

NORTHERN TERRITORY OF AUSTRALIA

TRANSPORT LEGISLATION AMENDMENT REGULATIONS 2019

Subordinate Legislation No. 11 of 2019

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 11 of 2019*

Transport Legislation Amendment Regulations 2019

I, Vicki Susan O'Halloran, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the following Acts:

Commercial Passenger (Road) Transport Act 1991

Marine Act 1981

Motor Vehicles Act 1949

Traffic Act 1987

Dated 11 June 2019

V. S. O'Halloran
Administrator

By Her Honour's Command

N. K. Fyles
Attorney-General and Minister for Justice
acting for
Minister for Infrastructure, Planning and Logistics

* Notified in the *Northern Territory Government Gazette* on 1 July 2019.

Part 1 Preliminary matters**1 Citation**

These Regulations may be cited as the *Transport Legislation Amendment Regulations 2019*.

2 Commencement

These Regulations commence on 1 August 2019.

Part 2 Amendment of Commercial Passenger (Miscellaneous) Regulations 1992**3 Regulations amended**

This Part amends the *Commercial Passenger (Miscellaneous) Regulations 1992*.

4 Schedule 1 amended (Infringement offences and prescribed amounts)

Schedule 1, entry for *Taxis Regulations 1992*, after "16(1) and (2)"

insert

, 20(b)

Part 3 Amendment of Marine (Air-Cushioned Vehicles) Regulations 1994**5 Regulations amended**

This Part amends the *Marine (Air-Cushioned Vehicles) Regulations 1994*.

6 Regulation 22 replaced

Regulation 22

repeal, insert

22 Offences

- (1) A person must not operate an air-cushioned vehicle if the design, construction and operation of the vehicle does not conform to the provisions of these Regulations.

Maximum penalty: 20 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Part 4 Amendment of Marine (General) Regulations 2013**7 Regulations amended**

This Part amends the *Marine (General) Regulations 2013*.

8 Regulation 3 amended (Definitions)

Regulation 3, definition *operator*

omit

all words after "pleasure"

insert

craft or vessel, means:

- (a) the master of the pleasure craft or vessel; or
- (b) if a boating inspector cannot readily ascertain who is the master of the pleasure craft or vessel – the person who, in the opinion of the boating inspector, appears to be in control of the pleasure craft or vessel.

9 Regulation 3A amended (Application of Criminal Code)

Regulation 3A

omit

Part 2 or Part 3A of

10 Regulation 4 amended (Definitions)

Regulation 4, definition *operator*

omit

11 Regulation 10 amended (Powers of boating inspectors)

Regulation 10(1)

omit, insert

- (1) A boating inspector may, at any time, board and inspect a pleasure craft to ascertain whether it complies with the requirements in Part 2, Division 1.

12 Regulations 14 to 18 replaced

Regulations 14 to 18

repeal, insert

14 Diving offences

- (1) A diver operating from a vessel must, at all times while the diver is in the water, ensure that a rigid replica of the International Code of Signals Flag "A" is conspicuously displayed on the vessel to indicate there is a diver in the water.

Maximum penalty: 20 penalty units.

- (2) A diver commits an offence if:
- (a) the diver enters the water from a vessel; and
 - (b) there is not another person on the vessel to keep watch over the diver.

Maximum penalty: 20 penalty units.

- (3) If there is another person on the vessel to keep watch over the diver, that person must keep a proper watch over the diver.

Maximum penalty: 20 penalty units.

- (4) A diver who is not operating from a vessel must, at all times while the diver is in the water, tow a float displaying a rigid replica of the International Code of Signals Flag "A" indicating that a diver is operating in the area.

Maximum penalty: 20 penalty units.

- (5) An offence against subregulation (1), (2), (3) or (4) is an offence of strict liability.
- (6) It is a defence to a prosecution for an offence against subregulation (1), (2), (3) or (4) if the defendant has a reasonable excuse.
- (7) For this regulation, the rigid replica of the International Code of Signals Flag "A" must have the following dimensions:
 - (a) for a flag under subregulation (1) – not less than 100 cm x 100 cm;
 - (b) for a flag under subregulation (4) – not less than 25 cm x 25 cm.
- (8) In this regulation:
 - diver*** means a person who:
 - (a) is using diving equipment underwater; or
 - (b) has used diving equipment underwater and remains in the water after having done so; or
 - (c) has entered the water with the intention of using diving equipment underwater.

diving equipment means breathing apparatus other than a snorkel.

15 Hire-and-drive vessels

- (1) A person commits an offence if:
 - (a) the person hires a vessel that is:
 - (i) less than 5 m in length and capable of travelling at 12 knots under power; or
 - (ii) 5 m or greater in length and capable of travelling at 12 knots whether under power or otherwise; and
 - (b) the person:
 - (i) permits a child who is under the age of 12 years to operate the vessel; or

- (ii) permits a child who is under the age of 16 years to operate the vessel without adult supervision.

Maximum penalty: 50 penalty units.

- (2) Strict liability applies to an offence under subregulation (1).

16 Anchoring

- (1) The master of a vessel commits an offence if, other than in an emergency, the master anchors or permits the vessel to be anchored in a prohibited place.

Maximum penalty: 20 penalty units.

- (2) The master of a vessel commits an offence if, other than in an emergency, the master anchors, or permits the vessel to be anchored in a place or in a manner that obstructs the passage of other vessels.

Maximum penalty: 20 penalty units.

- (3) An offence against subregulation (1) or (2) is an offence of strict liability.
- (4) In this regulation:

prohibited place means the following:

- (a) a shipping channel;
- (b) an area that is near or at the approach to a wharf or a jetty;
- (c) within 100 m of a water ski jump.

17 Closure of Northern Territory waters

- (1) The Minister may, by *Gazette* notice, declare any Northern Territory waters to be closed for a period of not more than 48 hours for the purposes of holding a regatta, competition, carnival or other event.
- (2) The declared waters are closed, for the period of the declaration, to any recreational vessel not entered in the regatta, competition, carnival or event (a ***non-participating vessel***).
- (3) A police officer may prevent a non-participating vessel from entering, or remove it from, the closed waters.

- (4) The master of a non-participating vessel must not operate the vessel in the closed waters.

Maximum penalty: 100 penalty units.

- (5) An offence against subregulation (4) is an offence of strict liability.

18 Restricted areas

- (1) The master of a vessel must not operate the vessel at a speed exceeding 5 knots within 30 m of a person in the water.

Maximum penalty: 10 penalty units.

- (2) The master of a vessel must not operate the vessel at a speed exceeding 5 knots within 150 m of the water's edge at a beach between any of the following points:

(a) Nightcliff Beach – between the northwesterly prolongation of the northeastern boundary of Lot 1842 Town of Nightcliff and the northwesterly prolongation of the northeastern boundary of Banksia Street;

(b) Fannie Bay – between a line 225 degrees true from Dudley Point and a line bearing 288 degrees true from a point at the intersection of the westerly prolongation of the southern boundary of Gregory Street and high water mark;

(c) Mindil Beach – between a line due west from the northwestern corner of Lot 5670 Town of Darwin and a line due north from the most northern corner of Lot 6394 at Myilly Point.

Maximum penalty: 10 penalty units.

- (3) The master of a vessel must not navigate the vessel at a speed exceeding 5 knots through or in a mooring area or within 30 m of a moored vessel.

Maximum penalty: 10 penalty units.

- (4) The master of a vessel must not navigate the vessel at a speed exceeding 5 knots within 100 m of a jetty, wharf or commercial shipping and cargo area.

Maximum penalty: 10 penalty units.

- (5) An offence against subregulation (1), (2), (3) or (4) is an offence of strict liability.

- (6) The master of a vessel commits an offence if:
- (a) the master intentionally navigates a vessel; and
 - (b) the manner in which the master navigates the vessel causes wash that endangers the safety of a person, boat or structure and the master is reckless in relation to that result.

Maximum penalty: 10 penalty units.

- (7) Subregulations (1) to (6) do not apply to the master of a vessel that is being driven or used by a police officer in the execution of that officer's duty if in the circumstances the officer is:
- (a) taking reasonable care; and
 - (b) it is reasonable that the provision should not apply.

13 Regulation 19 amended (Definitions)

Regulation 19, definition **vessel**, paragraph (b)

omit

pleasure craft

insert

recreational vessel

14 Regulations 26 and 27 replaced

Regulations 26 and 27

repeal, insert

26 Stowage plan for dangerous goods

- (1) The owner of a vessel carrying dangerous goods must ensure that a stowage plan setting out the following is kept on board the vessel:
- (a) the class and description (including the correct technical name) of any dangerous goods carried on the vessel;
 - (b) the location in the vessel of each class of dangerous goods carried on the vessel.

Maximum penalty: 50 penalty units.

- (2) The master of a vessel carrying dangerous goods must ensure that a stowage plan setting out the following is kept on board the vessel:
- (a) the class and description (including the correct technical name) of any dangerous goods carried on the vessel;
 - (b) the location in the vessel of each class of dangerous goods carried on the vessel.

Maximum penalty: 50 penalty units.

- (3) An offence against subregulation (1) or (2) is an offence of strict liability.
- (4) It is a defence to a prosecution for an offence against subregulation (1) or (2) if the defendant has a reasonable excuse.
- (5) If a person other than the owner of a vessel is chartering the vessel or is otherwise the operator of the vessel under an agreement with the owner, that other person is taken to be the owner for subregulation (1).

27 Marking of mass on heavy packages

- (1) The owner of a vessel must ensure that the gross mass of a package or object that is more than 1 t in gross mass is clearly and durably marked on the package or object before the package or object is loaded onto the vessel.

Maximum penalty: 50 penalty units.

