

Western Australia

**Justices Act (Extraordinary Licences)  
Regulations 1977**

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Western Australia

## **Justices Act (Extraordinary Licences) Regulations 1977**

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### **Notes**



Western Australia

Justices Act 1902

Road Traffic Act 1974

## **Justices Act (Extraordinary Licences) Regulations 1977**

### **1. Citation**

These regulations may be cited as the *Justices Act (Extraordinary Licences) Regulations 1977*<sup>1</sup>.

### **2. Revocation**

*[Omitted under the Reprints Act 1984 s.7(4)(f).]*

### **3. Definitions**

In these regulations, unless the contrary intention appears —

“**application**” means an application to a court of petty sessions under section 76 of the Act;

“**court of petty sessions**” includes the Children’s Court;

“**Form**” means a form in the Schedule to these regulations;

“**regulation**” means one of these regulations;

“**special application**” has the same meaning as in section 76(12) of the *Road Traffic Act 1974*;

“**the Act**” means the *Road Traffic Act 1974*;

“**the clerk**” means the clerk for the court of petty sessions to which an application is made;

**“the Director General”** means the Director General of Transport referred to in section 8 of the *Transport Co-ordination Act 1966*.

*[Regulation 3 amended in Gazette 26 February 1982 p.636; 4 December 1992 p.5886; 31 January 1997 p.675.]*

**4. Form of application**

- (1) An application under section 76(1) of the Act other than a special application shall be made by lodging with the clerk an application in the form of Form 1.
- (2) A special application shall be made by lodging with the clerk an application in the form of Form 5.
- (3) An application under section 76(7)(a) of the Act shall be made by lodging with the clerk an application in the form of Form 2.
- (4) An application under section 76(7)(b) of the Act shall be made by lodging with the clerk an application in the form of Form 3.
- (5) An application shall be lodged in triplicate and shall set out clearly and concisely the information required by the form in which it is made.
- (6) The fee prescribed in the First Schedule of the *Justices Act (Courts of Petty Sessions Fees) Regulations* shall be paid on the lodging of an application referred to in subregulation (1) or (2).

*[Regulation 4 amended in Gazette 29 January 1982 p.3; 4 December 1992 p.5886; 28 August 1998 p.4751.]*

**5. Clerk may reject application**

The clerk of a court of petty sessions shall refuse to accept the lodging of an application referred to in regulation 4(1), (2) or (3) if he has reason to believe that the provisions of section 76 of the Act prevent the application from being made to or heard by that court.

**6. Duties of clerk**

- (1) On accepting an application referred to in regulation 4(1), (2) or (3) the clerk shall —
  - (a) subject to subsection (2) list the application for hearing at the earliest convenient sitting date of the court, and insert the date and time of the hearing on the copies of the application; and
  - (b) return one copy of the application to the applicant and serve another copy on the Director General.
- (2) An application referred to in regulation 4(1) or (2) shall not be listed less than 14 clear days after the date on which the application was lodged.
- (3) On accepting an application referred to in regulation 4(4) the clerk shall —
  - (a) subject to subregulation (4), list the application for hearing at the earliest convenient sitting of the court and insert the date and time of the hearing on the copies of the application; and
  - (b) return one copy of the application to the Director General and serve another copy on the holder of the extraordinary licence to which the application relates.
- (4) An application referred to in regulation 4(4) shall not be listed for hearing on a date less than 21 clear days after the date on which the application was lodged unless —
  - (a) the holder of the extraordinary licence to which it relates consents to an earlier hearing; or
  - (b) the court considers that an earlier hearing is desirable in the interests of the safety of the public generally and orders accordingly.

*[Regulation 6 amended in Gazette 26 February 1982 p.636;  
4 December 1992 p.5887; 31 January 1997 p.675;  
5 February 1999 p.403.]*

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**7. Record of convictions**

The Director General —

- (a) on lodging an application referred to in regulation 4(4); or
- (b) as soon as practicable after being served with an application referred to in regulation 4(1), (2) or (3),

shall lodge with the court a copy of the record of convictions of the extraordinary licence holder or applicant, as the case may be.

*[Regulation 7 amended in Gazette 26 February 1982 p.636; 31 January 1997 p.675.]*

**8. Procedure at hearing**

- (1) The Director General is not obliged to be represented at the hearing of an application referred to in regulation 4(1), (2) or (3) but if the Director General is represented the hearing shall be conducted as if it were the hearing of a complaint laid by the applicant against the Director General as defendant.
- (2) The holder of the extraordinary licence to which an application referred to in regulation 4(4) relates is not obliged to be present or represented at the hearing of that application but if he is present or represented the hearing shall be conducted as if it were the hearing of a complaint laid against him by the Director General.

