

*Local Court Act*  
PRACTICE DIRECTION

**APPLICATIONS UNDER S102AA MOTOR VEHICLES ACT**

The following practice direction is issued pursuant to section 21 of the *Local Court Act* and will apply from the date of this Practice Direction.

**BACKGROUND**

Section 102AA of *the Motor Vehicles Act* came into force in 1994. The section provides that a person who had committed an offence under sections 19 or 20 of the *Traffic Act* (DUI etc) must meet certain criteria before the Registrar of Motor Vehicles is entitled to grant that person a licence. In certain situations it is a requirement that the person obtain the approval of the Local Court to apply for the licence.

The Local Court Statement of Claim (form 7A) is not convenient or appropriate for an application of this type and so the following directions are made to enable an appropriate course to be adopted.

**PROCEDURES**

1. A person wishing to apply to the Local Court for an order under section 102AA may do so by filing an application in the form attached.
2. The application should be accompanied by an affidavit setting out matters which the applicant wished to bring to the courts attention including but not limited to:
  - a) the nature of the offence of which the applicant was found guilty, the date of conviction or order finding guilt and the period of disqualification;
  - b) any subsequent offences committed by the applicant which relate to the consumption of alcohol and
  - c) the courses and/or treatment undertaken by the applicant.

(a suggested form of draft affidavit is attached to these directions)

3. A sealed copy of the application and affidavit must be served on the Registrar of Motor Vehicles and the Commissioner of the Northern Territory Police Force.
4. The applicants attention is drawn to the fact that the court may require medical or other evidence as to the applicants fitness to hold a licence.
5. An application shall not be heard and determined until 14 days after service in accordance with paragraph 3 above.

6. Should the Registrar of Motor Vehicles or Commissioner of the Northern Territory Police Force wish to place any information before the court they should do so by affidavit and file and serve a copy on the applicant 7 days prior to the hearing date.

**HUGH BRADLEY**  
**CHIEF MAGISTRATE**

30<sup>th</sup> December 1998