



# LEGISLATIVE ASSEMBLY

FOR THE AUSTRALIAN CAPITAL TERRITORY

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## STANDING COMMITTEE ON PLANNING, TRANSPORT AND CITY SERVICES

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Submission No 34 - Living Streets Canberra

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

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# Living Streets Canberra



**ACT LEGISLATIVE ASSEMBLY  
STANDING COMMITTEE ON PLANNING, TRANSPORT,  
AND CITY SERVICES**

## **INQUIRY INTO ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) AMENDMENT BILL 2021 (NO. 2)**

**SUBMISSION FROM LIVING STREETS CANBERRA**

via email to [LCommitteePTCS@parliament.act.gov.au](mailto:LCommitteePTCS@parliament.act.gov.au)

## Introduction

Living Streets Canberra welcomes this opportunity to comment on the ACT's Road Transport (Safety and Traffic Management) Amendment Bill 2021 (No 2) [the Bill].

Living Streets Canberra works for everyone in Canberra to be able to enjoy public spaces and walk\* easily, safely and conveniently.

We work for *everyone* – whether young or old; fast or slow; walking, sitting, commuting, shopping, between appointments, or out on the streets for exercise, leisure, or pleasure.

We want to see:

1. walking as the natural choice for everyday local journeys
2. Canberra as an inviting, safe and comfortable place for people to be out and about, walking\* and being in public spaces, full of walking-friendly communities
3. people being supported and encouraged to choose to walk

- Walking is natural...so walking should be a natural right.
- Every journey involves some walking.\*
- Walking\* is a legitimate use of public space.
- Walking\* is an essential part of sustainable mobility.
- Walking\* improves the health and liveability of communities.
- Walking\* is Australia's most common form of exercise, particularly for people over 35.
- Twice as many women walk\* for recreation as men.

\* We focus on people who get about without a vehicle. When we use the term 'walking' we include any form of human-powered mobility that is not a bicycle: walking; using a wheelchair or other personal mobility device, including those with motors that can travel up to 10 km/h); pushing a pram; wheeling luggage; riding a scooter, skateboard, tricycle or rollerblades. This is the definition used in the Australian Road Rules.

## Context

The Australian Capital Territory:

- is committed to prioritising human life and health of residents of the Territory;
- has adopted the Safe System approach and Vision Zero (zero road deaths) goal for transport policy-making road safety;
- has a reputation as a healthy, active and inclusive city;
- is aiming to make Canberra Australia's most walkable city and an age-friendly city;
- has a policy of encouraging active travel and other initiatives to make the healthy decision-making the easy choice;
- envisages a world-class, integrated transport system that supports a compact, sustainable and vibrant city;
- has legislated target of zero net greenhouse gas emissions by 2045, and that reducing greenhouse gas emissions from transport is a key component of achieving this; and
- must comply with the ACT's Discrimination Act 1991 and Commonwealth's *Disability Discrimination Act 1992 (DDA)* and *Age Discrimination Act 2004 (ADA)*.

In delivering the last Budget, the Chief Minister 'Driving Canberra's Recovery' speech focussed on amongst other things, keeping Canberrans healthy, leading the nation on climate action, investing in transport and supporting vulnerable Canberrans. He said 'Our city, and the Government, should be judged on how we treat our most vulnerable citizens.'<sup>1</sup> Previously, the ACT Government has said its 'Our priority is to keep Canberra liveable' and that 'Canberra has a great reputation as a healthy, active and inclusive city'.<sup>2</sup>

Walking is an essential component of these objectives.

As people move around our city and broader Territory, at least part of their journey will involve walking.

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<sup>1</sup> Australian Capital Territory. 2020. 'Driving Canberra's Recovery', Budget Speech, <https://apps.treasury.act.gov.au/budget/budget-2020-21/budget-papers/budget-speech>

<sup>2</sup> Australian Capital Territory. 2018. Budget Paper 2: Budget in Brief, [https://apps.treasury.act.gov.au/\\_data/assets/pdf\\_file/0005/1206698/Budget-Paper-2-Budget-in-Brief-2018-19.pdf](https://apps.treasury.act.gov.au/_data/assets/pdf_file/0005/1206698/Budget-Paper-2-Budget-in-Brief-2018-19.pdf)

People who travel by public transport, people who do not drive or cycle, and most visitors who arrive in Canberra by coach, train or plane all rely on walking for transport. Importantly, this includes some of our most vulnerable people, such as children, old older people, and people on very low incomes. The Discrimination Acts make it against the law for public places, services and facilities to be inaccessible to people with a disability or on the basis of age.<sup>3,4</sup>

As well as a form of transport, walking\* is also Australia's most common form of exercise, particularly for people over 35 and women. Twice as many women walk\* for recreation as men.

