

LEGISLATIVE COUNCIL

JUSTICE LEGISLATION MISCELLANEOUS AMENDMENT BILL 2018

(Amendments and New Clause to be proposed in Committee by Dr CARLING-JENKINS)

1. Clause 1, page 2, line 2, omit "custody and" and insert "custody,".
2. Clause 1, page 2, line 3, omit "orders;" and insert "orders and dangerous driving;".
3. Page 16, after line 20 insert the following heading—

**"Division 3—Dangerous driving".**

NEW CLAUSE

4. Insert the following New Clause to follow clause 19 and the heading proposed by amendment number 3—

**'19A Dangerous driving causing death or serious injury**

After section 319(1A) of the **Crimes Act 1958** insert—

"(1B) In a proceeding for an offence against subsection (1) or (1A), it is to be presumed, in the absence of evidence to the contrary, that the accused drove the motor vehicle in a manner that was dangerous to the public having regard to all the circumstances of the case if the prosecution proves that the accused, at the time of the driving, was knowingly or recklessly in contravention of section 18 or 30 of the **Road Safety Act 1986**."!