Western Australia

Road Traffic Amendment (Disqualification Notices) Act 2026

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Western Australia

Road Traffic Amendment (Disqualification Notices) Act 2026

No. 20 of 2026

An Act to amend the *Road Traffic Act 1974* and to make consequential amendments to other Acts.

[*Assented to 28 October 2026*]

The Parliament of Western Australia enacts as follows:

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Part 1 — Preliminary

1. Short title

This is the *Road Traffic Amendment (Disqualification Notices) Act 2026*.

2. Commencement

This Act comes into operation as follows —

(a) Part 1 — on the day on which this Act receives the Royal Assent;

(b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

Part 2 — *Road Traffic Act 1974* amended

3. Act amended

This Part amends the *Road Traffic Act 1974*.

4. Part V Division 2 heading amended

In the heading to Part V Division 2 after "**offences**" insert:

and disqualification notices

5. Section 71C amended

(1) Delete section 71C(1) and insert:

(1A) In this section and section 71E —

road law offence detection equipment has the meaning given in the *Road Traffic (Administration) Act 2008* section 117(1);

visually recorded evidence —

(a) means any recording on any medium from which a moving or still image may be produced by any means, including the accompanying soundtrack (if any); and

(b) includes evidence recorded by road law offence detection equipment.

Example for this definition:

Evidence recorded by a closed-circuit television system, a dashboard camera unit, or a mobile phone.

(1) This section applies if a police officer (the ***police officer***) —

(a) as a result of visually recorded evidence or an analysis of a sample of a person's breath, blood

or oral fluid, has reason to suspect that a person (the ***alleged offender***) has committed any of the following (the ***alleged offence***) —

(i) an offence against section 54(3), 56(2) or (3), 59, 59A, 59BA, 60, 60A, 63, 64, 64A(1), 64AB, 64B or 64C;

(ii) an offence against section 61 committed in the circumstances of aggravation referred to in section 49AB(1)(c);

(iii) an offence against section 61, 64AA or 64AC that, were the alleged offender to be convicted, would be a 2nd or subsequent offence against that section;

or

(b) has reason to suspect that a person (the ***alleged offender***) has committed either of the following (the ***alleged offence***) —

(i) an offence against section 67, 67AA, 67AC, 67AD or 67A;

(ii) an offence against section 67AB that, were the alleged offender to be convicted, would be a 2nd or subsequent offence against that section;

or

(c) has charged a person (the ***alleged offender***) with either of the following (the ***alleged offence***) —

(i) an offence against section 54(3), 56(2) or (3), 59, 59A or 59BA;

(ii) an offence against section 61 committed in the circumstances of aggravation referred to in section 49AB(1)(c).

(2) In section 71C(2) delete "applies" and insert:

applies,

(3) In section 71C(3) delete "that is 2 months after the day the notice is received" and insert:

set out in subsection (3A),

(4) After section 71C(3) insert:

(3A) For the purposes of subsection (3), the period for which the alleged offender is disqualified from holding or obtaining a driver's licence ends —

(a) if each alleged offence with which the alleged offender has been charged is a minimum disqualification offence — on the day that is 3 months after the day on which the notice is received; or

(b) if paragraph (a) does not apply and the alleged offender is not required to appear before a court on a charge relating to the alleged offence within the period of 3 months after the day on which the notice is received — on the day on which the alleged offender is first required to appear before a court in relation to the charge; or

(c) in any other case — on the day that is 3 months after the day on which the notice is received.

(3B) In subsection (3A)(a), ***minimum disqualification offence*** means either of the following —

(a) an offence against section 59BA or 64A(1);

(b) an offence against section 64B(1), 64C(1), 67AC(2), 67AD(2) or 67A that, were the alleged offender to be convicted, would be a first offence against that section.

(5) In section 71C(4):

(a) in paragraphs (c) and (d) delete "committed or alleged conduct occurred; and" and insert:

committed; and

(b) in paragraph (e) delete "or alleged conduct".

(6) Delete section 71C(6) and (7) and insert:

(6) A disqualification notice cannot be given to an alleged offender —

(a) after the day on which the alleged offender is charged with the alleged offence, if the alleged offender is charged with —

(i) an offence against section 54(3), 56(2) or (3), 59, 59A or 59BA; or

(ii) an offence against section 61 committed in the circumstances of aggravation referred to in section 49AB(1)(c);

or

(b) in any other case, more than 14 days after the later of —

(i) the day on which the alleged offence was committed; or

(ii) if a sample of the alleged offender's blood was taken under section 66, 66B or 66E, or a sample of the alleged

offender's oral fluid was provided under section 66D in connection with the alleged offence, the day on which a police officer receives an analysis result of the sample.

(7) If a police officer gives a person a disqualification notice, the police officer must write on the notice —

(a) the time and date when it was given; and

(b) the time and date when the disqualification will expire if subsection (3A)(b) does not apply; and

(c) a statement to the effect that, if subsection (3A)(b) applies, the disqualification will continue until the day on which the person is required to appear before a court on a charge relating to the alleged offence.

6. Section 71D amended

(1) In section 71D(1) delete "revoked." and insert:

revoked or extended.

(2) After section 71D(2) insert:

(3) If the court makes an order extending a disqualification notice under section 71EA(3), the period of disqualification imposed under subsection (1) continues in force for the period set out in the order.

