravene, or permit a contravention of, any such condition.

Penalty: In the case of –

- (a) a first offence – a fine not exceeding 20 penalty units; and
- (b) a second or subsequent offence –
 - (i) for a body corporate – a fine not exceeding 200 penalty units; and
 - (ii) for an individual – a fine not exceeding 40 penalty units or imprisonment for a

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term not exceeding 3
months.

29. Vehicles registered in a foreign country

- (1) Subject to the regulations, a motor vehicle or a trailer is exempt from registration under this Act if –
 - (a) the vehicle is registered in a foreign country; and
 - (b) the requirements of the regulations relating to third-party insurance have been complied with.
- (2) Requirements and conditions affecting the use of the vehicle on roads in the country of registration (other than requirements and conditions that are contrary to Tasmanian law or incapable of application in Tasmania) are taken to be requirements and conditions affecting the use of the vehicle on public streets in Tasmania.
- (3) A person must not contravene, or permit a contravention of, any such requirement or condition.

Penalty: In the case of –

- (a) a first offence – a fine not exceeding 20 penalty units; and
- (b) a second or subsequent offence –

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- (i) for a body corporate – a fine not exceeding 200 penalty units; and
- (ii) for an individual – a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 3 months.

30. Compliance with conditions of registration etc

- (1) A person must not use, or permit the use of, a motor vehicle or a trailer on a public street in breach of a condition of its registration under this Act.

Penalty: In the case of –

- (a) a first offence – a fine not exceeding 20 penalty units; and
- (b) a second or subsequent offence –
 - (i) for a body corporate – a fine not exceeding 200 penalty units; and
 - (ii) for an individual – a fine not exceeding 40 penalty units or imprisonment for a

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term not exceeding 3
months.

- (2) A person must not use, or permit the use of, a motor vehicle or a trailer on a public street in breach of a condition of a short term unregistered vehicle permit or a trade plate issued under this Act.

Penalty: In the case of –

- (a) a first offence – a fine not exceeding 20 penalty units; and
- (b) a second or subsequent offence –
 - (i) for a body corporate – a fine not exceeding 200 penalty units; and
 - (ii) for an individual – a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 3 months.

31. Use of vehicle while its registration is under suspension

- (1) A person must not use, or permit the use of, a motor vehicle or a trailer on a public street while its registration is under suspension.

Penalty: In the case of –

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- (a) a first offence –
 - (i) for a body corporate – a fine not exceeding 150 penalty units; and
 - (ii) for an individual – a fine not exceeding 30 penalty units or imprisonment for a term not exceeding 3 months; and
 - (b) a second or subsequent offence –
 - (i) for a body corporate – a fine not exceeding 300 penalty units; and
 - (ii) for an individual – a fine not exceeding 60 penalty units or imprisonment for a term not exceeding 6 months.
- (2) A person does not commit an offence against subsection (1) merely by leaving the motor vehicle or trailer parked or standing on a public street.

32. Use of vehicle contrary to prohibition

A person must not use, or permit the use of, a motor vehicle or a trailer on a public street in

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breach of a total prohibition on its use imposed under the regulations.

Penalty: In the case of –

(a) a first offence –

- (i) for a body corporate– a fine not exceeding 200 penalty units; and
- (ii) for an individual– a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 6 months, or both; and

(b) a second or subsequent offence –

- (i) for a body corporate– a fine not exceeding 400 penalty units; and
- (ii) for an individual– a fine not exceeding 80 penalty units or imprisonment for a term not exceeding 12 months, or both.

32A. Use of statutory write-offs prohibited

A person must not use, or permit the use of, a statutory write-off on a public street.

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Penalty: In the case of –

(a) a first offence –

- (i) for a body corporate – a fine not exceeding 200 penalty units; and
- (ii) for an individual – a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 6 months, or both; and

(b) a second or subsequent offence –

- (i) for a body corporate – a fine not exceeding 400 penalty units; and
- (ii) for an individual – a fine not exceeding 80 penalty units or imprisonment for a term not exceeding 12 months, or both.

33. Offensive advertising on vehicles

(1) In this section –

advertising means images or words in relation to which the Advertising Standards Bureau may issue a notice that a breach of the advertising code has occurred;

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advertising code means –

- (a) the document, called the AANA Code of Ethics, published by the Australian Association of National Advertisers ACN 003 179 673, as in force from time to time; or
- (b) another document that –
 - (i) states a code of ethics, or sets standards, for advertising; and
 - (ii) is prescribed by regulation to be an advertising code for the purposes of this section;

Advertising Standards Board means the board, appointed by the Advertising Standards Bureau, that has the function of considering complaints about advertising, made by members of the public, to determine whether the advertising breaches the advertising code;

Advertising Standards Bureau means the Advertising Standards Bureau ACN 084 452 666.

- (2) The Registrar must serve on the registered operator of a hire and drive vehicle a notice (an ***offensive advertising notice***) if –

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- (a) the Advertising Standards Board, or an entity that has conducted a review of a determination of the Advertising Standards Board, has made a determination that advertising on the vehicle breaches the advertising code; and
 - (b) the Advertising Standards Bureau has issued to the Registrar a notice (*an advertising code breach notice*) stating –
 - (i) the details of the determination; and
 - (ii) that the determination is final; and
 - (c) the Advertising Standards Bureau has not withdrawn the advertising code breach notice.
- (3) An offensive advertising notice served on the registered operator of a vehicle must include –
- (a) the name of the registered operator; and
 - (b) details of the vehicle; and
 - (c) a statement that the Registrar must cancel the registration of the vehicle at the end of the period of 14 days after the notice is served on the registered operator, unless the Advertising Standards Bureau withdraws its advertising code breach notice.

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- (4) The Registrar must, by notice served on the registered operator of a vehicle, revoke an offensive advertising notice in relation to the vehicle, if the Advertising Standards Bureau has withdrawn an advertising code breach notice in relation to the vehicle.
- (5) An advertising code breach notice may state that the determination referred to in the notice is final if the period for requesting a review of the determination has ended and –
- (a) any of the following applies to each request for a review of the determination:
 - (i) the request was not accepted because it did not meet the grounds on which a determination may be reviewed;
 - (ii) the determination was confirmed;
 - (iii) the review resulted in a determination that advertising on the vehicle breaches the advertising code; or
 - (b) no request for a review of the determination was made.

PART 5 – MOTOR TAX

34. Imposition of motor tax for light vehicles

- (1) Tax is imposed in respect of a light vehicle used or to be used on a public street.
- (2) The amount of the tax (expressed as an annualised sum) is, subject to subsection (3), the amount prescribed by Schedule 1.
- (3) The amount of the tax is calculated by multiplying the amount prescribed by Schedule 1 by the relevant indexation factor (and, if the resultant amount is not an exact multiple of \$1, the amount is to be rounded down to the nearest dollar if the remainder is 50 cents or less and rounded up to the nearest dollar if the remainder is more than 50 cents).
- (4) The relevant indexation factor for a tax due day in a particular financial year is the Consumer Price Index for the March quarter immediately preceding that financial year divided by the Consumer Price Index for the March quarter of 2012.

(4A) In subsection (4) –

tax due day means the day on which the tax in respect of a light vehicle is payable under section 35.

(5 - 9)

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34A. Imposition of motor tax for heavy vehicles

- (1) Tax is imposed in respect of a heavy vehicle used or to be used on a public street.
- (2) The amount of tax for a heavy vehicle is –
 - (a) for the financial year commencing 1 July 2016, the amount calculated for the heavy vehicle in accordance with Schedule 2; and
 - (b) for each subsequent financial year, the amount for the heavy vehicle as specified in, or calculated in accordance with, the regulations.
- (3) In this section –

subsequent financial year means a financial year following the financial year ending on 30 June 2017.

35. Liability for motor tax

- (1) Motor tax on a motor vehicle or a trailer is payable –
 - (a) on an application for registration (or renewal of registration) of the vehicle; or
 - (b) on the occurrence of a change to the vehicle, or its configuration or use, that increases the liability to motor tax.
- (2) Motor tax is to be paid by the applicant for registration (or renewal of registration) of the

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vehicle or, if the liability arises in the course of a period of registration, the registered operator of the vehicle.

36. Changes to registered vehicle, &c., affecting motor tax

- (1) A person must not use, or permit the use of, a registered vehicle on a public street if there has been an alteration to the vehicle, or its configuration or use, that increases its liability to motor tax unless –
 - (a) the registration of the vehicle has been upgraded in accordance with the regulations; or
 - (b) a temporary upgrade permit is in force authorising the use of the vehicle on public streets with the relevant alteration.

Penalty: In the case of –

- (a) a first offence – a fine not exceeding 20 penalty units; and
 - (b) a second or subsequent offence – a fine not exceeding 40 penalty units.
- (2) The court may impose an additional fine on a person convicted of an offence against subsection (1) not exceeding the amount of motor tax payable for registration of the vehicle

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or combination for a registration period of 12 months.

37. Recovery of motor tax

If a motor vehicle or a trailer is used on public streets, and motor tax for the relevant period of use has not been paid in full, the outstanding motor tax may be recovered as follows:

- (a) the motor tax may be recovered as a debt due to the Crown from the registered operator;
- (b) on application by the prosecutor, a court by which a person is convicted of unlawfully using the vehicle on public streets may order the convicted person to pay to the Registrar a specified amount by way of motor tax.

PART 6 – REGULATIONS

38. Driver licensing scheme

- (1) A driver licensing scheme is to be established under the regulations.
- (2) The driver licensing scheme –
 - (a) is to provide for the issue, duration, variation, expiry, renewal, suspension, cancellation and surrender of driver licences and ancillary certificates; and
 - (b) may provide for the physical surrender or return of an Australian driver licence, foreign driver licence or ancillary certificate to the Registrar, a court or other authority or its recovery from the holder, former holder or other person in possession of it by the Registrar, a court or other authority; and
 - (c) may –
 - (i) provide for the classification of driver licences and ancillary certificates and define rights and obligations attaching to each licence class; and
 - (ii) provide for driver licences to be issued as learner, provisional or probationary licences; and

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- (iii) establish codes for designating licence classes or types, or both; and
- (d) may establish the criteria of eligibility for holding driver licences or ancillary certificates generally or for a particular class of driver licence or ancillary certificate; and
- (e) may prescribe how an application for or related to a driver licence or an ancillary certificate (or the renewal of a driver licence or an ancillary certificate) is to be made and the requirements with which the applicant must, or may be required to, comply; and
- (f) may require specified information to be included on the form in which driver licences, ancillary certificates or other documents related to the driver licensing scheme are to be issued; and
- (g) may –
 - (i) provide for the issue of a driver licence or an ancillary certificate on conditions specified in the regulations or to be determined at the Registrar’s discretion (or on conditions of both kinds); and
 - (ii) provide for the later imposition of conditions (of either or both kinds) either at the time of renewal or at any other time; and

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- (iii) establish codes for designating standard licence conditions; and
 - (iv) provide for the variation or revocation of the conditions of a licence or an ancillary certificate; and
- (h) may impose requirements with which the holder of an Australian driver licence, a foreign driver licence or an ancillary certificate is to comply; and
- (ha) may prescribe –
- (i) a system of case management that may apply in respect of specified novice drivers or novice riders; and
 - (ii) the requirements with which a novice driver or novice rider may be required to comply, as determined by the Registrar, as part of case management; and
 - (iii) that the Registrar may determine which requirements of case management apply to all participants, or a class of participants or an individual participant, in case management; and
 - (iv) anything necessary, or incidental, to establish the system of case management for novice drivers or

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novice riders and any related practices and procedures; and

- (i) may prescribe a demerit points schedule listing all demerit points offences and the number of demerit points attracted by each offence which is to consist of 3 separate parts –
 - (i) the first part containing the offences constituting the national schedule of demerit points; and
 - (ii) the second part containing the interstate demerit points offences that are not on the national schedule of demerit points but are recognised under this Act; and
 - (iii) the third part containing the remaining demerit points offences; and
- (j) may require the holder of a driver licence or an ancillary certificate –
 - (i) to notify the Registrar of changes of circumstance affecting the details recorded in a register; and
 - (ii) to give the Registrar other information; and
- (k) may –
 - (i) require, or empower the Registrar to require, an applicant for the

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issue or renewal of a driver licence or an ancillary certificate, the holder of a driver licence or an ancillary certificate, or a person who is exempt from the requirement to hold a driver licence, to submit to a medical examination; and

- (ii) deal with the way in which medical examinations are to be conducted; and

(l) may –

- (i) require, or empower the Registrar to require, an applicant for the issue or renewal of a driver licence or an ancillary certificate, the holder of a driver licence, or a person who is exempt from the requirement to hold a driver licence or an ancillary certificate, to submit to a test or assessment of his or her competence to drive motor vehicles of a particular class; and
- (ii) require, or empower the Registrar to require, an applicant for the issue or renewal, or the holder, of an ancillary certificate authorising the provision of driving instruction for reward to submit to a test or assessment of

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- his or her competence to teach others to drive; and
- (iii) deal with the way in which a test or assessment under subparagraph (i) or (ii) is to be conducted; and
- (m) may require, or empower the Registrar to require, an applicant for the issue or renewal, or the holder, of a driver licence or an ancillary certificate, or a person who is exempt from the requirement to hold a driver licence, to undergo a training course to satisfy the Registrar that the person is a suitable person to exercise the rights conferred under the driver licence, ancillary certificate or exemption; and
- (n) may regulate the provision of driving instruction for reward; and
- (o) may regulate the driving of public passenger vehicles; and
- (p) may prescribe, or provide for, conditional or unconditional exemptions from –
- (i) requirements of the driver licensing scheme generally; or
 - (ii) a specific requirement of the scheme (including a requirement related to ancillary certificates); and

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- (q) may provide for the recognition by the Registrar of things done under corresponding laws; and
 - (r) may deal with any incidental or ancillary matter.
- (3) The driver licensing scheme may provide for the suspension or cancellation of driver licences or ancillary certificates for non-payment of penalties or for other reasons unrelated to the holder's suitability to be the holder of such a licence or certificate.