Three goals will help achieve the ACT's goals, including those for zero net emissions from transport, becoming Australia's most walkable city and improving the health and safety of people living and visiting Canberra:

1. walking being the natural choice for everyday local journeys - easy, safe (and perceived to be safe), attractive, comfortable and obvious
2. Canberra being an inviting, safe (and perceived to be safe) and comfortable place for people of any ability to be out and about, walking and being in public spaces, full of walking-friendly communities
3. people being supported and encouraged to choose to walk in Canberra

## Comments on the Bill

**A society is judged by how it treats its most vulnerable members.** The most vulnerable people on roads are, by definition, vulnerable road users. Amongst them are the most vulnerable members of our society: children and people who are old, frail and/or have disabilities. Of all road users, people walking\* are the most vulnerable, particularly when hit by a motor vehicle.

**Everyone has the right to be able to travel and enjoy public spaces safely.** This is reflected in the UN Declaration of Human Rights, notably:

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<sup>3</sup> ACT Human Rights Commission. 2017. 'Discrimination', updated 31 March 2017, <http://hrc.act.gov.au/discrimination/>

<sup>4</sup> Australian Human Rights Commission. n.d. 'D.D.A. guide: The ins and outs of access', <https://www.humanrights.gov.au/dda-guide-ins-and-outs-access>

### **Article 1**

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

### **Article 3**

Everyone has the right to life, liberty and security of person.

### **Article 13**

Everyone has the right to freedom of movement and residence within the borders of each state.

**Living Streets Canberra supports the Road Transport (Safety and Traffic Management) Amendment Bill 2021** because it will:

- improve how our society treats its most vulnerable people
- contribute to the most vulnerable road users being able to travel and enjoy public spaces safely, by encouraging people using vehicles to use ‘reason and conscience and...act towards one another in a spirit of brotherhood’
- fit well with the broader ACT context, particularly by helping the ACT to be a safe (and perceived to be safe) place for people of any ability to be out and about, walking and using other active transport and being in public spaces

**Living Streets Canberra also supports the comments made in submissions by Pedal Power ACT and 30 Please.**

Currently, the ACT legislation and penalties for offences are inconsistent in how they recognise:

- the special status of vulnerable road users
- the serious harm that other, more powerful road users can cause them
- the need for potential harm-causers to be especially careful of vulnerable road users

There are gaps and overlaps in the legislation, as well as expenses, time delays and risks associated with having offences that require going to court. For example, the involvement of a vulnerable road user aggravates an offence of reckless or dangerous driving (with consequent higher maximum penalties) but not for negligent or menacing driving.

There is a need for offences and penalties to reflect the seriousness of the offence, particularly with regard to causing harm to vulnerable road users and to be consistent relative to each other. The Bill goes a long way to plugging the gaps in sections 6, 7, 7A & 8 of [Road Transport \(Safety and Traffic Management\) Act 1999](#), particularly the lack of clear recognition of harm other than injury and that offences under those sections must be proven in court. We agree with the submission by the Amy Gillett Foundation to the Inquiry into Vulnerable Road Users that:

vulnerability should be viewed in a broad context, encompassing the ‘concept of safety and the perception of vulnerability in consideration of interventions that will reduce, not only the traditional quantitative measures of road dangers – deaths and injuries – but also the vulnerabilities to aggression, close calls or mindless discourtesy<sup>5</sup>

However, the Bill also seems to overlap with section 7 of the Act with regard to subsections 7A (v) and (vi). (We also note that the Act seems unclear as to what differentiates subsections 7 (i) (c) and (d). **We recommend that the Bill be amended to make clearer the relationships and boundaries with sections 6, 7, 7A & 8 of [Road Transport \(Safety and Traffic Management\) Act 1999](#).**

For offences and penalties to be effective in changing behaviour, they must be deterrents to both the unwanted behaviour and avoiding the penalty. The Road Transport (Safety and Traffic Management) Amendment Bill 2021 achieves both these goals.

