

Road Traffic (Authorisation to Drive) Bill 2007

Explanatory Memorandum

Overview of Bill

This Bill facilitates the introduction of the National Road Transport Reform (Compliance & Enforcement) Bill.

The Road Transport Reform (Compliance & Enforcement) Bill was developed by the National Transport Commission (NTC) in conjunction with its Legislation Advisory Panel and in consultation with representatives from the Commonwealth, State and Territory road transport agencies, police, the road transport industry, the Transport Workers Union, occupational health and safety organisations and road user organisations. This Road Transport Reform (Compliance & Enforcement) Bill is not law, but provides a legislative and policy framework for all jurisdictions.

The Road Transport Reform (Compliance & Enforcement) Bill provides nationally consistent framework to improve compliance outcomes for road safety, infrastructure and the environment, while minimising the adverse impacts of road transport on the community and minimising unfair competitive advantage. This is achieved via the introduction of the “chain of responsibility” concept, which is designed to promote positive changes to the on-road behaviour of those involved in the transport industry and to enable accountability to be placed upon all parties influencing compliance.

Given the size and complexity of the Bill it was necessary to restructure road traffic legislation in WA to facilitate the implementation of the concepts and policy objectives of the Bill.

The outcome of this restructure was the creation of the following proposed Bills:

- *Road Traffic (Administration) Bill 2007*
- *Road Traffic (Vehicles) Bill 2007*
- *Road Traffic (Authorisation to Drive) Bill 2007*
- *Road Traffic (Consequential Amendments) Bill 2007*
- *Road Traffic (Vehicle)(Taxing) Bill 2007*

A major benefit of this revised structure is that there will be clear delineation between the various administrative and enforcement functions relating to road traffic law in Western Australia.

This Bill does not contain any provisions from the National Compliance and Enforcement Bill, but simply incorporates existing “driver licensing” (includes Demerit Point scheme and extraordinary drivers licences) provisions that have been transferred from the *Road Traffic Act 1974*, as part of the restructure of WA’s Road Traffic legislation.

Part 1 - Preliminary

Clause 1 Short title

This is the formal clause titling the Bill.

Clause 2 Commencement

This clause provides that clauses (1) and (2) come into operation on the day the Act receives Royal Assent and the remaining parts of the Act come in to operation on a date to be fixed by proclamation. This provision is necessary to allow time for regulations to be gazetted that are necessary to support the Act.

Clause 3 Terms used in the Act

Subclause 3 (1) sets out definitions used within this Bill, which reflect existing definitions under section 5 *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

Subclause 3 (2) provides that a term or abbreviation used in this Bill that is not mentioned under clause (1), has the same meaning to those that appear under Part 1 Division 2 *Road Traffic (Administration) Bill 2007*.

Part 2 - Authorisation to drive

Division 1 – Driver licensing

Clause 4 Regulations for driver licensing scheme

This clause replicates the substance of section 42 *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause provides for regulations to be made to administer a driver licensing scheme whereby the CEO grants people licences to drive on roads and the requirement to keep a register of information about those driver's. Regulations are also to provide for the identification of people driving under the authority of a licence issued under this Bill.

Clause 5 CEO's licensing functions

This clause replicates the substance of section 42A *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause creates the duty on the CEO to administer a driver licensing scheme in WA (*note reference to Director General has been replaced with CEO- see definition in Road Traffic (Administration) Bill 2007*).

Clause 6 Certain licences authorise learner driving

This clause replicates the substance of section 42B *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause allows for a person who holds an Australian driver licence to drive as a learner even though the licence does not authorise such driving, provided the regulations specify that the licence authorises the person to the same extent as a learner's permit.

Clause 7 Dishonestly obtained driver's licence

This clause replicates the substance of section 42C *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

The clause creates offences for people to knowingly providing false or misleading information for the purposes of obtaining the grant, renewal or variation of a driver's licence and to possess a driver's licence document without reasonable excuse

Clause 8 Driver's licence not to be granted or renewed in certain circumstances

This clause replicates the substance of section 42D *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause gives effect to the national policy concept of one person/one licence. It further sets out the circumstances under which the CEO may grant or refuse a drivers licence in WA and provides clarification as to the CEO's powers in regards to the granting extraordinary licences.

