

75. Notification and effect of disqualification

- (1) Where a person is convicted before a court of an offence against this or any other Act and is disqualified by the court from holding or obtaining a driver's licence the court shall cause particulars of the conviction and of the order made by the court to be sent to the Director General.
- (1a) Where an offence to which subsection (1) applies (in this subsection referred to as "**the present offence**") is a prescribed offence the court shall, in addition to causing the particulars required by that subsection to be sent, cause the Director General to be informed as to whether or not the offender has previously been convicted of a prescribed offence and, if he has and the present offence is against section 64, as to the date of his most recent previous conviction for a prescribed offence.
- (2) Where a person is disqualified from holding or obtaining a driver's licence —
 - (a) by order of a court other than upon being convicted of a prescribed offence;
 - (b) by order of a court upon being convicted of a prescribed offence, other than an offence against section 64, and the person has not previously been convicted of a prescribed offence;
 - (c) by order of a court upon being convicted of an offence against section 64 (in this paragraph referred to as "**the present offence**") and that person has not been convicted of a prescribed offence within the period of 5 years preceding his conviction for the present offence;
 - (d) by operation of this Act; or
 - (e) by a licence suspension order made under the *Fines, Penalties and Infringement Notices Enforcement Act 1994*,

any driver's licence or permit under section 48C held by that person shall by force of this section be suspended so long as the disqualification continues in force and during the period of suspension shall be of no effect, but the provisions of this subsection shall not operate so as to extend the period for which the licence may be valid or effective beyond the expiration of the period for which the licence was expressed to be issued or renewed or to extend the period for which the permit is valid or effective beyond the expiration of the period of 12 months from the date of its issue.

- (2a) Where a person is disqualified from holding or obtaining a driver's licence upon being convicted of a prescribed offence, other than an offence against section 64, and that person has previously been convicted of a prescribed offence any driver's licence or permit under section 48C held by that person shall by force of this section be cancelled.
- (2b) Where a person is disqualified from holding or obtaining a driver's licence upon being convicted of an offence against section 64 (in this subsection referred to as "**the present offence**") and that person has been convicted of a prescribed offence within the period of 5 years preceding his conviction for the present offence any driver's licence or permit under section 48C held by that person shall by force of this section be cancelled.

- (2c) A reference in subsection (2), (2a) or (2b) to a driver's licence held by a person —
- (a) does not include reference to a driver's licence issued on probation;
 - (b) includes reference to a driver's licence previously held by the person of which the operation is suspended.
- (3) A driver's licence (other than an extraordinary licence under section 76) or a permit under section 48C obtained by any person who is disqualified from holding or obtaining a driver's licence shall be of no effect.

[(4), (5) repealed]

- (6) In this section “**prescribed offence**” means an offence against —
- (a) section 32 or 32AA of the repealed Act or section 63 or 64 of this Act;
 - (b) section 67 of this Act as enacted after the coming into operation of section 16 of the *Road Traffic Amendment Act (No. 2) 1982*¹; or
 - (c) section 32B(9) of the repealed Act as in force after the coming into operation of the *Traffic Act Amendment Act (No. 2) 1968*⁶ or section 67 of this Act as in force before the coming into operation of section 16 of the *Road Traffic Amendment Act (No. 2) 1982*¹ being, in either case, an offence of failing to comply with a requirement to provide a sample of breath for analysis or to allow a sample of blood to be taken for analysis.

[Section 75 amended by No. 105 of 1981 s. 19; No. 82 of 1982 s. 20; No. 11 of 1988 s. 14; No. 92 of 1994 s. 37; No. 78 of 1995 s. 115; No. 76 of 1996 s. 15, 20(1) and (3).]