

2022

**GOVERNMENT RESPONSE TO STANDING COMMITTEE ON PLANNING,
TRANSPORT AND CITY SERVICES REPORT 7 - INQUIRY INTO
ROAD TRANSPORT
(SAFETY AND TRAFFIC MANAGEMENT) AMENDMENT BILL 2021 (NO 2)
AND ROAD TRANSPORT LEGISLATION AMENDMENT BILL 2021**

**Presented by
Chris Steel MLA
Minister for Transport and City Services
March 2022**

Background

On 22 June 2021, Jo Clay MLA presented the Road Transport (Safety and Traffic Management) Amendment Bill 2021 (No 2) in the ACT Legislative Assembly (the Assembly). This Bill was referred by the Assembly to the Standing Committee on Planning, Transport, and City Services (the Committee) on 22 June 2021 in accordance with the Assembly's Standing Committees Resolution of Appointment.

On 1 July 2021, the Committee agreed to inquire into the Road Transport (Safety and Traffic Management) Amendment Bill 2021 (No 2).

On 5 August 2021, the Minister for Transport and City Services, Mr Chris Steel MLA, presented the Road Transport Legislation Amendment Bill 2021 in the Assembly and this was referred to the Committee.

The Committee decided to inquire into both Bills together.

The Committee tabled its Report in the Assembly on 30 November 2021 (the Report).

In accordance with Standing Order 254B for the Assembly, a Government Response must be tabled within four months of the presentation of the Committee's report, or provided to the Speaker for out-of-session circulation to Members within four months of the presentation of the Committee's report and tabled by the Minister on the next day of sitting.

Overview

The ACT Government is committed to improving road safety and the realisation of Vision Zero, which is zero road fatalities and serious injuries in the ACT. The *ACT Road Safety Strategy 2020-2025* is based around four goals that establish the ACT Government's overarching road safety vision:

1. Reducing serious and fatal crashes
2. Building a community that shares responsibility for road safety
3. Changing road user attitudes and behaviour through education and compliance activities
4. Strengthening collaboration across Government and with stakeholders to improve road safety in the ACT.

The Strategy is supported by the *ACT Road Safety Action Plan 2020-2023*. This includes a number of key focus areas, one of which is vulnerable road users. Vulnerable road users are generally those that have little or no protection in the event of a collision. The term includes pedestrians, cyclists and motorcyclists. It also extends to other road users who have specific characteristics that make them vulnerable, such as older drivers and children.

The *ACT Transport Strategy 2020* was launched in August 2020, outlining the Government's vision for a world class transport system that supports a compact, sustainable and vibrant city for all Canberrans to travel in. As more Canberrans choose to walk and cycle across our city, we need to ensure our road transport system provides safe and accessible infrastructure to support active modes of transport. The Government is committed to improving the ACT's road infrastructure to maximise the safety of all road users, including vulnerable road users.

Government Response

The Committee made four recommendations.

RECOMMENDATION 1

THE COMMITTEE RECOMMENDS THAT THE ROAD TRANSPORT LEGISLATION AMENDMENT BILL 2021 BE PASSED BY THE ASSEMBLY.

Government response

Agreed.

The purpose of the Road Transport Legislation Amendment Bill 2021 (the Bill) is to amend the road transport legislation to improve road safety by strengthening the Territory's regulatory and enforcement framework for dangerous driving and other unsafe behaviours on the Territory's road. It will improve road safety for all road users, including by addressing behaviours which may disproportionately affect vulnerable road users. This aligns with the Government's commitments outlined in the Road Safety Strategy and Road Safety Action Plan.

RECOMMENDATION 2

THE COMMITTEE RECOMMENDS THAT THE FOLLOWING MATTERS REGARDING THE ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) AMENDMENT BILL 2021 (NO 2) BE ADDRESSED INCLUDING:

- **THE APPLICATION OF STRICT LIABILITY OFFENCES TO OFFENCES WHICH UNDER THE CURRENT DRAFTING HAVE A LEVEL OF SUBJECTIVITY IN THEIR APPLICATION AND NOTING IT IS UNUSUAL FOR TIN'S TO APPLY TO AN OFFENCE WHERE SUBJECTIVITY IS REQUIRED;**
- **A CLEARER DEFINITION OF HARM WHICH TAKES INTO ACCOUNT CURRENT COMMON LAW DEFINITIONS OF HARM AND THAT CONSIDERS THE SCOPE OF WHAT IS REASONABLE TO ASSESS AT THE TIME OF AN OFFENCE AND THAT AS DRAFTED A TIN MAY BE ISSUED BEFORE ALL HARM CAN BE ADEQUATELY ASSESSED;**
- **GREATER CONSIDERATION TO HOW FAULT AND NEGLIGENCE WILL BE DETERMINED UNDER THE BILL NOTING THE AMENDMENT AS DRAFTED DEPARTS FROM CURRENT PRACTICE FOR DETERMINING FAULT AND NEGLIGENCE FOR OFFENCES THAT CAUSE HARM THROUGH THE COURT SYSTEM WHERE LEGAL FAIRNESS CAN BE BETTER APPLIED;**
- **RECONSIDERATION OF 5D (1) (B) TO ACKNOWLEDGE THAT HARM TO VULNERABLE ROAD USERS IS NOT ONLY CAUSED BY MOTOR VEHICLES AS CURRENTLY DEFINED IN THE BILL;**
- **DEMONSTRATING CONSISTENCY WITH OTHER OFFENCES AND HOW THE PENALTIES AS DRAFTED WILL BE CONSISTENT WITH PRINCIPLES UNDERPINNING THE OFFENCE HIERARCHY;**
- **BALANCING THE PENALTIES FOR ALL ROAD USERS IN LINE WITH THE HUMAN RIGHTS ACT 2004; AND**
- **CLARIFICATION OF THE COMMENCEMENT DATE FOR THE PROVISIONS OF THE BILL.**

