Western Australia

Road Traffic (Authorisation to Drive) Act 2008

Compare between:

[16 Nov 2024, 01-n0-00] and [28 Oct 2026, 01-o0-00]

Western Australia

Road Traffic (Authorisation to Drive) Act 2008

An Act to make provision for the authorisation of persons to drive motor vehicles and related matters.

Part 1 — Preliminary

1. Short title

This is the *Road Traffic (Authorisation to Drive) Act 2008*.

2. Commencement

This Act comes into operation as follows:

(a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;

(b) the rest of the Act, on the day fixed under the *Road Traffic (Administration) Act 2008* section 2(b).

3. Terms used

(1) In this Act —

Australian driver licence means —

(a) a driver's licence; or

(b) a licence or other authorisation granted to a person under the law of another jurisdiction authorising the person to drive a motor vehicle on a road other than solely for the purpose of learning to drive it;

Australian driver licensing authority means a person or body having the authority to grant an Australian driver licence;

driver's licence means a licence under this Act authorising the holder to drive a motor vehicle on a road, but does not include a learner's permit;

external licensing authority means an authority of —

(a) an external Territory, as defined in the *Acts Interpretation Act 1901* of the Commonwealth; or

(b) another country,

by which any licence or authorisation to drive a motor vehicle is granted;

extraordinary licence means a driver's licence that the CEO grants as ordered on an application under section 27;

grant includes to grant by way of renewal under the regulations;

learner's permit means a learner's permit under Part 2 Division 2;

provisional licence means an Australian driver licence that specifies that it is a provisional licence for the purposes of this Act or the law of another jurisdiction under which the licence is granted;

related Act means —

(a) the *Western Australian Photo Card Act 2014*; or

(b) an Act prescribed by the regulations;

vary, the conditions or restrictions on a driver's licence, includes impose a condition or restriction on a driver's licence that was not subject to the condition or restriction before the variation.

(2) The *Road Traffic (Administration) Act 2008* Part 1 Division 2 provides for the meanings of some terms and abbreviations in this Act.

[Section 3 amended: No. 8 of 2022 s. 9; No. 45 of 2024 s. 4.]

Part 2 — Authorisation to drive

Division 1 — Driver licensing

4. Regulations for driver licensing scheme

(1) The regulations are, together with this Part, to provide for a driver licensing scheme under which —

(a) the CEO —

(i) grants people licences to drive motor vehicles on roads; and

(ii) keeps a driver's licence register to record information about drivers' licences under this Act;

and

(b) the identification of people driving motor vehicles under the authority of those licences is facilitated.

(2) The particular purposes for which this Part provides that regulations are to be, or may be, made do not prevent anything in section 61 from applying to the making of regulations for the purposes of this Part.

(3) The regulations may —

(a) classify the different kinds of authorisation to drive that may be conferred by a driver's licence and provide for a licence to be designated according to the class or classes of authorisation that the licence confers on the holder; and

(b) grade each class of authorisation to drive according to the driving skills and other requirements to be met before a person can hold a driver's licence conferring authorisation of that class; and

(c) prescribe different endorsements of drivers' licences that can be made, and the effect of each endorsement; and

(d) provide for schemes for assessing the competency of people to hold drivers' licences; and

(e) prescribe requirements for the holding of a licence under this Part authorising the holder to drive when learning that may differ from the requirements for the holding of a driver's licence appropriate for that driving when not learning.

(4) The regulations may —

(a) provide for the manner and form in which an application may be made for the grant or variation of a driver's licence; and

(b) require an applicant for the grant or variation of a driver's licence to produce information relevant to the application.

(5) The regulations may —

(a) provide for the grant of a driver's licence and include provisions about refusal to grant a driver's licence; and

(b) impose or vary, or provide for the imposition or variation of, conditions on a driver's licence, and the consequences of failing to comply with conditions including the creation of offences involving failure to comply with conditions; and

(c) provide for the granting of a driver's licence as a provisional licence for the purposes of this Act; and

(d) fix the period for which a driver's licence remains in force; and

(e) include provisions about the disqualification of a person from holding or obtaining a driver's licence and the surrender, cancellation, variation or suspension of a driver's licence; and

(f) provide for the issue of a driver's licence document to a person who has a driver's licence; and

(g) provide for —

(i) what is to be authorised by a licence that, before an amendment to the regulations, operated by reference to a vehicle classification that no longer exists; and

(ii) an expedited means for the licence holder to obtain a licence authorising anything that was formerly authorised by the licence but, because of the amendment, has ceased to be authorised;

and

(h) prescribe circumstances in which a driver's licence document has to be returned to the CEO and prescribe how it is to be returned; and

(i) create offences involving the alteration, destruction, or misuse of a driver's licence document.

(5A) The regulations may impose or vary restrictions on a driver's licence, including —

(a) a licence authorising the holder to drive when learning; and

(b) a provisional licence.

(6) The regulations may relieve any driver described in the regulations from the requirement to comply with this Part, or a specified provision of this Part or the regulations.

(7) The regulations may provide that the *Road Traffic Act 1974* section 49AB(1)(ac) does not apply to a person —

(a) holding a class of authorisation specified in the regulations; and

(b) driving a kind of vehicle specified in the regulations for that class of authorisation.

(8) The Minister must consult with the Minister responsible for the administration of the *Road Traffic Act 1974* before

recommending to the Governor that regulations referred to in subsection (7) be made, amended or repealed.

[Section 4 amended: No. 19 of 2018 s. 6; No. 45 of 2024 s. 5.]

5A. Regulations for alcohol interlock scheme

(1) In this section —

alcohol interlock means a device which, when installed in a motor vehicle, prevents the vehicle from being operated unless a breath sample analysed by the device contains either no measurable concentration of alcohol or not more than a particular concentration of alcohol;

alcohol offence means an offence under the *Road Traffic Act 1974* Part V, an element of which is —

(a) being under the influence of alcohol; or

(b) having a blood alcohol content of or above a stated level; or

(c) failing to provide a sample of blood or breath or to allow such a sample to be taken.

(2) The regulations may provide for an alcohol interlock scheme under which —

(a) a driver's licence granted to or held by a person who has been convicted of a prescribed alcohol offence is to be subject to a condition that it authorises driving only a vehicle in which an alcohol interlock is installed; and

(b) the requirement referred to in paragraph (a) ceases to apply if the person satisfies prescribed conditions.

(3) The particular purposes for which this section provides that regulations may be made do not prevent anything in section 61 from applying to the making of regulations for the purposes of this section.

(4) Regulations made for the purposes of this section may, in relation to persons who have been convicted of prescribed alcohol offences, make any provision of a kind referred to in section 4.

[Section 5A inserted: No. 2 of 2015 s. 17; amended: No. 27 of 2020 s. 48.]

5. CEO's licensing functions

It is a function of the CEO to administer the driver licensing scheme under this Part.

6. Certain licences authorise learner driving

(1) The holder of an Australian driver licence may drive a vehicle on a road even though —

(a) that licence is not sufficient authorisation to do so; and

(b) the person does not hold a learner's permit authorising the person to do so,

if the regulations specify a licence of that description as authorising that driving to the same extent as if the person held the appropriate learner's permit.

(2) This Act applies in respect of a person driving as authorised by this section as if the person held a learner's permit authorising that driving.

7. Dishonestly obtained driver's licence

(1) If a person commits an offence under the *Road Traffic (Administration) Act 2008* section 36(1) for the purpose of obtaining the grant or variation of a driver's licence, the driver's licence is void from the time when the offence is committed.

(2) A person must not, without lawful authority or excuse, possess a driver's licence document for a licence that is void because of subsection (1).

Penalty: a fine of 32 PU.

8. Driver's licence not to be granted in certain circumstances

(1) Except as allowed by subsection (2) or in a case described in subsection (3), the CEO cannot grant a driver's licence to a person unless —

(a) the CEO —

(i) is satisfied that the person usually resides in this State; or

(ii) is satisfied that the person does not usually reside in any other jurisdiction and does not hold, and has never held, an Australian driver licence granted under the law of another jurisdiction;

and

(b) if the person has held —

(i) any Australian driver licence; or

(ii) any licence or authorisation to drive a motor vehicle granted to the person by an external licensing authority,

the person has ceased to hold the licence or authorisation and has notified the CEO, in a form approved by the CEO, of that fact.

(2) Despite subsection (1), the CEO may, in circumstances prescribed in the regulations, grant a driver's licence to a person who still holds a licence or authorisation to drive a motor vehicle granted to the person by an external licensing authority.

(3) This section does not prevent the CEO from granting an extraordinary licence to a person —

(a) even though the person may not usually reside in this State, and whether or not the person usually resides in any other jurisdiction; and

(b) even though the person may have a licence or authorisation referred to in subsection (1)(b).

(4) This section does not limit the circumstances in which the CEO may refuse to grant a driver's licence.

9. Additional matters to do with identity

[(1) deleted]

(2) The CEO cannot grant a driver's licence until the applicant has provided, in support of the application, any evidence required by the regulations to establish the applicant's identity and residential address in this State.

(3) Except as prescribed in the regulations or as authorised by subsection (5), the CEO cannot grant a driver's licence unless the applicant has, at the time of the application or before, provided the CEO with —

(a) a photograph taken within 10 years of the application; and

(b) a signature made within 10 years of the application,

for use on the driver's licence document.

[(4A) deleted]

(4) The photograph and signature are to be provided in a manner and form approved by the CEO.

