

TASMANIA

**TRAFFIC (COMPLIANCE AND ENFORCEMENT)
AMENDMENT REGULATIONS 2021
STATUTORY RULES 2021, No. 29**

CONTENTS

1. Short title
2. Commencement
3. Principal Regulations
4. Regulation 3 amended (Interpretation)
5. Regulation 4 substituted
 4. Prescribed offences for section 9(3) of Act
6. Regulation 5 amended (Prescribed offences for section 43H of Act)
7. Regulation 7 amended (Specified offences for section 54(1AA) of Act)
8. Schedule 1 amended (Offences)

**TRAFFIC (COMPLIANCE AND ENFORCEMENT)
AMENDMENT REGULATIONS 2021**

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Traffic Act 1925*.

Dated 24 May 2021.

C. WARNER
Governor

By Her Excellency's Command,

MICHAEL DARREL JOSEPH FERGUSON
Minister for Infrastructure and Transport

1. Short title

These regulations may be cited as the *Traffic (Compliance and Enforcement) Amendment Regulations 2021*.

2. Commencement

These regulations take effect on the day on which the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2021* commence.

Traffic (Compliance and Enforcement) Amendment Regulations
2021
Statutory Rules 2021, No. 29

r. 3

3. Principal Regulations

In these regulations, the *Traffic (Compliance and Enforcement) Regulations 2017** are referred to as the Principal Regulations.

4. Regulation 3 amended (Interpretation)

Regulation 3(1) of the Principal Regulations is amended by omitting the definition of *DLVR* and substituting the following definition:

DLVR means the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2021*;

5. Regulation 4 substituted

Regulation 4 of the Principal Regulations is rescinded and the following regulation is substituted:

4. Prescribed offences for section 9(3) of Act

For section 9(3) of the Act, a parking offence is a prescribed offence.

6. Regulation 5 amended (Prescribed offences for section 43H of Act)

Regulation 5 of the Principal Regulations is amended by omitting paragraph (c) and substituting the following paragraph:

*S.R. 2017, No. 49

*Traffic (Compliance and Enforcement) Amendment Regulations
2021
Statutory Rules 2021, No. 29*

r. 7

- (c) an offence under regulation 12(2) or (3) of the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2021*.

7. Regulation 7 amended (Specified offences for section 54(1AA) of Act)

Regulation 7 of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (c) “*Vehicle and Traffic Act 1999*,” and substituting “*Vehicle and Traffic Act 1999*.”;
- (b) by omitting paragraph (d).

8. Schedule 1 amended (Offences)

Schedule 1 to the Principal Regulations is amended as follows:

- (a) by inserting after paragraph (b) in item 400 in Subdivision 45 of Part 1 the following:

400A.	RR 292A	Drive/tow a vehicle with load improperly restrained and able to move		
		(a) rider of a bicycle	0.75	0
		(b) any other driver	1.25	0

- (b) by omitting Division 2 from Part 2 and substituting the following Division:

*Traffic (Compliance and Enforcement) Amendment Regulations
2021
Statutory Rules 2021, No. 29*

r. 8

***Division 2 – Vehicle and Traffic (Driver Licensing
and Vehicle Registration) Regulations 2021
Subdivision 1 – Learner, provisional and conditional
licence offences***

Col 1	Col 2	Col 3	Col 4	Col 5
Item	Legislation creating offence	Offence	Penalty units	Demerit points
510.	DLVR 12(2)	Novice driver in novice driver learner stage or novice rider in motorcycle learner stage fail to display clearly visible L-plates as required	0.50	2
511.	DLVR 12(2)	Learner driver (other than novice driver in novice driver learner stage or novice rider in motorcycle learner stage) fail to display clearly visible L-plates as required	0.50	2
512.	DLVR 12(3)	Novice driver in novice driver learner stage driving without accompanying person as required	1.25	0
513.	DLVR 12(3)	Learner driver (other than novice driver) driving without accompanying person as required	1.25	0
514.	DLVR 13(1)	Drive with L-plate displayed when not learner driver	0.50	0
515.	DLVR 13(2)	Employing, causing or permitting motor vehicle to be driven without L-plates displayed as required	0.50	0
516.	DLVR 13(2)	Employing, causing or permitting learner driver (including novice driver in novice driver learner stage) to drive without accompanying person as required	1.25	0
517.	DLVR 13(2)	Employing, causing or permitting holder of learner motor cycle licence to drive motor cycle on public street carrying another person unless holder permitted by regulation 12(5) of the DLVR	1	0