- A high fine and loss of several licence demerit points are deterrents (particularly together) to driving in ways that harm vulnerable road users.
- Strict liability, so that the maximum penalties are applied without having to be proven in court, means that the penalty cannot be avoided. It would also be consistent with similar moves in other countries.<sup>6</sup> (We note that more serious events causing serious injury or death would still go to court.)

**Educating drivers about these changes** would help improve awareness of the need to take drive carefully with vulnerable users in mind and the penalties for failing to do so.

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<sup>5</sup> Amy Gillett Foundation, Submission No. 42, p. 8, quoted in ACT Legislative Assembly. Standing Committee on Planning, Environment and Territory and Municipal Services.. 2014. ‘Inquiry into Vulnerable Road Users’, Report Number 5, June 2014, para. 3.9, p. 14,

[https://www.parliament.act.gov.au/\\_data/assets/pdf\\_file/0010/602200/Vulnerable-Road-Users\\_FINAL.pdf](https://www.parliament.act.gov.au/_data/assets/pdf_file/0010/602200/Vulnerable-Road-Users_FINAL.pdf)

<sup>6</sup> See, for example, Livable Streets. 2012. ‘Vulnerable road users (VRU) protection laws’ “Whoever can do the most damage has to be the most careful”, 23 October 2012,

[https://www.livablestreets.info/vulnerable\\_road\\_users\\_vru\\_protection\\_laws\\_whoever\\_can\\_do\\_the\\_most\\_damage\\_has\\_to\\_be\\_the\\_most\\_careful](https://www.livablestreets.info/vulnerable_road_users_vru_protection_laws_whoever_can_do_the_most_damage_has_to_be_the_most_careful)

In this regard, **we like the framing of ‘whoever can do the most damage has to be the most careful’.**<sup>7</sup> The report of the Inquiry into Vulnerable Road Users provides further guidance on education needed.<sup>8</sup> (We note that there are still many recommendations from that Inquiry yet to be implemented.)

Penalties should reflect the seriousness of the offence, particularly with regard to vulnerable road users. **Penalties should be greatest when drivers harm vulnerable road users.** This is currently reflected in the higher fines applicable to speeding in school zones than in non-school zones and in the higher Penalty Units proposed in the Bill. Nevertheless, the principle is currently not consistently applied throughout the *Road Transport (Safety and Traffic Management) Act 1999* and the Road Transport (Offences) Regulation 2005 and the Bill does not fully remedy the situation, as illustrated in Table 1.

**The nature of the offence means that the on-the-spot penalty should send a clear message to all drivers about the need to drive with care for vulnerable road users. It should be at least equivalent to the maximum on-the-spot penalty for drivers. Ideally it should be of similar deterrence to all drivers, regardless of income - so the fine would need to be structured so it is even higher for higher income earners.**

**We support the maximum penalty applicable to negligent driving harming vulnerable road user being 50 Penalty Units.**

**We recommend that the Bill be amended so that:**

- (a) the demerit points are equivalent to the maximum demerit points for other potentially harmful driving: 6**
- (b) the fine include provision to be higher for higher income-earners**

The current legislation seems confused in its definitions and treatments of various driving that causes or potentially causes harm, particularly with regard to vulnerable road users. For example, there is a lack of definitions and/or overlaps in the meanings of negligent, menacing, reckless and dangerous driving and all can cause harm to vulnerable road users. A representation of this - showing relativities and where the offences and penalties in the Bill and other driving offences sit - is illustrated in the Table 2, with further details at Attachments A and B.