(5) The CEO is authorised to use on a driver's licence document a photograph or signature provided by the applicant under section 11A, or a related Act, within the period of 10 years before the application.

[(6)-(8) deleted]

[Section 9 amended: No. 18 of 2011 s. 24; No. 26 of 2018 s. 320; No. 8 of 2022 s. 10.]

Division 2 — Learner's permit

10. Learner's permit

(1) The CEO may issue to a person a learner's permit authorising the person to drive a motor vehicle on a road solely for the purpose of learning to drive it.

(2) The permit does not authorise driving except in the course of driving instruction by —

(a) the holder of a licence issued under the *Motor Vehicle Drivers Instructors Act 1963*; or

(b) anyone else prescribed in the regulations.

(3) The permit must either set out in full or sufficiently identify any condition to which it is subject other than a condition imposed by this section or by the regulations.

(4) The permit expires at the end of a period of 3 years after the day on which it is issued unless it has terminated before then, and the CEO may cancel it at any time by notice in writing given to the permit holder.

(5) Regulations may be made about learners' permits and, without limiting what else may be dealt with in the regulations, they may fix the minimum age below which, unless the CEO is satisfied that denial of the permit would occasion undue hardship or inconvenience, a person cannot be issued with a learner's permit.

11A. Matters to do with identity

[(1) deleted]

(2) The CEO cannot issue a learner's permit until the applicant has provided, in support of the application, any evidence required by the regulations to establish the applicant's identity and residential address in this State.

(3) Except as prescribed in the regulations or as authorised by subsection (6), the CEO cannot issue a learner's permit unless the applicant has provided the CEO with —

(a) a photograph taken at the time of the application; and

(b) a signature made at the time of the application,

for use on the learner's permit document and, in the circumstances described in subsection (5), on a driver's licence document issued to the applicant.

(4) The photograph and signature are to be provided in a manner and form approved by the CEO.

(5) A photograph or signature provided under this section may be used on a driver's licence document for a driver's licence granted or renewed within the period of 10 years after the application for the learner's permit.

(6) The CEO is authorised to use on a learner's permit document a photograph or signature provided by the applicant under this Act, or a related Act, within the period of 10 years before the application.

[(7)-(9) deleted]

[Section 11A inserted: No. 18 of 2011 s. 25; amended: No. 8 of 2022 s. 11.]

Division 3A — Information management

[Heading inserted: No. 8 of 2022 s. 12.]

11B. Terms used

(1) In this Division —

identifying information means —

(a) a photograph of a person provided to or used by the CEO under this Part; or

(b) a signature of a person provided to or used by the CEO under this Part; or

(c) information associated with such a photograph or signature to facilitate identification of the person;

intergovernmental agreement means the Intergovernmental Agreement on Identity Matching Services between the Commonwealth, the States, the Australian Capital Territory and the Northern Territory made on 5 October 2017, as in force from time to time.

(2) A reference in this Division to a photograph or signature provided to or used by the CEO under this Part is a reference to a photograph or signature provided to or used by the CEO under this Part whether before or after the day specified in the *Transport Legislation Amendment (Identity Matching Services) Act 2022* section 2(b).

[Section 11B inserted: No. 8 of 2022 s. 12.]

11C. Disclosure of identifying information to prescribed person

(1) In this section —

authorised purpose means —

(a) the purpose of performing functions under a written law or a law of the Commonwealth, another State or a Territory; or

(b) a purpose related to the administration or enforcement of a written law or a law of the Commonwealth, another State or a Territory; or

(c) a purpose, prescribed by the regulations for the purposes of this definition, that is related to a purpose set out in clause 1.2 of the intergovernmental agreement; or

(d) the purpose of developing and testing computer systems that connect to the National Driver Licence Facial Recognition Solution (as defined in clause 3.1 of the intergovernmental agreement);

prescribed person means a person prescribed, or of a class prescribed, by the regulations for the purposes of this section.

(2) The CEO may disclose identifying information to a prescribed person if the CEO considers that the information is required by the person for an authorised purpose.

(3) The following persons must not use disclosed identifying information for a purpose other than the authorised purpose for which it was disclosed —

(a) a person to whom the information is disclosed under subsection (2);

(b) a person who is employed or engaged by a person to whom the information is disclosed under subsection (2).

Penalty for this subsection: imprisonment for 2 years or a fine of 480 PU.

[Section 11C inserted: No. 8 of 2022 s. 12.]

11D. Disclosure of identifying information with consent

The CEO may disclose identifying information to another person with the consent of the person to whom the information relates.

[Section 11D inserted: No. 8 of 2022 s. 12.]

11E. Disclosure of photographs to police, ASIO and law enforcement officials

(1) In this section —

ASIO Act means the *Australian Security Intelligence Organisation Act 1979* (Commonwealth);

ASIO official means —

(a) the Director-General of Security; or

(b) an officer or employee of the Australian Security Intelligence Organisation (continued under the ASIO

Act) who is authorised by the Director-General of Security for the purposes of this Division;

Director-General of Security means the Director-General of Security holding office under the ASIO Act;

law enforcement official means a person prescribed, or of a class prescribed, by the regulations for the purposes of this section;

police official means —

(a) the Commissioner of Police; or

(b) a police officer who is authorised by the Commissioner of Police for the purposes of this Division; or

(c) a person employed or engaged in the department of the Public Service principally assisting in the administration of the *Police Act 1892* who is authorised by the Commissioner of Police for the purposes of this Division.

(2) The CEO must disclose photographs provided to or used by the CEO under this Part to a police official for the purposes of the performance of the police official's functions under a road law or another written law.

(3) The CEO must disclose photographs provided to or used by the CEO under this Part to an ASIO official for the purposes of the performance of the ASIO official's functions under the ASIO Act or another law of the Commonwealth.

(4) The CEO may, with the prior approval of the Commissioner of Police, disclose photographs provided to or used by the CEO under this Part to a law enforcement official if the CEO considers that the photographs are required for the purposes of the performance of the law enforcement official's functions under a written law or a law of another jurisdiction.

[Section 11E inserted: No. 8 of 2022 s. 12.]

11F. Disclosure of photographs to executor or administrator

If the person shown in a photograph provided to or used by the CEO under this Part has died, the CEO may disclose the photograph to an executor or administrator of the person's estate.

[Section 11F inserted: No. 8 of 2022 s. 12.]

11G. Disclosure to CEO (road passenger services)

(1) In this section —

CEO (road passenger services) means the CEO as defined in the *Transport (Road Passenger Services) Act 2018* section 4(1).

(2) The CEO may disclose photographs provided to or used by the CEO under this Part to the CEO (road passenger services) for the purposes of the performance of the functions of the CEO (road passenger services) under the *Transport (Road Passenger Services) Act 2018*.

[Section 11G inserted: No. 8 of 2022 s. 12.]

11H. Possession and reproduction of photographs and signatures

(1) A person must not, other than for the purposes of this Part or a related Act, possess a photograph or signature provided to or used by the CEO under this Part that is not on a driver's licence document or learner's permit document.

Penalty for this subsection: imprisonment for 2 years or a fine of 480 PU.

(2) Subsection (1) does not apply to a person who possesses a photograph or signature as a result of its disclosure under this Division.

(3) A person employed or engaged in connection with any aspect of the production of driver's licence documents, learner's permit documents or otherwise concerned in the administration of this Part must not, other than for the purposes of this Part, a related

Act or the *Transport (Road Passenger Services) Act 2018* Part 7 —

(a) reproduce a photograph or signature provided to or used by the CEO under this Part by any means; or

(b) cause or permit another person to reproduce a photograph or signature provided to or used by the CEO under this Part by any means.

Penalty for this subsection: imprisonment for 2 years or a fine of 480 PU.

[Section 11H inserted: No. 8 of 2022 s. 12.]

11I. No subpoena or orders for disclosure of identifying information

Identifying information is not to be compelled to be produced or disclosed in civil proceedings by subpoena or otherwise, except in proceedings under the following Acts —

(a) the *Criminal Organisations Control Act 2012*;

(b) the *Criminal Property Confiscation Act 2000*;

(c) the *High Risk Serious Offenders Act 2020*.

[Section 11I inserted: No. 8 of 2022 s. 12.]

11J. Annual report in relation to identifying information

(1) In this section —

Department means the department of the Public Service principally assisting in the administration of this Act;

Entity has the meaning given in clause 3.1 of the intergovernmental agreement;

Face Matching Services has the meaning given in clause 3.1 of the intergovernmental agreement.

(2) Within 3 months after the end of the financial year, the CEO must give to the Minister a report containing the following information for that financial year —

(a) the name of each Entity with which the Department had an arrangement that allowed for identifying information to be shared with the Entity through the Face Matching Services;

(b) details of any loss of, or unauthorised access to or disclosure of, identifying information that is likely to result in serious harm to a person to whom the information relates;

(c) any other information that the Minister requests the CEO to include in relation to identifying information.

(3) The report may form part of the annual report submitted to the Minister under the *Financial Management Act 2006* section 63(2)(a).

(4) If the report does not form part of that annual report, the Minister must cause a copy of the report to be laid before each House of Parliament within 14 sitting days of the House after the Minister receives it.

[Section 11J inserted: No. 8 of 2022 s. 12.]

11K. Tabling amendments to intergovernmental agreement

If the intergovernmental agreement (other than a Schedule that does not relate to this State) is amended, the Minister must cause a copy of the amendment to be laid before each House of Parliament within 14 sitting days of the House after the amendment is made.

