



Australian Capital Territory

Road Transport Legislation Amendment Act 2022

A2022-3

Contents

	Page
Part 1	Preliminary
1	Name of Act 2
2	Commencement 2
3	Legislation amended 2
Part 2	Road Transport (General) Act 1999
4	Automatic disqualification for culpable driving Section 62 (1) (a) and (b) 3
5	Automatic disqualification for certain other driving offences New section 63 (2A) 3

J2021-793

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

	Page
6 Section 63 (3)	4
Part 3 Road Transport (Road Rules) Regulation 2017	
7 New section 244K	5
8 New section 244L	5
9 New section 296A	6
10 New section 304A	6
Part 4 Road Transport (Safety and Traffic Management) Act 1999	
11 Negligent driving Section 6 (1), penalty, paragraph (c)	7
12 Aggravated offence—furious, reckless or dangerous driving Section 7A (4), definition of <i>vulnerable road user</i> , examples 5 and 6	7
Schedule 1 Other amendments	8
Part 1.1 Motor Accident Injuries Act 2019	8
Part 1.2 Road Transport (Offences) Regulation 2005	9



Australian Capital Territory

Road Transport Legislation Amendment Act 2022

A2022-3

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 2022*.

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](#), s 75 (1)).

3 Legislation amended

This Act amends the following legislation:

- [Road Transport \(General\) Act 1999](#)
- [Road Transport \(Road Rules\) Regulation 2017](#)
- [Road Transport \(Safety and Traffic Management\) Act 1999](#).

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 244L

in division 14.3, insert

244L Travelling in or on personal mobility device without due care etc

A person must not travel in or on a personal mobility device without—

- (a) due care and attention; or
- (b) reasonable consideration for other road users.

Maximum penalty: 20 penalty units.

9 New section 296A

insert

296A Driving without due care etc

A driver must not drive a vehicle without—

- (a) due care and attention; or
- (b) reasonable consideration for other road users.

Maximum penalty: 20 penalty units.

10 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 suspects 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

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

substitute

- (c) if the driving occasions actual bodily harm—50 penalty units;
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

12 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	<ul style="list-style-type: none"> if the driving occasions death 	negligent driving occasioning death	200pu/2 years prison/both	-	-
9.2	<ul style="list-style-type: none"> if the driving occasions grievous bodily harm 	negligent driving occasioning grievous bodily harm	100pu/1 year prison/both	-	-
9.3	<ul style="list-style-type: none"> if the driving occasions actual bodily harm 	negligent driving occasioning actual bodily harm	50pu	900	3 (NS)
9.4	<ul style="list-style-type: none"> if items 9.1, 9.2 and 9.3 do not apply 	negligent driving	20	598	3 (NS)

Schedule 1 Other amendments
Part 1.2 Road Transport (Offences) Regulation 2005

Amendment [1.3]

[1.3] Schedule 1, part 1.12A, new items 422A and 422B

insert

422A	244K	person in or on personal mobility device without proper control	20	154	-
422B	244L	person in or on personal mobility device without due care etc	20	154	-

[1.4] Schedule 1, part 1.12A, item 524

substitute

523A	296A				
523A.1	• rider of a bicycle	driving without due care etc—bicycle rider	20	154	-
523A.2	• any other driver	driving without due care etc—any other driver	20	301	-
524	297 (1)	drive without proper control of vehicle	20	398	-

[1.5] 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](#) on 30 March 2022.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Road Transport Legislation Amendment Bill 2022, which originated in the Legislative Assembly as the Road Transport Legislation Amendment Bill 2021 and was passed by the Assembly on 23 March 2022.

Clerk of the Legislative Assembly

© Australian Capital Territory 2022