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<sup>7</sup> *ibid.*

<sup>8</sup> ACT Legislative Assembly. Standing Committee on Planning, Environment and Territory and Municipal Services. 2014. ‘Inquiry into Vulnerable Road Users’, Report Number 5, June 2014, [https://www.parliament.act.gov.au/\\_data/assets/pdf\\_file/0010/602200/Vulnerable-Road-Users\\_FINAL.pdf](https://www.parliament.act.gov.au/_data/assets/pdf_file/0010/602200/Vulnerable-Road-Users_FINAL.pdf)



**Table 1: Comparison of penalties proposed in Road Transport (Safety and Traffic Management) Amendment Bill 2021 with current maximum penalties elsewhere in the Road Transport (Offences) Regulation 2005**

<b>Reference</b>	<b>Offence</b>	<b>Penalty Units</b>	<b>Infringement Notice (Fine)</b>	<b>Demerit points</b>
Road Transport (Safety and Traffic Management) Amendment Bill 2021, Schedule 1: Road Transport (Offences) Regulation 2005—Consequential amendment	negligent driving harming vulnerable road user	50	\$1,600	3
Road Transport (Offences) Regulation 2005, Schedule 1, Part 1.12A [Road Transport (Road Rules) Regulation 2017], item 531.2	using mobile device for messaging, social networking, mobile application or accessing internet	20	\$598	4
Road Transport (Offences) Regulation 2005, Schedule 1, Part 1.12A [Road Transport (Road Rules) Regulation 2017], item 1.4	non-school zone exceed speed limit by more than 45km/h	20	\$1,841	6 (National Standard)
Road Transport (Offences) Regulation 2005, Schedule 1, Part 1.12A [Road Transport (Road Rules) Regulation 2017], item 1.8	school zone exceed speed limit by more than 45km/h	20	\$2,136	6 (National Standard)

**Table 2: Summary of the relativity of ACT driving offences**

Increasing →

Meaning		Negligent				Menacing Reckless Dangerous	Aggravated (= <b>vulnerable road user</b> )
<b>Penalty</b>	Negligent – Lesser = w/o death or grievous bodily harm (Act, s6) <i>Court</i>	Negligent + <b>vulnerable road user</b>  <b>(Bill)</b> <b>No Court</b>		Menacing  (Act, s8) <i>Court</i>	Negligent – Max (death, grievous bodily harm)  (Act, s6) <i>Court</i>	Reckless or Dangerous driving  (Act, s7) <i>Court</i>	Aggravated (= <b>vulnerable road user</b> ) Reckless or dangerous driving  (Act, s7) <i>Court</i>
	Racing, burnouts etc  Sale of traffic offence evasion articles  Failure to stop & give help  Unauthor- ised use or removal of traffic control devices  Using a road police have closed  Parking on residential land		Drive vehicle loaded unsafely				Failing to stop for police

Furthermore, recognising the inadequacy of the current legislation (and the Bill, unless it is amended as we have recommended) and how it fails to communicate the seriousness of the offence and the need for drivers to drive with care particularly with regard to vulnerable road users, all penalties should be revised, with greatest penalties for death, serious injury and incidents involving vulnerable road users.

## **Slower streets are safer, more sociable, need less space and money**

Another key change that is to make ACT roads safer for vulnerable road users is the transformation of streets with housing, businesses and services from motor vehicle-oriented environments to becoming slower speed, shared environments. This would:

- make streets much safer for everyone (especially the most vulnerable people)
- give practical effect to implementing the ACT's espoused transport hierarchy
- reduce costs of building and maintaining transport infrastructure
- allow more interpersonal interaction and facilitate more engagement with businesses
- help the ACT to significantly shift the mode of travel for many journeys from private car use to walking and cycling for shorter journeys and public transport for longer journeys and for people with mobility disabilities

At the end of the day, the driver of a motor vehicle can cause much greater harm to vulnerable road users at higher speeds than at lower speeds.

Other changes beyond the Bill are needed to make ACT roads safe for vulnerable road users. This issue has also been raised in other submissions (submissions by Gough and Diversi published at the time of writing) and in the Inquiry into Vulnerable Road Users.<sup>9</sup>

### **Safe**

Walking and other active transport is safe if the environment is safe.

**A safe environment includes vulnerable road users and motor vehicles being able to see each other and interacting at speeds that do not cause harm, significant trauma or death.**

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<sup>9</sup> ACT Legislative Assembly. Standing Committee on Planning, Environment and Territory and Municipal Services. 2014. op. cit.

