2021

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Transport and City Services)

Road Transport Legislation Amendment Bill 2021

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FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Transport and City Services)

Road Transport Legislation Amendment Bill 2021

A Bill for

An Act to amend legislation about road transport, and for other purposes

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

Part 1 Preliminary

1 Name of Act

This Act is the *Road Transport Legislation Amendment Act 2021*.

2 Commencement

This Act commences on the 14th day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

3 Legislation amended

This Act amends the following legislation:

 [Road Transport (General) Act 1999](http://www.legislation.act.gov.au/a/1999-77)

 [Road Transport (Road Rules) Regulation 2017](http://www.legislation.act.gov.au/sl/2017-43)

 [Road Transport (Safety and Traffic Management) Act 1999](http://www.legislation.act.gov.au/a/1999-80).

Note This Act also amends other legislation (see sch 1).

Part 2 Road Transport (General) Act 1999

4 Automatic disqualification for culpable driving
Section 62 (1) (a) and (b)

substitute

 (a) for a first offender—for 12 months; or

 (b) for a repeat offender—for 24 months; or

 (c) if the court orders a longer period for an offender than applies to the offender under paragraph (a) or (b)—for the longer period.

5 Automatic disqualification for certain other driving offences
New section 63 (2A)

insert

 (2A) However, if a court convicts a person, or finds a person guilty, of an offence mentioned in subsection (1) (e), the person is automatically disqualified from holding or obtaining a driver licence—

 (a) if the offence occasions death—

 (i) for a first offender—for 9 months; or

 (ii) for a repeat offender—for 18 months; or

 (b) if the offence occasions grievous bodily harm—

 (i) for a first offender—for 6 months; or

 (ii) for a repeat offender—for 12 months; or

 (c) if the court orders a longer period for an offender than applies to the offender under paragraph (a) or (b)—for the longer period.

6 Section 63 (3)

omit

However,

substitute

Also,

Part 3 Road Transport (Road Rules) Regulation 2017

7 New section 244K

in division 14.3, insert

244K Travelling in or on personal mobility device—maintaining proper control

A person must not travel in or on a personal mobility device unless the person has proper control of the personal mobility device.

Maximum penalty: 20 penalty units.

8 New section 304A

in division 18.3, insert

304A Direction by police officer to get off, or not get on, vehicle or animal

 (1) A police officer may direct a person to get off, or not get on, a vehicle or animal if the police officer believes on reasonable grounds that the person is under the influence of alcohol or a drug.

 (2) A person commits an offence if the person—

 (a) is given a direction under subsection (1); and

 (b) does not comply with the direction.

Maximum penalty: 20 penalty units.

 (3) In this section:

animal means a horse, cattle or sheep.

vehicle means—

 (a) a bicycle; or

 (b) a personal mobility device; or

 (c) an animal-drawn vehicle.

Part 4 Road Transport (Safety and Traffic Management) Act 1999

9 Negligent driving
Section 6 (1), penalty, paragraph (c)

substitute

 (c) if the driving occasions actual bodily harm—50 penalty units, imprisonment for 6 months or both; or

 (d) if paragraphs (a), (b) and (c) do not apply—20 penalty units.

Examples—actual bodily harm

1 deep bruising received as a result of being involved in an incident between 2 motor vehicles

2 cuts and abrasions resulting in the breaking of the skin received as a result of being knocked from a bicycle onto a road

3 a pedestrian received a sprained ankle from being hit by a car on a pedestrian crossing

10 Aggravated offence—furious, reckless or dangerous driving
Section 7A (4), definition of vulnerable road user, examples 5 and 6

substitute

5 users of personal mobility devices

Schedule 1 Other amendments

(see s 3)

Part 1.1 Motor Accident Injuries Act 2019

[1.1] Section 41, definition of driving offence, paragraph (d) (iv)

substitute

 (iv) section 6 (1) (a), (b) or (c) (Negligent driving); or

Part 1.2 Road Transport (Offences) Regulation 2005

[1.2] Schedule 1, part 1.12, item 9

substitute

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 9 | 6 (1) |  |  |  |  |
| 9.1 |  if the driving occasions death | negligent driving occasioning death | 200pu/2 years prison/both | - | - |
| 9.2 |  if the driving occasions grievous bodily harm | negligent driving occasioning grievous bodily harm | 100pu/ 1 year prison/both | - | - |
| 9.3 |  if the driving occasions actual bodily harm | negligent driving occasioning actual bodily harm | 50pu/6 months prison/both | - | - |
| 9.4 |  if items 9.1, 9.2 and 9.3 do not apply | negligent driving | 20 | 598 | 3 (NS) |

[1.3] Schedule 1, part 1.12A, new item 422A

insert

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 422A | 244K | person on personal mobility device without proper control | 20 | 154 | - |

[1.4] Schedule 1, part 1.12A, new item 550A

insert

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 550A | 304A | not comply with direction of police officer to get off, or not get on, vehicle or animal | 20 | 154 | - |

Endnotes

1 Presentation speech

 Presentation speech made in the Legislative Assembly on 5 August 2021.

2 Notification

 Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) 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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