39. Vehicle registration scheme

- (1) A vehicle registration scheme is to be established under the regulations.
- (2) The vehicle registration scheme –
 - (a) is to provide for the registration of motor vehicles and trailers, registration periods and the renewal of registration; and
 - (b) may prescribe requirements (which may vary according to the nature or class of the vehicle or the purpose for which it is to be used) that must be satisfied if a vehicle is to be eligible for registration or a particular category of registration; and
 - (c) may prescribe how applications for registration, renewal of registration and other applications under the vehicle registration scheme are to be made and

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the requirements with which the applicant must, or may be required to, comply; and

(d) may –

(i) provide for conditional registration (on standard conditions specified in the regulations, conditions to be determined by the Registrar in a particular case, or conditions of both kinds); and

(ii) establish codes for designating standard conditions of registration; and

(iii) provide for the variation or revocation of conditions of registration; and

(e) may –

(i) provide for assigning distinguishing registration numbers; and

(ii) empower the Registrar to enter into agreements under which a registration number or registration numbers in a specified form are, for a consideration, to be assigned to a particular vehicle or vehicles; and

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- (iii) provide for the withdrawal of distinguishing registration numbers previously assigned; and
- (f) may provide for the issue of –
 - (i) certificates of registration; and
 - (ii) registration labels; and
 - (iii) other documents relating to registration or the identification of vehicles; and
 - (iv) number plates –and prescribe requirements with which any such documents or number plates must comply; and
- (g) may prescribe how registration labels and number plates are to be affixed to, and displayed on, the registered vehicle; and
- (h) may provide for transfer of registration on change of the registered operator of a vehicle; and
- (i) may provide for the suspension, cancellation or surrender of registration; and
- (j) may require notice to be given to the Registrar of a change in the beneficial ownership of a vehicle as follows:
 - (i) if an application for transfer of registration is related to the

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- change in beneficial ownership – in or together with the application for transfer of registration;
- (ii) if the change in beneficial ownership occurs when the vehicle is registered but there is no related application for transfer of the registration – in a separate written notice to the Registrar;
 - (iii) if the change in beneficial ownership occurs when the registration of the vehicle has been expired for a period of 3 months or less – in or together with an application for transfer of the registration of the vehicle;
 - (iv) if the change in beneficial ownership occurs when the registration of the vehicle has been expired for a period of 3 months or less but there is no related application for transfer of registration – in a separate written notice to the Registrar; and
- (k) may provide for –
- (i) the inspection of motor vehicles, trailers, their loads and associated equipment; and
 - (ii) the issue of certificates of inspection; and

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- (iii) the issue of inspection labels and the consequences of the issue of an inspection label; and
- (l) may provide for –
 - (i) the issue of formal warning notices and vehicle defect notices; and
 - (ii) the obligations arising from, and other consequences of, the issue of a formal warning notice or vehicle defect notice; and
- (m) may make provision for, and with respect to –
 - (i) trade plates; and
 - (ii) short term unregistered vehicle permits –and provide for the use of vehicles under the authority conferred by any such trade plate or permit; and
- (n) may require the registered operator, or person in charge, of a vehicle –
 - (i) to notify the Registrar of alterations to the vehicle or changes of circumstance affecting details recorded in the register of motor vehicles and trailers; and
 - (ii) to provide other information to the Registrar; and

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- (iii) to comply with other specified requirements; and
 - (o) may provide for the recognition of things done under corresponding laws; and
 - (p) may prescribe, or provide for, conditional or unconditional exemptions from –
 - (i) vehicle registration requirements generally; or
 - (ii) a specific requirement related to vehicle registration; and
 - (q) may deal with incidental and ancillary matters.
- (3) The vehicle registration scheme may provide for the suspension or cancellation of registration for non-payment of penalties or other monetary liabilities relating to the registration or use of the vehicle.
- (4) The vehicle registration scheme may provide for any or all of the following:
 - (a) that the registration of a vehicle may, or must, be cancelled if there is an offensive advertising notice in relation to the vehicle;
 - (b) that it is a requirement, for a vehicle to be eligible for registration, that there is no offensive advertising notice in relation to the vehicle.

39A. Personalised number plates regulations

- (1) The regulations may make provision for, and with respect to –
 - (a) a request for the rights to a specific registration number; and
 - (b) the issue of personalised number plates that may be attached to a vehicle or held independently of a vehicle.
- (2) Without limiting the generality of subsection (1), the regulations may prescribe requirements in relation to one or more of the following:
 - (a) the assigning of rights to a specific registration number;
 - (b) the issue of personalised number plates;
 - (c) the replacement of personalised number plates;
 - (d) the circumstances under which a personalised number plate may be attached to a vehicle or held by an individual;
 - (e) the conditions under which personalised number plates may be used or possessed;
 - (f) the sale, trade or transfer of specific registration numbers and personalised number plates;
 - (g) the return or exchange of personalised number plates;

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- (h) the cancellation or surrender of personalised number plates;
 - (i) the fees payable in respect of the assigning of rights to a specific registration number and the issue, trade, transfer and conversion of personalised number plates;
 - (j) the determining or approving of any fee payable in respect of a specific registration number or personalised number plate.
- (3) A fee in relation to a personalised number plate may vary according to the particular registration number or class of registration numbers and is not limited to an amount that is related to the cost of providing any service.
- (4) The regulations may provide for the validation of any prescribed actions taken before the commencement of the *Vehicle and Traffic and Related Legislation (Miscellaneous Amendments) Act 2010*.

40. Motor tax

The regulations may –

- (a) provide (subject to this Act) –
 - (i) for the assessment of motor tax;
and
 - (ii) for reassessment of motor tax;
and

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- (iii) for the purpose of assessment or reassessment of motor tax, prescribe formulas, or other bases of calculation, for determining the amount of motor tax payable in a particular case; and
- (b) provide for the payment and recovery of motor tax; and
- (c) provide for the payment of additional motor tax, or the refund of motor tax, in specified circumstances; and
- (d) make provision for, and with respect to, temporary upgrade permits; and
- (e) prescribe, or provide for the grant of, exemptions from, and rebates of, motor tax; and
- (f) deal with incidental and ancillary matters.

40AA. Road safety levy

The regulations may –

- (a) provide for the imposition of a levy, in connection with the registration and renewal of registration of vehicles, for the purpose of improving road safety; and
- (b) fix the amount of the levy; and
- (c) provide for the payment of the levy; and

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- (d) provide for concessions, waivers, rebates or exemptions related to the levy; and
- (e) deal with incidental and ancillary matters.

40A. Vehicle standards

- (1) The regulations may set vehicle standards.
- (2) Vehicle standards regulations may, without limiting the generality of subsection (1), prescribe requirements in relation to any or all of the following:
 - (a) the design, construction, operation, efficiency and performance of vehicles and vehicle components;
 - (b) the design, construction, operation, efficiency, performance and use of equipment fitted to or carried on vehicles;
 - (c) the attachment of operational or safety devices;
 - (d)
 - (e) roadworthiness;
 - (f) safety, emissions and noise;
 - (g) the coupling of motor vehicles and trailers;

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- (h) the identification of vehicles and vehicle components.
- (3) Vehicle standards regulations –
 - (a) may prescribe, or provide for, conditional or unconditional exemptions from –
 - (i) vehicle standards requirements generally; and
 - (ii) a specific requirement related to vehicle standards; and
 - (b) may regulate the use of vehicles under such exemptions and of any vehicles that vehicle standards, either particularly or generally, are expressed not to apply to; and
 - (c) may provide for any matter by applying, adopting or incorporating, either specifically or by reference and either wholly or in part, whether as in force at a particular time or as amended and in force from time to time, and with or without modification, any of the following:
 - (i) national standards under the MVSA;
 - (ia) national standards under the RVSA;

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- (ii) standards published or accredited by Standards Australia that are relevant to vehicle use and safety;
- (iii) other standards, codes or specifications that are relevant to vehicle use and safety; and
- (d) may provide for the recognition of things done under corresponding laws; and
- (e) may deal with incidental and ancillary matters; and
- (f) may provide that any guide, diagram, example, note or other explanatory or illustrative item set out in the regulations is or is not part of the regulations.

40B. Vehicle operations

- (1) The regulations may provide for matters relating to vehicle operations.
- (2) Without limiting the generality of subsection (1), the regulations may prescribe requirements in relation to any or all of the following:
 - (a) masses and dimensions of vehicles and combinations and their loads;
 - (b) loads on vehicles and combinations, including the manner of loading and the carriage and security of loads;
 - (c) routes on which, and times at which, certain vehicles or combinations, or

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-
- classes of vehicles or combinations, may travel;
- (d) restrictions on the use of vehicles and combinations, and classes of vehicles and combinations, on public streets;
 - (e) methods for determining the mass and dimensions of vehicles, combinations and their loads;
 - (f) methods for testing instruments used for determining the mass and dimensions of vehicles, combinations and their loads;
 - (g) the carriage on vehicles and combinations of long, large, heavy or projecting loads;
 - (h) tyre pressures and axles;
 - (i)
 - (j) the number of hours for which a person may drive, or work in relation to, a vehicle or combination, or class of vehicles or combinations, and the rest periods required to be taken by that person;
 - (k) the use, carriage and keeping of logbooks in relation to specified classes of vehicles and combinations or other specified matters;
 - (l) the issue of certificates in relation to vehicle operations;

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- (m) vehicles that are towing or being towed, including permissible masses of such vehicles;
 - (n) pilot and escort vehicles;
 - (o) unladen vehicles;
 - (p) public safety, including signs and lights on vehicles and combinations.
- (3) Vehicle operations regulations may –
- (a) prescribe, or provide for, conditional or unconditional exemptions from –
 - (i) vehicle operations requirements generally; and
 - (ii) a specified requirement relating to vehicle operations; and
 - (b) regulate the use of vehicles and combinations under such exemptions; and
 - (c) provide for any matter by applying, adopting or incorporating any guidelines, standards, codes or specifications relevant to vehicle use and safety –
 - (i) specifically or by reference; and
 - (ii) wholly or in part; and
 - (iii) as in force at a particular time or as amended and in force from time to time; and

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- (iv) with or without modification; and
- (d) prescribe specifications for signs and the circumstances in which those signs may be used; and
- (e) deal with incidental and ancillary matters.

40C. Written-off vehicles

- (1) The regulations may provide for all matters relating to written-off vehicles.
- (2) Without limiting the generality of subsection (1), the regulations may prescribe requirements in relation to any or all of the following:
 - (a) requiring a person, or a person of a class of persons, to notify the Registrar in respect of any written-off vehicle of which the person has knowledge;
 - (b) the affixing of a notice or label to a written-off vehicle;
 - (c) the inspection and seizure of a written-off vehicle;
 - (d) the issue of a certificate of inspection in relation to a written-off vehicle;
 - (e) the issue of a certificate determining whether a vehicle is a written-off vehicle.