## Speed

Most of Canberra's streets are designed and constructed in a way that facilitates fast travel in motor vehicles, faster than the default urban speed limits. It can be difficult for drivers not to speed, even more so in a culture that often sees the chances of being caught speeding - or causing harm to vulnerable road users - as small and methods of collecting speeding fines as revenue-raising for government or a cost of business. Yet, as the report of the 2018 Inquiry into the National Road Safety Strategy says:

*The relationship between travelling speed and crash outcomes constitutes one of the most robust evidence bases that exists in road safety.*

and

*Pedestrians, cyclists and motorcyclists are likely to be seriously injured or killed even if struck at the default urban speed limit.<sup>10</sup>*

The Inquiry report points out that two of the key Safe System principles are that:

- People make mistakes that can lead to road crashes.
- The human body has a limited physical ability to tolerate crash forces before harm occurs.

and that:

*As a consequence, builders have a responsibility to deliver a traffic system that accommodates the foibles of human behaviour on the road. This approach is no different to that adopted within the health, safety and environment domain. If there is loss of life or severe injury in a workplace [or in air or train travel], this results in a system-based investigation to identify measures that ensure an incident of this type does not occur again. "Safe, not Safer" is an important distinction.*

Key recommendations of the Inquiry that would help make vulnerable road users safer and active transport more attractive include:

- accelerating the adoption of speed management initiatives that support harm elimination
- investing in road safety focused infrastructure

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<sup>10</sup> Inquiry into the National Road Safety Strategy 2011-20, report published 27 September 2018, p25, available at [https://roadsafety.gov.au/nrss/files/NRSS\\_Inquiry\\_Final\\_Report\\_September\\_2018\\_v2.pdf](https://roadsafety.gov.au/nrss/files/NRSS_Inquiry_Final_Report_September_2018_v2.pdf) .

- making road safety a genuine part of business as usual within...government
- resourcing key road safety enablers and road safety innovation initiatives.<sup>11</sup>

The Inquiry's report includes the World Health Organization's evidence-based measures that can significantly reduce road traffic fatalities and injuries. It asks 'Are these basic building blocks sufficiently actioned in Australia?'<sup>12</sup>

Measures based on those in the World Health Organization's *Save LIVES* package that are related to the Bill and this Inquiry include:

- Speed management, including:
  - Building or modifying roads to calm traffic
  - Establishing and enforcing evidence-based speed limits in residential, commercial and school zones – including any feeder and major roads
- Leadership on road safety, including:
  - Raising awareness through education campaigns – particularly focusing on health and community, taking care, caring for each other as well as ourselves, and seeing people as people rather than as pedestrians, cyclists or drivers
- Infrastructure design and improvement, including:
  - Safe passageways for people when they are walking
  - Safer intersections
  - Vehicle-free zones
  - Restriction of motor vehicle traffic in residential, commercial and school zones and other places with high pedestrian use