*[Regulation 8 amended in Gazette 26 February 1982 p.636; 31 January 1997 p.675.]*

**9. Notice of result of hearing**

Whenever an application is determined by a court of petty sessions the clerk shall forthwith provide the Director General with a notice in the form of Form 4 indicating whether the court made an order or refused the application and, where an order was made, stating the terms of the order.

*[Regulation 9 amended in Gazette 26 February 1982 p.636; 31 January 1997 p.675.]*



Schedule

Forms

Form 1

Reg. 4(1)

No. ....

..... Court of Petty Sessions  
Western Australia

Justices Act (Extraordinary Licences) Regulations 1977

Road Traffic Act 1974 s.76(1)

APPLICATION FOR EXTRAORDINARY LICENCE

Application of:

Surname (block letters) .....

Other names (in full) .....

Date of Birth .....

Address .....

Occupation .....

Name and address of employer (if self-employed state so) .....

Date disqualified from holding or obtaining a driver's licence .....

Period of disqualification .....

Reason for disqualification. (If on conviction state nature of offence and specify court by which convicted and, in the case of an offence against section 63, 64, 67 or 67A of the Road Traffic Act, state whether first, second or subsequent conviction for such an offence. If not on conviction state circumstances.) .....

.....  
.....

1. The abovenamed person hereby applies for an Order of the Court directing the Director General to issue him with an extraordinary licence under section 76 of the *Road Traffic Act 1974*.
  2. The licence is required in respect of vehicles of Class .....
  3. The localities, times and purposes for which the licence is required are as follows: .....
- .....  
.....  
.....

**Schedule**

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4. The reasons why the licence is needed, and the nature of the hardship and inconvenience which would result if this application is refused, are as follows: .....
5. (a) The applicant has not been refused an extraordinary licence by a court within the period of 6 months immediately preceding the date of this application.
- (a) The applicant was refused an extraordinary licence on a special application heard by the (specify Court) ..... on the ....., 20 ....., but otherwise has not been refused an extraordinary licence by a court within the period of 6 months immediately preceding the date of this application.
- (a) Delete whichever is inapplicable.  
For meaning of "special application" see s.76(12) *Road Traffic Act 1974*, or regulation 3.
6. A licence suspension order made under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* is not in force in respect of the applicant.

.....  
Date Applicant/Counsel/Solicitor for Applicant

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COURT USE ONLY

This matter has been set down for hearing on .....  
at the Court of Petty Sessions .....

Form 2

Reg. 4(3)

No. ....

..... Court of Petty Sessions  
Western Australia

Justices Act (Extraordinary Licences) Regulations 1977

APPLICATION UNDER SECTION 76(7)(a) OF ROAD TRAFFIC ACT 1974

1. ....  
of ..... in the State of Western  
Australia being the holder of an extraordinary licence issued as directed by an Order of  
the ..... Court of Petty Sessions made on the  
..... day of ..... 20 ....., which licence is subject to  
the following limitations and conditions.....  
.....  
.....

hereby applies to this Court for an Order

(a) varying those limitations and conditions by .....  
.....  
.....

(a) cancelling those limitations and conditions and substituting the following  
limitations and conditions: .....  
.....  
.....

(a) Delete whichever is inapplicable.

2. In support of this application the following matters are brought to the attention of  
the Court:

(b) .....  
.....  
.....

(b) State reasons why variation or substitution is necessary or justified  
(see s.76(9)(a) Road Traffic Act 1974).

.....  
Applicant/Counsel/Solicitor for Applicant

COURT USE ONLY

This matter has been set down for hearing on .....  
at ..... o'clock in the ....., at the Court of Petty Sessions  
.....

**Schedule**

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**Form 3**

Reg. 4(4)

No. ....

..... Court of Petty Sessions  
Western Australia

*Justices Act (Extraordinary Licences) Regulations 1977*

**APPLICATION UNDER SECTION 76(7)(b) OF ROAD TRAFFIC ACT 1974**

1. Whereas .....  
of .....  
in the State of Western Australia is the holder of an extraordinary licence issued as directed by an Order of the ..... Court of Petty Sessions made on the ..... day of ....., 20 ....., which licence is subject to the following limitations and conditions: .....

.....  
application is hereby made to this Court for an Order

- (a) varying those limitations and conditions by .....
- (a) cancelling those limitations and conditions and substituting the following limitations and conditions: .....
- (a) cancelling that extraordinary licence.
  - (a) Delete those inapplicable.

