



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PLANNING, TRANSPORT AND CITY SERVICES
Jo Clay MLA (Chair), Suzanne Orr MLA (Deputy), Mark Parton MLA

Submission No 18 - Mr Christopher Budd

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

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Good afternoon,

I would like to make a submission about this bill.

My postal address is [REDACTED]

I regularly commute and otherwise travel by bike. Including with multiple children (see for example <https://www.act.gov.au/our-canberra/latest-news/2021/july/canberra-electric-bike-library-on-a-roll>).

Frankly I was astonished to discover that nothing more than 'negligent driving' was available for the incident that sparked this bill. I had assumed that something like 'negligent driving occasioning actual bodily harm' existed. Apparently not. Driving into people is ok so long as you only hurt them a little bit, it seems.

To that end I think negligent driving occasioning ABH is necessary. It would carry the prospect of gaol time - as is usually the case when one human injures another in pretty much any other context.

This bill however is also necessary. An offence occasioning ABH would require a proper prosecution, which would not always be easy and police may be reluctant to pursue. An 'on the spot' fine of \$1,600 instead of ~\$400 is enough to cause financial pain that will be remembered. It is also more commensurate with the crime - I can be fined \$1,000 for not checking in, on the hypothetical chance I have COVID and that makes my movements hard to trace, but I drive into someone and cause actual harm and it's only \$400.

I have personally been in this sort of collision in the ACT (about 2015). A car came out of its driveway across the footpath without looking and collected me. I was injured and had to go to hospital, although thankfully nothing permanent. The police attended. They decided not to even issue a negligent driving fine. They seemed to think 'having a chat' with the driver was enough. In literally any other context where I caused enough injury to hospitalise someone, I would be arrested. Unless I do it with a car. Then I don't even get a fine!

So I support this bill. It should be accompanied by a direction to police to issue fines in collisions with vulnerable road users unless there is a reason not to. If someone can go to gaol for sexual assault based solely on the testimony of the complainant, they should be able to get a fine every time they collide with a vulnerable road user, even if the only evidence that would end up in court is the testimony of the complainant.

Once this is passed please introduce negligent driving causing ABH.

Kind regards,

Christopher