[Section 11K inserted: No. 8 of 2022 s. 12.]

Division 3 — Other matters about driver authorisations

11. Authorisation to drive without driver's licence

(1) The regulations may provide that a motor vehicle of a class or kind prescribed in the regulations may, either generally or in prescribed circumstances, be driven on roads without the driver holding a driver's licence.

(2) The regulations may provide for the CEO to permit a person to drive without holding a driver's licence of a kind that would otherwise be required to authorise that driving, and may provide for the CEO to make the permission subject to conditions.

12. Driving while undergoing driving test

If the CEO causes a person applying for a driver's licence or an extension of the authority given by a driver's licence to undergo a driving test for the purposes of demonstrating the applicant's ability to drive, the applicant is authorised to drive in the course of the driving test as if the applicant were at that time the holder of the appropriate driver's licence.

13. Recognition of authorisation of another jurisdiction

(1) In this section —

another jurisdiction's driving authorisation means a licence or other authorisation granted to a person under the law of another jurisdiction authorising the person to drive a motor vehicle on a road whether or not solely for the purpose of learning to drive it.

(2) The regulations are to provide for the CEO to recognise —

(a) another jurisdiction's driving authorisation; and

(b) any condition to which that authorisation is expressed to be subject other than a condition —

(i) that cannot apply in this State; or

(ii) that the regulations specify as not needing to be recognised,

and are to specify the effects of that recognition for the purposes of this Act.

(3) The recognition of another jurisdiction's driving authorisation cannot, at a particular time, authorise its holder to drive in this State to any greater extent than the recognised authorisation would, at that time, authorise the holder to drive in the other jurisdiction.

(4) Subsection (3) does not prevent the holder of another jurisdiction's driving authorisation from being authorised to drive in this State to a greater extent than the recognised authorisation would authorise the holder to drive in the other jurisdiction because of a condition described in subsection (2)(b)(i) or (ii).

14. Things in other jurisdictions may affect authorisation to drive in WA

(1) In this section —

driver licence means any licence or authorisation that is an Australian driver licence.

(2) The regulations may provide for the recognition of —

(a) an offence under the law of another jurisdiction or any other matter relevant for the purposes of a driver licensing scheme under the law of another jurisdiction; and

(b) a disqualification from holding or obtaining a driver licence, a restriction on the driver licence that may be held or obtained, or the suspension of a driver licence, imposed under the law of another jurisdiction; and

(c) anything under the law of another jurisdiction corresponding to an excessive demerit points notice under section 49 or an election under section 51,

and, if they do, are to specify the effects of that recognition for the purposes of this Act.

15. External territories and other countries

(1) In this section —

foreign law means the law of an external territory, as defined in the *Acts Interpretation Act 1901* of the Commonwealth, or the law of another country.

(2) The regulations may provide for the CEO to recognise —

(a) any authorisation or status that a person has under a foreign law about driving; and

(b) any offence that a person has committed against any foreign law about driving,

and, if they do, are to specify the effects of that recognition for the purposes of this Act.

Part 3 — Loss of authorisation to drive

Division 1 — Provisional licences

16. Cancellation of provisional licence

(1) If the holder of a driver's licence that is a provisional licence —

(a) is convicted of an offence —

(i) mentioned in *The Criminal Code* section 277 and the offence arose out of the driving by him or her of a motor vehicle; or

(ii) under *The Criminal Code* section 378 where the property in question was a motor vehicle; or

(iii) under the *Road Traffic (Administration) Act 2008* section 32(4) or 36, or 44 in respect of a direction under section 39 of that Act; or

(iv) under the *Road Traffic Act 1974* section 54, 55, 56, 61, 62, 62A, 64AA, 64AC or 90, or any other section of that Act that may be prescribed for the purpose of this section by regulations made for the purposes of section 5A; or

(v) under a regulation made under a road law that may be prescribed for the purposes of this section;

or

(b) is disqualified by a court under this or any other written law (other than the *Fines, Penalties and Infringement Notices Enforcement Act 1994*), from holding or obtaining a driver's licence,

the provisional licence is, by operation of this subsection, cancelled.

(2) A person whose driver's licence is cancelled by operation of subsection (1) is disqualified from holding or obtaining a

driver's licence for whichever of the following periods that terminates later —

(a) the period for which the person is disqualified by the court;

(b) a period of 3 months from the date of the person's conviction or, where the person is convicted on more than one occasion of an offence mentioned in subsection (1), from the date of the latest conviction.

(3) If the holder of a driver's licence that is a provisional licence is disqualified under Part 4 from holding or obtaining a driver's licence, the provisional licence is, by operation of this subsection, cancelled.

(4) Regulations made for the purpose of subsection (1)(a)(v) may limit the application of that subsection to offences under the regulations mentioned in that subparagraph that are committed in prescribed circumstances.

[Section 16 amended: No. 2 of 2015 s. 18.]

17. Suspension of provisional licence

(1) If the holder of a driver's licence that is a provisional licence is disqualified from holding or obtaining a driver's licence —

(a) by a licence suspension order made under the *Fines, Penalties and Infringement Notices Enforcement Act 1994*; or

(b) by a disqualification notice given to the person under the *Road Traffic Act 1974* section 71C,

the provisional licence is, by operation of this subsection, suspended so long as the disqualification continues in force.

(2) During the period of its suspension under subsection (1) a provisional licence is of no effect, but the provisions of this section do not operate so as to extend the period for which the

licence may be valid or effective beyond the time when the licence would be due to expire.

[Section 17 amended: No. 51 of 2010 s. 19.]

18. Disqualification from holding provisional licence

(1) In this section —

unlicensed person means a person —

(a) who does not hold a driver's licence; and

(b) in respect of whom the regulations would require that if a driver's licence were to be granted to the person, the licence would be a provisional licence.

(2) An unlicensed person is disqualified from holding or obtaining a driver's licence if the person is —

(a) convicted of an offence mentioned in section 16(1); or

(b) convicted of an offence under the *Road Traffic Act 1974* section 49(1)(a); or

(c) disqualified by a court from holding or obtaining a driver's licence.

(3) The period for which a person mentioned in subsection (2) is disqualified from holding or obtaining a driver's licence is whichever of the following periods that terminates later —

(a) the period for which the person is disqualified by the court;

(b) a period of 3 months from the date of the person's conviction or, where the person is convicted on more than one occasion of an offence mentioned in section 16(1), from the date of the latest conviction.

Division 2 — Disqualification

19. Term used: driver's licence held: a person

In this Division —

driver's licence held: a person —

(a) does not include a provisional licence held by a person; but

(b) includes an extraordinary licence and any other driver's licence held by the person whether or not the licence is already suspended.

[Section 19 amended: No. 27 of 2020 s. 49.]

20. Notice of disqualification

If a person is convicted before a court of an offence against this or any other written law and is disqualified by the court from holding or obtaining a driver's licence, the court must cause to be sent to the CEO —

(a) particulars of the conviction and of the order made by the court; and

(b) any other information or particulars prescribed for the purposes of this section.

[Section 20 inserted: No. 2 of 2015 s. 19.]

21. Effect of disqualification

(1) Regulations may provide that, if a person is disqualified from holding or obtaining a driver's licence —

(a) by order of a court; or

(b) by operation of a road law; or

(c) by a licence suspension order made under the *Fines, Penalties and Infringement Notices Enforcement Act 1994*,

any driver's licence or learner's permit held by that person is —

(d) cancelled; or

(e) suspended so long as the disqualification continues in force.

(2) During a period of suspension imposed by regulations made under subsection (1)(e), a driver's licence or learner's permit is of no effect, but this section does not operate to extend the period for which the licence or permit may be valid or effective beyond the time when it would be due to expire.

[Section 21 inserted: No. 2 of 2015 s. 19.]

*[**22.** Deleted: No. 2 of 2015 s. 19.]*

23A. Calculation of period of disqualification

(1) If a person is convicted by a court of an offence under a road law and, as a consequence, is disqualified from holding or obtaining a driver's licence, whether by an order of the court or operation of that law, the term of the disqualification does not elapse —

(a) while the person is in custody serving any sentence of imprisonment; or

(b) while the person is appealing against the conviction or sentence that gave rise to the disqualification.

(2) Subsection (1) applies to all disqualifications other than a disqualification that commenced before the day on which the *Road Traffic Legislation Amendment Act 2016* section 20 comes into operation.

[Section 23A inserted: No. 25 of 2016 s. 20.]

23. Licence obtained by disqualified person of no effect

A driver's licence, other than an extraordinary licence, or a learner's permit obtained by a person who is disqualified from holding or obtaining a driver's licence is of no effect.

24. Removal of disqualification

(1) If under this or any other written law a person is disqualified by a court from holding or obtaining a driver's licence for a period exceeding 3 years, that person may apply to a court for an order removing the disqualification.

(2) An application under subsection (1) is to be made —

(a) if the disqualification was imposed by the Supreme Court, to the Supreme Court; or

(b) in any other case, to the District Court.

(3) No application may be made under subsection (1) for the removal of a disqualification before the expiration of whichever is relevant of the following periods from the date on which the disqualification took effect, that is to say —

(a) if the disqualification is for not more than 6 years: 3 years;

(b) if the disqualification is for more than 6 years but not more than 20 years: one-half of the period of the disqualification;

(c) if the disqualification is for more than 20 years: 10 years.

(4) For the purposes of subsection (3) the permanent disqualification of a person from holding or obtaining a driver's licence is to be regarded as a disqualification for more than 20 years.