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41. Registers

The regulations may –

- (a) empower or require the Registrar to keep any one or more of the following registers:
 - (i) a register of driver licences;
 - (ii) a register of motor vehicles and trailers;
 - (iii) a register of demerit points;
 - (iv) a register of written-off vehicles;
 - (v) any other register that may be relevant to the Registrar's functions under this Act; and
- (ab) empower or require the Commission to keep any register that may be relevant to the Commission's functions under this Act; and
- (b) deal with the form and content of the registers; and
- (c) provide for the security and release of information in the registers; and
- (d) provide for the issue of certificates by the Registrar or the Commission; and
- (e) deal with incidental and ancillary matters.

42. Review

The regulations may provide for the review of administrative decisions under –

- (a) this Act; or
- (b) another Act related to vehicles or traffic.

42A. Offence detection devices

(1) The regulations may –

- (a) provide for the use of devices in the detection of offences including, without limiting the generality of this paragraph –
 - (i) the use of photographic detection devices in the detection of red light offences and speeding offences; and
 - (ii) the use of speed measuring devices in the detection of speeding offences; and
- (b) prescribe requirements in relation to the installation, operation and testing of devices that are used in the detection of offences; and
- (c) make provision for, and with respect to, the inspection, use and admissibility of evidence obtained from such devices; and

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- (d) make provision for, and with respect to, evidentiary matters associated with the installation, operation and testing of such devices; and
- (e) deal with any incidental and ancillary matters.

(2) In this section,

offences means –

- (a) traffic offences; or
- (b) offences against other Acts that involve traffic, vehicles or the users of vehicles; or
- (c) offences that are the subject of proceedings in which the presence or use of vehicles at particular times and places is relevant or in issue.

43. Inclusion or exclusion of areas

(1) The regulations may declare that –

- (a) this Act, or a specified provision of this Act, is to apply to a specified area that is open to, or used by, the public as if the area were a public street; or
- (b) this Act, or a specified provision of this Act, is not to apply to a specified public street, or a specified part of a public street.

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- (2) A declaration under this section has effect in accordance with its terms.

44. Fees generally

- (1) The regulations may –
- (a) fix fees, or the basis on which fees are to be calculated, on any application under this Act (including differential fees that vary according to whether an application is made within, or after the expiration of, a particular time limit); and
 - (b) fix fees, or the basis on which fees are to be calculated, for –
 - (i) any administrative act under this Act; and
 - (ii) any service or materials provided under this Act.
- (2) The regulations may also –
- (a) provide for the payment and recovery of fees; and
 - (b) provide for concessions, waivers, rebates or exemptions related to fees and provide for refunds (or partial refunds) of fees; and
 - (c) deal with incidental and ancillary matters.

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45. Regulations generally

- (1) The Governor may make regulations for the purposes of this Act.
- (2) Regulations may be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations.
- (3) The regulations may –
 - (a) provide that a contravention of any of the regulations is an offence; and
 - (b) in respect of such an offence, provide –
 - (i) for a first offence – for the imposition of a fine not exceeding 20 penalty units for an individual or 100 penalty units for a body corporate; and
 - (ii) for a second or subsequent offence – for the imposition of a fine not exceeding 40 penalty units for an individual or 200 penalty units for a body corporate.
- (3A) Any of the regulations regulating or restricting the mass of a vehicle or combination and its load, either generally or on a particular street, at a particular location or in any particular circumstance, may provide that a court must impose an additional penalty for each offence.

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- (3B) A penalty under subsection (3A) is to be 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 combination, or part of the vehicle or combination, exceeds that permitted by the regulations.
- (4) The regulations may authorise any matter to be from time to time determined, approved, applied or regulated by the Minister, the Registrar or another nominated person.
- (5) The regulations may contain provisions of a savings or transitional nature.
- (6) A provision of a regulation made under subsection (5) may, if the regulation so provides, operate retrospectively from the first day on which provisions of this Act commence or a specified later day.
- (7) Any penalty imposed by virtue of subsection (3A) on the conviction of a person for an offence –
- (a) if the offence was committed on a State highway or subsidiary road within the meaning of the *Roads and Jetties Act 1935*, is to be paid into the State Highways Trust Fund; and
 - (b) if the offence was committed elsewhere, is to be paid into the municipal fund of the council of the municipal area in which the place at which the offence was committed is situated.

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PART 7 – COMPLIANCE AND ENFORCEMENT

46. Power to stop vehicle

(1) A police officer or an authorised officer may direct or signal the driver of a motor vehicle or combination to stop the motor vehicle or combination –

(a) so that the driver may be asked to produce for inspection any document that the driver may be required by the officer to produce under this Part; or

(b) so that the vehicle or combination, and any equipment associated with the vehicle or combination or its load may be inspected under this Part; or

(ba) so that the vehicle or combination, including its load, may be weighed or measured, or both weighed and measured, in accordance with this Act; or

(c) so that other powers of investigation or inquiry conferred by this Part may be exercised.

(1AA) Subsection (1)(a) does not extend to the production for inspection of an Australian driver licence or a foreign driver licence.

(1A) A police officer or authorised officer may direct or signal the driver of a motor vehicle or combination to drive the vehicle or combination to –

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- (a) the nearest weighing device on the route on which the vehicle or combination is proceeding; or
 - (b) any weighing device, or place that in the officer's opinion is suitable for the use of a weighing device, within 10 kilometres of the place at which the direction is given.
- (2) A person must –
- (a) comply with a direction or signal given by a police officer or an authorised officer under subsection (1) or subsection (1A); and
 - (b) keep the vehicle stationary for as long as the police officer or the authorised officer reasonably requires.

Penalty: In the case of –

- (a) a first offence – a fine not exceeding 25 penalty units; and
 - (b) a second or subsequent offence – a fine not exceeding 50 penalty units.
- (3) After being directed or signalled under subsection (1) or (1A), a person must not unload the vehicle or combination or alter the position of the load, or cause or permit the vehicle or combination to be unloaded or the position of the load to be altered, until the vehicle or

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combination has been inspected in accordance with this Part.

Penalty: In the case of –

- (a) a first offence – a fine not exceeding 25 penalty units; and
- (b) a second or subsequent offence – a fine not exceeding 50 penalty units.

46A. Carriage and production of driver licence, &c.

- (1) The holder of an Australian driver licence, while driving, or in charge of, a motor vehicle on a public street, or instructing a person learning to drive a motor vehicle on a public street, must –
 - (a) carry the Australian driver licence; and
 - (b) produce the licence for inspection by a police officer or an authorised officer when requested to do so by the officer.

Penalty: Fine not exceeding 5 penalty units.

- (2) The holder of a foreign driver licence, while driving, or in charge of, a motor vehicle on a public street, must –
 - (a) carry –
 - (i) the foreign driver licence and, if the foreign driver licence is not

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written in English, an English translation of the licence; or

(ii) an international driving permit; and

(b) produce the foreign driver licence, translation or permit, as the case may be, for inspection by a police officer or an authorised officer when requested to do so by the officer.

Penalty: Fine not exceeding 5 penalty units.

(3) A person, while driving, or in charge of, a motor vehicle, or engaging in any other activity for which an ancillary certificate is required, must carry the certificate and produce it for inspection by a police officer or an authorised officer when requested to do so by the officer.

Penalty: Fine not exceeding 5 penalty units.

47. Production of documents by drivers and persons in charge of vehicles

(1) If a police officer or an authorised officer asks the driver of a motor vehicle to produce for inspection a document that is required under this or any other Act to be carried by the driver while driving or to be carried in or on the vehicle, the driver must produce the document forthwith for inspection by the officer.

Penalty: Fine not exceeding 10 penalty units.

(2)

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- (3) If a police officer or an authorised officer asks a person apparently in charge of a motor vehicle (other than the driver) to produce for inspection a document that is required under this or any other Act to be carried in or on the vehicle, the person must produce the document forthwith for inspection by the officer.

Penalty: Fine not exceeding 10 penalty units.

- (4) If the driver or other person asked to produce a document for inspection does not have it available for production when asked by a police officer or an authorised officer to produce it, the driver or other person must produce it for inspection within 7 days of the date of the request at a police station or other place nominated by the officer.

Penalty:

- (a) if the document was required to be carried by the convicted person or in the motor vehicle but was not so carried – a fine not exceeding 10 penalty units; and
 - (b) in any other case – a fine not exceeding 5 penalty units.
- (5) It is a defence to a charge of an offence against this section to establish –
- (a) that –

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- (i) the relevant document had been lost or destroyed; and
 - (ii) it was impracticable in the circumstances to have a replacement document available for inspection at the time of the request; and
 - (iii) the defendant gave the Registrar or the Commission a statutory declaration setting out the circumstances of the loss or destruction of the document within 7 days after the date of the request for its production; or
- (b) that –
- (i) the relevant document is in the possession of someone else; and
 - (ii) the defendant has made reasonable attempts without success to obtain the document from that other person; and
 - (iii) the defendant gave the Registrar or the Commission a statutory declaration setting out the name and address of the person who has possession of the document within 7 days after the date of the request for its production.
- (6) A reference in this section to the driver of a motor vehicle extends to any of the following:

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- (a) the holder of an ancillary certificate in driving instruction;
 - (b) a person who is instructing the learner driver.
- (7) A person cannot be convicted, in respect of the same incident, both of an offence of failing to produce a document forthwith when asked to produce it under this section and of an offence of failing to carry the document as required under this Act.

48. Miscellaneous document production requirements

- (1) The holder (or former holder) of an Australian driver licence or an ancillary certificate, or any other person in possession of an Australian driver licence or an ancillary certificate (including one that is void), must, if asked to do so for sufficient reason by the Registrar, a police officer or an authorised officer, deliver into the custody of the Registrar or the officer making the request, the licence, ancillary certificate or any related document issued under this Act.

Penalty: Fine not exceeding 10 penalty units.

- (2) There is sufficient reason for a request under subsection (1) if –
- (a) the driver licence or ancillary certificate has been cancelled or suspended; or

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- (b) the driver licence or ancillary certificate is required for endorsement or replacement by the Registrar; or
 - (ba) the person of whom the request is made has been disqualified from driving; or
 - (c) the person of whom the request is made has failed to comply with an obligation to return or deliver up the licence or ancillary certificate to which the request relates to the Registrar.
- (3) The registered operator of a motor vehicle or a trailer, or any other person who uses a motor vehicle, trailer or combination on a public street must, if asked to do so for sufficient reason by the Registrar, the Commission, a police officer or an authorised officer, deliver into the custody of the Registrar, the Commission or the officer making the request, any number plate, trade plate, registration label, certificate of registration, short term unregistered vehicle permit, or other document issued under this Act in connection with the registration of the vehicle or combination or its use on public streets.

Penalty: Fine not exceeding 10 penalty units.

- (4) There is sufficient reason for a request under subsection (3) if the relevant registration, plate or document has been cancelled or suspended or has expired.
- (4A) The driver of a motor vehicle or combination, or any other person who uses a motor vehicle or combination, must, if asked to do so for

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sufficient reason by the Commission, a police officer or an authorised officer, deliver into the custody of the Commission or the officer making the request any document, record or logbook issued by the Commission, or required to be kept under this Act, in connection with the driving of vehicles.

Penalty: Fine not exceeding 10 penalty units.

(5) If a person who holds an Australian driver licence, a foreign driver licence or an ancillary certificate is involved in proceedings under this Act or the *Road Safety (Alcohol and Drugs) Act 1970* –

(a) the person must have the document available for production to the court and produce it if asked to do so by the court; and

(b) the court may take the document into its custody (and, if it does so, must return the document to the person who produced it or the Registrar when the court no longer requires it for the purpose of its proceedings).

Penalty: Fine not exceeding 5 penalty units.

(6) A person who is required under the regulations to keep a record must, if asked to do so by a police officer or an authorised officer, produce the record for inspection by the officer.

Penalty: In the case of –

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- (a) a first offence – a fine not exceeding 15 penalty units; and
 - (b) a second or subsequent offence – a fine not exceeding 30 penalty units.
- (7) It is a defence to a charge of an offence against this section to establish that –
- (a) the relevant document had been lost or destroyed; and
 - (b) it was impracticable in the circumstances to have a replacement document available for inspection at the time of the request; and
 - (c) the defendant gave the Registrar or the Commission a statutory declaration setting out the circumstances of the loss or destruction of the document within 7 days after the date of the request for its production.