*Traffic (Compliance and Enforcement) Amendment Regulations
2021
Statutory Rules 2021, No. 29*

r. 8

518.	DLVR 13(2)	Employing, causing or permitting holder of learner motor cycle licence to drive motor cycle, other than learner approved motor cycle, on public street	1	0
519.	DLVR 13(2)	Employing, causing or permitting holder of learner motor cycle licence to drive motor cycle on public street unless motor cycle is of a kind prescribed or holder has authorisation	1	0
520.	DLVR 17(2)	Novice driver or novice rider in P1 stage fail to display clearly visible P-plates as required	0.50	2
521.	DLVR 17(3)	Novice driver or novice rider in P2 stage fail to display clearly visible P-plates as required	0.50	2
522.	DLVR 17(5)	Employ/cause/permit novice driver or novice rider in P1 stage or P2 stage to drive without displaying clearly visible P-plates as required	0.50	0
523.	DLVR 18(1)	Holder of P1 provisional licence, in relation to motor vehicle other than a motor cycle, transporting more than one passenger, who has attained the age of 16 years but not attained the age of 22 years, otherwise than as permitted by regulation 18(2) or 18(3) of the DLVR	1.25	2
524.	DLVR 19(1)	Holder of P1 provisional licence in relation to motor cycle driving, on public street, motor cycle carrying another person	1	0
525.	DLVR 19(2)	Holder of P1 provisional licence, in relation to a motor cycle, driving motor cycle on public street otherwise than as permitted by regulation 19(2) of DLVR	1	0
526.	DLVR 19(4)	Employing, causing or permitting holder of P1 provisional licence in relation to a motor cycle to drive, on public street, motor cycle carrying another person	1	0
527.	DLVR 19(4)	Employing, causing or permitting holder of P1 provisional licence in relation to a motor cycle to drive motor cycle on public street unless holder permitted by regulation 19(2) of the DLVR	1	0

*Traffic (Compliance and Enforcement) Amendment Regulations
2021
Statutory Rules 2021, No. 29*

r. 8

528.	DLVR 33(6)	Holder of code X conditional Australian driver licence fail to carry explanatory notice as required	1.25	0
<i>Subdivision 2 – Miscellaneous licensing offences</i>				
Col 1	Col 2	Col 3	Col 4	Col 5
Item	Legislation creating offence	Offence	Penalty units	Demerit points
529.	DLVR 44(1)	Fail to notify change of name, residential address, or address for service of notices, within 14 days	0.75	0
530.	DLVR 44(5)	Fail to attach change of address sticker to driver licence as soon as practicable, and keep attached	0.75	0
<i>Subdivision 3 – General ancillary certificate offences</i>				
Col 1	Col 2	Col 3	Col 4	Col 5
Item	Legislation creating offence	Offence	Penalty units	Demerit points
531.	DLVR 52(2)	Fail to display identification card (issued to ancillary certificate holder) in vehicle as required	1.25	0
<i>Subdivision 4 – Document offences</i>				
Col 1	Col 2	Col 3	Col 4	Col 5
Item	Legislation creating offence	Offence	Penalty units	Demerit points
532.	DLVR 58(1)	Fail to return driver licence to Registrar within 21 days of service of notice of suspension	1.25	0
533.	DLVR 58(1)	Fail to return driver licence to Registrar within 21 days of service of notice of cancellation	1.25	0
534.	DLVR 58(2)	Fail to return ancillary certificate to Registrar within 21 days of service of notice of suspension	1.25	0
535.	DLVR 58(2)	Fail to return ancillary certificate to Registrar within 21 days of service of notice of cancellation	1.25	0

