

2021

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Transport and City Services)

# Road Transport Legislation Amendment Bill 2021

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# Road Transport Legislation Amendment Bill 2021

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## A Bill for

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

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

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

4 **2 Commencement**

5 This Act commences on the 14th 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 following legislation:

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

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

1 **Part 2** **Road Transport (General)**  
2 **Act 1999**

3 **4 Automatic disqualification for culpable driving**  
4 **Section 62 (1) (a) and (b)**

5 *substitute*

- 6 (a) for a first offender—for 12 months; or  
7 (b) for a repeat offender—for 24 months; or  
8 (c) if the court orders a longer period for an offender than applies to  
9 the offender under paragraph (a) or (b)—for the longer period.

10 **5 Automatic disqualification for certain other driving**  
11 **offences**  
12 **New section 63 (2A)**

13 *insert*

- 14 (2A) However, if a court convicts a person, or finds a person guilty, of an  
15 offence mentioned in subsection (1) (e), the person is automatically  
16 disqualified from holding or obtaining a driver licence—  
17 (a) if the offence occasions death—  
18 (i) for a first offender—for 9 months; or  
19 (ii) for a repeat offender—for 18 months; or  
20 (b) if the offence occasions grievous bodily harm—  
21 (i) for a first offender—for 6 months; or  
22 (ii) for a repeat offender—for 12 months; or  
23 (c) if the court orders a longer period for an offender than applies to  
24 the offender under paragraph (a) or (b)—for the longer period.

1 **6 Section 63 (3)**

2 *omit*

3 However,

4 *substitute*

5 Also,

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1 **Part 3** **Road Transport (Road Rules)**  
2 **Regulation 2017**

3 **7** **New section 244K**

4 *in division 14.3, insert*

5 **244K** **Travelling in or on personal mobility device—maintaining**  
6 **proper control**

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

9 Maximum penalty: 20 penalty units.

10 **8** **New section 304A**

11 *in division 18.3, insert*

12 **304A** **Direction by police officer to get off, or not get on, vehicle**  
13 **or animal**

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

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

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

19 (b) does not comply with the direction.

20 Maximum penalty: 20 penalty units.

- 1           (3) In this section:
- 2                 *animal* means a horse, cattle or sheep.
- 3                 *vehicle* means—
- 4                     (a) a bicycle; or
- 5                     (b) a personal mobility device; or
- 6                     (c) an animal-drawn vehicle.



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

3 **9 Negligent driving**  
4 **Section 6 (1), penalty, paragraph (c)**

5 *substitute*

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

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

9 **Examples—actual bodily harm**

10 1 deep bruising received as a result of being involved in an incident between 2  
11 motor vehicles

12 2 cuts and abrasions resulting in the breaking of the skin received as a result of  
13 being knocked from a bicycle onto a road

14 3 a pedestrian received a sprained ankle from being hit by a car on a pedestrian  
15 crossing

16 **10 Aggravated offence—furious, reckless or dangerous**  
17 **driving**  
18 **Section 7A (4), definition of *vulnerable road user*,**  
19 **examples 5 and 6**

20 *substitute*

21 5 users of personal mobility devices

1 **Schedule 1** **Other amendments**

2 (see s 3)

3 **Part 1.1** **Motor Accident Injuries Act 2019**

4 **[1.1]** **Section 41, definition of *driving offence*, paragraph (d) (iv)**

5 *substitute*

6 (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"> <li>if the driving occasions death</li> </ul>	negligent driving occasioning death	200pu/2 years prison/both	-	-
9.2	<ul style="list-style-type: none"> <li>if the driving occasions grievous bodily harm</li> </ul>	negligent driving occasioning grievous bodily harm	100pu/1 year prison/both	-	-
9.3	<ul style="list-style-type: none"> <li>if the driving occasions actual bodily harm</li> </ul>	negligent driving occasioning actual bodily harm	50pu/6 months prison/both	-	-
9.4	<ul style="list-style-type: none"> <li>if items 9.1, 9.2 and 9.3 do not apply</li> </ul>	negligent driving	20	598	3 (NS)

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

Amendment [1.3]

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

2 *insert*

422A	244K	person on personal mobility device without proper control	20	154	-
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3 **[1.4] Schedule 1, part 1.12A, new item 550A**

4 *insert*

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

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 5 August 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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