

LEGISLATIVE COUNCIL

TRANSPORT LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2021

(Amendments and New Clause to be proposed in Committee by Ms MAXWELL)

NEW CLAUSE

1. Insert the following New Clause to follow clause 61—

'61A Immediate licence or permit suspension for certain offences resulting in injury or death

- (1) For section 85I(1) of the **Road Safety Act 1986** substitute—

"(1) If a person is charged by a police officer with any of the following offences, a senior police officer, by written notice, may suspend the driver licence or learner permit of the person charged with the offence at any time on or after the charge-sheet is given to the person until the charge has been determined—

- (a) an offence against section 61;
- (b) an offence against section 318 or 319 of the **Crimes Act 1958**;
- (c) a relevant offence."

- (2) For section 85I(2)(a) and (b) of the **Road Safety Act 1986** substitute—

"(a) the person is an unacceptable risk to road safety until the charge is determined; and

(b) in the case of a person charged with a relevant offence, the person was driving a motor vehicle when the offence resulting in injury or death was committed."

- (3) For section 85I(3) of the **Road Safety Act 1986** substitute—

"(3) If the person is charged with more than one offence specified in subsection (1) at the same time, a suspension under that subsection applies to each charge for an offence.".'.

2. Clause 64, page 96, lines 27 to 34, omit all words and expressions on these lines and insert—

"(1) If a non-Victorian licence or permit holder or unlicensed driver is charged by a police officer with any of the following offences, a senior police officer, by written notice, may, at any time on or after the charge-sheet is given to the person until the charge has been determined, disqualify the person from obtaining a driver licence or learner permit—

- (a) an offence against section 61;
 - (b) an offence against section 318 or 319 of the **Crimes Act 1958**;
 - (c) a relevant offence."
- 3. Clause 64, page 97, lines 7 to 12, omit all words and expressions on these lines and insert—
 - "(a) the person is an unacceptable risk to road safety until the charge is determined; and
 - (b) in the case of a person charged with a relevant offence, the person was driving a motor vehicle when the offence resulting in injury or death was committed."
- 4. Clause 64, page 97, line 15, omit "relevant offence" and insert "offence specified in subsection (1)".
- 5. Clause 64, page 97, lines 16 and 17, omit "subsection (1) applies to each charge for a relevant offence." and insert "that subsection applies to each charge for an offence."