

# Australian Road Rules 13th Amendment Package Consultation Draft

August 2019

# Report outline

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<b>Title</b>	Australian Road Rules 13 <sup>th</sup> Amendment Package
<b>Type of report</b>	Information Report – Public Consultation
<b>Purpose</b>	To support the public consultation process for the Australian Road Rules 13 <sup>th</sup> Amendment Package.
<b>Abstract</b>	This report explains the proposed amendments to the Australian Road Rules and attaches the draft changes. The NTC seeks comments on the draft changes. The proposed changes will be considered by Ministers for approval in November 2019.
<b>Submission details</b>	<p>Your comments regarding the draft changes are sought. Your comments will inform the recommendations we present to ministers at the Transport and Infrastructure Council meeting in November 2019.</p> <p>Any individual or organisation can make comments by way of a submission to the NTC. To make an online submission, please visit <a href="http://www.ntc.gov.au">www.ntc.gov.au</a> and select 'Submissions' from the top navigation menu.</p> <p>Alternatively, you can post your comments to:</p> <p>Att: Head of Legislative Reform National Transport Commission Level 3/600 Bourke Street Melbourne VIC 3000 Australia</p> <p>Where possible, you should provide evidence, such as data and documents, to support your views.</p> <p>If you have any questions about the submission process, please email <a href="mailto:enquiries@ntc.gov.au">enquiries@ntc.gov.au</a>.</p> <p>The public consultation period is open until 23 September 2019. Comments may be submitted online at <a href="http://www.ntc.gov.au">www.ntc.gov.au</a></p>
<b>Key words</b>	Bus only lanes, giving way when making U-turn, interrupting funeral procession, trucks and buses using low gear signs and use of brakes, parking and charging electric-powered vehicles, wearing of seatbelts by drivers, parked for purpose of use of mobile phone.
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# Executive summary

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The Australian Road Rules (the Rules) are model rules that provide a national basis for uniform road laws throughout Australia. The Rules have no force of law but provide the basis for the enactment of state and territory road laws.

As a national scheme, the Rules require ongoing monitoring and review to ensure they remain contemporary.

The NTC has developed the 13<sup>th</sup> package of amendments with the assistance of representatives from State and Territory road transport agencies and other relevant stakeholder groups.

The NTC will seek Ministerial approval of the 13<sup>th</sup> package in November 2019. Once approved, it is the responsibility of each state and territory to amend its local road use laws to adopt the changes (or those changes that are relevant to the particular state or territory).

The NTC is seeking comment on the proposed amendments. The consultation period is open until 23 September 2019.

## Context

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The purpose of this report is to support the public consultation process and provide stakeholders with:

- an explanation of the proposed changes to the Rules and the reasons for them
- a draft of the proposed changes to the Rules.

## Background

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The Rules were approved by Ministers in 1999 to provide the basis for a single national set of rules to govern the behaviour of road users across Australia. To ensure that the Rules remain contemporary, consistent and continue to reflect improvements in road safety, Ministers also approved a maintenance strategy to guide the development of changes to them.

In accordance with that strategy the NTC works with State and Territory transport and enforcement agencies and other stakeholder groups to identify and develop potential changes.

In November 2018, March 2019 and July 2019 we met with stakeholders to consider a number of potential changes to the Rules to address identified problems. Based on the outcomes of that meeting and subsequent targeted consultation, we developed a draft 13<sup>th</sup> package of amendments.

We now seek public comment on those proposed changes.

# 1 Proposed amendments

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## Key points

The proposed amendments address emerging issues or other problems identified by key stakeholders. The amendments:

- Provide model rules relating to the usage of Bus Only lanes
- Clarify existing rules relating to U-turns at various crossings and other places
- Clarify that a motor cycle rider does not have to indicate when changing position within a lane
- Provide for it to be an offence for a driver to interrupt a funeral procession
- Clarify that a requirement that a truck or bus must use low gear to restrict the speed of a vehicle does not prevent the driver from using the primary brake to avoid a hazard or reduce risk of a crash
- Provide model rules and signage regarding the parking of electric vehicles, including when being charged
- Clarify the rules regarding the wearing of seatbelts by drivers
- Insert technology neutral terminology regarding the payment of parking fees
- Clarify when a motorcycle rider may remove both feet from footrests
- Clarify that a mobile phone, television receiver or visual display may be used in a motor vehicle that is stopped out of the line of traffic in a place permitted by the Rules, even though the key may be in the ignition or the engine is running
- Clarify that a driver cannot stop between bicycle crossing lights

## 1.1 Proposed amendments

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### 1.1.1 Bus only lanes – new Rule 154A and consequential amendments

As part of Standards Australia's work on development and maintenance of Uniform Traffic Control Devices, a new 'Bus ONLY' traffic sign has been created

This sign is designed for use where a road is for the exclusive use of buses.