Clause 9 Additional matters to do with identity

This clause replicates the substance of section 42E *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause provides the legislative requirements for the use of photographs and signatures on driver's licences and creates offences for the misuse of such information.

Division 2 - Learner's permit

Clause 10 Learner's permit

This clause replicates the substance of section 43 *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause permits the CEO to grant a person an authority (learner's permit) for the purposes learning to drive a motor vehicle on a road under certain conditions. This clause also provides for regulations to be made to deal with ancillary matters relating to the issue of learner's permits.

Division 3 - Other matters about driver authorisations

Clause 11 Authorisation to drive with a driver's licence

This clause replicates the substance of section 44 *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause provides for regulations to be made permitting motor vehicles to be driven either generally or in prescribed circumstances without the driver holding a driver's licence. This enables the CEO to issue a temporary authority permitting a person to drive a motor vehicle under certain circumstances.

Clause 12 Driving whilst undergoing a driving test

This clause replicates the substance of section 44A *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause provides that whilst a person is undertaking a driving test to demonstrate their ability to gain a driver's licence, that they are authorised to drive as though they actually held the class of licence for which they are being tested. It is necessary because at the time of the test they are not undergoing instruction, and as such the learner's permit is not valid.

Clause 13 Recognition of authorisation of another jurisdiction

This clause replicates the substance of section 44B *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause provides for the manner and extent to which authorisations to drive, issued by other jurisdictions are recognised in WA.

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

This clause replicates the substance of section 44C *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause creates a power to make regulations recognising various aspects of driver licensing scheme of another jurisdiction and the effect they will have for the purposes of the Bill.

Clause 15 External territories and other countries

This clause replicates the substance of section 44D *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause enables regulations to be made to allow the CEO to recognise any authorisation or status that a person has under a foreign law about driving and any offence that a person has committed against any foreign law about driving.

Part 3 – Loss of Authorisation to Drive

Division 1 – Provisional Licences

Clause 16 Cancellation of provisional licence

This clause replicates the substance of section 51 *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause provides for the administrative cancellation of provisional licences where the holder is either disqualified or convicted of certain prescribed offences (see subclause (1), or under other provisions of this Bill.

This clause also provides that a provisional licence holder is cancelled under this clause from holding or obtaining a licence for the period of disqualification imposed by a court or for a period of 3 months, or whichever terminates later.

Clause 17 Suspension of provisional licence

This clause replicates the substance of section 51 *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause provides that where a provisional licence holder is disqualified from holding or obtaining a driver's licence, as consequence of a fines suspension order under the *Fines Penalties and Infringement Notices Enforcement Act 1994*. The licence held by that person is suspended whilst the fines suspension order is in force.

Clause 18 Disqualification from holding or provisional licence

This clause replicates the substance of section 51 *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause provides that where a person who has never held a driver's licence commits an offence under clause 16(1) or under section 49(1) *Road Traffic Act 1974* (driving while unlicensed or disqualified) the person is additionally disqualified from holding or obtaining a licence for the period of disqualification imposed by a court or for a period of 3 months, or whichever terminates last.

Division 2 – Disqualifications

Clause 19 Terms used in this division

This clause replicates the substance of section 75 *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause creates definitions of "driver's licence held by a person", "prescribed offence" and "RTA s.64" for the purposes of clauses 20 to 23 (inclusive).

Clause 20 Notification of disqualification

This clause replicates the substance of section 75 *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause creates an legal obligation on all Western Australian courts to notify the CEO of any disqualification imposed under a written law and the subsequent effect of those disqualifications.

Clause 21 Effect of disqualification: suspension

This clause replicates the substance of section 75 *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause set outs the effect of a disqualification for the purposes of other parts of the Bill and other road traffic laws.

