

TASMANIA

TRAFFIC (DOUBLE DEMERIT POINTS) BILL 2009

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TRAFFIC (DOUBLE DEMERIT POINTS) BILL 2009

(Brought in by Jeremy Page Rockliff)

A BILL FOR

An Act to provide that double demerit points shall apply on prescribed days to certain traffic offences and for related purposes

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Traffic (Double Demerit Points) Act 2009*.

2. Commencement

This Act commences on a day to be fixed by proclamation.

3. Definitions

In this Act, unless the contrary intention appears –

“**Commissioner**” has the same meaning as in the *Police Service Act 2003*;

“**double demerit period**” means –

- (a) a period commencing at 12.01 a.m. on the day immediately preceding the start of a long weekend and finishing at midnight on the last day of the long weekend; or
- (b) a period commencing at 12.01 a.m. on the Thursday preceding Good Friday and finishing at midnight on the day following Easter Monday.
- (c) a period commencing at 12.01 a.m. on the weekday last occurring before 25 December in any year and finishing at midnight on 2 January the following year;

“long weekend” means a period of consecutive days comprised of a Saturday and Sunday and one or more public holidays;

“Minister” means the Minister for the time being administering the *Traffic Act 1925*;

“weekday” means a day which is not a Saturday or Sunday.

4. Demerit points for offences

- (1) If a person is convicted of an offence prescribed under this Act, and the offence was committed, or allegedly committed, during a double demerit period, the person will incur double the number of demerit points that the person would otherwise incur in respect of that offence in accordance with the regulations made under the *Traffic Act 1925*.
- (2) The Commissioner of Police must, not less than 2 days before the commencement of each double demerit period, cause a notice to be published in a newspaper circulating generally in each region of the State and on a website determined by the Commissioner stating the time at which the double demerit period commences and the time at which it finishes and containing advice about the incurring of demerit points during the double demerit period.

5. Certificate of Minister admissible

A certificate purporting to be signed by the Minister and to certify that a specified period was a double demerit period for the purposes of this Act is admissible in proceedings before a court and is, in the absence of proof to the contrary, proof of the matters so certified.

6. Review of Act

- (1) An independent review of this Act must be commissioned by the Minister as soon as possible after the third anniversary of the commencement of this Act to enable consideration of the effectiveness of this Act in improving road safety in Tasmania.
- (2) A person or group who undertakes such a review must invite submissions relevant to the review from the public and give due consideration to the content of any such submissions.

- (3) A person or group who undertakes such a review must give the Minister a written report of the review.
- (4) The Minister must cause a copy of the report of the review to be laid before each House Parliament within 14 days of the Minister receiving the report.
- (5) In this section –

 "independent review" means a review undertaken by persons who –
 - (a) in the opinion of the Minister possess appropriate qualifications to undertake the review; and
 - (b) includes one or more persons that are not employed by the State of Tasmania, a State Service Agency, the Commonwealth, a Commonwealth authority or any entity created under this Act.

7. Regulations

- (1) The Governor may make regulations for the purpose of this Act.
- (2) Regulations may be made so as to apply differently according to such factors as are specified in the regulations.
- (3) The regulations may provide that a contravention of any of the regulations is an offence.

8. Administration of Act

Until an order is made under section 4 of the *Administrative Arrangements Act 1990* –

- (1) The administration of this Act is assigned to the Minister for Infrastructure; and
- (2) The department responsible to the Minister for Infrastructure in relation to the administration of this Act is the Department of Infrastructure, Energy and Resources.