49. Inspection of vehicles

- (1) A police officer or an authorised officer may inspect a vehicle or combination for the purpose of –
- (a) identifying the vehicle; or
 - (b) ascertaining –

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- (i) in the case of a motor vehicle– the kind of engine that the vehicle has, and where the engine is a piston engine, the number of cylinders; or
 - (ii) in the case of a motor vehicle or a trailer– the GVM or the GCM of the vehicle or the number of passenger seating positions in the vehicle; or
 - (c) ascertaining the condition of the vehicle; or
 - (d) ascertaining whether the use of the vehicle or combination on public streets is properly authorised or permitted under this Act; or
 - (e) ascertaining whether the correct amount of motor tax has been paid in respect of the vehicle; or
 - (ea) weighing or measuring, or both weighing and measuring, the vehicle or combination, or any part of the vehicle or combination, and its load; or
 - (f) ascertaining whether this Act or a related Act is being complied with.
- (2) The police officer or authorised officer may also –

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- (a) inspect and test any equipment that forms part of the vehicle, or is attached to or used in connection with the vehicle; and
 - (b) inspect any load carried by the vehicle or combination.
 - (c)
- (3) The power of inspection is exercisable –
- (a) on a public street or in a public place if the vehicle or combination –
 - (i) has been stopped for inspection under this Part on the public street or in the public place; or
 - (ii) is parked or standing on the public street or in the public place; or
 - (b) at a garage, depot or other premises (which may be a residence) if –
 - (i) it reasonably appears to the officer that the garage, depot or other premises are used in connection with the vehicle or combination; and
 - (ii) the inspection is carried out at a reasonable time.
- (4) For the purposes of an inspection, the officer may direct a person in charge or apparently in charge of the vehicle or combination to do one or more of the following:

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- (a) to move the vehicle or combination to an appropriate place for carrying out the inspection;
 - (ab) to place the vehicle or combination, or part of the vehicle or combination, on a weighing device;
 - (ac) to assist the officer to weigh or measure the vehicle or combination and its load;
 - (b) to drive and manoeuvre the vehicle or combination, in a manner directed by the officer, over a short distance;
 - (c) to open any compartment of the vehicle;
 - (d) to demonstrate the operation of the vehicle or combination or any associated equipment;
 - (e) if the officer considers it appropriate– to dismantle any equipment used in connection with the vehicle;
 - (ea) if the officer considers it appropriate, to unload or partially unload the vehicle or combination, or alter its load, so that it complies with this Act;
 - (f) to answer any reasonable question about the vehicle and its registration and use, or about the load carried on the vehicle or combination.
- (5) If the officer considers the vehicle or combination unsafe, the officer may direct a

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person in charge or apparently in charge of the vehicle or combination to secure it and leave it at the place of inspection until further action specified by the officer is completed.

- (6) A person must not, without reasonable excuse, fail to comply with a direction of a police officer or an authorised officer under subsection (4) or (5).

Penalty: In the case of –

- (a) a first offence – a fine not exceeding 25 penalty units; and
- (b) a second or subsequent offence – a fine not exceeding 50 penalty units.

- (7) A

related Act is –

- (a) the *Traffic Act 1925*; or
- (b) the *Taxi and Hire Vehicle Industries Act 2008*; or
- (c) the *Passenger Transport Services Act 2011*; or
- (d) the *Dangerous Goods (Road and Rail Transport) Act 2010*.

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49A. Power to unload

- (1) A police officer or an authorised officer who reasonably suspects that a vehicle or combination is in breach of a mass or dimension limit or load security requirement may direct the driver to unload part or all of the load, secure the load, or cause part or all of the load to be unloaded or secured, so that the vehicle or combination complies with this Act.
- (2) A police officer or an authorised officer may direct the driver, before complying with subsection (1), to drive or tow the vehicle or combination, or cause it to be driven or towed, to a place that in the officer's opinion is the nearest place of safety.
- (3) A person must not fail to comply with a direction under subsection (1).

Penalty: In the case of –

- (a) a first offence – a fine not exceeding 25 penalty units;
and
- (b) a second or subsequent offence – a fine not exceeding 50 penalty units.

50. Production of vehicles for inspection

- (1) The Registrar may, by notice in writing, require a person to produce a motor vehicle or a trailer that is used, or intended for use, on a public

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street, for inspection by a police officer, an authorised officer or some other person approved by the Registrar.

- (2) The Registrar may give a reason for requiring the inspection but is not required to do so.
- (3) The notice requiring the inspection is to –
 - (a) specify a date by which, or a period within which, the inspection is to be carried out; and
 - (b) contain other directions, including directions regarding the place of inspection and inspection procedure, as the Registrar considers appropriate.
- (4) The time allowed for carrying out the inspection, and the place of inspection, must be such as are reasonable in the circumstances.
- (5) The requirement may be addressed to the registered operator (if the vehicle is registered) or any person who is responsible or apparently responsible for the vehicle.
- (6) A person on whom a notice under this section has been served may, not later than 24 hours before the time fixed in the notice for production of the vehicle, request the Registrar to change the time or place of the inspection, or both.
- (7) The Registrar must, if it is reasonable to do so, comply with the request and notify the person of the change in the time or place of the inspection, or both.

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- (8) A person required under this section to produce a vehicle for inspection must comply with the requirement.

Penalty: For –

(a) a first offence –

- (i) in the case of a vehicle of a prescribed category – a fine not exceeding 20 penalty units; and
- (ii) in any other case – a fine not exceeding 10 penalty units; and

(b) a second or subsequent offence –

- (i) in the case of a vehicle of a prescribed category – a fine not exceeding 40 penalty units; and
- (ii) in any other case – a fine not exceeding 20 penalty units.

(9)

50A. Power to retain vehicles

- (1) An authorised officer who is inspecting a vehicle may retain the vehicle in his or her custody for a

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period of not more than 24 hours if the officer suspects on reasonable grounds that the vehicle is stolen or has recorded on it an identification number that is not allocated to that vehicle.

- (2) A vehicle that is retained under subsection (1) may be retained at the place of inspection or at another place that the authorised officer considers appropriate.
- (3) If an authorised officer retains a vehicle under subsection (1), he or she may notify the Commissioner of Police of that retention and the officer's suspicion that the vehicle is stolen or has recorded on it an identification number that is not allocated to it.

51. Power of seizure

- (1) A police officer or an authorised officer may, in the course of inspecting a motor vehicle or a trailer, seize any number plate, device or document in or on the motor vehicle or trailer, and take it into the officer's custody, if the officer suspects, on reasonable grounds, that the plate, device or document has been used in committing an offence against this Act.
- (2) If, in the course of inspecting a vehicle, a police officer finds any goods that the officer suspects, on reasonable grounds, to have been stolen, the officer may seize the goods and take them into the officer's custody.

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52. Powers of entry

- (1) A police officer or an authorised officer may enter and remain on premises –
 - (a) to inspect any vehicles at the premises; and
 - (ab) to inspect the load on any such vehicle or combination; and
 - (ac) to inspect any documents issued by the Registrar or the Commission under this Act and any records or documents required to be kept at the premises for the purposes of this Act; and
 - (b) if an applicant for, or the holder of, a trade plate carries on a business at the premises – to inspect the business.
- (2) In the course of carrying out an inspection under subsection (1), the police officer or authorised officer may –
 - (a) direct a person to answer reasonable questions relating to the inspection; and
 - (b) make copies of, or take extracts from, records or documents referred to in subsection (1)(ac).
- (3) A person must not, without reasonable excuse, fail to comply with a direction of a police officer or an authorised officer under subsection (2).

Penalty: In the case of –

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- (a) a first offence – a fine not exceeding 25 penalty units;
and
 - (b) a second or subsequent offence – a fine not exceeding 50 penalty units.
- (4) A power of entry conferred by this section may only be exercised at a reasonable time and, if the premises are residential premises, if –
- (a) the occupier consents; or
 - (b) the entry is authorised by warrant under the *Search Warrants Act 1997*.

53. Hindering or obstructing police officers or authorised officers

A person must not hinder or obstruct a police officer or an authorised officer acting in the exercise of powers conferred by this Act.

Penalty: In the case of –

- (a) a first offence – a fine not exceeding 25 penalty units;
and
- (b) a second or subsequent offence – a fine not exceeding 50 penalty units.

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Part 7 – Compliance and Enforcement

54. Evidence of authority

(1) In this section –

approved means approved by the Commission for the purposes of identifying an authorised officer;

take action means make a requirement, or exercise another power, under this Part.

(2) An authorised officer must produce the officer’s warrant of authority to a person if the officer –

(a) intends to take action against the person and the officer is not wearing an approved uniform or badge; or

(b) intends or has commenced to take action against the person and the person asks to see the warrant of authority.

(3) If it is not practicable to produce the warrant of authority immediately in a case to which subsection (2)(b) applies, it must be produced as soon as practicable afterwards.

55. Verification of record

(1) If there are reasonable grounds for believing that information contained in a register is inaccurate, misleading or incomplete, the Registrar or the Commission may, by written notice, require the person to whom the information relates to do one or more of the following:

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- (a) to provide information the Registrar or the Commission considers necessary to correct or complete the relevant entry in the register;
 - (b) to provide evidence of the correctness of the information provided under paragraph (a) in a form specified by the Registrar or the Commission;
 - (c) to provide specified documents for inspection;
 - (d) to attend at a particular time and place for identification.
- (2) If a person is required to attend for identification, the Registrar or the Commission may, at the request of the person required to attend, change the time or place, or both, fixed in the notice for the attendance.
- (3) A person must comply with a requirement under this section.

Penalty: In the case of –

- (a) a first offence – a fine not exceeding 10 penalty units;
and
- (b) a second or subsequent offence – a fine not exceeding 20 penalty units.

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56. Tests and examinations of drivers

- (1) The Registrar may require a person who is authorised or entitled to drive motor vehicles of a particular class in Tasmania under a driver licence, ancillary certificate or exemption to undergo a test or assessment, or provide other evidence to the Registrar's satisfaction, that the person –
 - (a) is competent to drive motor vehicles of the relevant class and is a suitable person to drive such vehicles; and
 - (b) has adequate knowledge of safe driving practices and adequate skill in their application; and
 - (c) in the case of the holder of an ancillary certificate in driving instruction – is a suitable person to provide instruction in the driving of motor vehicles of the relevant class.
- (2) The Registrar may require a person who is authorised or entitled to drive motor vehicles of a particular class in Tasmania under a licence, ancillary certificate or exemption to submit to a medical examination (at the person's own expense) by a medical practitioner or a registered health care practitioner, or to produce other evidence to the Registrar's satisfaction, that the person complies with relevant standards of physical and mental fitness to drive motor vehicles of the relevant class.

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- (3) The Registrar may require a person who is authorised or entitled to drive motor vehicles of a particular class in Tasmania under a licence, ancillary certificate or exemption to submit to a test to satisfy the Registrar that the person has an adequate knowledge of the law governing road traffic.
- (4) A requirement under this section is made by a notice in writing –
 - (a) addressed to the person who is required to comply with the requirement; and
 - (b) specifying the time within which compliance is required; and
 - (c) served on the person required to comply.
- (5) A person must comply with a requirement under this section.

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Part 7A – Management of public streets

PART 7A – MANAGEMENT OF PUBLIC STREETS

56A. Temporary closure of public streets for public events

(1) In this section –

public event means an event that members of the public are expected or invited to watch or participate in, whether on payment of a fee or otherwise, and, without limiting the generality of this, includes –

- (a) a religious pageant; and
- (b) a commemorative parade; and
- (c) a race for athletes or a race, rally or reliability trial for vehicles; and
- (d) a cultural festival; and
- (e) a political demonstration;

public street includes any part of a public street.

(2) The Commissioner of Police may, if satisfied that it is necessary or expedient to do so to facilitate the organisation or holding of a public event, authorise –

- (a) the temporary closure of a public street to all traffic; or

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- (b) the temporary closure of a public street to traffic of a particular kind; or
 - (c) the temporary closure of a public street to traffic other than traffic of a particular kind.
- (3) The authorisation is effectively given if published, in the form of a notice, in a newspaper that is published daily in Tasmania and circulated generally in that part of the State where the public event is to be held.
- (4) The notice must clearly identify the public street, specify the period of temporary closure and, if applicable, the kind of traffic affected by or excluded from the closure.
- (5) The authorisation may be made subject to such exemptions and conditions, including a requirement that the organisers of the event enter into a policy of insurance regarding any deaths, personal injuries or property damage that may arise from the public event, as the Commissioner reasonably determines and specifies in the notice.
- (6) In order to give effect to an authorisation under this section, a police officer or, with the approval of a senior police officer, any other person may –
 - (a) place or erect barriers, signs and other traffic control devices on or in respect of the public street to which the authorisation relates; and

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(b) give directions to any person in relation to the use of that public street.

(7) A person must comply with a direction under subsection (6)(b).

Penalty: Fine not exceeding 15 penalty units.