Note: The heading to amended section 71D is to read:

Consequences of disqualification notice (s. 71C)

7. Section 71E amended

After section 71E(1)(a) insert:

(aa) the police officer becomes aware that the road law offence detection equipment that recorded visually recorded evidence in connection with an offence to which the notice relates was faulty at the time that the evidence was recorded; or

8. Section 71EA inserted

After section 71E insert:

71EA. Court may extend disqualification notice

(1) In this section —

appear, before a court, includes a person being represented by a legal practitioner;

court includes a registrar of the court.

(2) This section applies if —

(a) a person is subject to a disqualification notice given under section 71C; and

(b) the person is required to appear before a court on a charge to which the disqualification notice relates.

(3) Unless subsection (8) applies, the court may make an order extending the disqualification notice for a period the court considers appropriate.

(4) In deciding whether to make an order under subsection (3), the court may have regard to the following matters —

(a) the nature and seriousness of each offence to which the disqualification notice relates;

(b) whether the person's behaviour, or history of behaviour, suggests that there is a risk that the person will commit further driving offences, endanger the safety of any person or persons generally, or cause damage to any property if the person is permitted to drive;

(c) in relation to each offence to which the disqualification notice relates — the strength of the evidence against the person;

(d) any past criminal convictions of the person;

(e) any other factor the court considers relevant.

(5) The court may make an order under subsection (3) —

(a) on application by the prosecution; or

(b) on the court's own initiative.

(6) The court may make an order under subsection (3) more than once.

(7) The court may make an order under subsection (3) even if the person fails to appear before the court.

(8) The court must not make an order under subsection (3) if the total cumulative period for which the person would be subject to the disqualification notice would exceed the minimum period for which the person must be disqualified from holding or obtaining a driver's licence if convicted of the offence for which the person has been charged.

(9) If a disqualification notice is extended under subsection (3), the court must cause particulars of the extension to be sent to the CEO.

9. Section 71F amended

After section 71F(6) insert:

(7) This section does not apply if the disqualification notice has been extended under section 71EA(3).

10. Section 71G amended

Delete section 71G(1) and insert:

(1) A disqualification notice is revoked if a court —

(a) acquits a person of an offence to which the disqualification notice relates; or

(b) dismisses a charge for an offence to which the disqualification notice relates; or

(c) sentences a person for an offence to which the disqualification notice relates.

Note: The heading to amended section 71G is to read:

Disqualification notice (s. 71C) automatically revoked on conclusion of proceedings

11. Section 71H amended

In section 71H(2) after "71D(1)" insert:

or extended under section 71EA(3)

12. Section 106A amended

In section 106A(3) after "71C" insert:

or extended under section 71EA(3)

13. Section 110B inserted

At the end of Part VIII insert:

110B. Transitional provision for *Road Traffic Amendment (Disqualification Notices) Act 2026*

(1) In this section —

commencement day means the day on which the *Road Traffic Amendment (Disqualification Notices) Act 2026* section 3 comes into operation.

(2) This section applies if —

(a) before commencement day a person was issued a disqualification notice under section 71C; and

(b) the disqualification notice has not —

(i) expired in accordance with the terms of the notice; or

(ii) been revoked under section 71E, 71F or 71G;

and

(c) the person has been charged with an offence to which the disqualification notice relates.

(3) If the person is required to appear before a court after commencement day in relation to the charge, the court may make an order extending the disqualification notice in accordance with section 71EA.

14. Part 10 inserted

After section 111AB insert:

Part 10 — Miscellaneous

112. Review of amendments made by *Road Traffic Amendment (Disqualification Notices) Act 2026*

(1) The Minister must review the operation and effectiveness of the amendments made to this Act by the *Road Traffic Amendment (Disqualification Notices) Act 2026*, and prepare a report based on the review, as soon as practicable after the 5th anniversary of the day on which section 14 of that Act comes into operation.

(2) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 5th anniversary.

Part 3 — Consequential amendments

Division 1 — *Liquor Control Act 1988* amended

15. Act amended

This Division amends the *Liquor Control Act 1988*.

16. Section 152Y amended

In section 152Y in the definition of ***alcohol-related offence*** paragraph (b) delete "Act; or" and insert:

Act if an element of the offence is that the alleged offender was affected by liquor, or had a particular blood alcohol content as defined in section 65 of that Act, at the time of the commission of the offence; or

Division 2 — *Road Traffic (Authorisation to Drive) Act 2008* amended

17. Act amended

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

18. Section 16 amended

After section 16(2) insert:

(2A) The period for which, in accordance with subsection (2), a person is disqualified from holding or obtaining a driver's licence is reduced by any period during which the person was disqualified by a disqualification notice given to the person under the

Road Traffic Act 1974 section 71C or extended under section 71EA(3) of that Act in relation to the offence.

19. Section 18 amended

After section 18(3) insert:

(4) The period for which, in accordance with subsection (3), a person is disqualified from holding or obtaining a driver's licence is reduced by any period during which the person was disqualified by a disqualification notice given to the person under the *Road Traffic Act 1974* section 71C or extended under section 71EA(3) of that Act in relation to the offence.

20. Section 27 amended

In section 27(3)(ba) delete "71D(1); or" and insert:

71D(1) or 71EA(3); or

21. Section 28 amended

In section 28(3) after "71C" insert:

or extended under section 71EA(3) of that Act

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