

## **Model Amendments Regulations 2007 (Australian Road Rules – Package No. 7)**

**The following provisions are intended to provide the basis for nationally consistent transport laws on the topics with which they deal. They do not, of themselves, have any legal effect.**

### **1. Name**

These Regulations are the Model Amendments Regulations 2007 (Australian Road Rules – Package No. 7).

### **2. Purpose**

The purpose of these Regulations is to amend the Australian Road Rules –

- (a) to exclude roundabouts from the operation of rule 63 (giving way at an intersection with traffic lights not operating or only partly operating); and
- (b) to make further provision for the crossing of level crossings by pedestrians; and
- (c) to make changes concerning the seating and restraining of children under 7 years old in motor vehicles; and
- (d) to make other changes of a minor nature to improve the operation of those Rules.

### **3. Approval**

These Regulations were approved by the Australian Transport Council on 25 January 2008.

### **4. Rules being amended by these Regulations**

These Regulations amend the Australian Road Rules.

**5. Giving way at an intersection with traffic lights not operating or only partly operating**

In rule 63, after the diagram of the Traffic light-stop sign following subrule (3) insert –

"(4) Subrule (3) does not apply if the intersection is a roundabout.

*Note 1 Roundabout* is defined in the dictionary.

*Note 2* Rule 114 requires a driver entering a roundabout to give way to any vehicle in the roundabout and to any tram that is entering or approaching the roundabout."

**6. Reduction of the distance a driver may drive in a tram lane**

In rule 158(4)(a), after "bicycle lane" insert "or a tram lane".

**7. Crossing a level crossing**

(1) For the note after rule 235(1) substitute –

"*Note 1 Level crossing* is defined in rule 120.

*Note 2* If the pedestrian facility is a footpath or shared path at which there is a red pedestrian light, rule 235A imposes further obligations on pedestrians using the facility."

(2) After rule 235(2) insert –

"(2A) If any of the following events occurs after a pedestrian has started to cross a railway line, or tram tracks, at a level crossing, he or she must finish crossing the line or tracks without delay:

- (a) warning lights start flashing, or warning bells start ringing;
- (b) a gate, boom or barrier starts to close;
- (c) a train or tram approaches the crossing.

Offence provision."

**8. Insertion of rule 235A**

After rule 235 insert –

**"235A. Crossing a pedestrian level crossing that has a red pedestrian light**

(1) A *pedestrian level crossing* is an area where a footpath or shared path crosses a railway or tram tracks at substantially the same level.

*Note Footpath, shared path and tram tracks* are defined in the dictionary.

- (2) If a pedestrian approaches a pedestrian level crossing that has a red pedestrian light, he or she must not start to cross the crossing while the light is red.

Offence provision.

*Note* **Red pedestrian light** is defined in the dictionary.

- (3) If a red pedestrian light at a pedestrian level crossing appears after a pedestrian has started to cross the crossing, he or she must finish crossing the crossing without delay.

Offence provision.

*Note* **Red pedestrian light** is defined in the dictionary.

Red pedestrian light showing  
red pedestrian symbol



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## 9. Wearing of seatbelts by passengers under 7 years old

- (1) For rule 266(2) substitute –

- ”(2) If the passenger is less than 6 months old, he or she must be restrained in a suitable and properly fastened and adjusted rearward facing approved child restraint.

*Note 1* **Approved child restraint** is defined in subrule (7) and **rearward facing** is defined in subrule (6A).

*Note 2* See subrule (4B) if a passenger cannot safely be restrained as required by this subrule because of his or her height or weight.

- (2A) If the passenger is 6 months old or older, but is less than 4 years old, he or she must be restrained in a suitable and properly fastened and adjusted –

- (a) rearward facing approved child restraint; or  
(b) forward facing approved child restraint that has an inbuilt harness.

*Note 1* **Approved child restraint** is defined in subrule (7) and **forward facing** and **rearward facing** are defined in subrule (6A).

*Note 2* See subrule (4C) if a passenger cannot safely be restrained as required by this subrule because of his or her height or weight.