56B. Temporary closure of public streets in case of danger

(1) A police officer who is satisfied that there is an obstruction or danger to traffic on a public street, or that such an obstruction or danger may arise, may take such action and give such directions to such persons as he or she reasonably considers necessary or expedient in the circumstances to close that street or restrict its use.

(2) A person must comply with a direction under subsection (1).

Penalty: Fine not exceeding 15 penalty units.

56C. Certain activities prohibited on public streets

(1) A person who does not have a permit to do so must not set up or use a stall, stand or vehicle on a public street for the purposes of –

(a) selling any goods; or

(b) a business, calling or employment.

Penalty: In the case of –

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- (a) a first offence – a fine not exceeding 20 penalty units; or
 - (b) a second or subsequent offence – a fine not exceeding 40 penalty units.
- (2) Permits for this section may be issued by the general manager of the council in which the public street is located (the “relevant council”) and any person may apply in writing for such a permit.
- (3) In determining whether or not to grant an application for a permit, the general manager of the relevant council –
 - (a) must consult the police officer in charge of the police district in which the public street is located; and
 - (b) must have regard to relevant traffic conditions and the safety and convenience of the public; and
 - (c) may have regard to such other considerations as appear relevant in the circumstances.
- (4) A permit –
 - (a) is to be in such form as the general manager issuing it determines; and
 - (b) must be issued only for a specific date or dates, or for a specific period not exceeding 12 months; and

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- (c) may be made subject to such conditions as the general manager issuing it considers necessary or expedient in the interests of public safety and convenience; and
 - (d) must specify the name of the permit holder and the date or period, and the public street, for which it is issued.
- (5) A permit –
- (a) may be surrendered but is not capable of being amended, renewed or transferred; and
 - (b) may, by written notice to the permit holder, be cancelled by the general manager of the relevant council if he or she is satisfied on reasonable grounds that the permit holder has committed serious or repeated breaches of the permit conditions; and
 - (c) is not a defence to an action or indictment for nuisance.
- (6) The holder of a permit must –
- (a) comply with its conditions; and
 - (b) immediately produce it to any police officer who demands to see it.

Penalty: Fine not exceeding 10 penalty units.

PART 7B – PHOTOGRAPHIC DETECTION DEVICES

56D. Declaration of photographic detection device

- (1) The Minister, by notice published in the *Gazette*, may declare that a device specified in the notice, or a device of a kind specified in the notice, is a photographic detection device for the purposes of this Act.
- (2) A notice under this section is not a statutory rule within the meaning of the *Rules Publication Act 1953*.
- (3) Notwithstanding section 4 of the *Traffic Offence Detection Devices (New Arrangements) Act 2002*, any notice in force under section 3(3) of the *Traffic Act 1925* immediately before the commencement of that section continues in force according to its terms as if it were a notice under subsection (1).

56E. Facilitation of proof

- (1) In this section –

information includes information in the form of symbols and images;

offence means –

- (a) a traffic offence; or
- (b) an offence against another Act involving traffic, vehicles or the users of vehicles; or

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- (c) an offence that is the subject of proceedings in which the presence or use of a vehicle at a particular time and location is relevant or in issue;

photograph includes a set of photographs;

shown, in relation to a photograph, means –

- (a) shown in the photograph; or
- (b) shown as information that, by any process, has been appended to or combined with the photograph;

specified, in relation to a certificate, means specified in the certificate;

time means date and time.

(2) In any proceedings for an offence –

- (a) the production of a photograph taken, or derived from data recorded, by a photographic detection device at or in respect of a particular time and location is evidence of what the photograph shows and, in particular –
 - (i) for a red light offence involving a red traffic light, is evidence that, at the time shown, the driver of the photographed vehicle had entered the intersection shown contrary to a red traffic light; and

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- (ii) for a red light offence involving a red traffic arrow, is evidence that, at the time shown, the driver of the photographed vehicle had entered the intersection shown contrary to a red traffic arrow; and
 - (iii) for a speeding offence, is evidence that, at the time and location shown, the speed of the photographed vehicle was the speed shown; and
 - (iv) for an offence in which the presence or use of a vehicle on a public street (or a particular public street) at a particular time and location is relevant or in issue, is evidence that, at the time and location shown, the photographed vehicle was present or being used as shown on the public street shown; and
- (b) the production of a certificate purportedly signed by a police officer –
- (i) stating that a specified photograph was taken, or derived from data recorded, by a photographic detection device at a specified time and location; and

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- (ii) explaining the meaning or significance of any of the information shown –

is evidence that –

- (iii) the photograph was so taken or derived; and
 - (iv) the information has that meaning or significance; and
- (c) the production of a certificate signed by a police officer or other person and stating that, at a specified time –
- (i) a specified device was a photographic detection device for the purposes of this Act; and
 - (ii) he or she was authorised under section 56F to install or operate, or install and operate, the specified device; and
 - (iii) he or she tested the specified device, in accordance with the regulations, at the location where it was installed or being operated; and
 - (iv) he or she found the specified device to be operating correctly at that location –

is evidence of the matters set out in the certificate; and

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(d) the production of a certificate in the prescribed form purporting to be signed by a person having the prescribed qualifications and specifying the time when a specified photographic detection device was tested is evidence of the matters set out in the certificate.

(3)

56F. Authorisation of persons to install and operate photographic detection devices

- (1) A senior police officer may authorise another police officer or person to do either or both of the following things for the purposes of this Act:
- (a) install photographic detection devices;
 - (b) operate photographic detection devices.
- (2) The authorisation may apply to photographic detection devices generally or photographic detection devices of a kind specified in the authorisation.
- (3) The authorisation may be for an indefinite period or for a period specified in the authorisation.
- (4) Notwithstanding section 6 of the *Traffic Offence Detection Devices (New Arrangements) Act 2002*, any authorisation in force under section 51B(2) of the *Traffic Act 1925* immediately before the commencement of that section continues in force according to its terms as if it were an authorisation under subsection (1).

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PART 8 – MISCELLANEOUS

57. Registrar’s power to fix fees

- (1) The Registrar or the Commission may fix fees for materials and services for which fees are not fixed by the regulations.
- (2) The fees may be fixed –
 - (a) by notice in the *Gazette*; or
 - (b) by negotiation with the person to whom the materials or services are to be provided.
- (3) The Registrar or the Commission may, for good reason, remit wholly or in part a fee fixed under this section.

58. Recovery of fees

The Registrar may recover fees under this Act as a debt due to the Crown.

58A. Vehicle inspection fees

If an inspection of a vehicle under this Act is carried out by –

- (a) a police officer or an authorised officer, the prescribed fee is payable to the Registrar; or
- (b) a person who has an agreement with the Crown to carry out inspections of

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vehicles, the fee specified by that person is payable to that person; or

- (c) some other person approved by the Registrar –
 - (i) the fee specified by that person’s employer is payable to that employer; or
 - (ii) if that person is self-employed, the fee specified by that person is payable to that person.

59. Payment of motor tax and fire levy

- (1) The Registrar must, as and when directed by the Treasurer, pay to the Treasurer for the credit of the Public Account the amount of motor tax received or recovered under this Act less the amount of any refunds made under this Act.
- (2) The Registrar must, at least monthly, pay to the State Fire Commission the amounts prescribed under section 77L of the *Fire Service Act 1979* as the fire levy payable on registration or renewal of registration of motor vehicles (other than motor cycles).

59A. Road safety levies to be deposited into account in Public Account

If the regulations provide for the imposition of a levy for the purposes of section 40AA, the levies paid in accordance with those regulations are to be paid into an account in the Public Account.

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59B. Application of road safety levies

- (1) If the regulations provide for the imposition of a levy for the purposes of section 40AA, the levies paid in accordance with those regulations are to be applied only for the purposes of improving road safety, as determined by the Minister.
- (2) For the purposes of subsection (1), the Minister may consult with such persons and bodies as the Minister thinks fit.

60. Register not evidence of ownership

The register does not provide evidence of title to any motor vehicle or trailer.

61. Register not to be public record

The register is not to be available for inspection by the public.

62. Immunity from liability

- (1) The Minister, the Registrar or an authorised officer incurs no civil liability for an act or omission done or made in good faith and in the exercise or purported exercise of functions under this Act.
- (2) A liability that would, apart from subsection (1), attach to the Minister, the Registrar or an authorised officer attaches instead to the Crown.

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63. Report of unfit driver or defective vehicle

- (1) A person incurs no civil or criminal liability for reporting to the Registrar, in good faith, that another person may be unfit to drive a motor vehicle or that a motor vehicle or a trailer may be defective.
- (2) A person incurs no civil or criminal liability for reporting to the Registrar, in good faith –
 - (a) the results of a test or examination carried out under this Act; or
 - (b) an opinion formed as a result of conducting such a test or examination.

64. Offences of dishonesty

- (1) A person must not –
 - (a) dishonestly obtain or attempt to obtain –
 - (i) a driver licence (or renewal of a driver licence); or
 - (ii) an ancillary certificate (or renewal of an ancillary certificate); or
 - (iii) the registration (or renewal of registration) of a motor vehicle or a trailer; or
 - (iv) a short term unregistered vehicle permit; or

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- (v) a temporary upgrade permit; or
 - (vi) the transfer of the registration of a motor vehicle or a trailer; or
 - (vii) a trade plate; or
 - (viii) an exemption from a requirement relating to vehicle standards or vehicle operations; or
- (b) dishonestly provide false or misleading information in connection with an application under this Act; or
 - (ba) dishonestly provide false or misleading information in connection with a notice required to be given under this Act; or
 - (bb) dishonestly provide false or misleading information in relation to whether or not a vehicle is a written-off vehicle; or
 - (c) dishonestly provide false or misleading information to obtain any other benefit or advantage under this Act; or
 - (d) dishonestly alter or display a document, plate or device issued under this Act, a corresponding law, or the law of another country, in a way calculated to deceive; or
 - (e) dishonestly have in his or her possession a document, plate or device issued, or apparently issued, under this Act, a corresponding law, or the law of another

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country, in circumstances in which it is likely to deceive; or

- (f) dishonestly pass off a document, plate or device that has not been issued under this Act, a corresponding law, or the law of another country, as if it were such a document, plate or device; or
- (g) alter or deface an identification number on a vehicle without the consent of the Registrar.

Penalty: In the case of –

(a) a first offence –

- (i) for a body corporate – a fine not exceeding 200 penalty units; and
- (ii) for an individual – a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 6 months, or both; and

(b) a second or subsequent offence –

- (i) for a body corporate – a fine not exceeding 400 penalty units; and
- (ii) for an individual – a fine not exceeding 80

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penalty units or
imprisonment for a
term not exceeding 12
months, or both.

- (2) A licence, ancillary certificate, registration, permit, exemption or trade plate dishonestly obtained or renewed in contravention of this section is void.
- (3) A person must not –
- (a) dishonestly use an Australian driver licence belonging to another, or some other document, to create the false impression that the person is the holder of a licence, or a licence of a particular kind or class, or is exempt from the requirement to hold a driver licence under this Act; or
 - (b) dishonestly use an ancillary certificate belonging to another, or some other document, to create the false impression that the person is the holder of an ancillary certificate under this Act; or
 - (ba) dishonestly use an exemption granted under this Act to create the false impression that the person or a vehicle or combination is exempt from a requirement of this Act; or
 - (c) dishonestly use a registration label, number plate, certificate of registration, short term unregistered vehicle permit, temporary upgrade permit, trade plate or

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other document, plate or device to create the false impression that a particular vehicle is registered under this Act or its use on public streets is authorised under this Act.

Penalty: In the case of –

- (a) a first offence –
 - (i) for a body corporate – a fine not exceeding 200 penalty units; and
 - (ii) for an individual – a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 6 months, or both; and
 - (b) a second or subsequent offence –
 - (i) for a body corporate – a fine not exceeding 400 penalty units; and
 - (ii) for an individual – a fine not exceeding 80 penalty units or imprisonment for a term not exceeding 12 months, or both.
- (4) A person must not lend an Australian driver licence, ancillary certificate, registration label,

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number plate, certificate of registration, short term unregistered vehicle permit, temporary upgrade permit, trade plate, exemption or other document, plate or device to another if the other person is likely to use it, and does use it, contrary to subsection (3).

Penalty: In the case of –

(a) a first offence –

- (i) for a body corporate– a fine not exceeding 200 penalty units; and
- (ii) for an individual– a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 6 months, or both; and

(b) a second or subsequent offence –

- (i) for a body corporate– a fine not exceeding 400 penalty units; and
- (ii) for an individual– a fine not exceeding 80 penalty units or imprisonment for a term not exceeding 12 months, or both.