The new Rule 154A (set out in clause 14) is the Rule that can be used by a jurisdiction that wishes to have a road dedicated for the exclusive use of buses. This Rule is based on other rules dealing with exclusive usage (for example, trams).

Consequential amendments are made to Rules 28, 32, 154 and 187 (as set out in clauses 1 and 2, 3 and 4, 12 and 13, 20 and 21 respectively).

Relevant new or amended signage is provided for in clause 30.

Relevant new definitions are provided for in clause 31.

### **1.1.2 Giving way when making a U-turn (Rule 38) and giving way when entering a road from a road related area (Rule 74)**

There is a potential unresolved issue arising from the interaction of Rules 38 and 74 in a situation where both circumstances arise at the same time i.e. a driver is making a U-turn on a road at the same time and in the same location as another driver is entering the road from a road related area.

Both Rules currently require each driver to give way to the other.

The policy intent is that the driver on the road has precedence over a driver entering the road from a road related area.

Clauses 5, 8 and 9 amend Rules 38 and 74 to reflect this policy intent and resolve this ambiguity.

### **1.1.3 U-turns at certain crossings or at an intersection of a road and road related area (new Rules 43 and 43A)**

There is no provision in Part 4 of Division 4 of the Rules that (in the absence of a no U-turn sign being in place) prohibits a driver doing a U-turn at:

- a children's crossing;
- a level crossing;
- a marked foot crossing; or
- a pedestrian crossing.

There is also no prohibition on a driver doing a U-turn at the intersection of a road and a road related area (such as an exit from a school carpark).

This causes confusion and presents a safety risk.

Clause 6 sets out new provisions (Rules 43 and 43A) that prohibit the making of a U-turn in these situations (unless there is a U-turn permitted sign at the place).

### **1.1.4 Changing direction (Rule 45)**

Division 1 of Part 5 deals with, amongst other things, a driver's change of direction.

Rule 45 defines changes direction and relevantly defines what changes direction to the left and changes direction to the right means. Rules 46 and 48 require the rider to give a left or right change of direction signal when changing direction.

These definitions mean that a motorbike rider who is re-positioning their motorbike within a lane so as to increase their crash avoidance space around all sides of their motorcycle and reduce the risk of a crash, technically falls within the definition of changes direction and technically should give a change of direction signal.

This is unintended.

Clause 7 amends Rule 44 to make clear that a motorbike rider is not changing direction when repositioning within the same lane in order to avoid a hazard or reduce the risk of a crash.

#### **1.1.5 Interfering or interrupting funeral procession (new Rule 79A)**

The Rules do not contain any provisions that reflect the community's expected standard of appropriate driving behaviour around a funeral procession.

New South Wales has an existing road rule that prohibits interference or interruption of a funeral procession and clause 10 inserts a new Rule 79A based on the New South Wales provisions.

#### **1.1.6 Using brakes where *trucks and buses use low gear* sign applies (Rule 108)**

Rule 108 provides that, where a *trucks and buses use low gear* sign applies, the driver must drive the truck or bus in a gear that is low enough to limit the speed of the truck or bus without use of the primary brake.

A number of stakeholders have raised concerns that this Rule can be (and has been) interpreted to mean that a driver is prohibited from using a primary brake at all when driving on a length of road to which this sign applies.

Such an interpretation would lead to absurd results – for example where a driver would be prohibited from applying the primary brake to slow or stop the vehicle to avoid a crash or where traffic has come to a halt.

Clause 11 amends Rule 108 to clarify that the Rule does not prevent a driver of a truck or bus from using a primary brake to slow or stop the vehicle in order to avoid a hazard or reduce the risk of a crash.

#### **1.1.7 Allowing both feet off the ground for motorcyclists (Rule 271)**

Rule 271 does not allow for both feet to be removed from the footrests or footboard designed for the rider's use.

It is desirable for safe practice – if not essential for practical purposes - that a rider of a motorcycle be permitted to manoeuvre a motorcycle in certain low speed circumstances with both feet being free to maintain balance.

The draft amendments at clause 26 insert provisions so that a motorcyclist can remove both feet from the footrests or footboard in the relevant circumstances.

#### **1.1.8 Electric-powered vehicle parking**

To encourage the use of electric-powered vehicles, councils (and others such as shopping centre operators) are increasingly designating parking spaces to be for exclusive use by such vehicles – including electric-powered vehicles being charged.