Clause 22 Effect of disqualification: cancellation

This clause replicates the substance of section 75 *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause provides for the cancellation of a persons driver's licence or permit, in circumstances where person is convicted of a "prescribed offence" and who has previously been convicted of an offence of excess 0.08 (RTA s64). The clause also provides for the cancellation of a persons driver's licence or permit, where a person is convicted for an offence of excess 0.08 and the person has been convicted of a "prescribed offence" within a previous 5-year period.

Clause 23 Licence obtained by disqualified person of no effect

This clause replicates the substance of section 75 *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause provides that a driver's licence (other than extraordinary) that is obtained by a person whilst disqualified from holding a licence is of no effect, even though the CEO under this Bill may have issued it.

Clause 24 Removal of disqualification

This clause replicates the substance of section 75 *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause provides the mechanism for a disqualified driver, under limited circumstances, to apply to have the disqualification imposed upon them removed, subject to meeting certain requirements.

Division 3 – Extraordinary licences

This division provides an avenue whereby a person who is disqualified from holding or obtaining a driver's licence, can apply to a court for the grant of an extraordinary licence, while they are subject to a period of disqualification.

Clause 25 Terms used in this division

This clause replicates the substance of section 76 *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause creates the definitions of “application” and “special applications” for the purposes of clauses 27 to 37 (inclusive).

Clause 26 Inconsistency with Part 2

This clause replicates the substance of section 76 *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause provides that if there are any inconsistencies between the provisions dealing with extraordinary driver’s licences and those under Part 2 that relate to Authorisations to drive generally, then this division prevails. This is to avoid any confusion between the two areas and to clarify their specific applications.

Clause 27 Application for extraordinary licence

This clause replicates the substance of section 76 *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause provides ability for a disqualified person (under certain circumstances) under this Bill or any written law (limited to WA law) to apply to a court for an order directing the CEO to grant them an extraordinary driver’s licence.

The clause also sets out conditions upon which a person is eligible to apply for an extraordinary driver’s licence.

Clause 28 When an application can be made

This clause replicates the substance of section 76 *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause creates a definition of “disqualified” and sets out prescribed waiting times that must elapse before a person is eligible to apply for an extraordinary licence.

Clause 29 Court to which an application can be made

This clause replicates the substance of section 76 *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause sets out the jurisdictions where an application for an extraordinary driver’s licence must be made.

Clause 30 Matters for consideration of court

This clause replicates the substance of section 76 *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause gives a court the power to grant or refuse to issue of an order extraordinary drivers licence, subject to having regard to matters under subclause (2). This clause also sets out the types of applications (special/ordinary) that can be made and the general terms and conditions under which an extraordinary licence is to be granted.

Clause 31 When further application can be made

This clause replicates the substance of section 76 *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause prohibits a person from making further application (other than a special application) for an extraordinary driver's licence within a period of 6 months from the date any previous application was refused.

Clause 32 Conditions

This clause replicates the substance of section 76 *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause empowers a court to impose conditions on an extraordinary driver's licence.

Clause 33 Duties of CEO

This clause replicates the substance of section 76 *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause places an obligation on the CEO to comply with an order issued by a court to grant an extraordinary driver's licence and to specify on the licence any conditions imposed by the court under clause 32. This clause also places an obligation on the CEO to renew an extraordinary licence, under certain circumstances.

Clause 34 Duration of extraordinary licence

This clause replicates the substance of section 76 *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause provides that an extraordinary licence ceases to have effect if there is no longer a period of disqualification in place mentioned under Clause 27. This removes to the ability for a person to continue driving for reasons other than those approved by a court.

Clause 35 Application to vary or cancel conditions of, or cancel extraordinary licence

This clause replicates the substance of section 76 *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause provides a mechanism whereby the holder of an extraordinary licence or the CEO, may apply to a court seeking an order to vary the conditions imposed on an extraordinary driver's licence.

Clause 36 How applications to be made

This clause replicates the substance of section 76 *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause stipulates that any application under clause 27 or 35(1) must be made in accordance with the rules of the court to which it is made.