(5) The court may if it thinks proper having regard to —

(a) the safety of the public generally; and

(b) the character of the applicant; and

(c) the circumstances of the case; and

(d) the nature of the offence or offences giving rise to the disqualification; and

(e) the conduct of the applicant subsequent to the disqualification,

either make an order removing the disqualification from the day specified in the order or refuse the application.

(6) If an application under subsection (1) is refused no further application under that subsection may be heard if it is made within one year after the date of the refusal.

(7) If under this section a court orders a disqualification to be removed, the court is to cause particulars of the order to be sent to the CEO.

(8) An application under this section is to be made in accordance with the rules of the court to which it is made.

(9) The court may order the applicant to pay the whole or any part of the costs of an application under this section.

(10) Nothing in this section is to be construed as limiting or otherwise affecting any right that a person may have to appeal against an order or judgment of a court disqualifying the person from holding or obtaining a driver's licence.

(11) The CEO has a right to be heard in proceedings under this section and may be represented by any person the CEO authorises for that purpose.

Division 3 — Extraordinary licences

25. Term used: application

In this Division —

application, except in sections 35, 36 and 37, means an application under section 27.

[Section 25 inserted: No. 51 of 2010 s. 20.]

26. Inconsistency with Part 2

(1) To the extent that anything in this Division may be inconsistent with anything in Part 2 or regulations made for the purposes of that Part, this Division prevails.

(2) However, regulations made for the purposes of section 5A —

(a) may provide that an extraordinary licence is to be subject to a condition that it authorises driving only a vehicle in which an alcohol interlock is installed; and

(b) may make provision with respect to extraordinary licences to the same extent as they may make provision with respect to drivers' licences that are not extraordinary licences.

[Section 26 amended: No. 2 of 2015 s. 20.]

27. Application for extraordinary licence

(1) A person who is disqualified under this or any other written law from holding or obtaining a driver's licence may apply to a court for an order directing the CEO to grant to the person an extraordinary licence.

(2) For the purposes of subsection (1), being prevented under —

(a) section 8; or

(b) regulations made for the purposes of section 14,

from being granted a driver's licence does not amount to being disqualified under this or any other written law from holding or obtaining a driver's licence.

(3) An extraordinary licence cannot authorise a person to drive at any time while the person is disqualified from holding or obtaining a driver's licence —

(a) under Part 4; or

(ba) under the *Road Traffic Act 1974* section 71D(1); or

(b) because of a licence suspension order under the *Fines, Penalties and Infringement Notices Enforcement Act 1994*,

and an application cannot be made, received or heard while the person is disqualified as described in paragraph (a), (ba) or (b).

(4) In the case of a licence suspension order, subsection (3) has effect whether or not the disqualification under the order is concurrent with any other disqualification from holding or obtaining a driver's licence.

[Section 27 amended: No. 51 of 2010 s. 21.]

28. When application can be made

(1) In this section —

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

(2) Subject to subsection (3), an application cannot be made to, or heard by, any court —

(a) within 4 months after the applicant has been disqualified —

(i) on conviction of an offence that is a second or subsequent offence against the *Road Traffic Act 1974* section 63; or

(ii) under the *Road Traffic Act 1974* section 64AB(2)(b) or (c); or

(iii) on conviction of an offence that is a second or subsequent offence against the *Road Traffic Act 1974* section 67, 67AA(1) or 67AD(6);

or

(b) if the applicant has previously been convicted of an offence under the *Road Traffic Act 1974* section 64, 64B(3), 67AD(4) or 67A — within 3 months after the applicant has been disqualified —

(i) on conviction of an offence that is a first offence against the *Road Traffic Act 1974* section 63; or

(ii) under the *Road Traffic Act 1974* section 64AB(2)(a); or

(iii) on conviction of an offence that is a first offence against the *Road Traffic Act 1974* section 67, 67AA(1) or 67AD(6);

or

(c) within 3 months after the applicant has been disqualified under the *Road Traffic Act 1974* section 64(2)(b), 64B(3) or 67AD(4) after a third or subsequent conviction of that offence; or

(d) within 3 months after the applicant has been disqualified under the *Road Traffic Act 1974* section 67A(3)(b) on conviction of an offence that is a third or subsequent offence for the purposes of the *Road Traffic Act 1974* section 67A(3); or

(e) within 2 months after the applicant has been disqualified under the *Road Traffic Act 1974* section 64(2)(b), 64B(3) or 67AD(4) after a second conviction of that offence; or

(f) if the applicant has previously been convicted of an offence under the *Road Traffic Act 1974* section 67A or

67AD(4) — within 2 months after the applicant has been disqualified under the *Road Traffic Act 1974* section 64(2)(b) or 64B(3); or

(g) within 2 months after the applicant has been disqualified under the *Road Traffic Act 1974* section 67A(3)(b) on conviction of an offence that is a second offence for the purposes of the *Road Traffic Act 1974* section 67A(3); or

(h) within 21 days after the applicant has been disqualified in any case not referred to in paragraph (a), (b), (c), (d), (e), (f) or (g).

(3) A period referred to in subsection (2) in relation to an offence is to be reduced by any period during which the applicant was disqualified by a disqualification notice given to the applicant under the *Road Traffic Act 1974* section 71C in relation to the offence.

(4) For the purposes of this section any period during which the applicant was imprisoned is not to be taken into account in determining whether a period of time has elapsed.

[Section 28 amended: No. 51 of 2010 s. 22; No. 27 of 2020 s. 50.]

29. Court to which application can be made

(1) In the case of a disqualification imposed by the Supreme Court or the District Court an application is to be made to the court by which the disqualification was imposed.

(2) In the case of a disqualification imposed by a court of summary jurisdiction, or a disqualification that takes effect by the operation of a provision of a road law, an application is to be made to the Magistrates Court or, in the case of a person under 18 years of age, the Children's Court.

[(3) deleted]

(4) An application that is made to the Magistrates Court or the Children's Court is to be heard by the court constituted by a magistrate.

[Section 29 amended: No. 51 of 2010 s. 23.]

30. Matters for consideration of court

(1) A court may —

(a) make an order directing the CEO, on payment of the prescribed fee, to grant to the applicant an extraordinary licence for a period not exceeding 12 months from the date on which it is granted as the court thinks fit; or

(b) refuse the application.

(2) In making a decision for the purposes of subsection (1), the court is to have regard to —

(a) the safety of the public generally; and

(b) the character of the applicant; and

(c) the circumstances of the case; and

(d) the nature of the offence or offences giving rise to the disqualification; and

(e) the conduct of the applicant subsequent to the disqualification.

[(3) deleted]

(4) Despite subsections (1) and (2), the court must not make an order directing the grant of an extraordinary licence unless it is satisfied that the refusal of the application would —

(a) deprive the applicant of the means of obtaining urgent medical treatment for an illness, disease or disability known to be suffered by the applicant or a person who is a member of his or her family; or

(b) place an undue financial burden on the applicant or his or her family, by depriving the applicant of his or her principal means of obtaining income; or

(c) deprive the applicant or a person who is a member of the applicant's family of the only practicable means of travelling to and from the place at which the applicant or that person, as the case may be, is employed.

[Section 30 amended: No. 51 of 2010 s. 24.]

31. When further application can be made

If an application is refused no further application can be made within 6 months after the date of the refusal.

[Section 31 inserted: No. 51 of 2010 s. 25.]

32. Conditions

(1) An order directing the grant of an extraordinary licence may impose —

(a) a condition requiring the applicant to comply with the requirements of regulations under Part 2 about applying for a driver's licence before the extraordinary licence is granted to the applicant; and

(b) such conditions as the court thinks proper subject to the observance of which the authority to drive under the licence may be exercised, including conditions as to —

(i) the locality in which and roads on which the applicant is entitled to drive; and

(ii) the purposes for which the applicant is entitled to drive; and

(iii) the hours during which the applicant is entitled to drive; and

(iv) the vehicle or class of vehicle that may be driven under the authority of the licence.

(2) Regulations made under section 5A providing for an alcohol interlock scheme may require or permit the holder of an extraordinary licence who is participating in the scheme to drive

for the purposes of the scheme, notwithstanding any conditions imposed under subsection (1)(b).

[Section 32 amended: No. 2 of 2015 s. 21.]

33. Duties of CEO

(1) The CEO must give effect to an order directing the grant of an extraordinary licence according to its tenor and when granting the licence must specify in it any conditions imposed under section 32.

(2) The CEO must from time to time, on payment of the prescribed fee, grant an extraordinary licence by way of renewal for any period not exceeding 12 months if, during the currency of the licence expiring, the holder of the licence has not contravened —

(a) a road law; or

(b) any of the conditions which the court imposed when directing the licence to be granted.

34. Disqualification ends: effect on extraordinary licence

An extraordinary licence ceases to have effect, despite the period for which it was granted, if there is no longer any disqualification mentioned in section 27(1) still in effect.

35. Application to vary or cancel conditions of, or cancel, extraordinary licences

(1) The holder of an extraordinary licence may from time to time during the currency of the licence apply to a court for an order varying the conditions to which the licence is for the time being subject or cancelling those conditions and substituting other conditions.

(2) The CEO may from time to time during the currency of an extraordinary licence apply to a court for an order —

(a) varying the conditions to which the licence is for the time being subject or cancelling those conditions and substituting other conditions; or

(b) cancelling the licence.