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- (5) It is a defence to a charge of an offence against subsection (4) to prove that the defendant did not know, and could not reasonably be expected to have known, that the Australian driver licence, ancillary certificate, registration label, number plate, certificate of registration, short term unregistered vehicle permit, temporary upgrade permit, trade plate, exemption or other document, plate or device was likely to be used contrary to subsection (3).

65. Registrar to be notified of convictions for certain offences

- (1) If a person is convicted by a court of –
- (a) an offence that attracts demerit points; or
 - (b) an offence in respect of which disqualification from driving is imposed; or
 - (c) a prescribed offence –

the registrar, clerk or other proper officer of the court must give the Registrar a written notice setting out the information required by subsection (2).

- (2) The required information is –
- (a) the name and address of the convicted person; and
 - (b) the nature, and date of commission, of the relevant offence; and

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- (c) the penalty imposed by the court; and
 - (d) the nature of any other orders made by the court; and
 - (e) any other information required under the regulations.
- (3) If a court makes an order for the issue, variation or revocation of a restricted driver licence, the registrar, clerk or other proper officer of the court must give the Registrar a copy of the order.

66. Property in documents

- (1) The Registrar retains property in any document, plate or device issued by the Registrar in connection with authorising the driving or use of a vehicle or combination.
- (2) The Commission retains property in any document issued by it in connection with authorising the driving or use of a vehicle or combination.

67. Evidentiary certificates

- (1) A certificate signed by the Registrar certifying that a person was or was not the holder of a driver licence or an ancillary certificate under this Act on a specified date is admissible in legal proceedings as evidence of the fact so certified and, in the absence of evidence to the contrary, as proof of that fact.

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- (2) A certificate signed by the Registrar certifying that a vehicle was or was not registered under this Act on a specified date is admissible in legal proceedings as evidence of the fact so certified and, in the absence of evidence to the contrary, as proof of that fact.
- (2A) A certificate signed by the Registrar or the Commission certifying that a person, vehicle or combination was or was not exempt from a requirement of the regulations on a specified date or during a specified period is admissible in legal proceedings as evidence of the fact so certified and, in the absence of evidence to the contrary, as proof of that fact.
- (2B) A certificate signed by the Registrar or the Commission setting out the conditions on which a person, vehicle or combination was exempt from a requirement of the regulations on a specified date or during a specified period is admissible in legal proceedings as evidence of the conditions so certified and, in the absence of evidence to the contrary, as proof of those conditions.
- (2C) A certificate signed by the Commission certifying that a speed-limit sign, within the meaning of the *Road Rules*, was displaying a specified speed limit at a specified time and place is admissible in legal proceedings as evidence of those matters so certified and, in the absence of evidence to the contrary, as proof of those matters.

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- (3) A certificate signed by the Registrar or the Commission certifying an entry in a register kept under this Act is evidence in legal proceedings of facts recorded in the entry and, in the absence of evidence to the contrary, as proof of those facts.
- (4) A certificate signed by the Registrar or the Commission certifying any other matter that appears in a register kept under this Act, or can be deduced or calculated from information recorded in such a register, is evidence in legal proceedings of the matter so certified and, in the absence of evidence to the contrary, as proof of that matter.
- (5) A document that is, under a corresponding law, admissible in evidence in legal proceedings in the jurisdiction of the corresponding law is admissible in legal proceedings in Tasmania in the same way as in that other jurisdiction and has the same evidentiary value as it would have in that other jurisdiction.
- (6)

67A. Evidence of measurement

- (1) In any proceedings in a court, a certificate certifying a measurement in accordance with this Act is admissible in evidence and, in the absence of proof to the contrary, is proof of the accuracy of that measurement.
- (2) A certificate signed by a person authorised by the Secretary of the Department that, at a

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specified time on a specified date, a weighing device or other measuring instrument –

- (a) was in proper working order; and
- (b) was accurate; and
- (c) had been tested in accordance with this Act; and
- (d) was marked with the number specified in the certificate –

is admissible in evidence of the matter so certified and, in the absence of evidence to the contrary, as proof of those matters.

- (3) A certificate or copy of a certificate issued under the regulations and signed by a police officer, or an authorised officer, who inspected a vehicle or combination is evidence of the matters contained in the certificate, in particular –
 - (a) the mass of a vehicle or combination with or without its load; and
 - (b) the wheel load, single axle load, axle group load, aggregate axle load or mass on a tyre –

and, in the absence of evidence to the contrary, is proof of those matters.

- (4) A certificate signed by a police officer or an authorised officer certifying that a wheel, axle or tyre of the vehicle or combination is of a specified type or class is evidence of that matter

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and, in the absence of evidence to the contrary, is proof of that matter.

68. Proof of non-registration

If, in proceedings for an offence in which the defendant is alleged to have driven an unregistered vehicle on a public street in contravention of this Act, it is established that the vehicle did not bear the registration label and the number plate appropriate to the vehicle, it will be presumed, in the absence of proof to the contrary, that the vehicle was unregistered at the time of the alleged offence.

68A. Exemption not to affect liability

The fact that a person, vehicle or combination is operating in accordance with an exemption issued under this Act does not affect any liability for loss arising out of damage to a road or to the road infrastructure.

69. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Minister for Infrastructure, Energy and Resources; and
- (b) the department responsible to the Minister in relation to the administration

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of this Act is the Department of
Infrastructure, Energy and Resources.

70. Transitional provisions consequent on *Revenue Measures Act 2007*

(1) In this section –

tax due day means the day on which the motor tax imposed by section 34 is payable under section 35.

- (2) If in respect of a light vehicle the tax due day occurs on or after 1 October 2007 but the motor tax is paid before 1 October 2007, the amount of motor tax payable is the amount that would be payable had the motor tax been paid on the tax due day.
- (3) If in respect of a light vehicle the tax due day occurs before 1 October 2007 but the motor tax is paid on or after 1 October 2007, the amount of motor tax payable is the amount that would have been payable had the motor tax been paid on the tax due day.

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SCHEDULE 1 – RATES OF MOTOR TAX FOR LIGHT VEHICLES

Section 34

PART 1 – CLASS A LIGHT VEHICLES

Type of Vehicle	Tax payable \$
1. A motor vehicle propelled by a piston engine with 3 or fewer cylinders	102
2. A motor vehicle propelled by a piston engine with 4 cylinders	119
3. A motor vehicle propelled by a piston engine with 5 or 6 cylinders	149
4. A motor vehicle propelled by a piston engine with 7 or 8 cylinders	204
5. A motor vehicle propelled by a piston engine with more than 8 cylinders	229
6. A motor vehicle propelled by a rotary engine or an electric motor	119

PART 2 – OTHER LIGHT VEHICLES

Type of Vehicle	Tax payable \$
1. A truck with a GVM of 3.0 tonnes or more –	
(a) propelled by a piston engine with 4 or fewer cylinders	229
(b) propelled by a piston engine with 5 or 6 cylinders	266

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(c)	propelled by a piston engine with 7 or 8 cylinders	305
(d)	propelled by a piston engine with more than 8 cylinders	343
(e)	propelled by a rotary engine or an electric motor	229
2.	A bus with 10 adult seats including the driver's seat	151
3.	A bus with more than 10 adult seats including the driver's seat	266
4.	A motor cycle	17
5.	A trailer with a GVM of 4.5 tonnes or less	22
6.	A tractor	114

**SCHEDULE 2 – RATES OF MOTOR TAX FOR HEAVY
VEHICLES**

Section 34A

PART 1 – PRELIMINARY

1. Interpretation

In this Schedule –

articulated bus means a bus consisting of more than one rigid section, with passenger access between the sections and the sections connected to one another so as to allow rotary movement between the sections;

ATM (aggregate trailer mass), of a heavy trailer, means the total maximum mass of the trailer, as stated by the manufacturer, together with its load and mass imposed on the towing vehicle by the trailer when the towing vehicle and trailer are on a horizontal surface;

axle group means a single axle group, tandem axle group, twinsteer axle group, tri-axle group or quad-axle group;

B-double combination means a combination consisting of a prime mover towing 2 semi-trailers;

B-double lead trailer means a semi-trailer that is nominated for use as the lead trailer in a B-double combination;

B-triple combination means a combination consisting of a prime mover towing 3 semi-trailers;

B-triple lead trailer means a semi-trailer that is nominated for use as the lead trailer in a B-triple combination;

B-triple middle trailer means a semi-trailer that is nominated for use as the second trailer in a B-triple combination;

bus (type 1) means a rigid bus that has 2 axles and an MRC not exceeding 12 tonnes;

bus (type 2) means –

- (a) a rigid bus that has 2 axles and an MRC exceeding 12 tonnes; or
- (b) a rigid bus that has 3 or 4 axles;

compliance plate means an identification plate approved to be placed, or taken to have been placed, on a vehicle under the MVSA;

converter dolly means a trailer with a fifth wheel coupling designed to support a semi-trailer for hauling purposes;

dog trailer means a trailer with –

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- (a) one axle group or single axle at the front that is steered by connection to the towing vehicle by a drawbar; and
- (b) one axle group or single axle at the rear;

drawbar means a part of a trailer (other than a semi-trailer) that connects the trailer body to a coupling for towing purposes;

driver means the person driving or in control of a motor vehicle;

fifth wheel coupling means a device, other than the upper rotating element and the kingpin (which are parts of a semi-trailer), used with a prime mover, semi-trailer or converter dolly to permit quick coupling and uncoupling and to provide for articulation;

GTMR (gross trailer mass rating), of a trailer, means the mass transmitted to the ground by the axles of the trailer when –

- (a) coupled to a towing vehicle; and
- (b) carrying its maximum load approximately uniformly distributed over the trailer's load bearing area;

lead trailer, in a combination, means the trailer that is, or that is to be, attached to the prime mover;

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load-carrying vehicle means a vehicle designed and constructed to haul or carry goods and wares in addition to any fuel, water, lubricants, tools and any other equipment or accessories necessary for normal operation of the vehicle;

long combination truck means a truck nominated to haul 2 or more trailers;

low loader means a gooseneck semi-trailer with a loading deck no more than one metre above the ground;

low loader dolly means a mass-distributing device that –

- (a) is usually coupled between a prime mover and a low loader; and
- (b) consists of a gooseneck rigid frame; and
- (c) does not directly carry any load on itself; and
- (d) is equipped with one or more axles, a kingpin and a fifth wheel coupling;

medium combination truck means a truck, other than a short combination truck, nominated to haul one trailer;

MRC (Mass Rating for Charging), in relation to a vehicle, means –

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- (a) the maximum mass of the vehicle, including any load, recorded on the compliance plate as the GVM, GTMR or ATM of the vehicle; or
- (b) in relation to a vehicle for which there is no compliance plate, its operating mass;

multi-combination prime mover means a prime mover nominated to haul 2 or more trailers;

nominated means nominated by the person applying for registration;

operating mass, in relation to a vehicle, means the maximum mass of the vehicle, including any load, as determined by the vehicle registration authority having regard to the design and construction of the vehicle or of any of its components;

pig trailer means a trailer with one axle group or single axle near the middle of its load-carrying surface, and connected to the towing vehicle by a drawbar;

pole-type trailer means a trailer that –

- (a) is attached to a towing vehicle by means of a pole or an attachment fitted to a pole; and
- (b) is ordinarily used for transporting loads, such as logs, pipes,

structural members or other long objects, that are generally capable of supporting themselves like beams between supports;

prime mover means a motor vehicle designed to haul a semi-trailer;

quad-axle group means a group of 4 axles, in which the horizontal distance between the centre-lines of the outermost axles is more than 3.2 metres but not more than 4.9 metres;

road means an area that is open to or used by the public and is developed for, or has as one of its main uses, the driving or riding of motor vehicles;

road-related area means –

- (a) an area that divides a road; or
- (b) a footpath or nature strip adjacent to a road; or
- (c) an area that is open to the public and is designated for use by cyclists or animals; or
- (d) an area that is not a road and that is open to or used by the public for driving, riding or parking motor vehicles; or
- (e) any shoulder of a road; or

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- (f) an area that is a road-related area for the purposes of a law of a State or Territory of the Commonwealth;

short combination prime mover means a prime mover nominated to haul one semi-trailer;

short combination truck means a truck nominated to haul one trailer where, according to the nomination –