Government response

Noted.

The Government refers to the Minister for Transport and City Services' submission to the Committee, which addressed several of the issues raised by Recommendation 2.

The Government supports the intention of Ms Clay's Bill to improve road safety and bring penalties for road user behaviour that causes harm into better alignment with community expectations. The Government is committed to further enhancing the Territory's road transport framework to ensure all road users, including vulnerable road users, can feel and be safe when using the Territory's road network. The measures advanced by the Government's bill will deliver on these important shared objectives.

RECOMMENDATION 3

THE COMMITTEE RECOMMENDS THAT THE ACT GOVERNMENT DEVELOP AN EDUCATION CAMPAIGN ABOUT THE SAFETY OF VULNERABLE ROAD USERS.

Government response

Agreed.

The ACT Government will run a road safety campaign focused on vulnerable road users in mid-2022 in collaboration with ACT Policing.

A key goal of the Road Safety Strategy is to change road user attitudes and behaviour through education and compliance activities. This is supported by the Road Safety Action Plan, through which the Government has committed to developing and distributing community awareness campaigns. These campaigns will support compliance with road transport laws, promote safe behaviours and improve road safety outcomes. The primary campaigns to be developed during the term of the Action Plan align with the focus areas in the Plan, which includes vulnerable road users.

Another key goal of the Road Safety Strategy is strengthening collaboration across Government and with stakeholders to improve road safety in the ACT. Road safety is not solely a transport problem and transport solutions alone are not enough to see meaningful improvements in road safety outcomes. The Transport Canberra and City Services Directorate will continue to work with a range of agencies, particularly ACT Policing, on the collective goal of achieving Vision Zero and changing road user behaviour within the ACT to better protect vulnerable road users on the road network. A multi-agency approach is required to foster better driver behaviours; support safer road infrastructure and safer vehicles.

Further, reforms to the ACT's road transport legislation will be supported by education and community awareness activities.

RECOMMENDATION 4

THE COMMITTEE RECOMMENDS THAT THE ACT GOVERNMENT PROVIDE MORE DEDICATED INFRASTRUCTURE FOR VULNERABLE ROAD USERS.

Government response

Agreed.

Vulnerable road users are an important focus of the ACT Transport Strategy, Road Safety Strategy and Road Safety Action Plan.

The Road Safety Action Plan recognises that dedicated infrastructure for vulnerable road users is critical to ensure their safety, including older drivers and children. Through the Age Friendly Suburbs Program, the Government is committed to improving path network infrastructure and connectivity in suburbs where there are aged care and retirement facilities. Participating schools also have access

to the Active Streets Program, an education campaign supported by infrastructure improvements to support active travel to and from school, and the school crossing supervisor program.

Through the Transport Strategy, the Government is committed to providing high-quality environments for walking and cycling and a road network which enables people to move safely and reliably across the city using these transport modes.

In recent years, the ACT Government has delivered significant new active travel infrastructure and established a clear pipeline for further works. The Belconnen Bikeway, linking Coulter Drive and Haydon Drive through Belconnen town centre, was completed in November 2020. The new bikeway provides shared and separated cycling infrastructure to improve accessibility for pedestrians and cyclists. Additionally, the first and second stage of the Heysen Street shared path has delivered new active travel infrastructure providing safe travel for pedestrians and cyclists from Weston Creek and Molonglo to the Woden Town Centre. The final stage of this project will be completed in 2021-22. Other completed infrastructure improvements made it safer for school children to walk and ride to school which is an ongoing priority for the Government.

The 2021-22 ACT Budget included a \$77 million pipeline of active travel projects over the next four years. This included funding to deliver significant new infrastructure like a seven kilometre off-road shared path along William Hovell Drive and a new shared path along Sulwood Drive in Tuggeranong, as well as feasibility and design for future projects like the Garden City Cycle Route and improved active travel links in and around the Gungahlin Town Centre.

The Government has committed to developing an updated Active Travel Framework, a Cycle Network Plan, and Best Practice design guidance to identify gaps in infrastructure and ensure future works make walking and cycling more attractive for Canberrans. Work on all of these items is in progress and expected to be finalised progressively during 2022.

Providing safer walking and cycling infrastructure for vulnerable road users in the ACT is a high priority of the Government, and essential to the realisation of the Transport Strategy, the Road Safety Strategy and Road Safety Action Plan. The Government will continue to explore ways to strengthen infrastructure to provide a safe road network for all.