(3) An application under subsection (1) or (2) in relation to an extraordinary licence —

(a) granted at the direction of the Supreme Court or the District Court of Western Australia is to be made to the court by which that direction was made; or

(b) granted at the direction of the Magistrates Court or the Children's Court is to be made to the court that made the direction, which is to be constituted by a magistrate.

(4) If an application is made under subsection (1) or (2) —

(a) and the court is of opinion that the conditions to which the extraordinary licence is then subject should be varied, or that those conditions should be cancelled and other conditions substituted, for the reason that the holder of the licence has changed his or her place of residence, place of employment or hours of employment or for any other reason which the court considers sufficient, the court may order accordingly and when an order is so made, the CEO must cause the conditions as so varied or substituted to be endorsed on the licence; or

(b) the court may cancel the extraordinary licence if the court is of the opinion that the holder of the extraordinary licence —

(i) is addicted to alcohol or drugs to such an extent as to render him or her a danger to the public when in control of a motor vehicle on a road; or

(ii) suffers from a mental disorder or from a physical disability that is likely to impair his or her ability to control a motor vehicle; or

(iii) is no longer capable of driving as authorised by the licence; or

(iv) is not of good character; or

(v) should not, by reason of the number or nature of his or her convictions for offences incurred since the granting of the extraordinary licence, being offences under any road law or offences under the law in force in any other jurisdiction or other country of which the driving or using of a motor vehicle was an element, be the holder of a driver's licence.

36. How application to be made

An application that is made under section 27 or 35(1) or (2) is to be made in accordance with the rules of court to which it is made.

[Section 36 amended: No. 51 of 2010 s. 26.]

37. Costs of application

The court may order the applicant in an application that is made under section 27 or 35(1) or (2) to pay the whole or any part of the costs of the application.

[Section 37 amended: No. 51 of 2010 s. 27.]

38. Extraordinary licences to be complied with

(1) Subject to any regulations referred to in section 32(2), a person who has an extraordinary licence must not drive on a road any motor vehicle —

(a) at a time, for a purpose, or in a locality or on roads, other than as specified in the licence; or

(b) other than as authorised by the licence; or

(c) otherwise than in compliance with such other conditions, if any, as are specified in the licence.

Penalty: a fine of 24 PU.

(2) In addition to the penalty which may be imposed under subsection (1), the court before which the accused is convicted must cancel the extraordinary licence unless the court thinks that, having regard to the special circumstances of the case, a fine would be an adequate punishment for the offence.

(3) Regulations made for the purposes of section 5A may provide that, if a person engages in a course of conduct which —

(a) constitutes an offence under this section; and

(b) constitutes an offence to which the *Road Traffic Act 1974* section 49(3)(da) applies,

the person is to be prosecuted for the offence to which the *Road Traffic Act 1974* section 49(3)(da) applies, and not for the offence under this section.

[Section 38 amended: No. 2 of 2015 s. 22.]

39. Representation in proceedings under this Division

Both the Commissioner of Police and the CEO have a right to be heard in proceedings under this Division and each may be represented by any person he or she authorises for that purpose.

Part 4 — Demerit points

Division 1 — Preliminary

40. Terms used

(1) In this Part —

current demerit points means demerit points that have been recorded in the demerit points register and have not expired or been cancelled;

dealt with by infringement notice has the meaning given in subsection (1A);

demerit point action means the action described in section 47;

demerit point offence means —

(a) an offence under a road law that the regulations prescribe as a demerit point offence in WA; or

(b) an offence under the law of another jurisdiction that is specified in the national demerit point offence schedule;

demerit point offence in WA means an offence under a road law that the regulations prescribe as a demerit point offence in WA;

demerit points register means the register that section 56 requires the CEO to maintain;

demerit point registry jurisdiction for a person means the jurisdiction identified by section 43;

excessive demerit points notice means an excessive demerit points notice under section 49(1);

excessive demerit points (novice driver) notice means an excessive demerit points (novice driver) notice under section 50(2);

infringement notice means a notice issued to a person —

(a) under the *Road Traffic (Administration) Act 2008*; or

(b) under a law of another jurisdiction,

alleging the commission of a demerit point offence and offering the person an opportunity, by paying an amount of money, to have the matter dealt with out of court;

national demerit point offence means —

(a) an offence under a road law; or

(b) an offence under the law of another jurisdiction,

that is specified in the national demerit point offence schedule;

national demerit point offence schedule means the national demerit point offence schedule referred to in section 42;

novice driver has the meaning given in subsection (2);

novice driver (type 1) means a novice driver who is not a novice driver (type 2);

novice driver (type 2) means a novice driver who has, for a period of at least 1 year or periods adding up to at least 1 year, held —

(a) an Australian driver licence; or

(b) a licence or other authorisation granted to the person by an external licensing authority authorising the person to drive a motor vehicle other than solely for the purpose of learning to drive it;

section 51 election means an election under section 51(1);

section 51 election period means the period for which a section 51 election applies under section 51(5) and includes the period as reinstated under regulations under section 52(8)(b).

(1A) For the purposes of this Part, an alleged demerit point offence for which an infringement notice is issued is ***dealt with by infringement notice*** —

(a) if the infringement notice is issued under a law of another jurisdiction — the first time the matter is dealt with in a way that the regulations specify is to be treated as having been dealt with by infringement notice; or

(b) if the *Fines, Penalties and Infringement Notices Enforcement Act 1994* Part 3 applies to the infringement notice — the first time 1 of the following events occurs —

(i) an amount is paid under the infringement notice (regardless of whether it is the full amount and regardless of whether a final demand has been issued in relation to the infringement notice under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* section 14);

(ii) an order to pay or elect is issued in relation to the infringement notice under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* section 17;

or

(c) otherwise — when an amount is paid under the infringement notice (regardless of whether it is the full amount).

(1B) Subsection (1A) applies even if a payment referred to in subsection (1A)(b)(i) or (c), or in regulations made for the purposes of subsection (1A)(a), is made by means of a dishonoured payment as defined in the *Fines, Penalties and Infringement Notices Enforcement Act 1994* section 3(1).

(2) For the purposes of this Part a person is a novice driver unless the person has, for a period of at least 2 years or periods adding up to at least 2 years, held —

(a) an Australian driver licence; or

(b) a licence or other authorisation granted to the person by an external licensing authority authorising the person to drive a motor vehicle other than solely for the purpose of learning to drive it.

(3) When deciding whether a person is a novice driver, or which type of novice driver a person is, a period for which the person

held an Australian driver licence or other authorisation is to be regarded as not including any period for which the person, although holding an Australian driver licence or other authorisation, was excluded by law from driving under that authorisation.

[Section 40 amended: No. 15 of 2024 s. 75.]

41. Demerit point offences in WA

(1) The regulations may prescribe an offence under a road law as a demerit point offence in WA, and specify the number of demerit points applying to the offence.

(2) An offence cannot be a demerit point offence in WA unless it involves the driving or use of a motor vehicle.

(3) Regulations referred to in subsection (1) may distinguish between offences according to the circumstances in which they are committed.

42. National demerit point offence schedule

(1) The regulations may prescribe a national demerit point offence schedule for the purposes of this Act specifying —

(a) certain offences under a road law; and

(b) certain offences under the laws of other jurisdictions.

(2) The national demerit point offence schedule —

(a) cannot specify an offence under a road law unless it is a demerit point offence in WA; and

(b) cannot specify an offence under the law of another jurisdiction unless —

(i) the offence involves the driving or use of a motor vehicle; and

(ii) under a law of that jurisdiction corresponding to this Part, points may be recorded against a person

committing that offence who holds an Australian driver licence under the law of that jurisdiction.

(3) The number of demerit points applying under this Act to an offence under the law of another jurisdiction that is a national demerit point offence is the number of points applying to that offence under the law of that other jurisdiction.

(4) Regulations referred to in subsection (1) may distinguish between offences according to the circumstances in which they are committed.

43. Demerit point registry jurisdiction

(1) If a person holds a driver's licence or a learner's permit under this Act, this State is, for the purposes of this Act, the demerit point registry jurisdiction for that person.

(2) If a person holds a licence or other authorisation granted under the law of another jurisdiction authorising the person to drive a motor vehicle on a road, whether or not solely for the purpose of learning to drive it (***another jurisdiction's driving authorisation***), the demerit point registry jurisdiction for that person is, for the purposes of this Act, that other jurisdiction.

(3) If a person holds neither a driver's licence or a learner's permit under this Act (a ***WA driving authorisation***) nor another jurisdiction's driving authorisation but has previously held a WA driving authorisation or another jurisdiction's driving authorisation, the demerit point registry jurisdiction for that person is, for the purposes of this Act —

(a) the jurisdiction under the law of which the person previously held one of those authorisations; or

(b) if paragraph (a) would identify 2 or more jurisdictions, the jurisdiction under the law of which the person most recently held one of those authorisations.

(4) If this section does not otherwise identify one, and only one, jurisdiction as the demerit point registry jurisdiction for a

person, this State is, for the purposes of this Act, the demerit point registry jurisdiction for that person.

(5) A jurisdiction can be the demerit point registry jurisdiction even though that jurisdiction does not have a law corresponding to this Part under which points may be recorded for offences involving the driving or use of motor vehicles.

Division 2 — Incurring demerit points

44. Demerit point action after conviction

(1) Demerit point action is to be taken against a person for whom this State is the demerit point registry jurisdiction if the CEO becomes aware that the person has been convicted of an offence under a road law or the law of another jurisdiction that is a demerit point offence.

