

What is an Extraordinary Drivers Licence?

In Western Australia, an extraordinary driver's licence, also known as an 'e-licence' or 'EDL' or 'EMDL', is a licence that authorises a person who is otherwise disqualified from driving to drive in certain circumstances. An extraordinary licence is granted at the discretion of a Magistrate. It can only be granted for court imposed disqualifications. You cannot apply for an extraordinary licence if you are subject to a demerit point suspension.

How do I apply for an Extraordinary Licence?

To apply for an extraordinary licence, the applicant must lodge the application form and pay a fee to the Magistrates Court. The fee is approximately \$150 and is payable at the Court registry when the application is lodged. The application form can be found on the Magistrate's Court website.

What are the criteria?

In August 2011, the WA government amended the law to make it harder for people to get an extraordinary licence. It is now the case that an extraordinary licence can only be granted where the Magistrate is satisfied that without a licence, the applicant will be:

- unable to access urgent medical treatment for an existing illness, disease or disability suffered by the applicant or their family member,
- deprived of principal means of obtaining income, or
- deprived of the only practical means of travelling to and from a place of employment for the applicant or family member.

After being satisfied that one of the above grounds has been met, the Magistrate must then consider if, having considered all the circumstances, it is appropriate to grant an extraordinary licence. In doing so, the Magistrate will consider a number of factors including:

- Your driving record;
- The risk that you pose to other road users;
- The offence which resulted in your licence disqualification;
- Whether or not you are likely to abide by the terms of an extraordinary licence.

The Written Application

Your written application should clearly state which of the above criteria you are relying on. In addition to this, your application should state:

- The class of licence you require;
- The days of the week and hours of the day you need to drive;
- The place(s) you need to drive to;
- Why you are unable use public transport instead of driving;
- The impact that the licence disqualification has had on you so far;
- The impact you will suffer if you are not granted an extraordinary licence.

Waiting Periods

There are minimum waiting periods that apply before you can lodge your application. The waiting periods vary according to the offence that resulted in you being disqualified. The waiting period is usually 21 days, but it can be up to 3 months for some offences.

Appearing in Court

After the relevant waiting period has expired and you have lodged your application along with the application fee, you will be required to attend the Magistrates Court on a specified date where a Magistrate will hear and determine your application for an extraordinary licence. This is usually 2-3 weeks after you have lodged your application.

At the appearance, you appear in court before a Magistrate. There will be a representative for the Director General of Transport who may argue against you being granted an extraordinary driver's licence. Usually, you will be required to answer questions under oath from both the Magistrate and the Director-General's representative.

You will be expected to provide evidence in support of your application. It is not sufficient to simply re-state the grounds in your written application. For example, if the basis for your application is that you will be unable to access urgent medical treatment that relates to a current medical condition, you would be expected to provide:

- Evidence of that medical condition;
- Evidence of the treatment to which you require access;
- Evidence demonstrating that alternative means of transport will not allow you appropriate access to your treatment.

Do I need a lawyer?

No, you do not need a lawyer to apply for an extraordinary driver's licence. However, there are a number of advantages of instructing a lawyer in an application for an extraordinary licence. An experienced lawyer will be able to draft your written application and ensure that it addresses the relevant criteria that the Magistrate is required to consider. They will also be able to advise you on what sort of evidence you need in support your application.

Most importantly though, an experienced lawyer will be able to represent you at your court appearance. Appearing in court is rarely a pleasant experience, particularly when your livelihood or wellbeing is at stake. Having a legal representative by your side who is familiar with the courtroom environment can alleviate much of stress and anxiety and make the whole process run smoothly.

The question of whether or not to engage a lawyer is entirely up to you. Many people have successfully obtained an extraordinary licence without legal representation. It is also true that engaging a lawyer is not a guarantee that you will be granted an extraordinary licence. However, an experienced lawyer should be able to strengthen your application to give it the best possible chance of succeeding. Think about how much your licence is worth to you and ask yourself if the enhancement that a lawyer can provide is a worthwhile investment.

Why Paxman & Paxman?

At Paxman & Paxman, our experienced lawyers have assisted many of our clients to obtain an extraordinary licence. As a result, clients otherwise faced with the loss of their employment have been able to retain their ability to earn a living and provide for their dependents. We pride ourselves on being open and honest with our clients. At your initial consultation with us, we will give you an honest assessment of your prospects of success so that you can make an informed decision as to whether or not proceeding with an application for an extraordinary licence is likely to be worthwhile investment of your time and money.

Unlike other firms who charge in 6 minute increments or an hourly rate, at Paxman & Paxman, we charge a flat, fixed-priced fee for the application. We don't charge you extra

for telephone calls or typing emails. There are no hidden costs and no nasty surprises. You know exactly how much you are paying for your application.

If you want an experienced lawyer to help you with your extraordinary licence application, call Paxman & Paxman on (08) 9214 3848.

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