2. In support of this application the following matters are brought to the attention of the Court:

- (b) .....
- (b) State reason why variation, substitution or cancellation is necessary (see s.76(9)(a) and (b) *Road Traffic Act 1974*).

.....  
for Director General

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**COURT USE ONLY**

This matter has been set down for hearing on .....  
at ..... o'clock in the .....at the Court of Petty Sessions  
.....

Form 4

Reg. 9

No. ....

..... Court of Petty Sessions  
Western Australia

*Justices Act (Extraordinary Licences) Regulations 1977*

**NOTICE OF RESULT OF HEARING**

To: DIRECTOR GENERAL:

Take notice that on the hearing of an application under section 76

(a) ..... of the *Road Traffic Act 1974*, on the .....  
day of ....., 20 ....., the Court

(a) Insert relevant provision.

(b) made an Order in the following terms:

.....  
.....  
.....

(b) refused the application.

(b) Delete whichever is inapplicable.

.....  
Clerk of Petty Sessions

**Schedule**

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**Form 5**

Reg. 4(2)

No. ....

..... Court of Petty Sessions  
Western Australia

*Justices Act (Extraordinary Licences) Regulations 1977*

*Road Traffic Act 1974 s.76(1) and (12)*

**SPECIAL APPLICATION FOR EXTRAORDINARY LICENCE**

IMPORTANT — This form must be used when making a special application under section 76(1) of the *Road Traffic Act 1974*.

Application of:

Surname (block letters) .....

Other names (in full) .....

Date of Birth .....

Address .....

Occupation .....

Name and address of employer (if self-employed state so) .....

.....

Date disqualified from holding or obtaining a driver's licence .....

Period of disqualification .....

Disqualified on conviction for an offence under the following section of the *Road Traffic Act 1974* (specify one of the offences referred to in section 76(12) of the Act):

.....

Description of offence: .....

.....

1. The abovenamed person hereby applies for an Order of the Court directing the Director General to issue him with an extraordinary licence under section 76 of the *Road Traffic Act 1974*.

2. The licence is required in respect of vehicles of Class .....

3. The localities, times and purposes for which the licence is required are as follows: .....

.....

.....

.....

Schedule

- 4. The reasons why the licence is needed, and the nature of the extreme hardship which would result if this application is refused, are as follows —  
.....  
.....  
.....  
.....  
.....

For meaning of “extreme hardship” see s.76(3b) Road Traffic Act 1974.

- 5. The applicant has not been refused an extraordinary licence by any court in respect of the abovementioned period of disqualification.
- 6. A licence suspension order made under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* is not in force in respect of the applicant.

.....  
Date

.....  
Applicant/Counsel/Solicitor for Applicant

COURT USE ONLY

This matter has been set down for hearing on ....., at the Court of Petty Sessions .....

*[Schedule amended in Gazette 26 February 1982 p.636; 4 December 1992 p.5887; 21 June 1996 p.2640; 31 January 1997 pp.675-6.]*

**Notes**

<sup>1</sup> This is a compilation of the *Justices Act (Extraordinary Licences) Regulations 1977* and includes the amendments referred to in the following Table.

**Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Justices Act (Extraordinary Licences) Regulations 1977</i>	20 May 1977 pp.1502-6	1 June 1977 (see <i>Gazette</i> 20 May 1977 p.1502)
<i>Justices Act (Extraordinary Licences) Amendment Regulations 1982</i>	29 January 1982 p.294	29 January 1982
<i>Justices Act (Extraordinary Licences) Amendment Regulations (No. 2) 1982</i>	26 February 1982 p.636	26 February 1982
<i>Justices Act (Extraordinary Licences) Amendment Regulations 1992</i>	4 December 1992 pp.5886-7	1 January 1993 (see regulation 2)
<i>Justices Act (Extraordinary Licences) Amendment Regulations 1996</i>	21 June 1996 pp.2639-40	21 June 1996
<i>Justices Act (Extraordinary Licences) Amendment Regulations 1997</i>	31 January 1997 pp.675-6	1 February 1997 (see regulation 2 and <i>Gazette</i> 31 January 1997 p.613)
<i>Justices Act (Extraordinary Licences) Amendment Regulations 1998</i>	28 August 1998 p.4751	28 August 1998
<i>Justices Act (Extraordinary Licences) Amendment Regulations (No. 2) 1998</i>	5 February 1999 pp.402-3	5 February 1999