(2) Demerit point action is to be taken against a person for whom another jurisdiction is the demerit point registry jurisdiction if the CEO becomes aware that the person has been convicted of an offence under a road law that is a demerit point offence.

(3) If, because of the conviction, the person was disqualified by a court or by operation of law from holding or obtaining a licence, this section does not require demerit point action to be taken.

(4) For the purposes of subsection (3), disqualification because the person failed to pay a fine imposed for the offence is not to be taken to be because of the conviction.

(5) For the purposes of subsection (3), a person is to be taken to be disqualified from holding or obtaining a licence during any time for which —

(a) under the law of this State —

(i) the person is disqualified from holding or obtaining a driver's licence; or

(ii) a driver's licence held by the person is suspended;

or

(b) under the law of another jurisdiction —

(i) the person is disqualified from holding or obtaining an Australian driver licence granted under the law of that jurisdiction; or

(ii) an Australian driver licence granted to that person under the law of that jurisdiction is suspended.

45. Demerit point action after infringement notice

(1) Demerit point action is to be taken against a person for whom this State is the demerit point registry jurisdiction if the CEO becomes aware that the person has been dealt with by infringement notice for an alleged offence under a road law or the law of another jurisdiction that is a demerit point offence.

(2) Demerit point action is to be taken against a person for whom another jurisdiction is the demerit point registry jurisdiction if the CEO becomes aware that the person has been dealt with by infringement notice for an alleged offence under a road law that is a demerit point offence.

46. No demerit point action against body corporate

Demerit point action can be taken only against an individual.

47. What demerit point action is to be taken

(1) This section describes what is to happen if this Division requires that demerit point action be taken against a person for a demerit point offence.

(2) Whether or not this State is the demerit point registry jurisdiction for the person, the CEO is to cause the demerit point

offence and the number of demerit points that apply to be recorded against that person in the demerit points register.

(3) If another jurisdiction is the demerit point registry jurisdiction for the person and the offence is a national demerit point offence, the CEO is to provide information about the offence to the Australian driver licensing authority for that jurisdiction as if it had sought that information under the *Road Traffic (Administration) Act 2008* section 13A.

(4) If the offence is an offence under a road law that is a national demerit point offence and it appears to the CEO that the person against whom demerit point action is required to be taken usually resides in a jurisdiction other than this State that is not the demerit point registry jurisdiction for the person, the CEO is to provide information about the offence to the Australian driver licensing authority for that jurisdiction as if it had sought the information under the *Road Traffic (Administration) Act 2008* section 13A.

(5) This section does not prevent the CEO from providing information under the *Road Traffic (Administration) Act 2008* section 13A in other circumstances.

[Section 47 amended: No. 18 of 2011 s. 27.]

Division 3 — Consequences of demerit points

48. Expiry of demerit points

At the end of the period of 3 years after the day on which an offence was committed or allegedly committed, any demerit points applying to the offence expire.

49. Excessive demerit points notice

(1) If the number of current demerit points recorded against a person in the demerit points register reaches at least 12, the

CEO is to give the person, in accordance with section 59, an excessive demerit points notice stating —

(a) the day on which that number of current demerit points was reached; and

(b) the number of current demerit points reached on that day; and

(c) the period of disqualification fixed under subsection (2); and

(d) the day on which the period of disqualification will commence if the person cannot, or for any other reason does not, make a section 51 election.

(2) The period of disqualification to be stated in the notice is —

(a) for less than 16 points, 3 months;

(b) for at least 16 but less than 20 points, 4 months;

(c) for at least 20 points, 5 months,

and the day on which the period is stated to commence is to be the 28th day after the notice is given or a later day.

(3) Whether or not the person makes a section 51 election, demerit points recorded against the person in the demerit points register on or before the day on which, according to the notice, the stated number of demerit points was reached are cancelled.

(4) If the person cannot, or for any other reason does not, make a section 51 election, the person is disqualified from holding or obtaining a driver's licence for the period of disqualification fixed under subsection (2).

(5) Nothing in this section prevents the day on which the period of disqualification commences from being postponed under section 54.

(6) Regulations referred to in section 56(7) may provide for all or some of the demerit points cancelled under subsection (3) to be again recorded against the person.

50. Excessive demerit points (novice drivers) notice

(1) In this section —

post-commencement demerit points means current demerit points other than those recorded for an offence committed before the day on which the *Road Traffic Amendment Act (No. 2) 2007* section 27 came into operation [1].

(2) If the number of post-commencement demerit points recorded in the demerit points register against a person reaches at least 4 in respect of any offence committed when the person was a novice driver (type 1), or against a person reaches at least 8 in respect of any offence committed when the person was a novice driver (type 2), the CEO is to give the person, whether or not the person is still a novice driver, in accordance with section 59, an excessive demerit points (novice driver) notice stating —

(a) the day on which that number of post-commencement demerit points was reached; and

(b) the number of post-commencement demerit points reached on that day; and

(c) that the period of disqualification is 3 months; and

(d) that the period of disqualification will commence on the day after the notice is given or a later day specified in the notice.

(3) Post-commencement demerit points recorded against the person in the demerit points register on or before the day on which, according to the notice, the stated number of demerit points was reached are cancelled.

(4) The person to whom the notice is given is disqualified from holding or obtaining a driver's licence for the period of 3 months specified in the notice.

(5) Nothing in this section prevents the day on which the period of disqualification commences from being postponed under section 54.

(6) Regulations referred to in section 56(7) may provide for all or some of the post-commencement demerit points cancelled under subsection (3) to be again recorded against the person.

(7) Nothing in this section prevents section 49 from applying to a novice driver.

51. Making a section 51 election

(1) A person who is given an excessive demerit points notice may, unless prevented by subsection (2) from doing so, avoid being disqualified from holding or obtaining a driver's licence because of the notice by making an election under this section for the year commencing when, having regard to section 54, the period of disqualification specified in the notice would have commenced.

(2) In order to be able to make a section 51 election a person must hold a driver's licence other than a provisional licence and must not be a novice driver.

(3) By making a section 51 election the person elects not to commit, during the year for which the election is made —

(a) an offence for which 2 or more demerit points can be recorded under this Part against the person; or

(b) offences for which a total of 2 or more demerit points can be recorded under this Part against the person; or

(c) an offence for which the court convicting the person is required by law to disqualify the person from holding or obtaining a driver's licence; or

(d) an offence the conviction of which results in the person being disqualified by operation of this Act from holding or obtaining a driver's licence.

(4) The election is to be made in writing, in the form approved by the CEO, and given to the CEO within 21 days after the day on which the CEO gave the excessive demerit points notice.

(5) A section 51 election applies for the period ending at the end of the year for which it is made or, if the period ends earlier under this Part, until the earlier end of the period.

52. Double disqualification after section 51 election

(1) If —

(a) the CEO records in the demerit points register a total of 2 or more demerit points for an offence or offences committed or allegedly committed by a person during a section 51 election period; or

(b) a court convicts a person of an offence committed during a section 51 election period as a result of which conviction —

(i) the court is required by law to disqualify the person from holding or obtaining a driver's licence but the disqualification is not required to be permanent; or

(ii) the person is disqualified by operation of a road law from holding or obtaining a driver's licence,

the CEO is to give the person, in accordance with section 59, a notice in writing disqualifying the person from holding or obtaining a driver's licence.

[(2) deleted]

(3) The notice is to state —

(a) if it is given under subsection (1)(a) —

(i) the number of demerit points because of which the notice is given; and

(ii) the day on which each offence to which any of those points relates was committed or allegedly committed;

and

(b) if it is given under subsection (1)(b) —

(i) the conviction because of which the notice is given; and

(ii) the day on which the offence of which the person was convicted was committed;

and

(c) the period of disqualification fixed under subsection (4) and the day on which that period commences.

(4) The period of disqualification to be stated in the notice is to be double the period of disqualification that was stated in the excessive demerit points notice that led to the person making the section 51 election.

(5A) The day stated in the notice as the day on which the period of disqualification is to commence is to be —

(a) a day that is after the notice is given; and

(b) if subsection (1)(b) applies, a day that is after the period of disqualification referred to in that paragraph has ended.

(5) The person to whom the notice is given is disqualified from holding or obtaining a driver's licence for the period of disqualification stated in the notice.

(6) Nothing in this section prevents —

(a) the commencement of the period of disqualification under a notice under this section from being postponed under section 54; or

(b) the commencement of a period of disqualification referred to in subsection (1)(b) from being postponed under section 55.

(7) When the notice is given —

(a) if it is given under subsection (1)(a), demerit points recorded against the person in the demerit points register for the offences specified in the notice are cancelled; and

(b) in any case, the period for which the section 51 election applies ends even though the year for which the election was made may not have elapsed.

(8) Regulations referred to in section 56(7) —

(a) may provide for all or some of the demerit points cancelled under subsection (7)(a) to be again recorded against the person; and

(b) may provide for the period for which the section 51 election applies to be reinstated.

[Section 52 amended: No. 51 of 2010 s. 28.]

53. Permanent disqualification ends section 51 election period

(1) If, before the end of a person's section 51 election period, a court permanently disqualifies the person from holding or obtaining a driver's licence, the period for which the section 51 election applies ends even though the year for which the election was made may not have elapsed.

(2) Subsection (1) applies whether or not the disqualification is for an offence committed during a section 51 election period.