Clause 37 Costs of applications

This clause replicates the substance of section 76 *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause gives a court a discretionary power to order that an applicant pay all or part of the costs of an application made under clauses 27 or clauses 35(1) or (2).

Clause 38 Conditions of extraordinary licences to be complied with

This clause replicates the substance of section 77 *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause creates prescribed circumstances under which a person commits an offence of breaching the conditions of an extraordinary licence. The clause also places an obligation on a court to cancel an extraordinary driver's licence, when a person is convicted of an offence under this clause, unless a court determines that a monetary fine is sufficient to deal with the breach.

Clause 39 Representation in proceedings under this division

This clause replicates the substance of section 74 *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause provides the ability for the CEO or the Commissioner of Police (or delegate) to appear in any application made under this division, in relation to extraordinary driver's licence.

Part 4 - Demerit Points

Division 1 - Preliminary

Clause 40 Terms used in this Part

Clause 40 creates definitions for the purposes of this Part.

Clause 41 Demerit point offences in WA

This clause replicates the substance of section 104A *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause enables regulations to prescribe which offences under a road law are to be taken as demerit point offences and specifying the number of points applying to those offences. This clause also requires that an offence must involve the use of a motor vehicle for it to be a demerit point offence under this Bill.

Clause 42 National demerit point offence schedule

This clause replicates the substance of section 104B *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause deals with the recognition of nationally agreed demerit point schedule for the purposes of this Bill. These points will be contained in a schedule and will used in

determining whether a person has exceeded a prescribed limit in WA or in another jurisdiction.

This clause also places conditions and limitations on what constitutes a National demerit point offence for the purposes of this clause and for applying demerit points to offences under another jurisdiction.

Clause 43 Demerit point registry jurisdiction

This clause replicates the substance of section 104C *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause deals with identifying the appropriate demerit point registry for a person and to ensure that the relevant demerit point information is provided to the responsible licensing authority, in order to give effect to the national demerit point scheme.

Division 2 - Incurring demerit points

Clause 44 Demerit point action after conviction

This clause replicates the substance of section 104D *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause sets out the administrative actions that the CEO must take when advised that a person for whom this State is the demerit point registry jurisdiction has been convicted of a demerit point offence. This clause also requires to CEO to inform another jurisdictions when a person from their jurisdiction has been convicted of a demerit point offence in this state.

Clause 45 Demerit point action after infringement notice

This clause replicates the substance of section 104E *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause sets out the administrative actions that the CEO must take when advised that the person for whom this State is the demerit point registry jurisdiction has issued an infringement notice for a demerit point offence. This clause also requires to CEO to inform another jurisdictions when a person from their jurisdiction has been has issued an infringement notice for a demerit point offence in this state.

Clause 46 No demerit point action against body corporate

This clause replicates the substance of section 104F *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause provides that demerit point action can only be taken against individuals (companies cannot incur demerit points).

Clause 47 What demerit point action is to be taken

This clause replicates the substance of section 104G *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause sets out what is to occur if this division requires that demerit point action is to be taken against a person for a demerit point offence.

Division 3 - Consequences of demerit points

Clause 48 Expiry of demerit points

This clause replicates the substance of section 104H *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause requires that all demerit points recorded in the demerit point register will expire 3 years after the day on which the offence was committed.

Clause 49 Excessive demerit points notice

This clause replicates the substance of section 104I *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause requires that when the number of points recorded against a person in the demerit points register reaches 12 or more, the CEO is to give a person an excessive demerit points notice in accordance with clause 59. This clause also prescribes the period of disqualification that must be imposed according to the number of demerit points recorded in the register and the date when a disqualification takes effect.

Clause 50 Excessive demerit points (novice drivers) notice

This clause replicates the substance of section 104IA *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause creates the definition of “post commencement demerit points” for the purposes of determining the number of demerit points that can be taken into account when disqualifying a novice driver under this part. This clause also prescribes the period of disqualification that must be imposed on a novice driver and the date when a disqualification is to take effect. Further provision is made to impose a period of disqualification under this clause even if the person to which the disqualification applies may no longer be a novice driver (type 1) or a novice driver (type 2) but accumulated the points leading to the disqualification as a novice driver in the relevant category.