However, the Rules do not currently provide for parking areas that are for the exclusive use of electric-powered vehicles.

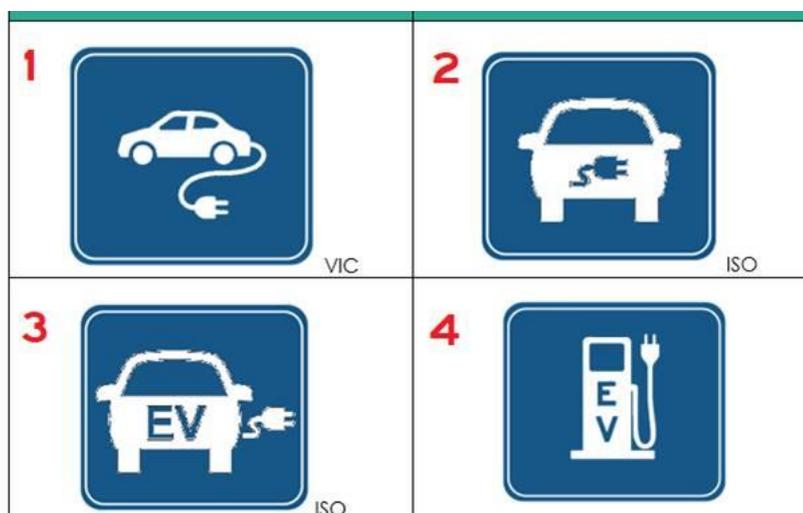
The amendments set out in Clause 22 (new Rules 203B and 203C) provide for electric-powered vehicle only parking areas and electric-powered vehicle being charged parking areas.

The amendments provide that an electric-powered vehicle is one that is powered by 1 or more electric motors or traction motors (whether or not there is another form of propulsion) and that can be recharged from an external source of electricity.

The new parking Rules require new signage.

One option is to base these new signs on existing International Standard Organisation (ISO) signs relating to electric vehicle charging station location. These signs are depicted in boxes 2 and 3 (below). Although these are ISO approved, these signs are not yet approved by Standards Australia for inclusion in the Australian Standards Specification for road signs/symbols AS 1743.

The sign in box 1 is one currently in use in Victoria. The sign in box 4 is another alternative.



The NTC seeks comment from stakeholders on which (if any) of these signs should be included in the Rules, or whether the proposal regarding electric-powered vehicle parking should be deferred pending approval of relevant signs by Standards Australia.

### 1.1.9 Wearing of seatbelts by drivers

Clause 25 amends Rule 264 to provide clarity in the rule (and consistency with the rule relating to wearing of seatbelts by passengers) that the driver of a vehicle must occupy a driver's seating position that is fitted with an approved seatbelt that is properly adjusted and fastened and must not occupy the same seating position as another passenger.

### 1.1.10 Paying for parking by electronic means (Rule 207)

Rule 207 – which relates to parking where fees are payable – includes reference to “buying a ticket or putting money into a parking meter” and “instructions on or with the sign, meter, ticket or ticket-vending machine”.

This terminology does not sit with modern technology, by which parking can be paid for through an “App” or by phone or by various means including using a credit card at a machine situated in the vicinity of the parking space.

The amendments in Clauses 23 and 24 make the Rule technology neutral so as to accommodate modern methods of paying for parking.

#### **1.1.11 Definition of parked (Rules 299 and 300)**

Park is defined in the dictionary and includes stop and allow the driver’s vehicle to stay (whether or not the driver leaves the vehicle).

This definition has proven problematic in the context of Rules 299 and 300, which prohibit a driver from using a mobile phone, television receiver or visual display unit when the vehicle is stationary but not parked.

The problem is that a driver who has pulled out of the line of traffic into an area where parking is permitted but leaves their engine running, and who proceeds to use their mobile phone (i.e. in circumstances where mobile phone usage presents no risk of distraction to the driver in the context of driving) is technically (arguably) not parked – and has committed an offence.

This is not the intent of the Rules.

Clauses 27 and 28 amend the Rules to adopt existing Victorian provisions that clarify the Rule so as to permit the use of a mobile phone, television receiver or visual display in a motor vehicle that is stopped out of the line of traffic in a place permitted by the Rules, even though the key may be in the ignition or the engine is running.

#### **1.1.12 Stopping between bicycle crossing lights (Rule 174)**

There is an anomaly in Rule 174 in that the rule does not prohibit a driver from stopping between bicycle crossing lights.

This is unintended.

The amendments set out in Clauses 15-19 address this anomaly.

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