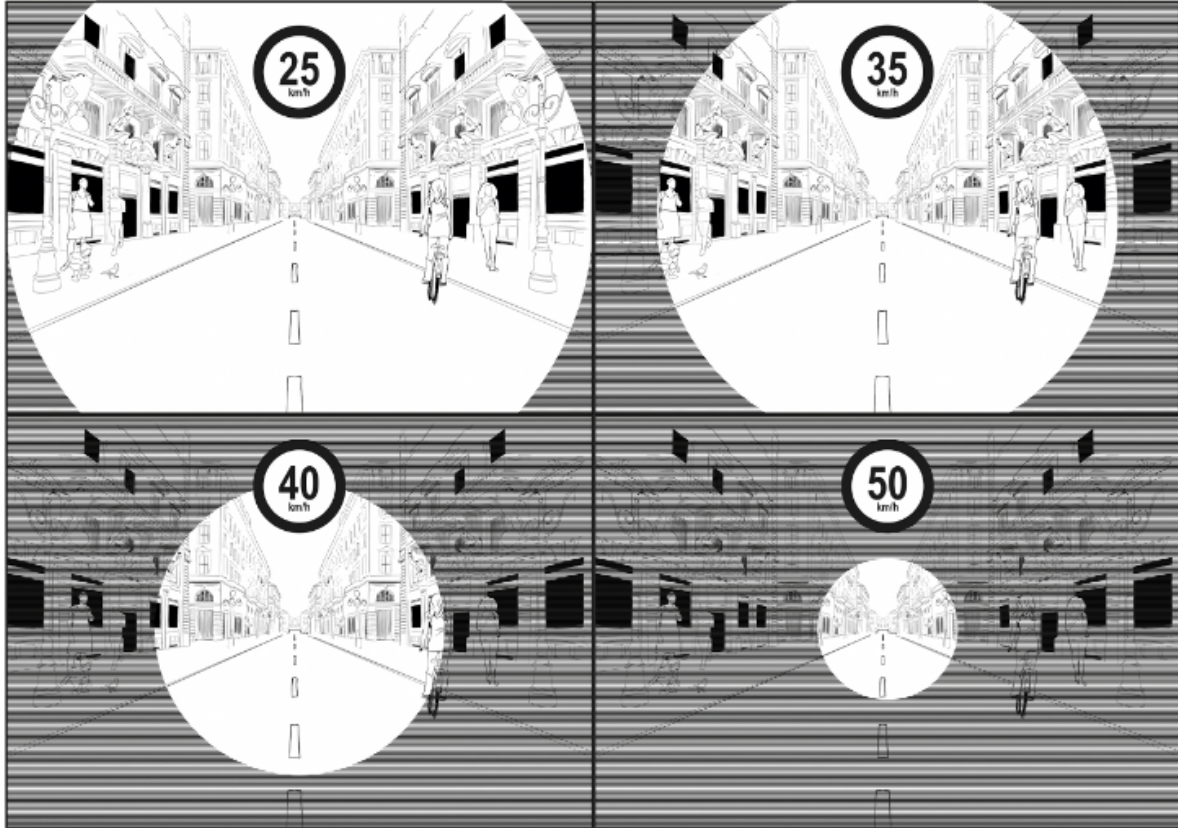
**When it comes to speed, the evidence is clear.**

- **At slower speeds, drivers notice more. They are less likely to hit or nearly hit vulnerable road users.**

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<sup>11</sup> Australian Government. Department of Infrastructure, Regional Development and Cities. 2018. *Scaling up to save lives: Protecting current and future generations*, Fact Sheet, September 2018, [https://roadsafety.gov.au/nrssi/files/NRSS\\_Inquiry\\_Factsheet\\_September\\_2018.pdf](https://roadsafety.gov.au/nrssi/files/NRSS_Inquiry_Factsheet_September_2018.pdf)

<sup>12</sup> Inquiry into the National Road Safety Strategy 2011-20, *op. cit.*, p40.