Clause 51 Making a section 51 election

This clause replicates the substance of section 104J *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause provides the mechanism for a person to elect for a period of good behaviour for 12 months, instead of being disqualified for an accumulation of demerit points. This clause also sets out the terms and conditions for electing for a good behavior period.

Clause 52 Double disqualification after section 51 election

This clause replicates the substance of section 104K *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause outlines the consequences of a person breaching their good behaviour period.

Clause 53 Permanent disqualifications ends 51 election period

This clause replicates the substance of section 104L *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause provides that where a person is permanently disqualified (colloquially referred to as a life disqualification) from driving by a court, that a good behaviour period ends even though the full 12 months may not have been completed.

Clause 54 Cumulative effect of demerit points disqualification

This clause replicates the substance of section 104M *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause provides for circumstances when an excessive demerit point disqualification is to be postponed, where a person is already disqualified from holding or obtaining a driver's licence or the person has elected to take the period of good behaviour. The clause also provides that a demerit point disqualification cannot commence when another disqualification or good behaviour period is already in affect.

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

This clause replicates the substance of section 104N *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause creates the definition of "demerit period" for the purposes of determining when a demerit point disqualification commences and when a person is disqualified from holding or obtaining a driver's licence by a court, by the operation of this Bill (excluding demerit point suspensions) or as a consequence of a fines suspension.

Division 4 - Administrative and other provisions

Clause 56 Demerit points register

This clause replicates the substance of section 104O *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause places a requirement on the CEO to maintain a demerit point register and sets out the information that must be contained within the register. The clause also sets out administrative functions that the CEO has, for the purposes of administering a demerit point system in WA.

Clause 57 Obtaining Australian driver's licence elsewhere

This clause replicates the substance of section 104P *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause places a requirement on the CEO to provide demerit point information to another Australian driver licensing authority who has issued a person a driver's licence and whom previously had demerits recorded in WA's demerit point register.

Clause 58 Holder of licence in another jurisdiction applying

This clause replicates the substance of section 104P *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause requires that where the CEO grants a person a driver's licence in WA and the person previously held a licence in another jurisdiction, that the CEO is to obtain demerit point information from that jurisdiction and is to record those details in the WA's demerit point register.

Clause 59 How certain notices are given

This clause replicates the substance of section 104R *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause sets out the method in which the CEO must give a person a excessive demerit point notice or a notice for breaching a good behaviour period.

Clause 60 Regulations adapting to schemes of other jurisdictions

This clause replicates the substance of section 104T *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause provides for regulations to be made to deal with anomalies arising from a difference between what this Bill identifies as a person's demerit point registry jurisdiction and what applies according to a corresponding concept under the law of another jurisdiction.

Part 5 - Miscellaneous

Clause 61 Regulations

This clause replicates the provisions under section 111 *Road Traffic Act 1974*, under which regulations are made for the purposes of the driver licensing provisions of that Act, and which have now been moved to this Bill.

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

This clause replicates the substance of section 111AB(1) *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause provides a general exemption power to the Minister to deal with such matters that may arise and that are not provided for under the authority given to the CEO.

Clause 63 Regulations may refer to published documents

This clause replicates the substance of section 111AB(1) *Road Traffic Act 1974*, which will be repealed with the proclamation of this Act.

This clause provides the ability for regulations to refer to published documents, avoiding the need to incorporate parts of those documents within regulations.

Part 5 - Transitional provisions

Division 1 Transitional provisions arising from certain amendments made to the *Road Traffic Act 1974* by the *Road Traffic (Consequential Provisions) Act 2007*

Clause 64 Interpretation

“**amending Act**” means the *Road Traffic (Consequential Provisions) Act 2007*;

“**commencement day**” means the day on which the *Road Traffic (Consequential Provisions) Act 2007* Part 2 comes into operation;

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

Clause 65 Application of the *Interpretation Act 1984*

This clause provides that this division does not affect the application of the *Interpretation Act 1984* in regards to the repeal of any provisions in the RT Act affected by the amending Act.