54. Cumulative effect of demerit points disqualification

(1) If, when the period for which a person is disqualified under this Part from holding or obtaining a driver's licence (the ***disqualification period***) would otherwise commence —

(a) the person is already disqualified from holding or obtaining a driver's licence; or

(b) the person has made a section 51 election and the section 51 election period has not ended,

the commencement of the disqualification period is postponed, and the disqualification under this Part does not have effect, until the time described in subsection (2) as the postponed commencement time.

(2) The postponed commencement time is when —

(a) any disqualification that has already commenced when the disqualification period would otherwise have commenced, or that commences subsequently, has ended; and

(b) any section 51 election period that has already commenced when the disqualification period would otherwise have commenced, or that commences subsequently, has ended.

(3) Postponing the commencement of the disqualification period does not reduce the disqualification period.

(4) For the purposes of subsections (1) and (2), a person is to be taken to be disqualified from holding or obtaining a driver's licence during any time for which —

(a) the person is disqualified from holding or obtaining a driver's licence; or

(b) a driver's licence held by the person is suspended.

55. Certain disqualifications after demerit points disqualification or section 51 election

(1) In this section —

demerit period means —

(a) a period for which a person is disqualified under this Part from holding or obtaining a driver's licence; or

(b) a section 51 election period relating to a person.

(2) If —

(a) because of an offence that was not committed during a section 51 election period, a person is disqualified by a court or by operation of a road law, otherwise than under this Part, from holding or obtaining a driver's licence and the disqualification is not permanent; or

(b) a licence suspension order is made under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* disqualifying a person from holding or obtaining a driver's licence,

and the commencement of the period of disqualification, or the taking effect of the licence suspension order, as the case may be, (the ***starting time***) would occur during a demerit period or at the same time as a demerit period commences, the starting time is, despite any other enactment, postponed until the end of the demerit period.

Division 4 — Administrative and other provisions

56. Demerit points register

(1) The CEO is required to maintain a demerit points register in accordance with this Act.

(2) The demerit points register is to contain details of —

(a) each person against whom demerit points are recorded under this Act; and

(b) each offence for which demerit points are recorded against that person and the day on which the offence was committed or allegedly committed including, in the case of a person who is a novice driver (type 1) or a novice driver (type 2), whether or not the demerit points are post-commencement demerit points; and

(c) the number of demerit points recorded against the person for the offence; and

(d) the day on which an excessive demerit points notice was given, and the number of demerit points and period of disqualification stated in it; and

(e) the day on which an excessive demerit points (novice driver) notice was given, and the number of demerit points and period of disqualification stated in it; and

(f) the day on which a section 51 election, if any, was received; and

(g) the day on which a notice, if any, disqualifying a person from holding or obtaining a driver's licence was given under section 52, and the period of disqualification stated in it; and

(h) the day on which demerit points —

(i) expire through the passing of time; or

(ii) are cancelled,

and the number of points that expire or are cancelled; and

(i) anything else prescribed in the regulations.

(3) If a conviction is quashed, the CEO is to cause any demerit points recorded because of the conviction to be removed from the demerit points register, and they are to be taken to have never been recorded.

(4) If, after an alleged offence has been dealt with by infringement notice the CEO is satisfied that —

(a) the infringement notice has been withdrawn; or

(b) proceedings under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* Part 3 in respect of the infringement notice have been withdrawn; or

(c) the matter has come before a court for determination,

the CEO is to cause any demerit points recorded because the alleged offence has been dealt with by infringement notice to be

removed from the demerit points register, and they are to be taken to have never been recorded.

(5) Subsection (4) does not prevent the points removed from being again recorded if the alleged offender is convicted of the alleged offence.

(6) Regulations may specify circumstances in which an infringement notice issued under a law of another jurisdiction is to be treated, for the purposes of subsection (4), as having been withdrawn.

(7) Regulations may —

(a) provide for the adjustment of the demerit points register; or

(b) make any other provision necessary or convenient to be made,

to deal with consequences of subsection (3) or (4) in a case in which, before the demerit points are removed from the demerit points register, anything has been done on the basis that the demerit points were recorded.

(8) The CEO must ensure that, when information in the demerit points register about a national demerit point offence recorded against a person for whom this State is not the demerit point registry jurisdiction is altered or removed, notice of the alteration or removal is provided to each Australian driver licensing authority that was provided with information about the offence under section 47(3) or (4).

57. Obtaining Australian driver licence elsewhere

If the CEO becomes aware that a person against whom demerit points are recorded in the demerit points register has become the holder of an Australian driver licence granted by the Australian driver licensing authority of another jurisdiction (the ***new licensing jurisdiction***) and, before the person became the holder

of that licence, this State was the demerit point registry jurisdiction for that person under this Act, the CEO is to —

(a) inform the Australian driver licensing authority of the new licensing jurisdiction of —

(i) any current demerit points that are recorded against that person under this Act for a national demerit point offence; and

(ii) details of any offence or alleged offence for which any of those points were recorded;

and

(b) cause any current demerit points recorded against the person under this Act for a national demerit point offence that is not an offence under a road law to be cancelled.

58. Holder of licence in another jurisdiction applying

(1) When a driver's licence under this Act is obtained by a person for whom, immediately before the person obtains the licence, another jurisdiction was the demerit point registry jurisdiction (the ***former demerit point registry jurisdiction***), the CEO is to cause to be recorded against the person in the demerit points register —

(a) any national demerit point offence (as defined in this Act) that —

(i) immediately before the person obtains the driver's licence, stands recorded against the person under a law of the former demerit point registry jurisdiction corresponding to this Part; and

(ii) is not already recorded in the demerit points register;

and

(b) demerit points for, and other details of, any offence required by paragraph (a) to be recorded against the person.

(2) The number of demerit points to be recorded for the offence is the number of points that were recorded against the person for the offence under the law of the former demerit point registry jurisdiction.

(3) Subsection (1) does not require an offence to be recorded if it was committed or allegedly committed more than 3 years before the day on which the offence would otherwise be required to be recorded in the demerit points register, and section 48 applies also to demerit points for an offence recorded under this section.

59. How certain notices to be given

(1) This section applies to —

(a) an excessive demerit points notice; or

(b) an excessive demerit points (novice driver) notice; or

(c) a notice under section 52 disqualifying a person from holding or obtaining a driver's licence.

(2) The notice is given in accordance with this section if it is given to the person to whom it is addressed either personally or in any other way prescribed in the regulations that ensures that it is received by that person and results in a written record of that person having received the notice.

60. Regulations adapting to schemes of other jurisdictions

(1) Regulations may be made to deal with anomalies arising from a difference between what this Act identifies as a person's demerit point registry jurisdiction and what applies according to a corresponding concept under the law of another jurisdiction.

(2) Regulations made for that purpose may modify the operation of this Part.

Part 5 — Miscellaneous

61. Regulations

(1) The Governor may make regulations prescribing any matter that is required or permitted by this Act to be prescribed, or that is necessary or convenient to be prescribed for giving effect to the purposes of this Act.

(2) The regulations may make it an offence to contravene a condition imposed by or under the regulations, but this subsection does not limit the other consequences that the regulations may attach to a contravention.

(3) Without limiting subsection (1), regulations may —

(a) impose penalties not exceeding a fine of 64 PU for a first offence, and not exceeding a fine of 96 PU for any subsequent offence, under any regulation made under this Act; and

(b) prescribe matters for or in respect of which fees may be charged or charges may be made under this Act and prescribing the amounts of such fees or charges; and

(c) require a statutory declaration to be made about a matter.

(4) For the purposes of subsection (3)(b), a reference in the *Interpretation Act 1984* section 45(1)(f) and (2) to a reduction is to be read as if it included a reference to a deferral.

(5) Without limiting the *Interpretation Act 1984* section 45(2), the regulations may provide that a reduction, waiver, refund or deferral of a charge for granting or varying any driver's licence or the issue of a learner's permit applies subject to conditions imposed by the CEO that are specified in the licence.

[Section 61 amended: No. 10 of 2015 s. 10.]

62. Minister's declarations that specified regulations do not apply to specified persons

Regulations may provide for the Minister to declare, in writing in accordance with the regulations, that a specified requirement of the regulations does not apply to a specified person.

63. Regulations may refer to published documents

(1) Regulations made for the purposes of this Act may adopt the text of any published document specified in the regulations —

(a) as that text exists at a particular date; or

(b) as that text may from time to time be amended.

(2) The text may be adopted —

(a) wholly or in part; or

(b) as modified by the regulations.

(3) The adoption may be direct (by reference made in the regulations), or indirect (by reference made in any text that is itself directly or indirectly adopted).

(4) The adoption of text is of no effect unless —

(a) the adopted text; and

(b) if text is adopted as it may be amended from time to time, either —

(i) the amendments to the text; or

(ii) the text as amended,

can at all reasonable times be inspected or purchased by the public.

64A. Review of certain amendments relating to alcohol offences

(1) In this section —

review date means the fifth anniversary of the day on which the *Road Traffic Amendment (Alcohol Interlocks and Other Matters) Act 2015* section 17 comes into operation.

(2) As soon as practicable after the review date the Minister is to review the operation and effectiveness of —

(a) the amendments made to this Act by the *Road Traffic Amendment (Alcohol Interlocks and Other Matters) Act 2015* Part 3 Division 3; and

(b) the amendments made to the *Road Traffic Act 1974* by the *Road Traffic Amendment (Alcohol Interlocks and Other Matters) Act 2015* Part 2 and Part 3 Division 1; and

(c) the amendment made to the *Road Traffic (Administration) Act 2008* by the *Road Traffic Amendment (Alcohol Interlocks and Other Matters) Act 2015* Part 3 Division 2.