- (a) the combination has 6 axles or fewer; and
- (b) the maximum total mass that is legally allowable for the combination is 42.5 tonnes or less;

single axle means an axle not forming part of an axle group;

single axle group means a group of 2 or more axles, in which the horizontal distance between the centre-lines of the outermost axles is less than one metre;

special-purpose vehicle – see clause 2;

special-purpose vehicle (type O) – see clause 3;

special-purpose vehicle (type P) means a special-purpose vehicle built, or permanently modified, primarily for –

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- (a) off-road use; or
- (b) use on a road-related area; or
- (c) use on an area of road that is under construction or repair;

special-purpose vehicle (type T) means a special-purpose vehicle (other than a special-purpose vehicle (type P)) –

- (a) built, or permanently modified, primarily for use on roads; and
- (b) that has no axle or axle group loaded in excess of the axle load limits specified in the table to clause 3;

tandem axle group means a group of at least 2 axles, in which the horizontal distance between the centre-lines of the outermost axles is at least one metre but not more than 2 metres;

trailer means a vehicle that is built to be towed, or is towed, by a motor vehicle, but does not include a motor vehicle that is being towed;

tri-axle group means a group of at least 3 axles, in which the horizontal distance between the centre-lines of the outermost axles is more than 2 metres, but not more than 3.2 metres;

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truck means a rigid motor vehicle that is principally constructed as a load-carrying vehicle;

truck (type 1) means a truck that has –

- (a) 2 axles and an MRC not exceeding 12 tonnes; or
- (b) 3 axles and an MRC not exceeding 16.5 tonnes; or
- (c) 4 or more axles and an MRC not exceeding 20 tonnes;

truck (type 2) means a truck that has –

- (a) 2 axles and an MRC exceeding 12 tonnes; or
- (b) 3 axles and an MRC exceeding 16.5 tonnes; or
- (c) 4 or more axles and an MRC exceeding 20 tonnes;

twinsteer axle group means a group of 2 axles –

- (a) with single tyres; and
- (b) fitted to a motor vehicle; and
- (c) connected to the same steering mechanism; and
- (d) the horizontal distance between the centre-lines of which is at

least one metre, but not more than
2 metres.

2. Special-purpose vehicle

(1) In this Schedule –

special-purpose vehicle means –

- (a) a vehicle (other than a caravan, mobile home, mobile library, mobile workshop, mobile laboratory, mobile billboard or a vehicle that the regulations declare not to be a special-purpose vehicle for the purposes of this definition) where the primary purpose for which it was built, or permanently modified, was not the carriage of goods or passengers; or
- (b) any of the following vehicles:
 - (i) a forklift;
 - (ii) a straddle carrier;
 - (iii) a mobile cherry picker;
 - (iv) a mobile crane; or
- (c) a vehicle declared by the regulations to be a special-purpose vehicle for the purposes of this definition.

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(2) For the purposes of subclause (1) –

goods does not include fuel, water, lubricants, tools or any other equipment or accessories necessary for the normal operation of the vehicle;

passengers does not include the driver, a trainee driver or any person necessary for the normal operation of the vehicle.

3. Special-purpose vehicle (type O)

In this Schedule, *special-purpose vehicle (type O)* means a special-purpose vehicle (other than a special-purpose vehicle (type P)) –

- (a) built, or permanently modified, primarily for use on roads; and
- (b) that has at least one axle or axle group loaded in excess of the axle load limits specified in the following table:

Column 1	Column 2	Column 3
Item No	Type of axle or axle group	Axle load limit (tonnes)
1.	Single axles –	
	(a) 2 tyres	6.0
	(b) 2 wide profile tyres –	
	(i) 375mm to 450mm	6.7
	(ii) more than 450mm	7.0

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Column 1	Column 2	Column 3
Item No	Type of axle or axle group	Axle load limit (tonnes)
	(c) 4 or more tyres –	
	(i) on pig trailers	8.5
	(ii) on other vehicles	9.0
2.	Twinsteer axle groups –	
	(a) non-load sharing suspensions	10.0
	(b) load sharing suspensions	11.0
3.	Tandem axle groups –	
	(a) 4 tyres	11.0
	(b) 4 wide profile tyres –	
	(i) 375mm to 450mm	13.3
	(ii) more than 450mm	14.0
	(c) 6 tyres	13.0
	(d) 8 or more tyres –	
	(i) on pig trailers	15.0
	(ii) on other vehicles	16.5
4.	Tri-axle groups –	
	(a) 6, 8 or 10 tyres	15.0

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Column 1	Column 2	Column 3
Item No	Type of axle or axle group	Axle load limit (tonnes)
	(b) 6 wide profile tyres (375mm or more) –	
	(i) on pig trailers	18.0
	(ii) on other vehicles	20.0
	(c) 12 or more tyres –	
	(i) on pig trailers	18.0
	(ii) on other vehicles	20.0

4. Close-spaced axles

- (1) For the purposes of this Schedule (other than the definitions of *single axle group*, *tandem axle group*, *twinsteer axle group*, *tri-axle group* and *quad-axle group*) –
- (a) 2 axles less than one metre apart are to be regarded as one axle; and
 - (b) 3 axles not more than 2 metres apart are to be regarded as 2 axles; and
 - (c) 4 axles not more than 3.2 metres apart are to be regarded as 3 axles.
- (2) A reference to a distance in subclause (1) is a reference to the horizontal distance between the centre-lines of –

- (a) in the case of subclause (1)(a), the 2 axles; and
- (b) in any other case, the outermost axles.

5. Determination of number of trailers

For the purposes of this Schedule, in determining the number of trailers that a prime mover or truck is nominated to haul –

- (a) a converter dolly and a semi-trailer when used together are to be regarded as one trailer; and
- (b) a low loader dolly and a low loader when used together are to be regarded as one trailer.

6. Heavy vehicles in 2 or more categories

For the purposes of this Schedule, if a heavy vehicle falls within 2 or more categories of heavy vehicle, the tax payable for the heavy vehicle is the higher or highest of the taxes that could apply to the heavy vehicle.

PART 2 – HEAVY VEHICLE TAX FOR 2016/17

1. Heavy vehicle tax for 2016/17

For the purposes of section 34A(2)(a), the amount of tax payable for a heavy vehicle for the financial year commencing 1 July 2016 is calculated by adding together –

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- (a) the road component of motor tax for a heavy vehicle of that type calculated in accordance with Table 1; and
- (b) the regulatory component of motor tax for a heavy vehicle of that type calculated in accordance with Table 2.

Table 1

Road Component of Motor Tax for 2016/2017

Division 1 – Load-carrying vehicles

Vehicle type	2 axles	3 axles	4 axles	5 or more axles
Trucks				
Truck (type 1)	\$418	\$732	\$732	\$732
Truck (type 2)	\$731	\$831	\$830	\$830
Short combination truck	\$731	\$830	\$1,723	\$1,723
Medium combination truck	\$9,052	\$9,052	\$9,776	\$9,776
Long combination truck	\$12,513	\$12,513	\$12,513	\$12,513
Prime movers				
Short combination prime mover	\$732	\$4,176	\$4,489	\$4,489
Multi-combination prime mover	\$10,591	\$10,591	\$11,651	\$11,651

Division 2 – Load-carrying trailers

Charge per axle (\$)

Trailer type	Single axle	Tandem axle group	Tri-axle group	Quad-axle group and above
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Goods-carrying trailer with a GVM less than 9 tonnes	\$201	\$100	\$67	\$50
Pig trailer with a GVM of 9 tonnes or more	\$622	\$622	\$623	\$622
Dog trailer with a GVM of 9 tonnes or more	\$622	\$622	\$623	\$622
Semi-trailer with a GVM of 9 tonnes or more	\$622	\$790	\$562	\$421
B-double lead trailer and B-triple lead and middle trailers with a GVM of 9 tonnes or more	\$622	\$790	\$562	\$421
Converter dolly	\$0	\$0	\$0	\$0
Division 3 – Buses				
Bus type		2 axles	3 axles	4 or more axles
Bus (type 1)		\$314		
Bus (type 2)		\$314	\$2,297	\$2,297
Articulated bus			\$314	\$314
Division 4 – Special-purpose vehicles				
Vehicle type				
Special-purpose vehicle (type P)				No charge
Special-purpose vehicle (type T)				\$305
Special-purpose vehicle (type O)			Calculated using the formula: \$381 + (\$381 x number of axles more than 2)	

Table 2

Regulatory Component of Motor Tax for 2016/2017

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Division 1 – Load-carrying vehicles

Vehicle type	2 axles	3 axles	4 axles	5 or more axles
Trucks				
Truck (type 1)	\$202	\$238	\$254	\$254
Truck (type 2)	\$264	\$336	\$359	\$359
Short combination truck	\$296	\$375	\$359	\$359
Medium combination truck	\$671	\$671	\$726	\$726
Long combination truck	\$929	\$929	\$929	\$929
Prime movers				
Short combination prime mover	\$418	\$418	\$418	\$418
Multi-combination prime mover	\$945	\$945	\$1,039	\$1,039

Division 2 – Load-carrying trailers

Charge per axle (\$)

Trailer type	Single axle	Tandem axle group	Tri-axle group	Quad-axle group and above
Goods-carrying trailer with a GVM less than 9 tonnes	\$55	\$28	\$18	\$14
Pig trailer with a GVM of 9 tonnes or more	\$55	\$28	\$18	\$14
Dog trailer with a GVM of 9 tonnes or more	\$55	\$28	\$18	\$14
Semi-trailer with a GVM of 9 tonnes or more	\$55	\$28	\$18	\$14
B-double lead trailer and B-triple lead and middle trailers with a GVM of 9 tonnes or more	\$55	\$28	\$18	\$14

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Converter dolly	\$55	\$28	\$18	\$14
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Division 3 – Buses

Bus type	2 axles	3 axles	4 or more axles
Bus (type 1)	\$211		
Bus (type 2)	\$346	\$429	\$429
Articulated bus		\$343	\$343

Division 4 – Special-purpose vehicles

Vehicle type	
Special-purpose vehicle (type P)	No charge
Special-purpose vehicle (type T)	\$209
Special-purpose vehicle (type O)	\$209

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NOTES

The foregoing text of the *Vehicle and Traffic Act 1999* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 1 July 2021 are not specifically referred to in the following table of amendments.

Act	Number and year	Date of commencement
<i>Vehicle and Traffic Amendment Act 2000</i>	No. 40 of 2000	14.8.2000
<i>Vehicle and Traffic Act 1999</i>	No. 70 of 1999	14.8.2000
<i>Vehicle and Traffic Amendment (Public Vehicles Reform) Act 2000</i>	No. 41 of 2000	14.8.2000
<i>Vehicle and Traffic Amendment (Heavy Vehicle Charges) Act 2000</i>	No. 48 of 2000	1.10.2000
<i>State Service (Consequential and Miscellaneous Amendments) Act 2000</i>	No. 86 of 2000	1.5.2001
<i>Vehicle and Traffic Amendment (Demerit Points) Act 2001</i>	No. 56 of 2001	19.9.2001
<i>Vehicle and Traffic Amendment (Vehicle Standards) Act 2001</i>	No. 22 of 2001	1.11.2001
<i>Vehicle and Traffic Amendment (Red Light Cameras) Act 2001</i>	No. 68 of 2001	1.12.2001
<i>Vehicle and Traffic Amendment (Heavy Vehicle Charges) Act 2001</i>	No. 70 of 2001	1.12.2001
<i>Traffic Control (Miscellaneous Amendments) Act 2001</i>	No. 104 of 2001	5.12.2001 (ss. 1, 2, 3, Part 3, and ss. 9, 11, 18, 19 and 21)
<i>Vehicle and Traffic Amendment (Excessive Speeding and Disqualified Drivers) Act 2001</i>	No. 69 of 2001	10.12.2001
<i>Vehicle and Traffic Amendment (Vehicle Operations) Act 2001</i>	No. 71 of 2001	1.1.2002
<i>Traffic Control (Miscellaneous Amendments) Act 2001</i>	No. 104 of 2001	1.1.2002
<i>Vehicle and Traffic Amendment (Written-off Vehicles) Act 2002</i>	No. 29 of 2002	21.10.2002
<i>Traffic Offence Detection Devices (New Arrangements) Act 2002</i>	No. 7 of 2002	1.11.2002

