

TASMANIA

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

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TRAFFIC AMENDMENT (PERSONAL MOBILITY DEVICES) BILL 2021

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
9 November 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.