

2021

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Jo Clay)

# Road Transport (Safety and Traffic Management) Amendment Bill 2021 (No 2)

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Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

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## Road Transport (Safety and Traffic Management) Amendment Bill 2021 (No 2)

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### A Bill for

An Act to amend the *Road Transport (Safety and Traffic Management) Act 1999*,  
and for other purposes

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

- 1 **1 Name of Act**
- 2 This Act is the *Road Transport (Safety and Traffic Management)*  
3 *Amendment Act 2021 (No 2)*.
- 4 **2 Commencement**
- 5 This Act commences on the day after its notification day.
- 6 *Note* The naming and commencement provisions automatically commence on  
7 the notification day (see [Legislation Act](#), s 75 (1)).
- 8 **3 Legislation amended**
- 9 This Act amends the *Road Transport (Safety and Traffic*  
10 *Management) Act 1999*.
- 11 *Note* This Act also amends other legislation (see sch 1).
- 12 **4 Offences against Act—application of Criminal Code etc**  
13 **Section 5AA, note 1**
- 14 *insert*
- 15
  - s 5D (Negligent driving—harm to vulnerable road user)
- 16 **5 New section 5D**
- 17 *insert*
- 18 **5D Negligent driving—harm to vulnerable road user**
- 19 (1) A person commits an offence if—
- 20 (a) the person drives a motor vehicle negligently on a road or road  
21 related area; and

1 (b) the driving of the motor vehicle causes harm to another person;  
2 and

3 (c) the other person is a vulnerable road user.

4 *Note* A *vulnerable road user* includes a motorcyclist (see dict).

5 Maximum penalty: 50 penalty units.

6 (2) Strict liability applies to subsection (1) (b) and (c).

7 (3) In this section:

8 *harm*—see the [Criminal Code](#), dictionary.

9 **6 Aggravated offence—furious, reckless or dangerous**  
10 **driving**  
11 **Section 7A (4), definition of *vulnerable road user* and**  
12 **examples**

13 *relocate to dictionary*

1 **Schedule 1 Road Transport (Offences) Regulation 2005—**  
2 **Consequential amendment**

3 **[1.1] Schedule 1, part 1.12, new item 8A**

4 *insert*

8A	5D	negligent driving harming vulnerable road user	50	1600	3
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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 22 June 2021.

**2 Notification**

Notified under the [Legislation Act](#) on 2021.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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