- (2) The master of a vessel must ensure that the gross mass of a package or object that is more than 1 t in gross mass is clearly and durably marked on the package or object before the package or object is loaded onto the vessel.

Maximum penalty: 50 penalty units.

- (3) An offence against subregulation (1) or (2) is an offence of strict liability.
- (4) It is a defence to a prosecution for an offence against subregulation (1) or (2) if the defendant proves that the defendant took all reasonable steps to ensure the object was marked in accordance with subregulation (1) or (2).

- (5) If a person other than the owner of a vessel is chartering the vessel or is otherwise the operator of the vessel under an agreement with the owner, that other person is taken to be the owner for subregulation (1).

Note for regulation 27

The defendant has an evidential burden in relation to the matters in subregulation (4) (see section 43BU of the Criminal Code).

Part 5 Amendment of Marine (Passenger) Regulations 1982

15 Regulations amended

This Part amends the *Marine (Passenger) Regulations 1982*.

16 Regulation 7 replaced

Regulation 7

repeal, insert

7 Restriction on carriage of passengers

- (1) The Director may, by written notice, determine that the maximum number of passengers that may be carried on a particular vessel for a particular voyage is fewer than the maximum number endorsed on the vessel's certificate of survey.
- (2) For subregulation (1), the Director must have regard to:
- (a) the nature, destination and anticipated course of the particular voyage; and
 - (b) the weather conditions expected to be experienced during the voyage; and
 - (c) the cargo to be carried on the vessel for the voyage.
- (3) The owner of a vessel must ensure compliance with a determination made under subregulation (1).

Maximum penalty: 100 penalty units.

- (4) The master of a vessel must ensure compliance with a determination made under subregulation (1).

Maximum penalty: 100 penalty units.

- (5) An offence against subregulation (3) or (4) is an offence of strict liability.
- (6) If a person other than the owner of a vessel is chartering the vessel or is otherwise the operator of the vessel under an agreement with the owner, that other person is taken to be the owner for subregulation (3).

17 Regulations 8 and 9 replaced

Regulations 8 and 9

repeal, insert

9 Offences by passengers

- (1) A person commits an offence if:
 - (a) the person has been refused admission to a vessel by one of the following persons:
 - (i) the owner of the vessel;
 - (ii) the master of the vessel;
 - (iii) a person authorised by the master of the vessel;
 - (iv) a shipping inspector; and
 - (b) the person attempts to board the vessel.

Maximum penalty: 50 penalty units.

- (2) A passenger on a vessel commits an offence if:
 - (a) the passenger has been required by the master of the vessel, or a person authorised by the master, to leave the vessel, at a place where the passenger can conveniently do so, because the passenger has behaved in a disorderly manner; and
 - (b) the passenger fails to leave the vessel.

Maximum penalty: 50 penalty units.

- (3) A passenger commits an offence if, after being warned by the master of a vessel or a person authorised by the master not to harass a person on the vessel, the passenger harasses a person on the vessel.

Maximum penalty: 50 penalty units.

- (4) A passenger commits an offence if:
- (a) the passenger has been required to leave the vessel, because there is insufficient room on the vessel, by any of the following persons:
 - (i) the owner of the vessel;
 - (ii) the master of the vessel;
 - (iii) a person authorised by the master of the vessel;
 - (iv) a shipping inspector; and
 - (b) the passenger fails to leave the vessel.

Maximum penalty: 50 penalty units.

- (5) A passenger commits an offence if:
- (a) the master of a vessel prohibits an area of the vessel for use by passengers; and
 - (b) the passenger enters the prohibited area; and
 - (c) the passenger is given a direction by the master or someone authorised by the master to leave the prohibited area without delay; and
 - (d) the passenger does not comply with the direction.

Maximum penalty: 50 penalty units.

- (6) An offence against any of subregulations (1) to (5) is an offence of strict liability.
- (7) It is a defence to a prosecution for an offence against subregulations (1) to (5) if the defendant has a reasonable excuse.

Part 6 Amendment of Motor Vehicles Regulations 1977

18 Regulations amended

This Part amends the *Motor Vehicles Regulations 1977*.

19 Regulation 4C amended (Classification of licences)

- (1) Regulation 4C, Table, classification C, "Type of Vehicle", paragraph (a)

omit, insert

- (a) that has a gross vehicle mass not greater than 4.5 t; or

- (2) Regulation 4C, Table, classification LR

omit, insert

LR

A motor vehicle that has a gross vehicle mass greater than 4.5 t but not greater than 8 t

- (3) After regulation 4C(13)

insert

- (14) Despite subregulation (13), a person who is issued a learner licence under section 9 of the Act after the commencement of this subregulation is not licensed to drive a moped.

Part 7 Amendment of Special Function Vehicle Regulations 2003

20 Regulations amended

This Part amends the *Special Function Vehicle Regulations 2003*.

21 Regulation 16 amended (Annual licence fee)

Regulation 16

omit

\$550

insert

\$300

Part 8 Amendment of Traffic Regulations 1999

Division 1 Amendment of Traffic Regulations 1999

22 Regulations amended

This Division amends the *Traffic Regulations 1999*.

23 Regulation 3 amended (Interpretation)

(1) Regulation 3(1)

insert

commercial passenger vehicle means a commercial passenger vehicle within the meaning of the *Commercial Passenger (Road) Transport Act 1991*.

(2) Regulation 3(1), definition **Australian Standard**

omit

International Limited (A.C.N. 087 326 690)

insert

Limited ACN 087 326 690

24 Regulation 8 repealed (Helmets for persons on motor cycles)

Regulation 8

repeal

25 Regulation 24 replaced

Regulation 24

repeal, insert

24 Securing of load – general

A person must not drive, or permit a person to drive, a vehicle carrying a load that flaps, sways, extends or overhangs the sides or the front or back of the vehicle unless the load is carried in accordance with a law in force in the Territory prescribing the manner for carrying the load.

Maximum penalty: 20 penalty units.

26 Regulation 77A amended (Speed-limit outside built-up area)

(1) Regulation 77A(2)

omit, insert

(2) However, a speed-limit of 130 kilometres per hour applies to a driver for a length of road in the Territory where that speed is indicated by speed-limit signs for that length of road.

(2) Regulation 77A(3)

omit

, or speed derestriction,

27 Regulation 79 replaced

Regulation 79

repeal, insert

79 Modification of rules 132, 137, 138, 146 and 147: overtaking bicycles

Despite anything in rules 132, 137, 138, 146 or 147, a driver may overtake a bicycle if:

- (a) the driver has a clear view of any approaching traffic; and
- (b) the driver overtakes the bicycle in circumstances where it is safe to do so.

80 Modification of rule 144: keeping a safe distance when overtaking

For rule 144(a), if the vehicle is a bicycle, a sufficient distance is:

- (a) if the maximum speed limit is 60 kilometres per hour or less – at least 1 metre; or
- (b) otherwise – at least 1.5 metres.

81 Modification of rule 151A: lane filtering

A rider of a motor bike must not lane filter under rule 151A unless the rider holds a licence for that motor bike:

- (a) of a classification specified in Part B of the Table to regulation 4C of the *Motor Vehicles Regulations 1977*, other than:
 - (i) a learner licence; or
 - (ii) a licence that is provisional under section 10A of the *Motor Vehicles Act 1949*; or
- (b) of an equivalent interstate or international classification, other than an equivalent interstate or international learner licence or provisional licence.

28 Regulation 81D amended (Making motor vehicle secure)

- (1) Regulation 81D, before "The"
insert
- (1)
- (2) Regulation 81D, at the end
insert
- (2) Rule 213(5)(a) and (6) does not apply in the Territory.

29 Regulation 84A inserted

After regulation 84

insert

84A Modification of rule 238(2): pedestrians travelling along a road

Rule 238(2)(ab) does not apply in the Territory.

30 Regulations 86B and 87 replaced

Regulations 86B and 87

repeal, insert

86B Helmets for persons on motor cycles

- (1) For rule 270(3), definition ***approved motor bike helmet***, a helmet for a person driving or riding on a motor cycle is also of an approved type if it is of a type approved by the Registrar.
- (2) Despite rule 270, the Registrar may, in writing, exempt a child or class of children from the requirement to wear an approved motor bike helmet when riding in a sidecar attached to a motor cycle if the Registrar is satisfied that there is not an approved motor bike helmet suitable for use by the child.
- (3) An exemption under subregulation (2) is subject to any conditions specified in the exemption.
- (4) A person must not drive or ride a motor cycle with a child who is the subject of an exemption under subregulation (2) in a sidecar attached to the motor cycle unless the conditions referred to in subregulation (3) are complied with.

87 Exemptions for postal workers

For rule 313, the driver of a postal vehicle is exempted from the provisions of the *Australian Road Rules* specified in rule 313(2).

31 Regulation 88 amended (Minimum penalty under section 34 of Act)

Regulation 88(1)(a)(i), after "heavy vehicle"

insert

or a commercial passenger vehicle

32 Regulation 91 amended (Speed of vehicle)

Regulation 91, note

omit

all words from "*including*" to "*driver*"

33 Schedule 1 amended (Traffic infringement notice offences)

- (1) Schedule 1, item 20, column 1
omit
 all words from "contrary" to "24A"
- (2) Schedule 1, item 20, column 2, after "24A(1)"
insert
 , ARR 292A(1)
- (3) Schedule 1, item 23
omit
- | | | |
|---|-----|---|
| Drive while using mobile phone TR 15A
(learner or provisional driver) | 250 | 3 |
| Drive while using hand held mobile phone ARR 300 | 250 | 3 |
| <i>insert</i> | | |
| Drive while using mobile phone TR 15A
(learner or provisional driver) | 500 | 3 |
| Drive while using hand held mobile phone ARR 300 | 500 | 3 |
| Drive while image on television or visual display unit screen visible to driver ARR 299(1)(a) | 500 | 3 |
| Drive while image on television or visual display unit screen likely to distract another driver ARR 299(1)(b) | 500 | 3 |
- (4) Schedule 1, item 25, after "heavy vehicle" (*all references*)
insert
 or a commercial passenger vehicle
- (5) Schedule 1, item 25, after "33(1)(a)" (*all references*)
insert
 , 33(4)

Division 2 Amendment of Schedule 3 to Traffic Regulations 1999 – Australian Road Rules

34 Rules amended

This Division amends Schedule 3 to the *Traffic Regulations 1999* – Australian Road Rules.