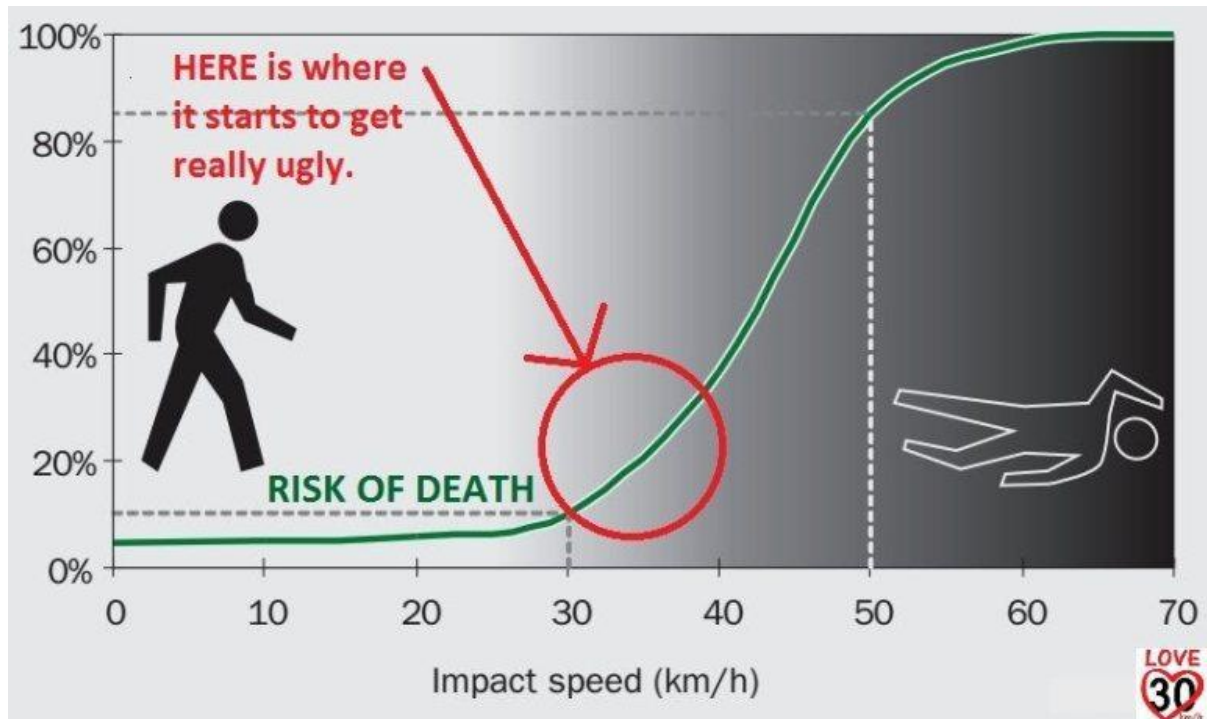


[Cone of Vision at different speeds](#). Credit: Claudio Olivares Medina

- The higher the speed of a motor vehicle hitting a vulnerable road user, the more likely they are to suffer harm, trauma and death.** People die from trauma when the human body is subject to forces beyond which it can tolerate. For healthy, able-bodied adults, this occurs when the impact is above about 20-30km/h. It is less for children, older people and other adults. This evidence is summarised in both the report of the Inquiry into the National Road Safety Scheme<sup>13</sup> and in the ACT Road Safety Action Plan 2016-20<sup>14</sup>. Crashes at lower speeds can still result in people suffering significant trauma:

<sup>13</sup> *ibid.*, p58-59.

<sup>14</sup> Australian Capital Territory. 2016. *Road Safety Action Plan 2016-20*, p43.



- Children are much more likely to walk to school if traffic on the streets they use is slower. This is because **safety - and perceived safety - is a major factor in parents allowing their children to walk to school.** Australia is behind other countries in this regard.
- Separating transport according to speed is vital for safer active transport.

### Personal safety

Concerns about safety are also a major barrier to people travelling by modes other than driving, i.e. being vulnerable road users. It is particularly an issue for women and parents of children.

Research that began with air force pilots indicates that the more frequently and commonly drivers see vulnerable road users the more likely they are to notice them - and therefore drive with care for them. Streets with people walking (and using other active transport), activities and destinations are safer and more social. Helping more people walk improves the safety of walking. Adequate lighting is another key to the safety of vulnerable road users at night. On many streets, lighting is inadequate for walking, cycling or waiting for buses. Crossing roads is particularly dangerous in the dark. Drivers may not see vulnerable road users until their headlights shine on them - and then they may dazzle the vulnerable road user.

**Current legislation:**

- [Road Transport \(Safety and Traffic Management\) Act 1999](#)

§ Speeding and other dangerous driving:

s6: Negligent driving

- (1) A person must not drive a motor vehicle **negligently** on a road or road related area.

**Maximum penalty:**

- (a) if the driving occasions death—200 penalty units, imprisonment for 2 years or both; or
- (b) if the driving occasions grievous bodily harm—100 penalty units, imprisonment for 1 year or both; or
- (c) in any other case—20 penalty units.

§ s7: Aggravated offence - Furious, reckless or dangerous driving

- (1) A person must not drive a motor vehicle **furiously, recklessly, or at a speed or in a way that is dangerous to the public**, on a road or road related area.

**Maximum penalty:**

- (a) for an aggravated offence by a first offender in which a circumstance mentioned in section 7A (1) (a) (i) exists—300 penalty units, imprisonment for 3 years or both; or
- (b) for an aggravated offence by a repeat offender in which a circumstance mentioned in section 7A (1) (a) (i) exists—500 penalty units, imprisonment for 5 years or both; or
- (c) for any other aggravated offence—200 penalty units, imprisonment for 2 years or both; or
- (d) in any other case—100 penalty units, imprisonment for 12 months or both.