*Traffic (Compliance and Enforcement) Amendment Regulations
2021
Statutory Rules 2021, No. 29*

r. 8

536.	DLVR 58(3)	Fail to return restricted driver licence (and any ancillary certificate) to Registrar within 21 days after revocation by court	1.25	0
537.	DLVR 58(4)	Fail to return driver licence (and any ancillary certificate) to Registrar within 21 days after being disqualified from driving by court or by automatic statutory penalty	1.25	0
538.	DLVR 59(1)	Fail to return driver licence or ancillary certificate to Registrar for endorsement/replacement within 21 days after service of notice or request	1.25	0
<i>Subdivision 5 – General registration offence</i>				
Col 1 Item	Col 2 Legislation creating offence	Col 3 Offence	Col 4 Penalty units	Col 5 Demerit points
539.	DLVR 80(2)(a)	Fail to stamp/display new reference number as required by Registrar (when no, or altered/defaced, identification number)	1.25	0
540.	DLVR 80(2)(b)	Fail to make existing identification number illegible and stamp/display new reference number as specified and required by Registrar (when number is same as for other vehicle)	1.25	0
541.	DLVR 84(6)	Fail to install and keep installed an “ <i>operations plate</i> ” on conditionally registered vehicle as required	1.25	0
542.	DLVR 84(6)	Fail to ensure a “ <i>certificate of approved operations</i> ” carried at all times in conditionally registered vehicle	1.25	0
543.	DLVR 89(1)	Registered operator fail to ensure within 7 days that vehicle number plate for that vehicle is permanently affixed as required	1	0
544.	DLVR 89(2)(a)	Registered operator fail to ensure any vehicle number plate cover is clear, clean, untinted, flat over entire surface and has no characteristics preventing production of clear number plate photograph by photographic detection device	1	0

*Traffic (Compliance and Enforcement) Amendment Regulations
2021
Statutory Rules 2021, No. 29*

r. 8

545.	DLVR 89(2)(b)	Registered operator fail to ensure no object obscures/reduces visibility of any vehicle number plate and that number plate has no characteristics preventing production of clear number plate photograph by photographic detection device	1	0
546.	DLVR 89(3)	Apply substance to number plate that prevents production of clear number plate photograph by photographic detection device	1	0
547.	DLVR 89(4)(a)	Use vehicle without number plates issued for the vehicle affixed and displayed as required	1	0
548.	DLVR 89(4)(a)	Permit use of vehicle without number plates issued for the vehicle affixed and displayed as required	1	0
549.	DLVR 89(4)(b)	Use vehicle not complying with number plate/cover regulations (other than affix and display)	1	0
550.	DLVR 89(4)(b)	Permit use of vehicle not complying with number plate/cover regulations (other than affix and display)	1	0

Subdivision 6 – Transfer or surrender of registration offences

Col 1	Col 2	Col 3	Col 4	Col 5
Item	Legislation creating offence	Offence	Penalty units	Demerit points
551.	DLVR 101(4)	Registered operator transferring registration fail to comply with requirements for transfer of vehicle registration	0.75	0
552.	DLVR 101(6)	Proposed transferee fail to comply with requirements for transfer of vehicle registration	0.75	0
553.	DLVR 101(7)	Person taking possession of vehicle under court order/powers conferred by security interest fail to comply with requirements for transfer of vehicle registration	0.75	0

*Traffic (Compliance and Enforcement) Amendment Regulations
2021
Statutory Rules 2021, No. 29*

r. 8

<i>Subdivision 7 – Vehicle defect notice offences</i>				
Col 1	Col 2	Col 3	Col 4	Col 5
Item	Legislation creating offence	Offence	Penalty units	Demerit points
554.	DLVR 118(3)	Driver fail to give formal warning notice to registered operator as soon as practicable	1	0
555.	DLVR 119(8)	Driver fail to give vehicle defect notice to registered operator as soon as practicable	1	0
556.	DLVR 120(5)	Remove/deface a defective vehicle label without authorisation	1.25	0
557.	DLVR 121(1)	Use vehicle subject of major vehicle defect notice (other than one imposing total prohibition on use) after time allowed for compliance has passed (when notice not complied with)	1.25	3
558.	DLVR 121(2)	Use vehicle subject of minor vehicle defect notice after time allowed for compliance has passed (when notice not complied with)	1	1
559.	DLVR 121(3)	Use vehicle with minor vehicle defect notice contrary to a condition of the notice	1	1
560.	DLVR 121(3)	Use vehicle with major vehicle defect notice contrary to a condition of the notice (other than total prohibition on use)	1.25	3
561.	DLVR 121(5)	Permit use of vehicle subject of minor vehicle defect notice after time allowed for compliance has passed (when notice not complied with)	1.25	0
562.	DLVR 121(5)	Permit use of vehicle with minor vehicle defect notice contrary to a condition of the notice	1.25	0
563.	DLVR 121(5)	Permit use of vehicle subject of major vehicle defect notice (other than one imposing total prohibition on use) after time allowed for compliance has passed (when notice not complied with)	2.25	0

