



Justice of the Peace Branch

30 July 2012

To: Justices of the Peace

JP BULLETIN: 1/12

ROAD TRAFFIC ACT – MOTOR DRIVERS LICENCE DISQUALIFICATION NOTICE BY MEMBER OF POLICE FORCE

The *Road Traffic Legislation Amendment (Disqualification by Notice) Act 2010* was proclaimed and came into effect on Wednesday, 1 August 2012. These amendments relate to the *Road Traffic Act 1974* and the Magistrates Court (General) Rules 2005. The amendments provide a member of the Police Force with the ability to issue a motor drivers licence disqualification and the ability for an application to be made for the revocation of a Disqualification Notice.

Sections 71C to 71H has been inserted into the *Road Traffic Act 1974* to allow a member of the Police Force, who has reason to suspect a person has committed an offence under section 63, 64 or 67, to issue a disqualification notice. This notice then disqualifies the alleged offender from holding or obtaining a drivers licence for a period commencing on receipt of the notice, and ending on the day two months after the notice is received, unless otherwise revoked upon application made to a magistrate.

The Chief Magistrate has notified all magistrates that it is his intention to impose the statutory disqualification (term) and state that it is “**reduced by any period during which the offender was disqualified by a Disqualification Notice given under 71C in relation to the offence,**” and will endorse the prosecution notice accordingly.

The Chief Magistrate has also directed Registrars responsible for courts within their region to instruct Justices of the Peace that sit **NOT TO CALCULATE** the period of disqualification, and to make a similar statement and endorse the prosecution notice accordingly.

The endorsement of this statement on the prosecution notice will facilitate advice by court staff to the offender to contact the Department of Transport to calculate the period of disqualification and determine the status of the offender’s licence prior to driving.

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