- (2B) If the passenger is 4 years old or older, but is less than 7 years old, he or she must –

- (a) be restrained in a suitable and properly fastened and adjusted forward facing approved child restraint that has an inbuilt harness;  
or
- (b) be placed on a properly positioned approved booster seat and be restrained by a seatbelt that is properly adjusted and fastened.

*Note 1* **Approved child restraint** and **approved booster seat** are defined in subrule (7) and **forward facing** is defined in subrule (6A).

*Note 2* See subrule (4D) if a passenger cannot safely be restrained as required by this subrule because of his or her height or weight.

*Note 3* In relation to paragraph (b), subrule (4E) permits an approved child safety harness to be worn instead of the sash part of a lap and sash seatbelt."

(2) For rule 266(3) substitute –

- "(3) A passenger who is under 4 years old must not be in the front row of a motor vehicle that has 2 or more rows of seats.
- (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 all of the other seats in the row or rows behind the front row are occupied by passengers who are also under 7 years old."

(3) In rule 266 –

- (a) in subrule (4):
  - (i) for "at least 1 year old" substitute "7 years old or older";
  - (ii) omit ", and is not exempt from wearing a seatbelt under rule 267";
  - (iii) after paragraph (b)(iii) insert:

*Note* In relation to paragraph (b)(iii), subrule (4E) permits an approved child safety harness to be worn instead of the sash part of a lap and sash seatbelt."
- (b) in subrule (5), for "subrule (2)" substitute "subrules (2), (2A) and (2B)";
- (c) in subrule (5)(c), for "under 1 year old" substitute "the same age as the passenger";
- (d) in subrule (6)(c), for "(c)" substitute "(b)".

(4) After rule 266(4) insert –

- "(4A) Subrules (2), (2A), (2B) and (4) do not apply if the passenger is exempt from wearing a seatbelt under rule 267.
- (4B) If a passenger cannot safely be restrained as required by subrule (2) because of his or her height or weight, he or she must be restrained as if subrule (2A) applied to him or her.

- (4C) If a passenger cannot safely be restrained as required by subrule (2A) or (4B) because of his or her height or weight, he or she must be restrained as if subrule (2B) applied to him or her.
- (4D) If a passenger cannot safely be restrained as required by subrule (2B) or (4C) because of his or her height or weight, he or she must be restrained as if subrule (4) applied to him or her.
- (4E) In the case of a passenger sitting in a seating position that is fitted with a lap and sash type seatbelt, it is sufficient compliance with subrule (2B)(b) or (4)(b)(iii), as the case may be, if, instead of using the sash part of the seatbelt, an approved child safety harness that is properly adjusted and fastened is used to restrain the upper body of the passenger.
- Note Approved child safety harness is defined in subrule (7)."*
- (5) After rule 266(6) insert –
- "(6A) For this rule, a child restraint that is properly fastened and adjusted:
- (a) is forward facing if, once it restrains a passenger, his or her head is closer to the rear of the vehicle than his or her feet;
- (b) is rearward facing if, once it restrains a passenger, his or her feet are closer to the rear of the vehicle than his or her head."
- (6) In rule 266(7), before the definition of ***approved child restraint*** insert:
- approved booster seat*** means a booster seat approved, for the Australian Road Rules, under another law of this jurisdiction;"
- (7) In rule 266(7), after the definition of ***approved child restraint*** insert:
- approved child safety harness*** means a child safety harness approved, for the Australian Road Rules, under another law of this jurisdiction;"
- (8) In rule 267(1B), for "1 year old" substitute "7 years old".
- (9) In rule 267(1C), after "subrule 266(3)" insert "or (3A)".

## **10. Exemption concerning television receivers and visual display units in motor vehicles**

After rule 299(2)(b) insert –

- "(ba) the visual display unit is a mobile data terminal fitted to a police vehicle or an emergency vehicle; or

*Note Police vehicle and emergency vehicle are defined in the dictionary."*

## **11. Removal of redundant signs**

In Schedule 3, omit the first and second occurring Road access signs.

**12. Insertion of new sign**

In Schedule 3, before the Separated footpath sign insert –