35 Schedule 3, note inserted

After Schedule 3, heading

insert

Note

The Australian Road Rules set out in this Schedule are not completely self-contained. The Australian Road Rules need to be read in conjunction with Part 6, Division 2 of these Regulations and with other laws of the Territory.

36 Rule 3 replaced

Rule 3

repeal, insert

3 Objects of the Australian Road Rules

The objects of the *Australian Road Rules* are to:

- (a) provide uniform rules across Australia for all road users; and
- (b) specify behaviour for all road users that supports the safe and efficient use of roads in Australia.

37 Rule 9 amended (Reader's Guide)

Rule 9, at the end

insert

Note

The Reader's Guide has not been included in this Schedule because it is not used in the Territory.

38 Rule 25 amended (Speed-limit elsewhere)

(1) Rule 25(2), note

omit, insert

Notes

1 *The application of this subrule is modified by regulation 77 of the Traffic Regulations 1999.*

2 **Built-up area** is defined in the dictionary.

(2) Rule 25(3), after note 3

insert

4 *The application of this subrule is modified by regulation 77A of the Traffic Regulations 1999.*

39 Rule 44 replaced

Rule 44

repeal, insert

44 Division does not apply to entering or leaving a roundabout or lane filtering

This Division does not apply to:

- (a) a driver entering, in or leaving a roundabout; or
- (b) the rider of a motorbike while lane filtering in accordance with rule 151A.

Notes

1 *Part 9 deals with giving change of direction signals when entering or leaving a roundabout.*

2 **Lane filtering** is defined in rule 151A.

40 Rule 45 amended (What is changing direction)

(1) Rule 45(2)(e)

omit, insert

- (e) moving to the left to, or from, a stationary position;

(2) Rule 45(3)(e)

omit, insert

(e) moving to the right to, or from, a stationary position;

41 Rules 49 amended (How to give a right change of direction signal)

Rule 49, note

omit, insert

Notes

1 *The application of this rule is modified by regulation 78 of the Traffic Regulations 1999.*

2 **Mechanical signalling device** is defined in the dictionary.

42 Rule 54 amended (How to give a stop signal)

Rule 54, note

omit, insert

Notes

1 *The application of this rule is modified by regulation 78 of the Traffic Regulations 1999*

2 **Mechanical signalling device** is defined in the dictionary.

43 Rule 56 amended (Stopping for a red traffic light or arrow)

Rule 56(2)

omit

traffic light

insert

traffic arrow

44 Rule 65 amended (Giving way at a marked foot crossing (except at an intersection) with a flashing yellow traffic light)

(1) Rule 65(2)(a)

omit, insert

(a) give way to any pedestrian on or entering the crossing; and

(2) Rule 65(2)(c)

omit

crossing.

insert

crossing; and

(3) After rule 65(2)(c)

insert

(d) give way to any bicycle rider on or entering the crossing.

(4) Rule 65(3), after "pedestrian"

insert

or bicycle rider

45 Part 7 note amended

Part 7, note 1

omit

rule 164

insert

rules 163, 164 and 164A

46 Rule 70 amended (Giving way at a give way sign at a bridge or length of narrow road)

Rule 70, after "on"

insert

, or approaching,

47 Rule 72 amended (Giving way at an intersection (except a T-intersection or roundabout))

(1) Rule 72(4)(b), after "on"

insert

or entering

(2) After rule 72(4)

insert

(4A) Subrule (4)(b) does not apply if another law of this jurisdiction does not require a driver who is turning left using a slip lane to give way to a pedestrian on or entering a slip lane.

48 Rule 73 amended (Giving way at a T-intersection)

(1) Rule 73(5)(b), after "on"

insert

or entering

(2) After rule 73(5)

insert

(5A) Subrule (5)(b) does not apply if another law of this jurisdiction does not require a driver who is turning from a continuing road into a terminating road using a slip lane to give way to a pedestrian on or entering a slip lane.

49 Rule 77 amended (Giving way to buses)

Rule 77, at the end

insert

Note

The application of this rule is modified by regulation 78AA of the Traffic Regulations 1999.

50 Rule 79 amended (Giving way to police and emergency vehicles)

Rule 79(2), after "other rule"

insert

of the *Australian Road Rules*

51 Rule 80 amended (Stopping at a children's crossing)

Rule 80(2)(b), (3) and (4) after "pedestrian" (*all references*)

insert

or bicycle rider

52 Rule 81 amended (Giving way at a pedestrian crossing)

Rule 81(2)

omit

on

insert

or bicycle rider on or entering

53 Rule 82 amended (Overtaking or passing a vehicle at a children's crossing or pedestrian crossing)

Rule 82, after "pedestrian at"

insert

or bicycle rider on or entering

54 Rule 98 amended (One-way signs)

(1) Rule 98(3)(a) and (b)

omit

footpath, nature strip

insert

bicycle path, footpath, nature strip, separated footpath

(2) Rule 98(3), note

omit

dictionary and

insert

*dictionary, **bicycle path**, and **separated footpath** are defined in rule 239, and*

- (3) Rule 98, at the end

insert

Note

The application of this rule is modified by regulation 78A of the Traffic Regulations 1999.

55 Rule 99 amended (Keep left and keep right signs)

- (1) Rule 99(3)(a) and (b)

omit

footpath, nature strip

insert

bicycle path, footpath, nature strip, separated footpath

- (2) Rule 99(3), note

omit

dictionary and

insert

*dictionary, **bicycle path** and **separated footpath** are defined in rule 239, and*

56 Rule 115 amended

- (1) Rule 115, heading

omit

to the left of the central traffic island

- (2) Rule 115(1)(c)

omit, insert

(c) if subrule (3) applies to the driver – over the central traffic island, as near as practicable to the left of the centre of the central traffic island.

- (3) Rule 115(3)(b)

omit

it.

insert

it; and

- (4) After rule 115(3)(b)

insert

(c) the driver can safely drive over the central traffic island.

57 Rule 120 amended (What is a level crossing)

After rule 120(1)

insert

- (1A) A reference to a level crossing in this rule includes a reference to any area adjacent to the crossing that is denoted by painted cross-hatched road markings.

58 Rule 127 amended (Keeping a minimum distance between long vehicles)

- (1) Rule 127(2), definitions ***required minimum distance*** and ***road train area***

omit

- (2) Rule 127(2)

insert

required minimum distance means:

- (a) for a road train that is behind a long vehicle – 200 metres or, if another law of this jurisdiction specifies a different distance, that distance; or
- (b) for a long vehicle other than a road train that is behind a long vehicle – 60 metres or, if another law of this jurisdiction specifies a different distance, that distance.

59 Rule 128A amended (Entering blocked crossings)

- (1) Rule 128A, before "A"

insert

- (1)

(2) Rule 128A

omit

of

(3) Rule 128A, at the end

insert

(2) Despite subrule (1), a driver may enter a children's crossing or a pedestrian crossing if:

(a) the crossing is immediately before an intersection that does not have traffic lights; and

(b) the crossing is not blocked; and

(c) before entering the crossing, the driver gives way to any pedestrian on the crossing.

(3) Subrule (2) applies despite anything to the contrary in rule 171 or 172.

(4) However, subrule (3) is not intended to permit a driver to park a vehicle contrary to rule 171 or 172.

60 Rule 132 amended (Keeping to the left of the centre of a road or the dividing line)

Rule 132, at the end

insert

Note

The application of this rule is modified by regulation 79 of the Traffic Regulations 1999.

61 Rule 134 amended (Exceptions to keeping to the left of a dividing line)

(1) Rule 134(2) and (3), after "continuous dividing line,"

insert

or 2 parallel broken dividing lines,

(2) Rule 134(3)(b)

omit

lane).

insert

lane); or

(3) Rule 134(3), note

omit, insert

- (c) to park in angle parking on the opposite side of the road provided that the driver does not need to perform a U-turn to reach the parking area.

Notes

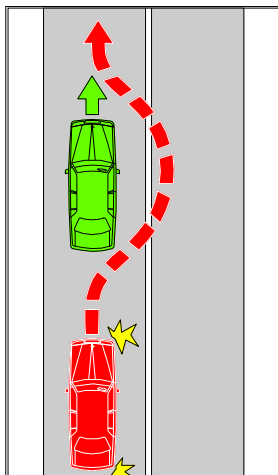
- 1 **Angle parking, overtake, parking area and U-turn** are defined in the dictionary.
- 2 **Emergency stopping lane** is defined in rule 95, and **service road** is defined in the dictionary.

