

TASMANIA

**TRAFFIC AMENDMENT (PERSONAL MOBILITY
DEVICES) BILL 2021**

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**TRAFFIC AMENDMENT (PERSONAL MOBILITY
DEVICES) BILL 2021**

*(Brought in by the Minister for Infrastructure and Transport,
the Honourable Michael Darrel Joseph Ferguson)*

A BILL FOR

An Act to amend the *Traffic Act 1925*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Traffic Amendment (Personal Mobility Devices) Act 2021*.

2. Commencement

This Act commences on a day to be proclaimed.

3. Principal Act

In this Act, the *Traffic Act 1925** is referred to as the Principal Act.

*No. 38 of 1925

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4. Section 41B amended (Power of police officer to temporarily confiscate personal mobility devices, wheeled recreational devices and wheeled toys)

Section 41B of the Principal Act is amended as follows:

- (a) by inserting the following definition after the definition of *contravention* in subsection (1):

personal mobility device means a personal mobility device within the meaning of the *Road Rules*;

- (b) by inserting in subsection (2) “personal mobility device,” after “of a”;
- (c) by inserting in subsection (4) “personal mobility device,” after “seizing the”;
- (d) by inserting in subsection (5) “personal mobility device,” after “release the”;
- (e) by inserting in subsection (6) “personal mobility device,” after “If the”;
- (f) by inserting in subsection (7) “personal mobility device,” after “subsection (6), the”.

5. Section 41CA inserted

After section 41C of the Principal Act, the following section is inserted in Part IV:

41CA. Declaration of road for use by personal mobility devices

(1) In this section –

personal mobility device means a personal mobility device within the meaning of the *Road Rules*;

PMD user means a PMD user within the meaning of the *Road Rules*;

road authority has the same meaning as in section 41C;

speed-limited road means a road on which the speed-limit for drivers on that road is not greater than 50 kilometres per hour.

(2) The road authority for a speed-limited road may, by notice published in the *Gazette*, declare that road to be a road on which a PMD user may travel, subject to such terms and conditions as are specified in the notice.

(3) The terms and conditions specified in a notice under subsection (2) must not be inconsistent with a provision of this Act or the *Road Rules*.

(4) Before making a declaration under subsection (2), the road authority is to consider the following in respect of the road:

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- (a) safety;
 - (b) efficiency;
 - (c) use of the road;
 - (d) risk mitigation.
- (5) If a road authority makes a declaration under subsection (2), that road authority is to publish a copy of that declaration on a website of the road authority and is to ensure that a copy of the declaration remains on the website while the declaration remains in force.
- (6) A notice under this section is not a statutory rule for the purposes of the *Rules Publication Act 1953*.

6. Repeal of Act

This Act is repealed on the first anniversary of the day on which it commenced.