

THE NORTHERN TERRITORY OF AUSTRALIA

No. 131 of 1978

AN ACT

To amend the Traffic Act

[Assented to 21 December 1978]

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:

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| 1. This Act may be cited as the <u>Traffic Act</u> (No. 2) 1978. | Short title |
| 2. The <u>Traffic Act</u> is in this Act referred to as the Principal Act. | Principal Act |
| 3. This Act shall come into operation on a date to be fixed by the Administrator by notice in the <u>Gazette</u> . | Commencement |
| 4. Section 55B of the Principal Act is amended by omitting sub-sections (1), (1A), (1B), (1C) and (2) and substituting: | Special
licences |
| "(1) Subject to this section, where, by virtue of the operation of section 55 or section 10A(5) or 117(1) of the <u>Motor Vehicles Act</u> , a person is disqualified for a period from obtaining a licence or a renewal of a licence to drive a motor vehicle, the person may apply to a court of summary jurisdiction for a special licence to drive a motor vehicle. | |
| "(1A) A person may not make an application under sub-section (1) before the expiration of the period of 2 months, or such longer period as the court specifies, after the first day of the period of disqualification. | |
| "(1B) Not less than 7 days written notice of an application under sub-section (1) shall be given by the Clerk of the Court, by post or otherwise, to the Registrar, and the Registrar or his agent may appear and give evidence and call, examine and cross-examine witnesses on the hearing of the application. | |
| "(2) Upon the hearing of an application under sub-section (1), the court may, subject to this section, if it is satisfied that - | |

Traffic Act (No. 2)

- (a) the applicant earns his living by driving a motor vehicle; and
- (b) if a special licence is granted to him in pursuance of an order made under this section, the applicant will be likely to drive without danger to the public,

order the Registrar to issue to the applicant a special licence entitling him to drive a motor vehicle of such a class, for such purposes, during such days in the period during which he is disqualified from obtaining a licence or a renewal of a licence to drive a motor vehicle, and between such hours on those days, as the court thinks reasonable and orders to be specified in the special licence.

"(2A) The court may not, under sub-section (2), order the Registrar to issue a special licence to an applicant -

- (a) to drive a motor vehicle of a class that he was not licensed to drive immediately before he was disqualified;
- (b) whose disqualification was related to a conviction for an offence committed during the course of his employment;
- (c) who was the holder of a special licence at the time of his conviction for the offence in relation to which he was disqualified; or
- (d) who has been convicted of an offence by reason that he was driving during the period of disqualification."