(4) Rule 134, examples, at the end

insert

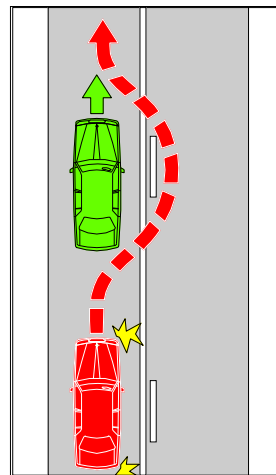
Example 3

Driving to the right of the centre of the road not permitted – overtaking on a road with a single continuous dividing line only



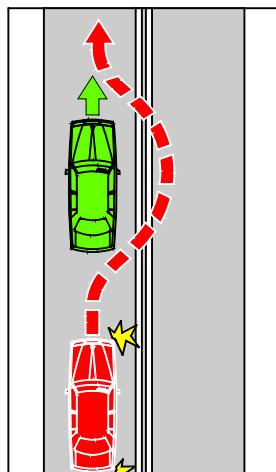
Example 4

Driving to the right of the centre of the road not permitted – overtaking on a road with a single continuous dividing line to the left of a broken dividing line



Example 5

Driving to the right of the centre of the road not permitted – overtaking on a road with 2 parallel continuous dividing lines



62 Rule 137 amended (Keeping off a dividing strip)

- (1) After rule 137(2)

insert

- (2A) For the purposes of subrule (2), a dividing strip is to be treated as being at the same level as the road even if it contains one or more raised pavement bars or markers.

- (2) Rule 137, at the end

insert

- 3 *The application of this rule is modified by regulation 79 of the Traffic Regulations 1999.*

63 Rule 138 amended (Keeping off a painted island)

- (1) Rule 138(1), after note 2

insert

- 3 *Subrule (3) excludes certain painted islands from the application of paragraph (a).*

(2) Rule 138(2)(b)

omit

island.

insert

island; or

(3) After rule 138(2)(b)

insert

(c) to enter a part of the road of one kind from a part of the road of another kind (for example, moving to or from a service road or emergency stopping lane); or

(d) to park in angle parking on the opposite side of the road provided that the driver does not need to perform a U-turn to reach the parking area.

(4) Rule 138(2)(b), note 1

omit, insert

1 Angle parking, parking area, service road, turning lane and U-turn are defined in the dictionary and emergency stopping lane is defined in rule 95.

(5) Rule 138(2)(b), note 3

omit

(6) Rule 138(3)(b), after examples 1 and 2

insert

In these examples, vehicle B is contravening the rule.

Note

The application of this rule is modified by regulation 79 of the Traffic Regulations 1999.

64 Rule 141 amended (No overtaking etc. to the left of a vehicle)

(1) Rule 141(1)(c)

omit

vehicle.

insert

vehicle; or

- (2) After rule 141(1)(c)

insert

(d) the driver is lane filtering in accordance with rule 151A.

Note

Lane filtering is defined in rule 151A.

- (3) After rule 141(1)

insert

- (1A) Subrule (1)(d) does not apply if another law of this jurisdiction does not permit a driver to lane filter.

65 Rule 144 amended (Keeping a safe distance when overtaking)

Rule 144, note

omit, insert

Notes

1 **Marked lane** and **overtake** are defined in the dictionary.

2 The application of this rule is modified by regulation 80 of the Traffic Regulations 1999.

66 Rule 146 amended (Driving within a single marked lane or line of traffic)

- (1) After rule 146(1)(e)

insert

(ea) lane filtering in accordance with rule 151A; or

- (2) Rule 146 (1), notes, after "dictionary"

insert

, **lane filtering** is defined in rule 151A

(3) Rule 146(2)(e)

omit

obstruction.

insert

obstruction; or

(4) After rule 146(2)(e)

insert

(f) the driver is lane filtering in accordance with rule 151A.

(5) Rule 146, at the end

omit, insert

Notes

1 **Lane filtering** is defined in rule 151A.

2 The application of this rule is modified by regulation 79 of the Traffic Regulations 1999.

3 The application of this rule is modified by regulation 79 of the Traffic Regulations 1999.

67 Rule 147 amended (Moving from one marked lane to another marked lane across a continuous line separating the lanes)

(1) Rule 147, before "A"

insert

(1)

(2) Rule 147(d)

omit

lane.

insert

lane; or

- (3) After rule 147(d)
- insert*
- (e) either of the marked lanes is a special purpose lane during specified times only and the driver:
- (i) is moving to or from that lane outside of the times during which it is a special purpose lane; and
 - (ii) is permitted to drive in that lane outside of the times during which it is a special purpose lane under the *Australian Road Rules*; or
- (f) the driver is lane filtering in accordance with rule 151A.
- (4) Rule 147, note 1, after "dictionary"
- insert*
- and lane filtering is defined in rule 151A*
- (5) Rule 147, at the end
- insert*
- (2) Subrule (1)(f) does not apply if another law of this jurisdiction does not permit a driver to lane filter.
- Note*
- The application of this rule is modified by regulation 79 of the Traffic Regulations 1999.*

68 Rule 151A inserted

After rule 151, in Part 11, Division 4

insert

151A Lane filtering between vehicles on a motor bike

- (1) A rider of a motor bike is **lane filtering** along a length of road if the rider rides the motor bike between 2 vehicles, each vehicle travelling in:
- (a) the same direction as the motor bike; and
 - (b) separate, but adjacent, marked lanes or lines of traffic.

- (2) The rider of a motor bike must not unlawfully lane filter along a length of road.

Offence provision.

- (3) For subrule (2), it is unlawful for a rider to lane filter along a length of road if any of the following circumstances apply:

- (a) the rider is edge filtering;
- (b) the rider is riding at a speed of more than 30km/h;
- (c) the rider is riding in a school zone (unless the rider is permitted to lane filter in a school zone under another law of this jurisdiction);
- (d) a no filtering sign applies to the length of road;
- (e) it is not safe to lane filter.

- (4) Subrule (3)(a) does not apply if another law of this jurisdiction allows a rider to edge filter.

- (5) A no filtering sign on a road applies to a length of road starting at the sign and ending at the nearer of the following:

- (a) if the length of road ends at a T-intersection or dead end – the end of the length of road;
- (b) the next end no filtering sign that is on the road.

- (6) For this rule, a rider of a motor bike is **edge filtering** along a length of road if:

- (a) the rider changes direction towards the edge of the road to pass one or more vehicles on the road; or
- (b) the rider changes direction towards the edge of the road to pass between 2 vehicles, one of which is stationary.

- (7) In this rule:

end no filtering sign means a traffic sign:

- (a) with a symbol displaying a motor bike positioned between 2 vehicles with a black diagonal line across the symbol; and
- (b) with a symbol positioned below the symbol mentioned in paragraph (a) displaying the word "END" in black letters.

no filtering sign means:

- (a) a traffic sign with a symbol displaying a motor bike positioned between 2 vehicles with a red diagonal line across the symbol; or
- (b) a traffic sign displaying the words "no filtering".

Note

The application of this rule is modified by regulation 80A of the Traffic Regulations 1999.

69 Rule 153 amended (Bicycle lanes)

- (1) Rule 153(4)(a), after "the lane"

insert

, or a road marking comprising both a white bicycle symbol and the word "lane" painted in white

- (2) Rule 153(4)(b)(i), after "the lane"

insert

, or a road marking comprising both a white bicycle symbol and the words "end lane" painted in white

70 Rule 155 amended (Tram lanes)

Rule 155, note for diagrams

omit

71 Rule 155A amended (Tramways)

Rule 155A, tramway sign and end tramway sign

omit, insert

Tramway sign



End tramway sign



72 Rule 163 amended (Driving past the rear of a stopped tram at a tram stop)

(1) Rule 163(1)(c)

omit

driving.

insert

driving; and

(2) After rule 163(1)(c)

insert

(d) there is no other law of this jurisdiction (other than subrule (5)) that permits the driver to pass the tram without stopping.

(3) Rule 163(3)(a)

omit, insert

(a) one or more of the doors on the side of the tram closest to the driver are open or opening; or

(4) Rule 163(5), after "person"

insert

or a police officer

(5) Rule 163(5), at the end

insert

Note

Authorised person and police officer are defined in the dictionary.

73 Rule 164 amended (Stopping beside a stopped tram at a tram stop)

(1) Rule 164(1)(c)

omit

driving.

insert

driving; and

- (2) After rule 164(1)(c)

insert

(d) there is no other law of this jurisdiction (other than subrule (5)) that permits the driver to pass the tram without stopping.

- (3) Rule 164(3)(a)

omit, insert

(a) one or more of the doors on the side of the tram closest to the driver are open or opening; or

- (4) Rule 164(5), after "person"

insert

or a police officer

- (5) Rule 164(5), at the end

insert

Note

Authorised person and police officer are defined in the dictionary.

74 Rule 164A inserted

After rule 164, in Part 11, Division 7

insert

164A Staying stopped if a tram comes from behind a stopped driver and stops

- (1) A driver must comply with this rule if:
- (a) the driver is stopped beside a tram stop; and
 - (b) a tram stops at the tram stop, except at the far left side of the road; and
 - (c) there is no safety zone, dividing strip or traffic island between the tram and the part of the road where the driver is driving; and

- (d) there is no other law of this jurisdiction (other than subrule (4)) that permits the driver to proceed past the tram.

Offence provision.

Note

Dividing strip, traffic island and tram stop are defined in the dictionary. ***Safety zone*** is defined in rule 162.

- (2) The driver must not proceed if:
- (a) one or more of the doors on the side of the tram closest to the driver are open or opening; or
 - (b) a pedestrian is entering or crossing the road between the tram tracks and the far left side of the road.
- (3) If the tram remains at the tram stop and subrules (2)(a) and (b) do not apply, the driver must not proceed past the tram at a speed greater than 10 kilometres per hour.
- (4) However, subrules (2) and (3) do not apply if the driver is directed to proceed past the tram by an authorised person or a police officer.

Note

Authorised person and police officer are defined in the dictionary.

- (5) In this rule:

tram includes a bus travelling along tram tracks.

75 Rule 179 amended (Stopping in a loading zone)

Rule 179, at the end

insert

Note

The application of this rule is modified by regulation 81A of the Traffic Regulations 1999.

