

Legislative Council—No 41

As received from the House of Assembly and read a first time, 16 June 2020

South Australia

**Statutes Amendment (Licence Disqualification)
Bill 2020**

A BILL FOR

An Act to amend the *Motor Vehicles Act 1959* and the *Road Traffic Act 1961*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Statutes Amendment (Licence Disqualification) Act 2020*.

5 2—Commencement

This Act comes into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

10 Part 2—Amendment of *Motor Vehicles Act 1959*

4—Amendment of section 81E—Circumstances in which licence will be subject to mandatory alcohol interlock scheme conditions

- (1) Section 81E(3)(c)(i)(A)—before "a period" insert:

subject to subsubparagraph (AB),

- 15 (2) Section 81E(3)(c)(i)—after subsubparagraph (A) insert:

(AB) in the case of an order made under section 47IAA(9)(e)(i) of the *Road Traffic Act 1961*—the period equal to the period of disqualification for the offence ordered by the court; or

Part 3—Amendment of *Road Traffic Act 1961*

5—Amendment of section 47IAA—Power of police to impose immediate licence disqualification or suspension

Section 47IAA(9)(e)—delete paragraph (e) and substitute:

- 5 (e) despite any other provision of this or any other Act, the court must,
in determining the period, take into account the period of licence
disqualification or suspension that has applied to the person as a
result of the notice and may for that purpose—
- 10 (i) if the relevant period of licence disqualification or
suspension under the notice has not ended, order that the
period imposed be taken to have commenced on the day on
which the relevant period commenced (provided that the
period imposed is not less than the mandatory minimum
period of disqualification); or
- 15 (ii) if the relevant period of licence disqualification or
suspension under the notice has ended, impose a period that
is less than the mandatory period of disqualification
(provided that the period imposed is not less than the
difference between the mandatory minimum period of
20 disqualification and the period that has applied as a result of
the notice),
- and if the person is the holder of a driver's licence, the licence will be
taken to have been cancelled—
- 25 (iii) where subparagraph (i) applies—from the day on which the
order of the court is made; or
- (iv) where subparagraph (ii) applies—from the commencement
of the period of disqualification ordered by the court.