2021

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Jo Clay)

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

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

A Bill for

An Act to amend the [Road Transport (Safety and Traffic Management) Act 1999](http://www.legislation.act.gov.au/a/1999-80), and for other purposes

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

1 Name of Act

This Act is the *Road Transport (Safety and Traffic Management) Amendment Act 2021 (No 2)*.

2 Commencement

This Act commences on the 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 [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).

4 Offences against Act—application of Criminal Code etc
Section 5AA, note 1

insert

 s 5D (Negligent driving—harm to vulnerable road user)

5 New section 5D

insert

5D Negligent driving—harm to vulnerable road user

 (1) A person commits an offence if—

 (a) the person drives a motor vehicle negligently on a road or road related area; and

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

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

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

Maximum penalty: 50 penalty units.

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

 (3) In this section:

harm—see the [Criminal Code](http://www.legislation.act.gov.au/a/2002-51), dictionary.

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

relocate to dictionary

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

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

insert

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 8A | 5D | negligent driving harming vulnerable road user | 50 | 1600 | 3 |

Endnotes

1 Presentation speech

 Presentation speech made in the Legislative Assembly on 22 June 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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