76 Rule 189 amended (Double parking)

(1) Rule 189(1)

omit, insert

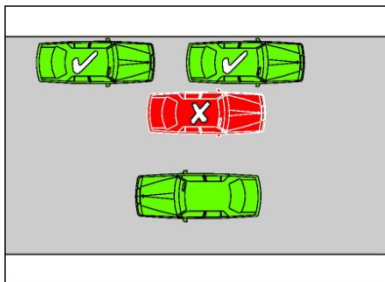
- (1) A driver must not stop on a road if to do so would put any part of the vehicle that the driver is driving between a vehicle that is parked on the road and the centre of the road.

Offence provision.

Examples

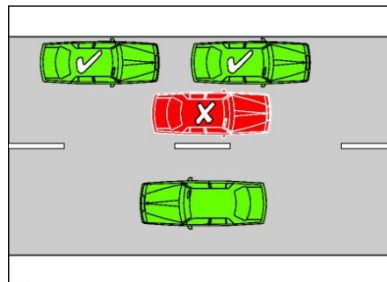
Example 1

Double parked on a two-way road without a dividing line



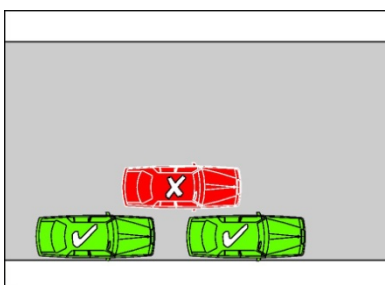
Example 2

Double parked on a two-way road with a dividing line



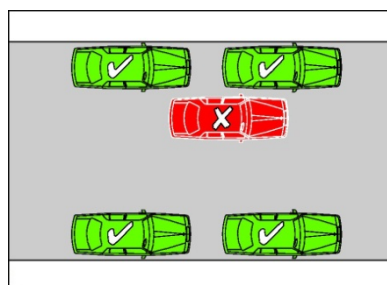
Example 3

Double parked on the right side of a one-way road with no vehicles parked on the left side of the road



Example 4

Double parked on the left side of a one-way road with other vehicles lawfully parked on the right side of the road



In the examples, the vehicle marked with an "X" is stopped in contravention of this rule.

Note

One-way road and **two-way road** are defined in the dictionary.

(2) Rule 189(2), examples

omit

Examples

insert

Example

- (3) Rule 189(2), example 1

omit

- (4) Rule 189(2), example 2

omit

Example 2

- (5) Rule 189(2), examples

omit, insert

In the example, the vehicle marked with an "X" is stopped in contravention of this rule.

77 Rule 197 amended

- (1) Rule 197, heading

omit

nature strip or painted island

insert

nature strip, painted island or traffic island

- (2) After rule 197(1A)

insert

- (1B) A driver must not stop on a traffic island.

Offence provision.

Note

Traffic island is defined in the dictionary.

- (3) Rule 197(2)

omit

Subrule (1) does

insert

Subrules (1) and (1B) do

78 Rule 200 amended (Stopping on roads – heavy and long vehicles)

(1) Rule 200(1), note

omit, insert

Note

Built-up area and **heavy vehicle** are defined in the dictionary. **Shoulder** is defined in rule 12.

(2) Rule 200(3), definition **heavy vehicle**

omit

79 Rule 206 amended (Time extension for people with disabilities)

Rule 206(2)

omit, insert

(2) The driver may park continuously on a length of road, or in an area, to which a *permissive parking sign* applies (except in a parking area for people with disabilities) for the longest of the following periods that applies to the driver's circumstances:

(a) if the time limit on the sign:

(i) is less than 30 minutes, 30 minutes; or

(ii) is 30 minutes or more but 1 hour or less, 2 hours; or

(iii) is more than 1 hour, twice the period indicated on the sign; or

(b) if another law of this jurisdiction permits the driver to park for a longer period – the longer period;

(c) if another law of this jurisdiction permits the driver to park for an unlimited period – an unlimited period.

Note

Parking area for people with disabilities is defined in rule 203.

80 Rule 213 amended (Making motor vehicle secure)

Rule 213(5)

omit, insert

- (5) If the driver will be over 3 metres from the closest part of the vehicle and there is no-one left in the vehicle, the driver must:
- (a) if the windows of the vehicle can be secured – secure the windows immediately before leaving the vehicle; and
 - (b) if the doors of the vehicle can be locked – lock the doors immediately after leaving the vehicle.

Offence provision.

Note

Window is defined in the dictionary.

- (6) For the purposes of subrule (5), a window is secure even if it is open by up to 2 centimetres.

Note

The application of this rule is modified by regulation 81D of the Traffic Regulations 1999.

81 Rule 215 amended (Using lights when driving at night or in hazardous weather conditions)

Rule 215, at the end

insert

Note

The application of this rule is modified by regulation 82 of the Traffic Regulations 1999.

82 Rule 221 amended (Using hazard warning lights)

Rule 221, at the end

insert

Note

The application of this rule is modified by regulation 83(1) of the Traffic Regulations 1999.

83 Rule 222 amended (Using warning lights on buses carrying children)

Rule 222, at the end

insert

Note

The application of this rule is modified by regulation 83(2) of the Traffic Regulations 1999.

84 Rule 226 amended (Heavy vehicles to be equipped with portable warning triangles)

Rule 226, note

omit, insert

Note

1 **Authorised person** and **police officer** are defined in the dictionary.

2 *The application of this rule is modified by regulation 84 of the Traffic Regulations 1999.*

85 Rule 227 amended (Using portable warning triangles)

Rule 227(2) to (5)

omit, insert

- (2) If the driver stops on a road, or if some or all of any load being carried by the vehicle falls on to a road, at a place where the speed limit is 80 kilometres per hour or more and the vehicle is not visible at any time for at least 300 metres in all directions from that place, the driver must use at least 3 portable warning triangles, placed in accordance with subrule (4), to warn other road users of the vehicle or load.

Offence provision.

Notes

1 **Portable warning triangle** is defined in the dictionary, **road** is defined in subrule (7) and **road user** is defined in rule 14.

2 *See rule 220 for the requirement to operate certain lights on vehicles that are stopped.*

- (3) If the driver stops on a road, or if some or all of any load being carried by the vehicle falls on to a road, at a place where the speed limit is less than 80 kilometres per hour and the vehicle is not visible at any time for at least 200 metres in all directions from that place,

the driver must use at least 3 portable warning triangles, placed in accordance with subrule (5), to warn other road users of the vehicle or load.

Offence provision.

Note

See rule 220 for the requirement to operate certain lights on vehicles that are stopped.

- (4) For the purposes of subrule (2), the driver must:
- (a) place 1 triangle at least 200 metres, but not over 250 metres, behind the vehicle or fallen load; and
 - (b) if the vehicle or fallen load is on a one-way or divided road, place 1 triangle between the triangle required by paragraph (a) and the vehicle or fallen load; and
 - (c) if the vehicle or fallen load is not on a one-way or divided road, place 1 triangle at least 200 metres, but not over 250 metres, in front of the vehicle or fallen load; and
 - (d) place 1 triangle at the side of the vehicle, or fallen load, in a position that gives sufficient warning to other road users of the position of the vehicle or fallen load.

Note

One-way road is defined in the dictionary and **divided road** is defined in subrule (7).

- (5) For the purposes of subrule (3), the driver must:
- (a) place 1 triangle at least 50 metres, but not over 150 metres, behind the vehicle or fallen load; and
 - (b) if the vehicle or fallen load is on a one-way or divided road – place 1 triangle between the triangle required by paragraph (a) and the vehicle or fallen load; and
 - (c) if the vehicle or fallen load is not on a one-way or divided road – place 1 triangle at least 50 metres, but not over 150 metres, in front of the vehicle or fallen load; and
 - (d) place 1 triangle at the side of the vehicle, or fallen load, in a position that gives sufficient warning to other road users of the position of the vehicle or fallen load.

(6) A reference to "the vehicle or fallen load" in subrules (4) and (5) is to be read as a reference to "the vehicle or fallen load, as the case may be".

(7) In this rule:

divided road means any length of a two-way road that has a median strip that is a structure.

road does not include a road-related area, but includes any shoulder of the road.

Notes

1 **Two-way road** and **median strip** are defined in the dictionary, **road-related area** is defined in rule 13, and **shoulder** is defined in rule 12.

2 Although the presence of a median strip is necessary to establish that a road is a divided road, for the purposes of this rule the median strip is not part of the road (as it is a road-related area).

Note

The application of this rule is modified by regulation 84 of the Traffic Regulations 1999.

86 Rule 232 amended (Crossing a road at traffic lights)

(1) Rule 232(3)(b)

omit

nearest

insert

far

(2) Rule 232(3) and (4)

omit

Offence provision

(3) After rule 232(3)

insert

(3A) Despite subrule (3), in the circumstances set out in that subrule the pedestrian may instead return to the side of the road, or to the safety area, that the pedestrian just left, but only if:

- (a) at the time the lights change, that side or safety area is closer to the pedestrian than the side or safety area (whichever is the closer) that the pedestrian was heading for at that time; and
- (b) the pedestrian does not stay on the road for longer than is necessary to return to that side or safety area.

87 Rule 233 amended (Crossing a road to or from a tram)

Rule 233(5), note 2

omit

164

insert

164A

88 Rule 238 amended (Pedestrians travelling along a road (except in or on a wheeled recreational device or toy))

(1) After rule 238(2)(a)

insert

(ab) must, when moving forward, face approaching traffic that is moving in the direction opposite to which the pedestrian is travelling, unless it is impracticable to do so; and

(2) After rule 238(2)

insert

(2A) This rule does not apply to a pedestrian in a shared zone.

