

# Supplementary Order Paper

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## HOUSE OF REPRESENTATIVES

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Friday, the 16th Day of October 1959

### TRANSPORT AMENDMENT BILL

#### *Proposed Amendments*

Hon. Mr MATHISON, in Committee, to move the following amendments:

Clause 4: To omit from subclause (1) the word "proviso" in line 24, and substitute the word "provisoes".

To omit from subclause (1) the words "upon the conviction of any person" in line 25, and substitute the words "where any person is convicted".

To insert in subclause (1), after the words "in its discretion" in line 27, the words "on the application of the defendant made at the time of the conviction or at any time thereafter".

To add to subclause (1) the following additional provisos to subsection (1) of section 41 of the principal Act:

"Provided also that, where the Court refuses an application under the first proviso to this subsection, a further application under that proviso shall not be entertained if made within three months after the date of the refusal:

"Provided further that, where the disqualification was ordered by a Magistrate's Court, every application under the first proviso to this subsection made after the time of the conviction shall be made to a Magistrate exercising jurisdiction in the Court where the conviction was entered."

To add the following subclause:

(3) The provisions of this section shall apply whether the defendant was convicted before or after the date of the passing of this Act.

#### EXPLANATORY NOTE

The effect of this amendment is that an order permitting the defendant to obtain a licence authorising him to drive a specified kind of motor vehicle in the course of his employment may be made by the Court either at the time when the defendant is convicted or subsequently, e.g., on an application by the defendant under section 31 (11) of the principal Act for an order removing the disqualification. The amendment is made to apply in cases where an order of disqualification has already been made.

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