*Traffic (Compliance and Enforcement) Amendment Regulations
2021
Statutory Rules 2021, No. 29*

r. 8

564.	DLVR 121(5)	Permit use of vehicle with major vehicle defect notice contrary to a condition of the notice (other than total prohibition on use)	2.25	0
<i>Subdivision 8 – Unregistered vehicle offences</i>				
Col 1	Col 2	Col 3	Col 4	Col 5
Item	Legislation creating offence	Offence	Penalty units	Demerit points
565.	DLVR 124(1)	Holder of trade plate fail to ensure trade plate used only for prescribed purposes	1.25	0
566.	DLVR 124(2)	Use trade plate for other than authorised purpose	1.25	0
567.	DLVR 124(2)	Permit use of trade plate for other than authorised purpose	1.25	0
568.	DLVR 124(3)	Use unregistered vehicle under authority of trade plate without plate being temporarily fixed to rear of vehicle in appropriate position or displayed in way acceptable to Registrar	1	0
569.	DLVR 124(3)	Permit use of unregistered vehicle under authority of trade plate without plate being temporarily fixed to rear of vehicle in appropriate position or displayed in way acceptable to Registrar	1	0
570.	DLVR 126(5)	Holder of short term unregistered vehicle permit fail to ensure such permit is affixed, carried or removed as required	1	0
571.	DLVR 126(6)	Use vehicle under short term unregistered vehicle permit without permit affixed or carried as required	1	0
572.	DLVR 126(6)	Permit use of vehicle under short term unregistered vehicle permit without permit affixed or carried as required	1	0

*Traffic (Compliance and Enforcement) Amendment Regulations
2021
Statutory Rules 2021, No. 29*

r. 8

Subdivision 9 – Miscellaneous registration offences

Col 1	Col 2	Col 3	Col 4	Col 5
Item	Legislation creating offence	Offence	Penalty units	Demerit points
573.	DLVR 136(9)	Registered operator fail to affix and keep affixed as required vehicle inspection label (under vehicle inspection program)	0.75	0
574.	DLVR 136(9)(a)	Registered operator fail to affix inspection label to vehicle in accordance with instructions issued under regulation 136(8) of DLVR	1	0
575.	DLVR 136(9)(b)	Registered operator fail to keep inspection label affixed (unless removal of label authorised under regulation 136(10) of DLVR) to vehicle until date vehicle next inspected under vehicle inspection program	1	0
576.	DLVR 136(10)	Remove/deface current inspection label (under vehicle inspection program) without authority	1	0
577.	DLVR 136(12)	Use vehicle on public street that has not passed inspection (after completion of that inspection) under vehicle inspection program	1	0
578.	DLVR 136(12)	Permit use of vehicle on public street that has not passed inspection (after completion of that inspection) under vehicle inspection program	1	0
579.	DLVR 136(12)(a)	Operate vehicle on public street for hire or reward if vehicle has not been presented for inspection required under vehicle inspection program	1.50	0
580.	DLVR 136(12)(a)	Permit operation of vehicle on public street for hire or reward if vehicle has not been presented for inspection required under vehicle inspection program	1.50	0
581.	DLVR 136(12)(b)	Use vehicle on public street if vehicle does not pass inspection under vehicle inspection program	1.50	0