Note

Shared zone is defined in the dictionary.

- (3) Rule 238, at the end

insert

Note

The application of this rule is modified by regulation 84A of the Traffic Regulations 1999.

89 Rule 245 amended (Riding a bicycle)

Rule 245(a)

omit

sit

insert

be

90 Rule 246 amended (Carrying people on a bicycle)

- (1) Rule 246, before "The"

insert

(1)

- (2) Rule 246, at the end

insert

- (2) A passenger on a bicycle that is moving, or is stationary but not parked, must sit in the seat designed for the passenger.

Offence provision.

- (3) The rider of a bicycle must not ride with a passenger unless the passenger complies with subrule (2).

Offence provision.

91 Rule 248 replaced

Rule 248

repeal, insert

248 Riding across a crossing

- (1) A rider of a bicycle riding across a road, or part of a road, on a children's crossing, marked foot crossing or pedestrian crossing must:
- (a) keep to the left of the crossing unless it is impracticable to do so; and
 - (b) give way to any pedestrians on the crossing.

Offence provision.

Note

Children's crossing is defined in rule 80, **marked foot crossing** is defined in the dictionary and **pedestrian crossing** is defined in rule 81.

- (2) This rule does not apply if another law of this jurisdiction prohibits a rider of a bicycle from riding on a children's crossing, marked foot crossing or pedestrian crossing.

92 Rule 250 amended (Riding on a footpath or shared path)

- (1) After rule 250(1)

insert

- (1A) The rider does not have to comply with subrule (1) if:
- (a) the rider is carrying a medical certificate that states a medical practitioner believes the rider should be allowed to ride on the footpath because of a medical condition that the rider has; and
 - (b) the rider is complying with any conditions stated in the medical certificate; and
 - (c) no other law of this jurisdiction states that this subrule does not apply.

Note

Medical certificate and **medical practitioner** are defined in the dictionary.

- (1B) Also, the rider does not have to comply with subrule (1) if:
- (a) the rider is with another rider who is riding on a footpath; and
 - (b) the other rider is:
 - (i) carrying a medical certificate that states a medical practitioner believes the rider should be allowed to ride on the footpath because of a medical condition that the rider has; or
 - (ii) a child under 12 years of age.
- (1C) However, the rider is exempt under subrule (1A) or (1B) only if the rider who is carrying the medical certificate immediately produces the medical certificate when an authorised person or police officer asks to see the certificate.

Note

Authorised person, medical certificate, medical practitioner and police officer are defined in the dictionary.

- (2) Rule 250, at the end

insert

Note

The application of this rule is modified by regulation 85 of the Traffic Regulations 1999.

93 Rule 256 amended (Bicycle helmets)

Rule 256, at the end

insert

Note

The application of this rule is modified by regulation 86 of the Traffic Regulations 1999.

94 Rules 260 and 261 replaced

Rules 260 and 261

repeal, insert

260 Stopping for a red bicycle crossing light

- (1) The rider of a bicycle approaching or at an intersection, or another place on a road or road-related area, with bicycle crossing lights must comply with this rule.

Offence provision.

Note

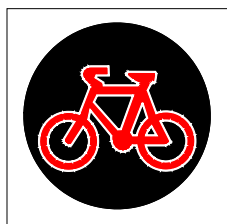
Bicycle crossing lights is defined in the dictionary.

- (2) If the bicycle crossing lights show a red bicycle crossing light and the rider has not already started crossing the intersection or place, the rider must not start to cross until:
- (a) the bicycle crossing lights change to green; or
 - (b) there is no red or yellow bicycle crossing light showing.

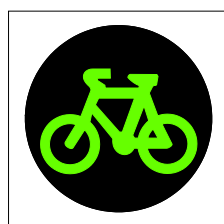
Notes

- 1 **Red bicycle crossing light** includes a flashing red bicycle crossing light – see the definition in the dictionary.
- 2 **Green bicycle crossing light** and **yellow bicycle crossing light** are defined in the dictionary.

Red bicycle crossing light



Green bicycle crossing light



- (3) In this rule:

road includes any shoulder of the road.

Note

Road-related area is defined in rule 13, and **shoulder** is defined in rule 12.

261 Stopping for a yellow bicycle crossing light

- (1) The rider of a bicycle approaching or at an intersection, or another place on a road or road-related area, with bicycle crossing lights must comply with this rule.

Offence provision.

Note

Bicycle crossing lights is defined in the dictionary.

- (2) If the bicycle crossing lights show a yellow bicycle crossing light and the rider has not already started crossing the intersection or place, the rider must not start to cross until:
- (a) the bicycle crossing lights change to green; or
 - (b) there is no red or yellow bicycle crossing light showing.

Notes

1 **Yellow bicycle crossing light** includes a flashing yellow bicycle crossing light – see the definition in the dictionary.

2 **Green bicycle crossing light** and **red bicycle crossing light** are defined in the dictionary.

Yellow bicycle crossing light



- (3) In this rule:

road includes any shoulder of the road.

Note

Road-related area is defined in rule 13, and **shoulder** is defined in rule 12.

95 Rule 262 amended

- (1) Rule 262, heading

omit, insert

262 Proceeding when bicycle crossing at an intersection or another place on a road

(2) Rule 262(2)(b)

omit

nearest

insert

far

(3) After rule 262(2)

insert

(2A) Despite subrule (2), in the circumstances set out in that subrule the rider may instead return to the side of the road, or to the safety area, that the rider has just left, but only if:

(a) at the time the lights change, that side or safety area is closer to the rider than the side or safety area (whichever is the closer) that the rider was heading for at that time; and

(b) the rider does not stay on the road for longer than is necessary to return to that side or safety area.

(4) After rule 262(4)

insert

(4A) If the bicycle crossing lights show a green bicycle crossing light, the rider may cross at the intersection, or another place on the road, even though the traffic lights show a red traffic light or yellow traffic light.

Note

Bicycle crossing lights, green bicycle crossing light, red traffic light, traffic lights and yellow traffic light are defined in the dictionary.

96 Rule 264 amended (Approved seatbelts to be worn)

(1) Rule 264(1)

omit

a seatbelt

insert

an approved seatbelt

- (2) Rule 264(1), note, before "*motor*"

insert

approved seatbelt,

97 Rule 265 amended (Wearing of seatbelts by passengers 16 years old or older)

- (1) Rule 265(2)(a)

omit

a seatbelt

insert

an approved seatbelt

- (2) After rule 265(2)

insert

Notes

1 **Approved seatbelt** is defined in the dictionary.

2 Subrule (4) provides that subrule (2)(b) does not apply to passengers holding children under 1 year old in their laps on buses, minibuses, taxis and tow trucks in certain circumstances. **Bus** and **taxi** are defined in the dictionary.

- (3) After rule 265(3)

insert

- (4) Subrule (2)(b) does not apply to a passenger in a bus, minibus, taxi or tow truck who has a child who is less than 1 year old seated in the passenger's lap if no suitable approved child restraint is fitted and available for use and if the bus, minibus, taxi or tow truck has 2 or more rows of seats – the passenger is not in the front row of seats.

Note

Approved child restraint is defined in rule 266(7).

- (5) Subrule (3) does not apply to the driver of a correctional vehicle, juvenile justice vehicle or sheriff's vehicle if either:
- (a) the vehicle has 2 or more rows of seats and the passenger is not in the front row of seats or there is not a seating position available for the passenger in another row of seats; or

- (b) the vehicle has a caged, or other secured, area designed for the carriage of passengers and the passenger occupies a seating position in that area.

Note

Correctional vehicle, juvenile justice vehicle and sheriff's vehicle are defined in the dictionary.

98 Rule 266 amended (Wearing seatbelts by passengers under 16 years old)

- (1) Rule 266(2B)

omit

he or she

insert

the passenger

- (2) Rule 266(2B)(b)

omit, insert

- (b) be placed on a properly positioned approved booster seat and be restrained by either a suitable lap and sash type approved seatbelt that is properly adjusted and fastened, or by a suitable approved child safety harness that is properly adjusted and fastened; or

- (c) if the passenger is seated in a seating position in a part of the vehicle that is designed primarily for the carriage of goods:

- (i) be restrained by a suitable lap and sash type seatbelt that is properly adjusted and fastened; or

- (ii) have the midsection of the passenger's body restrained by a suitable lap type seatbelt that is properly adjusted and fastened, and have the passenger's upper body restrained by an approved child safety harness that is properly adjusted and fastened.

- (3) Rule 266(2B), note 1

omit, insert

1 Approved booster seat, approved child restraint and approved child safety harness are defined in subrule (7), **approved seatbelt** is defined in the dictionary and **forward facing** is defined in subrule (6A).

(4) Rule 266(2B), after note 3

insert

4 *In relation to paragraph (c), under rule 268(2), a person may only occupy a seating position in a part of a vehicle that is designed primarily for the carriage of goods if that position is suitable for the size and weight of the person.*

(5) After rule 266(2B)

insert

(2C) The driver does not have to ensure subrule (2), (2A) or (2B) is complied with for a passenger if:

- (a) the driver is carrying a medical certificate that states a medical practitioner believes the passenger should not be restrained in any of the ways described in those subrules because of a medical condition or disability that the passenger has; and
- (b) the passenger is properly restrained in a child restraint that has been designed for, and is suitable for use by, the passenger or a person with the same medical condition or disability as the passenger; and
- (c) the driver is complying with any conditions stated in the medical certificate; and
- (d) no other law of this jurisdiction states that this subrule does not apply.

Note

Medical certificate and medical practitioner are defined in the dictionary.

(2D) However, the driver is exempt under subrule (2C) only if the driver immediately produces the medical certificate when an authorised person or police officer asks to see the certificate.