Clause 66 Learner’s permits

Provides that any learner’s permits issued under section 43(1) of the *Road Traffic Act 1974* on the commencement of the Act, will be taken to have been issued under clause 10(1). This is to avoid current permits becoming invalid with the repeal of section 43(1) and remove the need to issue new learners permits with once this Bill comes into operation.

Clause 67 Extraordinary licences

Clause 67(1) provides that an extraordinary licence granted by the CEO under section 76 of the *Road Traffic Act 1974* on the commencement of the Act will taken to have been issued under clause 27. This is to avoid current extraordinary licenses becoming invalid with the repeal of section 76 *Road Traffic Act 1974*.

Subclause 67(2) provides that an application made under 76(1) *Road Traffic Act 1974* for an extraordinary licence but not decided, before the commencement of this Act are taken to have been made under clause 27(1) of this Bill. This is to avoid the need for a person to make another an application for an extraordinary with the commencement of this Bill and repeal of section 76 *Road Traffic Act 1974*.

Subclause 67(3) provides that an application made under 76(7) *Road Traffic Act 1974* but not decided, before the commencement of the Act will be taken to have

been made under clause 35(1) or (2) of this Bill. This is to avoid the need for the CEO to make another an application with the commencement of this Act and repeal of section 76 *Road Traffic Act 1974*.

Subclause 67(4) provides that an application made under 76(1) *Road Traffic Act 1974*, not being a special application that was refused, no application can be made under clause 27(1) for a period of 6 months from the date it was refused. This is to ensure that the current prohibition of 6 months from reapplying for an extraordinary licence is maintained with the introduction of this Bill.

Clause 68 Removal of disqualification

Clause 68(1) provides that an application made under 78(1) *Road Traffic Act 1974* for the removal of a disqualification but not decided, before the commencement of this Act are taken to have been made under clause 24(1) of this Bill. This is to avoid the need for a person to make another an application once this Act comes into operation and with repeal of section 78 *Road Traffic Act 1974*.

Subclause 68(2) provides that an application made under 78(1) *Road Traffic Act 1974*, that was refused before the commencement of this Bill, no application can be made under clause 24(1) for a period of 12 months from the date it was last refused. This is to ensure that the current prohibition of 12 months from reapplying for a removal of a disqualification is maintained with the introduction of this Bill.

Clause 69 Demerit points

Clause 69(1) provides that the demerit point register as defined in section 104 *Road Traffic Act 1974* will be taken to have the same meaning as the demerit point register as defined under clause 40(1) of this Bill. This is to ensure that any demerit points or other information on the register before the commencement of this Bill is retained.

Subclause 69(2) provides that any demerit point offences that are recorded against a person in the register under the *Road Traffic Act 1974* will be transferred to the demerit point register under this Act, on the day it comes into operation.

Subclause 69(3) provides that any excessive demerit point notice issued under section 104I (I) *Road Traffic Act 1974*, but not yet served will be taken to have been issued under clause 49(1) of this Bill, on day it comes into operation.

Subclause 69(4) provides that any excessive demerit point notice issued under section 104IA (I) *Road Traffic Act 1974*, but not yet served will be taken to have been issued under clause 50(2) of this Bill, on day it comes into operation.

Subclause 69(5) provides that any election made under section 104J(1) *Road Traffic Act 1974* will be taken to have been made under clause 51 of this Bill, on day it comes into operation.

Subclause 69(6) provides that any notice issues under section 104(K) *Road Traffic Act 1974*, but not yet served will be taken to have been issued under this clause 52 of this Bill, on day it comes into operation.

Clause 70 Transition regulations

This clause provides that regulations may contain provisions that are necessary to deal with transitional provisions because of various parts of the *Road Traffic Act*

1974 being moved to this Bill. This provision is required to ensure that any existing provisions under *Road Traffic Act 1974* that are moved continue to have effect after this Bill is proclaimed.

Subclauses (a) (b) and (c) prescribes the various parts within the Bill that this clause applies to.