*Traffic (Compliance and Enforcement) Amendment Regulations
2021
Statutory Rules 2021, No. 29*

r. 8

582.	DLVR 136(12)(b)	Permit use of vehicle on public street if vehicle does not pass inspection under vehicle inspection program	1.50	0
583.	DLVR 138	Use modified vehicle not complying with relevant vehicle standard or if modification is unacceptable to Registrar	1.25	0
584.	DLVR 138	Permit use of modified vehicle not complying with relevant vehicle standard or if modification is unacceptable to Registrar	1.25	0
585.	DLVR 141(1)	Fail to notify Registrar within 14 days of change of circumstance affecting information recorded in register (about registered operator/registered vehicle)	0.75	0
586.	DLVR 141(3)	Fail to notify Registrar within 14 days after any change affecting information recorded in register about a short term unregistered vehicle permit (about vehicle or holder)	0.75	0
587.	DLVR 141(4)	Fail to notify Registrar within 14 days of change of circumstance affecting information recorded in register about holder of trade plate/business carried on by holder of trade plate	0.75	0
588.	DLVR 142(1)	Fail to return number plates as required after cancellation or expiry without renewal	0.75	0
589.	DLVR 142(3)	Fail to return trade plates as required after cancellation or expiry without renewal	0.75	0
590.	DLVR 142(4)	Fail to return number plate/trade plate as required by terms on issue	0.75	0
591.	DLVR 142(5)	Fail to return number plate/trade plate as and when required by Registrar's written notice	1	0
592.	DLVR 143	Fail to return certificate of registration as required by Registrar (on cancellation or expiry without renewal)	1	0

Subdivision 10 – Temporary upgrade permit offences

Col 1	Col 2	Col 3	Col 4	Col 5
-------	-------	-------	-------	-------

*Traffic (Compliance and Enforcement) Amendment Regulations
2021
Statutory Rules 2021, No. 29*

r. 8

Item	Legislation creating offence	Offence	Penalty units	Demerit points
593.	DLVR 146(7)	Use vehicle for which temporary upgrade permit in force contrary to conditions of permit	1.25	0
594.	DLVR 146(7)	Permit use of vehicle for which temporary upgrade permit in force contrary to conditions of permit	1.25	0
595.	DLVR 146(8)	Use vehicle for which temporary upgrade permit in force without ensuring permit carried in vehicle	1	0
596.	DLVR 146(8)	Permit use of vehicle for which temporary upgrade permit in force without ensuring permit carried in vehicle	1	0
597.	DLVR 153(4)	Fail to affix and keep affixed distinctive number plates to truck as required (farm vehicle rebate)	0.75	0
598.	DLVR 153(6)(b)	Fail to return truck distinctive number plates within 14 days of cessation of entitlement to farm vehicle rebate (motor tax)	0.75	0

Subdivision 11 – Interchangeable trailer offences

Col 1	Col 2	Col 3	Col 4	Col 5
Item	Legislation creating offence	Offence	Penalty units	Demerit points
599.	DLVR 154(4)	Fail to affix and keep affixed distinctive number plate to vehicle as required (interchangeable trailer)	0.75	0
600.	DLVR 154(6)(b)	Fail to return distinctive number plate on cessation of entitlement to rebate (interchangeable trailer) within 14 days	0.75	0
601.	DLVR 154(9)(a)	Fail to return distinctive number plate (interchangeable trailer rebate) within 14 days of Registrar's written notice that rebate ceased	0.75	0

*Traffic (Compliance and Enforcement) Amendment Regulations
2021
Statutory Rules 2021, No. 29*

r. 8

<i>Subdivision 12 – Miscellaneous offences</i>				
Col 1	Col 2	Col 3	Col 4	Col 5
Item	Legislation creating offence	Offence	Penalty units	Demerit points
602.	DLVR 174(10)	Fail to deliver to Registrar within allowed time a document, plate or device as required by a recall notice (on issue of duplicate or replacement)	1.75	0

*Traffic (Compliance and Enforcement) Amendment Regulations
2021
Statutory Rules 2021, No. 29*

Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 28 May 2021.

These regulations are administered in the Department of State Growth.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations amend the *Traffic (Compliance and Enforcement) Regulations 2017* by –

- (a) updating certain references consequent on the commencement of the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2021*; and
- (b) inserting a new offence under the *Road Rules 2019*, for which an infringement notice may be issued under the *Traffic Act 1925*.