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Act	Number and year	Date of commencement
<i>Passenger Transport Amendment Act 2002</i>	No. 31 of 2002	14.11.2002
<i>Vehicle and Traffic Amendment (Compulsory Carriage of Driver Licence) Act 2002</i>	No. 33 of 2002	1.12.2002
<i>Vehicle and Traffic Amendment (Heavy Vehicle Charges) Act 2002</i>	No. 41 of 2002	1.12.2002
<i>Vehicle and Traffic Amendment Act 2003</i>	No. 64 of 2003	1.12.2003
<i>Police Service (Consequential Amendments) Act 2003</i>	No. 76 of 2003	1.1.2004
<i>Vehicle and Traffic Amendment (Offence Detection Devices) Act 2004</i>	No. 19 of 2004	14.7.2004
<i>Vehicle and Traffic Amendment (Heavy Vehicle Charges) Act 2004</i>	No. 42 of 2004	1.1.2005
<i>Vehicle and Traffic Amendment (Heavy Vehicle Charges) Act 2005</i>	No. 15 of 2005	10.6.2005
<i>Revenue Measures Act 2007</i>	No. 18 of 2007	1.8.2007
<i>Vehicle and Traffic Amendment (Road Safety Levy) Act 2007</i>	No. 23 of 2007	1.8.2007
<i>Passenger Transport Amendment Act 2007</i>	No. 19 of 2007	1.8.2007
<i>Revenue Measures Act 2007</i>	No. 18 of 2007	1.10.2007
<i>Road Safety (Alcohol and Drugs) Amendment Act 2007</i>	No. 68 of 2007	19.12.2007
<i>Vehicle and Traffic Amendment (Vehicle Inspection Fees) Act 2007</i>	No. 62 of 2007	1.1.2008
<i>Monetary Penalties Enforcement (Transitional Arrangements and Consequential Amendments) Act 2007</i>	No. 72 of 2007	28.4.2008
<i>Vehicle and Traffic Amendment Act 2008</i>	No. 21 of 2008	26.6.2008
<i>Vehicle and Traffic Amendment (Heavy Vehicle Charges) Act 2008</i>	No. 11 of 2008	1.7.2008
<i>Vehicle and Traffic Amendment (Novice Driver Licensing) Act 2008</i>	No. 10 of 2008	25.8.2008
<i>Taxi and Luxury Hire Car Industries (Consequential Amendments) Act 2008</i>	No. 31 of 2008	24.9.2008
<i>Dangerous Goods and Substances (Transitional and Consequential Provisions) Act 2005</i>	No. 52 of 2005	1.7.2009
<i>Health Practitioner Regulation National Law (Tasmania) (Consequential Amendments) Act</i>	No. 3 of 2010	1.7.2010

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Act	Number and year	Date of commencement
<i>2010</i>		
<i>Vehicle and Traffic and Related Legislation (Miscellaneous Amendments) Act 2010</i>	No. 38 of 2010	14.12.2010
<i>Dangerous Goods (Road and Rail Transport) Act 2010</i>	No. 16 of 2010	1.1.2011
<i>Revenue Measures Act 2012</i>	No. 23 of 2012	1.10.2012
<i>Vehicle and Traffic Amendment (Heavy Vehicle Charges) Act 2012</i>	No. 35 of 2012	1.12.2012
<i>Vehicle and Traffic Amendment (Written-off Vehicles) Act 2013</i>	No. 17 of 2013	20.6.2013
<i>Passenger Transport and Related Legislation (Consequential Amendments) Act 2011</i>	No. 60 of 2011	1.7.2013
<i>Heavy Vehicle National Law (Tasmania) Act 2013</i>	No. 30 of 2013	10.2.2014
<i>Vehicle and Traffic Amendment (Power-Assisted Pedal Cycles) Act 2014</i>	No. 8 of 2014	11.9.2014
<i>Vehicle and Traffic Amendment (Heavy Vehicle Charges) Act 2016</i>	No. 5 of 2016	1.7.2016
<i>Vehicle and Traffic Amendment (Offensive Advertising) Act 2017</i>	No. 5 of 2017	1.6.2017
<i>Vehicle and Traffic Amendment (Probationary Licences) Act 2017</i>	No. 33 of 2017	1.1.2018
<i>Road Safety (Alcohol and Drugs) Amendment Act 2017</i>	No. 38 of 2017	3.12.2018
<i>Financial Management (Consequential and Transitional Provisions) Act 2017</i>	No. 4 of 2017	1.7.2019
<i>Vehicle and Traffic Amendment Act 2019</i>	No. 37 of 2019	4.11.2019
<i>Vehicle and Traffic Amendment (Road Vehicle Standards) Act 2020</i>	No. 34 of 2020	1.7.2021

TABLE OF AMENDMENTS

Provision affected	How affected
Section 3	Amended by No. 40 of 2000, s. 4, No. 48 of 2000, s. 4, No. 22 of 2001, s. 4, No. 68 of 2001, s. 4, No. 69 of 2001, s. 4, No. 71 of 2001, s. 4, No. 104 of 2001, s. 20, No. 7 of 2002, s. 8, No. 29 of 2002, s. 4, No. 76 of 2003, Sched. 1, No. 68 of 2007, s. 14, No. 10 of 2008, s. 4, No. 3 of 2010, Sched. 1, No. 38 of 2010, s. 6, No. 60 of 2011, Sched. 1, No. 30 of 2013, Sched. 1, No. 8 of 2014, s. 4,

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Provision affected	How affected
	No. 5 of 2017, s. 4, No. 33 of 2017, s. 4, No. 38 of 2017, s. 66 and No. 34 of 2020, Sched. 1
Section 3A	Inserted by No. 29 of 2002, s. 5 Amended by No. 17 of 2013, s. 4
Division 1 of Part 2	Heading inserted by No. 71 of 2001, s. 6
Section 5	Amended by No. 86 of 2000, Sched. 1 Substituted by No. 37 of 2019, s. 4
Section 6	Amended by No. 22 of 2001, s. 5
Section 7	Amended by No. 31 of 2002, s. 13
Section 7A of Part 2	Inserted by No. 71 of 2001, s. 7
Section 9	Amended by No. 69 of 2001, s. 5
Section 13	Amended by No. 69 of 2001, s. 6
Section 13A of Part 3	Inserted by No. 10 of 2008, s. 5
Section 13A	Amended by No. 38 of 2010, s. 7 Repealed by No. 33 of 2017, s. 6
Section 13B of Part 3	Inserted by No. 10 of 2008, s. 5
Section 13B	Amended by No. 33 of 2017, s. 7
Section 14	Amended by No. 19 of 2007, s. 8
Section 15	Amended by No. 41 of 2000, s. 4, No. 19 of 2007, s. 9 and No. 60 of 2011, Sched. 1
Section 16	Amended by No. 41 of 2000, s. 5
Section 17	Amended by No. 69 of 2001, s. 7 and No. 10 of 2008, s. 6
Section 18	Amended by No. 69 of 2001, s. 8, No. 33 of 2002, s. 4, No. 68 of 2007, s. 15, No. 10 of 2008, s. 7, No. 30 of 2013, Sched. 1, No. 33 of 2017, s. 8 and No. 38 of 2017, s. 67
Section 19	Amended by No. 69 of 2001, s. 9
Section 19A of Part 3	Inserted by No. 69 of 2001, s. 10
Section 19A	Amended by No. 72 of 2007, Sched. 1
Section 19B of Part 3	Inserted by No. 69 of 2001, s. 10
Section 19C of Part 3	Inserted by No. 68 of 2007, s. 16
Section 19C	Amended by No. 38 of 2017, s. 69
Section 19D of Part 3	Inserted by No. 10 of 2008, s. 8
Section 19E of Part 3	Inserted by No. 10 of 2008, s. 8
Section 19F	Inserted by No. 30 of 2013, Sched. 1
Section 20	Amended by No. 40 of 2000, s. 5
Section 21	Amended by No. 68 of 2001, s. 5 and No. 69 of 2001, s. 11
Section 22	Amended by No. 68 of 2001, s. 6 and No. 72 of 2007, Sched. 1
Section 23	Amended by No. 56 of 2001, s. 4

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Provision affected	How affected
Section 24	Amended by No. 40 of 2000, s. 6, No. 69 of 2001, s. 12, No. 104 of 2001, s. 21 and No. 68 of 2007, s. 17
Section 25	Amended by No. 69 of 2001, s. 13 and No. 10 of 2008, s. 9
Section 26	Amended by No. 69 of 2001, s. 14
Section 32	Amended by No. 40 of 2000, s. 7
Section 32A	Inserted by No. 29 of 2002, s. 6
Section 33	Subsection (3) substituted by No. 41 of 2000, s. 6 Repealed by No. 60 of 2011, Sched. 1 Inserted by No. 5 of 2017, s. 5
Section 34	Amended by No. 15 of 2005, s. 4, No. 18 of 2007, s. 9, No. 11 of 2008, s. 4 and No. 23 of 2012, s. 9
Section 34A	Inserted by No. 11 of 2008, s. 5 Amended by No. 5 of 2016, s. 4
Section 38	Amended by No. 40 of 2000, s. 8, No. 41 of 2000, s. 7 and No. 33 of 2017, s. 9
Section 39	Amended by No. 5 of 2017, s. 6
Section 39A	Inserted by No. 38 of 2010, s. 8
Section 40AA	Inserted by No. 23 of 2007, s. 4
Section 40A	Inserted by No. 22 of 2001, s. 6 Amended by No. 71 of 2001, s. 8 and No. 34 of 2020, Sched. 1
Section 40B	Inserted by No. 71 of 2001, s. 9 Amended by No. 30 of 2013, Sched. 1
Section 40C	Inserted by No. 29 of 2002, s. 7
Section 41	Amended by No. 71 of 2001, s. 10 and No. 29 of 2002, s. 8
Section 42A	Inserted by No. 7 of 2002, s. 9
Section 45	Amended by No. 71 of 2001, s. 11 and No. 19 of 2007, s. 10
Section 46	Amended by No. 71 of 2001, s. 12 and No. 33 of 2002, s. 5
Section 46A	Inserted by No. 33 of 2002, s. 6
Section 47	Amended by No. 71 of 2001, s. 13 and No. 33 of 2002, s. 7
Section 48	Amended by No. 41 of 2000, s. 8, No. 71 of 2001, s. 14 and No. 68 of 2007, s. 18
Section 49	Amended by No. 41 of 2000, s. 9, No. 71 of 2001, s. 15, No. 52 of 2005, Sched. 1, No. 31 of 2008, Sched. 1, No. 16 of 2010, Sched. 1 and No. 60 of 2011, Sched. 1
Section 49A	Inserted by No. 71 of 2001, s. 16
Section 50	Amended by No. 62 of 2007, s. 4
Section 50A	Inserted by No. 29 of 2002, s. 9
Section 52	Amended by No. 71 of 2001, s. 17
Section 54	Substituted by No. 40 of 2000, s. 9
Section 55	Amended by No. 71 of 2001, s. 18
Section 56A	Inserted by No. 104 of 2001, s. 22
Section 56B	Inserted by No. 104 of 2001, s. 22
Section 56C	Inserted by No. 104 of 2001, s. 22
Section 56D	Inserted by No. 7 of 2002, s. 10
Section 56E	Inserted by No. 7 of 2002, s. 10 Amended by No. 19 of 2004, s. 4

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Provision affected	How affected
Section 56F	Inserted by No. 7 of 2002, s. 10
Section 57	Amended by No. 71 of 2001, s. 19
Section 58A	Inserted by No. 62 of 2007, s. 5
Section 59	Amended by No. 4 of 2017, Sched. 1
Section 59A	Inserted by No. 23 of 2007, s. 5 Amended by No. 4 of 2017, Sched. 1
Section 59B	Inserted by No. 23 of 2007, s. 5
Section 64	Amended by No. 41 of 2000, s. 10, No. 71 of 2001, s. 20 and No. 29 of 2002, s. 10
Section 66	Substituted by No. 71 of 2001, s. 21
Section 67	Amended by No. 22 of 2001, s. 7, No. 71 of 2001, s. 22, No. 10 of 2008, s. 10, No. 21 of 2008, s. 4 and No. 33 of 2017, s. 10
Section 67A	Inserted by No. 71 of 2001, s. 23
Section 68A	Inserted by No. 71 of 2001, s. 24
Section 70	Inserted by No. 18 of 2007, s. 7
Schedule 1	Substituted by No. 23 of 2012, s. 10
Part 1 of Schedule 1	Amended by No. 18 of 2007, s. 10 and No. 23 of 2012, s. 10
Part 2 of Schedule 1	Amended by No. 18 of 2007, s. 10 and No. 23 of 2012, s. 10
Schedule 2	Inserted by No. 11 of 2008, s. 7 Substituted by No. 5 of 2016, s. 5
Part 1 of Schedule 2	Amended by No. 5 of 2016, s. 5 and No. 34 of 2020, Sched. 1
Part 2 of Schedule 2	Amended by No. 5 of 2016, s. 5
