

NORTHERN TERRITORY OF AUSTRALIA
MOTOR VEHICLES AMENDMENT ACT 1994

No. 19 of 1994

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"102AA. APPLICATIONS MADE BY CERTAIN
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NORTHERN TERRITORY OF AUSTRALIA

No. 19 of 1994

AN ACT

to amend the *Motor Vehicles Act*

[Assented to 18 April 1994]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Motor Vehicles Amendment Act 1994*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

The *Motor Vehicles Act* is in this Act referred to as the Principal Act.

4. NEW SECTION

The Principal Act is amended by inserting after section 102 the following:

"102AA. APPLICATIONS MADE BY CERTAIN OFFENDERS

"(1) In this section -

'approved course' means the relevant course of education and training relating to the problems arising from driving a motor vehicle after consuming alcohol -

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- (a) approved by the Registrar in relation to the kind of offence in question; or
- (b) accredited by a person or body approved by the Registrar;

'approved treatment' means an intervention course -

- (a) approved by the Registrar; or
- (b) accredited by a person or body approved by the Registrar,

the object of which is to promote the responsible consumption of alcohol;

'column' means a column in the Table;

'commercial passenger vehicle' has the same meaning as in the *Commercial Passengers (Road) Transport Act*;

'heavy vehicle' means a motor vehicle having a gross vehicle mass as defined in the *Motor Vehicles (Standards) Regulations*, or any Regulations made in substitution for those Regulations, exceeding 15t;

'item' means an item in the Table;

'order' means -

- (a) a conviction; or
- (b) a dismissal of a charge under section 4 of the *Criminal Law (Conditional Release of Prisoners) Act* or an order made under that section;

'subsequent offence' has the same meaning as in section 49 of the *Traffic Act*;

'Table' means the Table to this section.

"(2) In items 1 to 4 (inclusive) 'motor vehicle' does not include a commercial passenger vehicle or a heavy vehicle.

"(3) In item 5 'motor vehicle' means a commercial passenger vehicle or a heavy vehicle.

"(4) This section is in addition to and not in derogation of the other provisions of this Act.

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"(5) Subject to subsections (6) and (7), but without affecting the discretion of the Registrar under section 102, the Registrar shall refuse to grant a licence or a licence of a class of licence on an application made by a person after an order has been made against that person in relation to an offence punishable under a provision of the *Traffic Act* specified in column 1 and briefly described opposite in column 2 unless the Registrar is satisfied with respect to the matters specified opposite in column 3 in relation to the applicant.

"(6) A person to whom item 4 or 5 applies who desires to obtain the approval of the Local Court for the purposes of making an application for a licence to drive a commercial passenger vehicle or a heavy vehicle shall not apply for that approval earlier than 3 months before the expiration of the period for which his or her licence is cancelled.

"(7) For the purposes of considering an application made under subsection (6), the Court shall -

- (a) consider the report (if any) made to the Court by the Registrar or the Commissioner of the Police Force with respect to any offence, an element of which includes the consumption of alcohol, committed by the applicant during the period since the order was made cancelling or resulting in the cancellation of the person's licence; and
- (b) consider such medical or other evidence as the Court considers relevant as to the applicant's fitness to hold a licence,

and may grant or refuse its approval of the application as it thinks fit.

TABLE

Item	Column 1 <i>Traffic Act</i>	Column 2 Offence	Column 3 Requirements
1. Section 19(1)		A first offence of driving a motor vehicle under the influence of alcohol	That the applicant has successfully completed an approved course
Section 19(3) (a)(i)		A first offence of driving a motor vehicle with a concentration of	

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Item	Column 1 <i>Traffic Act</i>	Column 2 Offence	Column 3 Requirements
		alcohol in the blood that is equal to or more than 80 mg but is less than 150 mg of alcohol per 100 ml of blood	
2.	Section 19(1)	A second or subsequent offence of driving a motor vehicle under the influence of alcohol	That the applicant has successfully completed an approved course or undergone an approved treatment, or both, at the discretion of the Registrar
	Section 19(3)(b)	A second or subsequent offence of driving a motor vehicle with a concentration of alcohol in the blood that is equal to or more than 80 mg of alcohol per 100 ml of blood	
3.	Section 19(3)(a)(ii)	A first offence of driving a motor vehicle with a concentration of alcohol in the blood that is equal to or more than 150 mg per 100 ml of blood	That the applicant has successfully completed an approved course or undergone an approved treatment, or both, at the discretion of the Registrar.
	Section 20(1)	A first offence of refusing to submit to a breath analysis in relation to the driving of a motor vehicle	
4.	Section 19(3)(a)(ii) or (b)	A second or subsequent offence of driving a motor vehicle with a concentration of alcohol in the blood that is equal to or more than 150 mg of	That the period fixed by the Court under section 39(1) of the <i>Traffic Act</i> has elapsed since the making of the order and the approval of

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Item	Column 1 <i>Traffic Act</i>	Column 2 Offence	Column 3 Requirements
		alcohol per 100 ml of blood committed within 3 years after being convicted of an offence referred to in item 3 or in this item	the Local Court to make an application for a licence has been obtained
	Section 20(1)	A second or subsequent offence of refusing to submit to a breath analysis in relation to the driving of a motor vehicle	
5.	Section 19(1)	First or second or subsequent offence of driving a motor vehicle while under the influence of alcohol	That the period fixed by the Court under section 39(1) of the <i>Traffic Act</i> has elapsed since the making of the order and, if the application for a licence relates to a heavy vehicle, or commercial passenger vehicle, the approval of the Local Court to make the application has been obtained
	Section 19(3)	First or second or subsequent offence of driving a motor vehicle with a concentration of alcohol in the blood that is equal to or more than 80 mg per 100 ml of blood	
	Section 20(1)	First or second or subsequent offence of refusing to submit to a breath analysis in relation to the driving of a motor vehicle	

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