



NORTHERN TERRITORY OF AUSTRALIA

No. 25 of 1989

AN ACT

to amend the *Traffic Act* and the
Criminal Law (Conditional Release of Offenders) Act

[Assented to 15 June 1989]

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 *Traffic Amendment Act 1989*.

2. CANCELLATION OF LICENCE

Section 39 of the *Traffic Act* is amended -

- (a) by omitting subsection (1) and substituting the following:

"(1) Where -

- (a) a person is convicted of an offence against a section specified in Column 1 of Schedule 1; or
- (b) the court makes a finding that a charge against a person for such an offence is proved but, under section 4(1) of the *Criminal Law (Conditional Release of Offenders) Act* -
- (i) dismisses the charge; or
- (ii) without proceeding to conviction, makes an order relating to the good behaviour of the person,

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the person's licence is, by force of the conviction or finding of the court, cancelled and the person is disqualified from holding a licence -

- (c) for a first offence - for the period specified in Column 3; and
- (d) for a second or subsequent offence - for the period specified in Column 4,

of that Schedule opposite to the relevant section in Column 1, or such longer period as the court thinks fit.";

- (b) by omitting from subsection (2) paragraph (a);
- (c) by omitting from subsection (2)(b) "an order (including an order to dismiss a charge) made under section 4(1)" and substituting "a finding (whether or not resulting in an order to dismiss a charge) made under section 4(1)(b)"; and
- (d) by adding at the end the following:

"(3) A court by which a person is convicted or a finding referred to in subsection (1) is made shall, at the time of convicting the person or making the finding, specifically find that the offence to which -

- (a) the conviction; or
- (b) the charge in respect of which the finding is made,

relates is the first, second or subsequent relevant offence for the purposes of subsection (1)(c) or (d).

"(4) The court shall cause notice of a conviction or finding referred to in subsection (1) and its finding under subsection (3) to be forwarded to the Registrar."

3. APPEAL AGAINST CONVICTIONS, CANCELLATIONS, &c.

Section 43 of the *Traffic Act* is amended -

- (a) by omitting from subsection (1) paragraphs (a) and (b) and substituting the following:
 - "(a) a person has been convicted of an offence against this Act; or
 - (b) the court has made a finding that a charge against a person for such an offence has been proved and, under section 4(1)(b) of the *Criminal Law (Conditional Release of Offenders) Act*, has dismissed the charge or, without proceeding to conviction, has made an order relating to the good behaviour of the person,

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and as a consequence of the conviction or finding -

(ba) the person's licence is cancelled; or

(bb) the person is disqualified from holding a licence for a period;

and -

(bc) the person has duly instituted an appeal to the Supreme Court from the conviction, order or finding in respect of the offence,";

(b) by omitting from subsection (2) "conviction" and substituting "conviction or, in the case of an appeal against a finding under section 4(1) of the *Criminal Law (Conditional Release of Offenders) Act*, sets aside the finding"; and

(c) by omitting subsection (3) and substituting the following:

"(3) A person may appeal to the Supreme Court against a finding of the court under section 4(1)(b) of the *Criminal Law (Conditional Release of Offenders) Act* that a charge for an offence against this Act is proved, and the finding shall be taken to be an adjudication of the court for the purposes of Division 2 of Part VI of the *Justices Act*."

4. AMENDMENT OF SECTION 4 OF *CRIMINAL LAW (CONDITIONAL RELEASE OF OFFENDERS) ACT*

Section 4(1) of the *Criminal Law (Conditional Release of Offenders) Act* is amended by omitting "is satisfied" and substituting "makes a finding".
