

TASMANIA

**VEHICLE AND TRAFFIC AMENDMENT (NOVICE
DRIVER LICENSING) BILL 2008**

CONTENTS

PART 1 – PRELIMINARY

1. Short title
2. Commencement

PART 2 – VEHICLE AND TRAFFIC ACT 1999 AMENDED

3. Principal Act
4. Section 3 amended (Interpretation)
5. Part 3, Division 1A inserted
 - Division 1A – Regression and recommencement of novice drivers and novice riders*
 - 13A. Regression of novice drivers and novice riders
 - 13B. Recommencement or extension of provisional period on conviction for prescribed offence
6. Section 17 amended (Power of court to order disqualification)
7. Section 18 amended (Restricted driver licences)
8. Part 3, Division 3C inserted
 - Division 3C – Prescribed offences by learner drivers*
 - 19D. Conviction under *Monetary Penalties Enforcement Act 2005* for unaccompanied driver offence
 - 19E. Court-imposed penalties for unaccompanied driver offence
9. Section 25 amended (Period of ineligibility for unlicensed drivers)

10. Section 67 amended (Evidentiary certificates)

PART 3 – TRAFFIC ACT 1925 AMENDED

11. Principal Act
12. Section 43H amended (Service and acceptance of traffic infringement notices)

VEHICLE AND TRAFFIC AMENDMENT (NOVICE DRIVER LICENSING) BILL 2008

*(Brought in by the Minister for Infrastructure, Resources,
Planning and Workplace Relations, the Honourable Steven
Kons)*

A BILL FOR

**An Act to amend the *Traffic Act 1925* and the *Vehicle and
Traffic Act 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
Amendment (Novice Driver Licensing) Act 2008*.

2. Commencement

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

Vehicle and Traffic Amendment (Novice Driver Licensing) Act
2008
Act No. of

s. 3

Part 2 – Vehicle and Traffic Act 1999 Amended

**PART 2 – VEHICLE AND TRAFFIC ACT 1999
AMENDED**

3. Principal Act

In this Part, the *Vehicle and Traffic Act 1999** is referred to as the Principal Act.

4. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended as follows:

- (a) by inserting the following definitions after the definition of “nominated configuration”:

“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 regulations that a novice driver or novice rider is

*No. 70 of 1999

*Vehicle and Traffic Amendment (Novice Driver Licensing) Act
2008
Act No. of*

Part 2 – Vehicle and Traffic Act 1999 Amended

s. 5

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;
- (b) by inserting the following definition after
the definition of “truck”:

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

5. Part 3, Division 1A inserted

After section 13 of the Principal Act, the
following Division is inserted in Part 3:

*Vehicle and Traffic Amendment (Novice Driver Licensing) Act
2008
Act No. of*

s. 5

Part 2 – Vehicle and Traffic Act 1999 Amended

***Division 1A – Regression and recommencement of novice
drivers and novice riders***

13A. Regression of novice drivers and novice riders

(1) A novice driver or novice rider who during the same novice licensing stage or during any 6-month period incurs any one of the following twice, or incurs any 2 of the following:

- (a) a disqualification from driving;
- (b) a suspension of his or her licence under section 20;
- (c) a period of ineligibility under section 25 –

is regressed as prescribed by the regulations to the preceding novice licensing stage.

- (2) The regression imposed by subsection (1) takes effect on the expiration of the second period of disqualification, suspension or ineligibility.
- (3) Any driver licence held by the person in his or her capacity as a novice driver or novice rider at the time of regression is cancelled.
- (4) Subsection (1) does not apply where the liability for the second period of

*Vehicle and Traffic Amendment (Novice Driver Licensing) Act
2008
Act No. of*

Part 2 – Vehicle and Traffic Act 1999 Amended

s. 5

disqualification, suspension or
ineligibility arises from the same offence
that resulted in the first period of
disqualification, suspension or
ineligibility.

- (5) A period of disqualification, suspension or ineligibility must not be counted more than once in determining whether a person is to be regressed.

**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 –
- (i) the first continuous 12-
month period for which
he or she is required to
hold a provisional licence;
or
- (ii) any further continuous
12-month period for
which he or she is
required to hold a
provisional licence as a
result of being regressed
under section 13A; and

*Vehicle and Traffic Amendment (Novice Driver Licensing) Act
2008
Act No. of*

s. 6

Part 2 – Vehicle and Traffic Act 1999 Amended

(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) Subsection (1) does not apply to a novice driver or novice rider who commits a prescribed offence and as a result is liable to be regressed under section 13A.

6. Section 17 amended (Power of court to order disqualification)

Section 17(1) of the Principal Act is amended by omitting “section 19B” and substituting “sections 19B and 19E”.

7. Section 18 amended (Restricted driver licences)

Section 18(2) of the Principal Act is amended by inserting after paragraph (b) the following paragraph:

(ba) a novice driver or novice rider who is liable to be regressed in relation to a particular class of licence under section 13A and who has not held, in relation to that class, a provisional licence for 12 continuous months or any further continuous 12-month period for

*Vehicle and Traffic Amendment (Novice Driver Licensing) Act
2008
Act No. of*

Part 2 – Vehicle and Traffic Act 1999 Amended

s. 8

which he or she is required to hold a provisional licence as a result of being regressed;

8. Part 3, Division 3C inserted

After section 19C of the Principal Act, the following Division is inserted in Part 3:

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.

*Vehicle and Traffic Amendment (Novice Driver Licensing) Act
2008
Act No. of*

s. 8

Part 2 – Vehicle and Traffic Act 1999 Amended

- (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.

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

*Vehicle and Traffic Amendment (Novice Driver Licensing) Act
2008
Act No. of*

Part 2 – Vehicle and Traffic Act 1999 Amended

s. 9

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.

9. Section 25 amended (Period of ineligibility for unlicensed drivers)

Section 25 of the Principal Act is amended as follows:

(a) by inserting the following subsection after subsection (1):

(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.

(b) by omitting subparagraph (ii) from subsection (5)(b) and substituting the following subparagraph:

(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.

Vehicle and Traffic Amendment (Novice Driver Licensing) Act
2008
Act No. of

s. 10

Part 2 – Vehicle and Traffic Act 1999 Amended

10. Section 67 amended (Evidentiary certificates)

Section 67 of the Principal Act is amended by inserting after subsection (5) the following subsection:

- (6) A certificate signed by the Registrar certifying that a person is to be regressed in respect of a particular class of licence under this Act 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.

*Vehicle and Traffic Amendment (Novice Driver Licensing) Act
2008
Act No. of*

Part 3 – Traffic Act 1925 Amended

s. 11

PART 3 – TRAFFIC ACT 1925 AMENDED

11. Principal Act

In this Part, the *Traffic Act 1925** is referred to as the Principal Act.

12. Section 43H amended (Service and acceptance of traffic infringement notices)

Section 43H(6A) of the Principal Act is amended as follows:

- (a) by omitting “is –” and substituting “is a prescribed offence.”;
- (b) by omitting paragraphs (a) and (b).

*No. 38 of 1925