(3) The Minister is to cause a report of the review to be laid before each House of Parliament within 6 months after the review date.

[Section 64A inserted: No. 2 of 2015 s. 23.]

Part 6 — Transitional provisions

Division 1 — Transitional provisions arising from certain amendments made to the *Road Traffic Act 1974* by the *Road Traffic Legislation Amendment Act 2012*

[Heading amended: No. 8 of 2012 s. 234.]

64. Terms used

In this Division —

amending Act means the *Road Traffic Legislation Amendment Act 2012*;

commencement day means the day on which the *Road Traffic Legislation Amendment Act 2012* Part 3 comes into operation [2];

RT Act means the *Road Traffic Act 1974* as in force immediately before commencement day.

[Section 64 amended: No. 8 of 2012 s. 235.]

65. Application of *Interpretation Act 1984*

The provisions of this Division do not prejudice or affect the application of the *Interpretation Act 1984* to and in relation to the repeals of provisions of the RT Act effected by the amending Act.

66. Learner's permits

A learner's permit issued to a person under the RT Act section 43(1) that was in effect immediately before commencement day is, on and from commencement day, to be taken to be a learner's permit issued under section 10(1).

67. Extraordinary licences

(1) An extraordinary licence granted by the Director General as ordered under the RT Act section 76 that was in effect immediately before commencement day is, on and from

commencement day, to be taken to be an extraordinary licence granted by the CEO as ordered on an application under section 27.

(2) An application that was made under the RT Act section 76(1) before commencement day but not decided before commencement day is, on and from commencement day, to be taken to be an application made under section 27(1).

(3) An application that was made under the RT Act section 76(7) before commencement day but not decided before commencement day is, on and from commencement day, to be taken to be an application made under section 35(1) or (2), as is applicable to the case.

(4) If an application that was made under the RT Act section 76(1) was decided before commencement day and was refused, an application cannot be made under section 27(1) in relation to the same matter within 6 months after the day of the refusal.

[Section 67 amended: No. 51 of 2010 s. 29.]

68. Removal of disqualification

(1) An application that was made under the RT Act section 78(1) before commencement day but not decided before commencement day is, on and from commencement day, to be taken to be an application made under section 24(1).

(2) If an application that was made under the RT Act section 78(1) was decided before commencement day and was refused, an application cannot be made under section 24(1) in relation to the same matter within one year after the day of the refusal.

69. Demerit points

(1) The demerit points register as defined in the RT Act section 104 as it was in effect immediately before commencement day is, on and from commencement day, to be taken to be the demerit points register as defined in section 40(1).

(2) The demerit point offences and the number of demerit points that apply in respect of the offences that are recorded against a person in the demerit points register referred to in the RT Act Part VIA immediately before commencement day continue, on and from commencement day, to apply in respect of that person for the purposes of Part 4.

(3) An excessive demerit points notice under the RT Act section 104I(1) that was in effect immediately before commencement day is, on and from commencement day, to be taken to be an excessive demerits points notice under section 49(1).

(4) An excessive demerit points (novice driver) notice under the RT Act section 104IA(2) that was in effect immediately before commencement day is, on and from commencement day, to be taken to be an excessive demerits points (novice driver) notice under section 50(2).

(5) An election under the RT Act section 104J(1) that was in effect immediately before commencement day is, on and from commencement day, to be taken to be an election under section 51.

(6) A notice under the RT Act section 104K, disqualifying a person from holding or obtaining a driver's licence, that was in effect immediately before commencement day is, on and from commencement day, to be taken to be a notice under section 52.

70. Transitional regulations

Regulations may contain provisions that are necessary or convenient for dealing with —

(a) matters concerning the transition from the provisions applying before the commencement of Part 2 to the provisions of Part 2, or regulations made for the purposes of Part 2, applying after that commencement; and

(b) matters concerning the transition from the provisions applying before the commencement of Part 4 to the provisions of Part 4, or regulations made for the purposes of Part 4, applying after that commencement; and

(c) transitional matters related to Part 4 that arise from a change in the jurisdiction that is a person's demerit point registry jurisdiction.

Division 2 — Transitional provision for *Road Traffic (Authorisation to Drive) Amendment (Driving Restrictions) Act 2024*

[Heading inserted: No. 45 of 2024 s. 6.]

71. Application of amended regulation-making provision for driver licensing scheme

(1) In this section —

commencement day means the day on which the *Road Traffic (Authorisation to Drive) Amendment (Driving Restrictions) Act 2024* section 5 comes into operation.

(2) Section 4, as in force after commencement day, applies, and regulations made under that section may apply, in relation to drivers' licences granted before, on or after commencement day.

[Section 71 inserted: No. 45 of 2024 s. 6.]

Notes

This is a compilation of the *Road Traffic (Authorisation to Drive) Act 2008* and includes amendments made by other written laws [3]. For provisions that have come into operation, and for information about any reprints, see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

Compilation table

Short title	Number and year	Assent	Commencement
Road Traffic (Authorisation to Drive) Act 2008	40 of 2008	15 Aug 2008	s. 1 and 2: 15 Aug 2008 (see s. 2(a)); Act other than s. 1 and 2: 27 Apr 2015 (see s. 2(b) and *Gazette* 17 Apr 2015 p. 1371)
Road Traffic Legislation Amendment (Disqualification: Notice) Act 2010 Pt. 4	51 of 2010	8 Dec 2010	1 Aug 2012 (see s. 2(c) and *Gazette* 27 Jul 2012 p. 3664)
Road Traffic Legislation Amendment (Information) Act 2011 Pt. 4	18 of 2011	2 Jun 2011	s. 25: 14 Jan 2013 (see s. 2(b) and *Gazette* 4 Jan 2013 p. 3); Pt. 4 other than s. 25: 27 Apr 2015 (see s. 2(b) and *Gazette* 29 Jun 2011 p. 2611 and 17 Apr 2015 p. 1371)
Road Traffic Legislation Amendment Act 2012 Pt. 6	8 of 2012	21 May 2012	27 Apr 2015 (see s. 2(f) and *Gazette* 17 Apr 2015 p. 1371)
Road Traffic Amendment (Alcohol Interlocks and Other Matters) Act 2015 Pt. 3 Div. 3	2 of 2015	25 Feb 2015	24 Oct 2016 (see s. 2(1)(b) and (2) and *Gazette* 20 Sep 2016 p. 3965)
Road Traffic Legislation Amendment Act 2015 Pt. 4	10 of 2015	1 Apr 2015	2 Apr 2015 (see s. 2(b))
Reprint 1: The *Road Traffic (Authorisation to Drive) Act 2008* as at 3 Jul 2015 (includes amendments listed above except those in the *Road Traffic Amendment (Alcohol Interlocks and Other Matters) Act 2015* Pt. 3 Div. 3)			
Road Traffic Legislation Amendment Act 2016 s. 20	25 of 2016	21 Sep 2016	22 Sep 2016 (see s. 2(b))
Road Traffic Amendment (Driving Offences) Act 2018 Pt. 3	19 of 2018	7 Sep 2018	17 Nov 2018 (see s. 2(b) and *Gazette* 16 Nov 2018 p. 4523)

Short title	Number and year	Assent	Commencement
Transport (Road Passenger Services) Act 2018 Pt. 14 Div. 2 Subdiv. 5	26 of 2018	30 Oct 2018	28 Feb 2019 (see s. 2(b) and *Gazette* 26 Feb 2019 p. 449-50)
Road Traffic Amendment (Impaired Driving and Penalties) Act 2020 Pt. 3 Div. 3	27 of 2020	9 Jul 2020	1 Jul 2021 (see s. 2(1)(b) and SL 2021/54 cl. 2(d))
Transport Legislation Amendment (Identity Matching Services) Act 2022 Pt. 3	8 of 2022	14 Apr 2022	15 Apr 2022 (see s. 2(b))
Road Traffic Legislation Amendment (Infringement Management Reform) Act 2024 Pt. 4 Div. 5	15 of 2024	14 May 2024	7 Oct 2024 (see s. 2(b) and SL 2024/200 cl. 2)
Road Traffic (Authorisation to Drive) Amendment (Driving Restrictions) Act 2024	45 of 2024	15 Nov 2024	s. 1 and 2: 15 Nov 2024 (see s. 2(a)); Act other than s. 1 and 2: 16 Nov 2024 (see s. 2(b))

Uncommenced provisions table

To view the text of the uncommenced provisions see *Acts as passed* on the WA Legislation website.

Short title	Number and year	Assent	Commencement
Towing Services Act 2024 Pt. 11 Div. 4	37 of 2024	29 Oct 2024	To be proclaimed (see s. 2(c))
Road Traffic Amendment (Disqualification Notices) Act 2026 Pt. 3 Div. 2	20 of 2026	28 Oct 2026	To be proclaimed (see s. 2(b))

Other notes

[1] The *Road Traffic Amendment Act (No. 2) 2007* s. 27 commenced 1 Dec 2010.

[2] The *Road Traffic Legislation Amendment Act 2012* Pt. 3 (s. 15-18) commenced 1 Aug 2012; Pt. 3 other than s. 15-18 commenced 27 Apr 2015.

[3] The amendments in the *Taxi Drivers Licensing Act 2014* Pt. 10 Div. 2 are not included because the Act was repealed by the *Transport (Road Passenger Services) Act 2018* s. 304 before it purported to come into operation.

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