§ s7A: Aggravated offence—furious, reckless or dangerous driving

- (1) An offence committed by a person against section 7 (the current offence) is an aggravated offence if—
- (a) any of the following circumstances existed at the time of the current offence:



- (v) the person was driving at a speed that exceeded the speed limit by more than 30%;
- (vi) the person was driving in a way that put at risk the safety of a vulnerable road user;...

or

- (b) the person is a repeat offender.

§ Both ss 6 & 7 also say (amongst other things):

- (2) In deciding whether an offence has been committed against subsection (1), the court must have regard to all the circumstances of the case, including—
  - (a) the nature, condition and use of the road or road related area where the offence is alleged to have been committed; and
  - (b) the amount of traffic on, or that might reasonably be expected to have been on, the road or road related area

§ s8: Menacing driving

- (1) A person must not drive a motor vehicle on a road or road related area in a way that menaces someone else with the intention of menacing the other person.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) A person must not drive a motor vehicle on a road or road related area in a way that menaces someone else if the person ought to have known that the other person might be menaced.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (3) This section applies—
  - (a) whether the other person is menaced by a threat of personal injury or by a threat of damage to property; and
  - (b) whether or not the other person or that property is on a road or road related area.

...

*Note:* Automatic licence disqualification applies to an offence against this section (see [Road Transport \(General\) Act 1999](#), s63).

**Bill proposes to:**

**insert into the Act new s5D (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**...

**Maximum penalty:** 50 penalty units.

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

(3) In this section: *harm*—see the [Criminal Code](#), dictionary.

**Insert into the Regulations the following penalties:**

PU = 50

Fine = \$1600

Demerit points = 3

## PENALTIES

## Current:

	ACT - RT(S&TM) Act 1999			Elsewhere		
	Where?	Max penalty	Court required?	Where?	Penalty	Court required?
Negligent driving	s6	<ul style="list-style-type: none"> <li>- for death: 200 penalty units, 2 yrs prison, or both</li> <li>- for grievous bodily harm: 100 penalty units, 1 yr prison, or both</li> <li>- other: 20 penalty units</li> </ul>	Y			

Furious, reckless or dangerous driving = aggravated offence	s7 (*see 1 <sup>st</sup> para above)  s7A (v) & esp. (vi)	- aggravated + 1 <sup>st</sup> offender: 300 penalty units, 3 yrs prison, or both  - aggravated + Repeat offender: 500 penalty units, 5 yrs prison, or both  - aggravated + Other: 200 penalty units, 2 yrs prison, or both  - Other: 100 penalty units, 1 yr prison, or both	Y			
Menacing driving	s8	- 100 penalty units, 1 yr prison, or both	Y			

**Proposed in (Road Transport (Safety and Traffic Management) Amendment Bill 2021):**

	Where?	Max penalty	Court required?			
Negligent driving—harm to vulnerable road user	<a href="#">Bill</a>  Explanatory Memo	50 penalty units (= \$1600 fine + 3 demerit points)	N – strict liability			

**Comparison with other offences in ACT - RT(S&TM) Act 1999:**

	<b>Where?</b>	<b>Max penalty</b>	<b>Court required?</b>	<b>Comment</b>
Racing, burnouts etc	s5A	20 penalty units		Same as Negligent driving in s6
Failing to stop for police	s5C	- 1st offender: 100 penalty units, 1 yr prison, or both - Repeat offender: 300 penalty units, 3 yrs prison, or both		Similar to aggravated dangerous driving
Sale of traffic offence evasion articles	s9	20 penalty units		Same as Negligent driving in s6
Drive vehicle loaded unsafely	s12	50 penalty units, 6 months prison or both		More than Negligent driving in s6 PU same as Bill but extra prison option
Failure to stop & give help	s16	20 penalty units		Same as Negligent driving in s6
Unauthorised use or removal of traffic control devices	ss19&20	20 penalty units		Same as Negligent driving in s6
Using a road police have closed	s30	20 penalty units		Same as Negligent driving in s6

Regulations can be made for offences against regulations	s33	30 penalty units plus option of cancelling licence  Regs often have fines		More than Negligent driving in s6
Regulations can be made against parking on residential land	s42	20 penalty units per day		Same as Negligent driving in s6