Note

Authorised person and police officer are defined in the dictionary.

(6) Rule 266(3A)

omit, insert

(3A) A passenger who is 4 years old or older, but is less than 7 years old, must not be in the front row of a motor vehicle that has 2 or more rows of seats unless in the row or rows behind the front row:

- (a) all of the other seats are occupied by passengers who are also less than 7 years old; or
- (b) there is no empty seating position in which the passenger can sit in accordance with this rule.

Example

This subrule would permit a 6 year old to sit in the front row of a vehicle that has 2 rows of seats if 2 occupied approved child restraints in the back row encroached on an empty seating position between them in a way that made it impossible for another approved child restraint or booster seat to be placed in that position.

(3B) The driver does not have to comply with subrule (3) or (3A) if:

- (a) the driver is carrying a medical certificate that states a medical practitioner believes the passenger should be in the front row of the vehicle because of a medical condition or disability that the passenger has; and
- (b) the driver is complying with any conditions stated in the medical certificate; and
- (c) no other law of this jurisdiction states that this subrule does not apply.

Note

Medical certificate and medical practitioner are defined in the dictionary.

(3C) However, the driver is exempt under subrule (3B) only if the driver immediately produces the medical certificate when an authorised person or police officer asks to see the certificate.

Note

Authorised person and police officer are defined in the dictionary.

(7) Rule 266(5), note

omit, insert

Notes

1 **Public minibus and taxi** are defined in the dictionary.

2 *Despite the exemption provided by this subrule, in order to comply with subrule (5A) the driver of a taxi or public minibus must ensure that passengers who are 1 year old or older, but less than 7 years old, wear an approved seatbelt.*

(8) After rule 266(5)

insert

(5A) If the exemption set out in subrule (5) applies to a driver in relation to a passenger who is 1 year old or older, but less than 7 years old, and who is not exempt from wearing a seatbelt under rule 267, the passenger must wear an approved seatbelt that is properly adjusted and fastened to the best extent that is possible given the height and weight of the passenger.

(5B) The driver of a public minibus, taxi or tow truck is exempt from subrules (2) and (2A) in relation to a passenger who is under 1 year old if no suitable approved child restraint is fitted and available for use and the public minibus, taxi or tow truck has 2 or more rows of seats and the passenger is not in the front row of seats and:

- (a) the passenger under 1 year old is seated in the lap of a passenger who is 16 years old or older; and
- (b) in the case of a tow truck, the passenger under 1 year old is being transported from a location where the vehicle that the passenger was travelling in is being towed by the tow truck if it is necessary to tow the vehicle because the vehicle has broken down or has been involved in a crash.

(5C) This rule does not apply to the driver of a correctional vehicle, juvenile justice vehicle or sheriff's vehicle.

Note

Correctional vehicle, juvenile justice vehicle and sheriff's vehicle are defined in the dictionary.

(9) Rule 266, at the end

insert

Note

The application of this rule is modified by regulation 86A of the Traffic Regulations 1999.

99 Rule 267 amended (Exemptions from wearing seatbelts)

- (1) Rule 267(1)(b)
omit
if the person is a passenger in
insert
the person is a passenger in or on
- (2) Rule 267(1)(b)
omit
seats – the
insert
seats, and the
- (3) After rule 267(2)
insert
(2A) Subrule (2) does not apply to a person who is under 7 years old.
- (4) Rule 267(3)(a)
omit
in which the person is a passenger) is carrying a certificate (other than a
insert
in or on which the person is a passenger) is carrying a certificate (other than a medical

(5) Rule 267(3A) and (4)

omit, insert

(3A) A person who is in, or on, a motor vehicle is exempt from wearing a seatbelt if:

- (a) the person or, if the person is a passenger, the driver of the vehicle is carrying a medical certificate that states a medical practitioner believes the person should not wear a seatbelt because of a medical condition or disability that the person has; and
- (b) the person is complying with any conditions stated in the medical certificate; and
- (c) no other law of this jurisdiction states that this subrule does not apply.

Note

Medical certificate and medical practitioner are defined in the dictionary.

(4) However, the person is exempt under subrule (3) or (3A) only if the person who is carrying the certificate immediately produces the certificate when an authorised person or police officer asks to see the certificate.

Note

Authorised person and police officer are defined in the dictionary.

(6) Rule 267(5)(a), after "in"

insert

or on

(7) Rule 267(9), definition ***medical practitioner***

omit

100 Rule 270 amended (Wearing motor bike helmets)

(1) After rule 270(1)

insert

(1A) However, the rider of a motor bike that is moving, or is stationary but not parked, is exempt from wearing an approved motor bike helmet if:

- (a) the motor bike's engine is not on; and
- (b) the rider is pushing the motor bike; and
- (c) in the circumstances, it is safe for the rider not to wear the helmet.

(2) Rule 270(3), definition **approved motor bike helmet**

omit, insert

approved motor bike helmet means a helmet:

- (a) made in compliance with:
 - (i) AS 1698; or
 - (ii) AS/NZ 1698; or
 - (iii) the United Nations Economic Commission for Europe standard 22.05; and
- (b) that has an identifying mark certifying compliance with a standard mentioned in paragraph (a); and
- (c) that is in good repair and proper working order and condition.

Examples of a helmet that is in good repair and proper working order and condition

1 *A helmet that is scratched or marked but the scratch or mark has not:*

- (a) *penetrated the helmet's outer shell; or*
- (b) *damaged the helmet's retention system; or*
- (c) *damaged the helmet's inner lining.*

2 *A helmet that is damaged to a degree that might reasonably be expected from the normal use of the helmet.*

(3) Rule 270, at the end

insert

Note

The application of this rule is modified by regulation 86B of the Traffic Regulations 1999.

101 Rule 271 amended (Riding on motor bikes)

Rule 271(1)

omit, insert

(1) Unless subrule (1A) applies, the rider of a motor bike that is moving (other than a motor bike that is being pushed by a rider who is walking beside it), or the rider of a motor bike that is stationary but not parked, must:

- (a) sit astride the rider's seat facing forwards; and
- (b) if the motor bike is moving:
 - (i) keep at least one hand on the handlebars; and
 - (ii) keep both feet on the footrests or footboard designed for the rider's use.

Offence provision.

Note

Motor bike and **park** are defined in the dictionary.

(1A) The rider of a motor bike that is moving may:

- (a) stand on the motor bike's footrests or footboard designed for the rider's use if:
 - (i) the rider has both feet on the footrests or footboard; and
 - (ii) in the circumstances, it is safe for the rider to do so; or
- (b) remove a foot from the footrest or footboard designed for the rider's use if:
 - (i) the rider is sitting on the rider's seat; and
 - (ii) at least one foot is on a footrest or footboard; and

- (iii) in the circumstances, it is safe for the rider to do so.

Note

Motor bike is defined in the dictionary.

102 Rule 288 amended (Driving on a path)

After rule 288(5)

insert

- (5A) This rule does not apply to the rider of a motor bike (with or without a trailer attached) that is a postal vehicle if:
- (a) the rider gives way to pedestrians and other vehicles and takes reasonable precautions to avoid collision or danger or obstruction to any person or thing on or next to the path; and
 - (b) the rider does not exceed 10 kilometres per hour; and
 - (c) the motor bike has an engine capacity not exceeding 125cc.

Note

Motor bike and **postal vehicle** are defined in the dictionary.

103 Rule 289 amended (Driving on a nature strip)

After rule 289(2)

insert

- (3) This rule does not apply to the rider of a motor bike (with or without a trailer attached) that is a postal vehicle if:
- (a) the rider gives way to pedestrians and other vehicles and takes reasonable precautions to avoid collision or danger or obstruction to any person or thing on or next to the nature strip; and
 - (b) the rider does not exceed 10 kilometres per hour; and
 - (c) the motor bike has an engine capacity not exceeding 125cc.

Note

Motor bike and **postal vehicle** are defined in the dictionary.

104 Rule 292 amended (Insecure or overhanging load)

- (1) Rule 292, before "A"

insert

(1)

- (2) Rule 292, at the end

insert

- (2) This rule is not limited by rule 292A.

105 Rule 292A inserted

After rule 292

insert

292A Restricting movement of load

- (1) A driver must not drive or tow a vehicle carrying a load unless the load is restrained by a load restraint system that:
- (a) prevents the load from moving in relation to the vehicle (other than movement allowed under subrule (2)) in the circumstances mentioned in subrule (3); and
 - (b) at a minimum, is capable of withstanding the forces that would result in the circumstances mentioned in subrule (3).

Offence provision.

- (2) A load may move in relation to the vehicle if:
- (a) the vehicle's stability and weight distribution are not adversely affected by the movement; and
 - (b) the load does not become dislodged from the vehicle.

Examples of load movement that may be permitted under subrule (2)

- 1 A load contained within the sides or enclosure of the vehicle that is restrained from moving horizontally may be able to move vertically.
- 2 A load of very light objects, or a loose bulk load, that is contained within the sides or enclosure of the vehicle may be able to move horizontally and vertically.
- 3 A bulk liquid load contained within the sides or enclosure of the vehicle.

- (3) For subrule (1)(b), the circumstances are that the vehicle is subject to:
- (a) any of the following, separately:
 - (i) 0.8g deceleration in a forwards direction;
 - (ii) 0.5g deceleration in a rearwards direction;
 - (iii) 0.5g acceleration in a lateral direction; and
 - (b) if friction or limited vertical displacement is relied on to comply with paragraph (a) – 0.2g acceleration in a vertical direction relative to the load.
- (4) In this rule:

g means gravitational acceleration or 9.81 m/s².

106 Rule 299 amended (Television receivers and visual display units in motor vehicles)

- (1) Rule 299(1)
omit
motor
- (2) Rule 299(1), note
omit
Motor vehicle and park
insert
Park
- (3) After rule 299(2)(a)
insert
(ab) the vehicle is a motor bike and the visual display unit is, or is part of, a driver's aid, and the driver is not holding the visual display unit in the driver's hand; or

(4) After rule 299(2)(ba)

insert

(bb) the visual display unit is part of a mobile phone that is being used as a driver's aid as permitted by rule 300(1)(ab); or

107 Rule 300 amended (Use of mobile phones)

(1) Rule 300(1)(a)

omit, insert

(a) the phone is being used to make or receive an audio phone call and the body of the phone:

(i) is secured in a mounting affixed to the vehicle while being so used; or

(ii) is not secured in a mounting affixed to the vehicle and is not being held by the driver, and the use of the phone does not require the driver, at any time while using it, to press any thing on the body of the phone or to otherwise manipulate any part of the body of the phone; or

(ab) the phone is being used as a driver's aid and:

(i) the body of the phone is secured in a mounting affixed to the vehicle while being so used; and

(ii) the use of the phone does not require the driver, at any time while using it, to press any thing on the body of the phone or otherwise to manipulate any part of the body of the phone; or

(2) Rule 300(1), at the end

insert

Examples of driver's aids

1 *Closed-circuit television security cameras.*

2 *Dispatch systems.*

3 *Navigational or intelligent highway and vehicle system equipment.*

4 *Rearview screens.*

5 *Ticket-issuing machines.*

6 *Vehicle monitoring devices.*

(3) Rule 300(4)

insert

audio phone call does not include an email, text message, video call, video message or other similar communication.

108 Rule 301 replaced

Rule 301

repeal, insert

301 Leading an animal while in or on a vehicle

- (1) The driver of a motor vehicle must not lead an animal, including by tethering the animal to the motor vehicle, unless the driver is permitted to do so under another law of this jurisdiction.

Offence provision.

Note

Motor vehicle is defined in the dictionary.

- (2) A person who is a passenger in, or on any part of, a motor vehicle must not lead an animal while the motor vehicle is moving unless the passenger is permitted to do so under another law of this jurisdiction.

Offence provision.

- (3) The rider of a bicycle must not lead an animal, including by tethering the animal to the bicycle, unless the rider is permitted to do so under another law of this jurisdiction.

Offence provision.

Note

Bicycle is defined in the dictionary.

109 Rule 310 amended (Exemption for road workers etc.)

Rule 310(2)

omit

all words from "(Left" to "turns) at intersections)"

insert

(Left turns) and Division 2 (Right turns)

110 Rule 312 amended (Exemption for tow truck drivers)

Rule 312(2), after "Traffic lights"

insert

, traffic arrows

111 Rule 313 amended (Exemption for postal vehicles)

Rule 313(2)

omit

all words from "driveway etc.)" to "strip"

insert

driveway etc.).

Note

- 1 Exemptions for postal vehicles that are motorbikes (with or without a trailer) are contained in rule 288 and rule 289.
- 2 The application of this rule is modified by regulation 87 of the Traffic Regulations 1999.

112 Rule 313B amended (Exemption for breakdown vehicles)

(1) Rule 313B(1)(a), after "vehicle"

insert

or is assisting a person to gain access to a vehicle in which the person has locked the person's vehicle access key

(2) Rule 313B(2), before "● rule 289 (Driving on a nature strip)"

insert

- rule 197 (Stopping on a path, dividing strip, nature strip or painted island)
- rule 288(1) (Driving on a path)

113 Rule 316 amended (When do traffic control devices comply substantially with the *Australian Road Rules*)

Rule 316(3), at the end

insert

Examples

- 1 A children's crossing may have a red and white post missing temporarily. The missing post does not prevent the crossing from meeting the description of such a crossing that is set out in rule 80(6).
- 2 A freeway may have several freeway signs missing. The missing signs do not prevent the area from still being considered to be a freeway.

114 Rule 334 amended (How parking control signs apply to length of road)

Rule 334(1), note 3

omit

115 Schedule 2 amended (Standard or common used traffic signs)

Schedule 2

insert

Tramway sign



End tramway sign



116 Schedule 3 amended (Other permitted traffic signs)

Schedule 3, *No recreational devices or toys sign*, before "recreational"

insert

wheeled

117 Dictionary amended

- (1) Dictionary, definitions **bicycle**, **bicycle hook turn storage area**, **bicycle storage area** and **postal worker**

omit

- (2) Dictionary

insert

angle parking, see rule 210.

approved seatbelt means a seatbelt approved, for the Australian Road Rules, under another law of this jurisdiction.

bicycle means a vehicle with 2 or more wheels that is built to be propelled by human power through a belt, chain or gears (whether or not it has an auxiliary motor), and:

- (a) includes a pedicab, penny-farthing and tricycle; and
- (b) includes a power-assisted pedal cycle within the meaning of vehicle standards determined under the *Motor Vehicle Standards Act 1989* (Cth), as amended from time to time; but
- (c) does not include a wheelchair, wheeled recreational device, wheeled toy, or any vehicle (other than a vehicle referred to in paragraph (b)) with an auxiliary motor capable of generating a power output over 200 watts (whether or not the motor is operating).

Notes

- 1 **Vehicle** is defined in rule 15, and **wheelchair**, **wheeled recreational device** and **wheeled toy** are defined in this dictionary.
- 2 **Power assisted pedal cycle** is defined in the *Australian Design Rules – Definitions and Vehicle Categories* which are vehicle standards determined under section 7 of the *Motor Vehicle Standards Act 1989* (Cth). The definition includes vehicles referred to as pedalecs.

bicycle hook turn storage area means an area between an intersection and a marked foot crossing, or if there is no marked foot crossing, a stop line, before the intersection that has painted on it one or more bicycle symbols and one or more right traffic lane arrows, and includes any line that delineates the right side of the area, and any line that delineates the left side of the area that is not also a stop line or part of a marked foot crossing and excludes any bicycle storage area.

Notes

1 **Intersection, bicycle symbol, right traffic lane arrows and marked foot crossing** are defined in this dictionary and **hook turns** are described in rules 34 and 35.

2 See example in rule 35.

bicycle storage area means:

- (a) an area of a road before an intersection with traffic lights:
 - (i) that has painted on it one or more bicycle symbols; and
 - (ii) that is between two parallel stop lines, regardless of whether the lines are of equal length; and
 - (iii) that opens out from a bicycle lane;but does not include any stop line; or
- (b) if another law of this jurisdiction defines a bicycle storage area, that area as defined under that law.

Note

Intersection, traffic lights, bicycle symbol and stop line are defined in this dictionary.

correctional vehicle, for a provision of the *Australian Road Rules*, means any vehicle driven by a person who is:

- (a) a correctional worker for the provision; and
- (b) driving the vehicle in the course of the correctional worker's duties as a correctional worker.

Note

Correctional worker is defined in this dictionary.

correctional worker, for a provision of the *Australian Road Rules*, means a person who is a correctional worker for the Rules, or the provision, under another law of this jurisdiction.

edge filtering, see rule 151A(6).

end no filtering sign, see rule 151A(7).

heavy vehicle means a vehicle with a GVM of more than 4.5 tonnes.

juvenile justice vehicle, for a provision of the *Australian Road Rules*, means any vehicle driven by a person who is:

- (a) a juvenile justice worker for the provision; and
- (b) driving the vehicle in the course of his or her duties as a juvenile justice worker.

Note

Juvenile justice worker is defined in this dictionary.

juvenile justice worker, for a provision of the *Australian Road Rules*, means a person who is a juvenile justice worker for the Rules, or the provision, under another law of this jurisdiction.

lane filtering, see rule 151A(1).

medical certificate means a certificate that:

- (a) is signed by a medical practitioner; and
- (b) states a date of issue; and
- (c) if another law of this jurisdiction does not exempt the medical certificate from displaying an expiry date – states an expiry date that is not more than 1 year after the date of issue; and
- (d) has not expired.

medical practitioner, see section 17 of the *Interpretation Act 1978*.

no filtering sign, see rule 151A(7).

postal worker, for a provision of the *Australian Road Rules*, means a person who delivers letter mail and parcels within Australia, on behalf of Australia Post, as an employee or as a contractor.

sheriff's officer, for a provision of the *Australian Road Rules*, means a person who is a sheriff's officer for the Rules, or the provision, under another law of this jurisdiction.

sheriff's vehicle, for a provision of the *Australian Road Rules*, means any vehicle driven by a person who is:

- (a) a sheriff's officer for the provision; and

- (b) driving the vehicle in the course of the person's duties as a sheriff's officer.

Note

sheriff's officer is defined in this dictionary.

U-turn traffic lane arrows means traffic lane arrows applying to a marked lane that indicate only a U-turn direction.

Note

U-turn is defined in this dictionary.

- (3) Dictionary, definition **parking control sign**, after paragraph (c)

insert

(ca) an *electric vehicle parking sign*;

- (4) Dictionary, definition **slip lane**, after "traffic island"

insert

but not by a median strip

- (5) Dictionary, definition **slip lane**, note

omit

Painted

insert

Median strip, painted

- (6) Dictionary, definition **turning lane**, paragraph (b)

omit

apply.

insert

apply; or

- (7) Dictionary, definition **turning lane**, after paragraph (b)

insert

(c) a *U-turn permitted sign* or U-turn traffic lane arrows apply.

(8) Dictionary, definition **turning lane**, note

omit, insert

Note

Left traffic lane arrows, marked lane, right traffic lane arrows and U-turn traffic lane arrows are defined in this dictionary, and **vehicle** is defined in rule 15.

Part 9 Repeal of Regulations

118 Repeal of Regulations

These Regulations are repealed on the day after they commence.