



Australian Road Rules 12th Amendment Package
Consultation Draft

June 2017



National Transport Commission

Report outline

Title	Australian Road Rules 12 th Amendment Package
Type of report	Information Report – Public Consultation
Purpose	To support the public consultation process for the Australian Road Rules 12 th Amendment Package
Abstract	This report explains the proposed amendments to the Australian Road Rules and attaches the draft legislative changes. We are seeking feedback on the draft changes that will be considered by Ministers for approval in November 2017.
Submission details	<p>Your feedback is sought about what proposed legislative changes should proceed or not. If you have concerns about progression of any proposed changes please outline the reasons for them.</p> <p>Your feedback on the amendment package will inform the recommendations we present to ministers at the Transport and Infrastructure Council meeting in November 2017.</p> <p>Any individual or organisation can make a submission to the NTC. To make an online submission, please visit www.ntc.gov.au and select 'Submissions' from the top navigation menu.</p> <p>Alternatively you can post your comments to:</p> <p>Att: Legislative maintenance team 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 enquiries@ntc.gov.au.</p> <p>The public consultation period is open until 11 August 2017. Feedback may be submitted online at www.ntc.gov.au</p>
Key words	Load restraint, helmets, motorcycle, pedestrians, bicycles, driving aid, working aid.

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Executive summary

The Australian Road Rules (the Rules) provide rules to be followed by all road users and are part of a national scheme to provide uniform road laws throughout Australia. The Rules are national model legislation that is enacted in all Australian States and Territories to achieve agreed uniform national policy.

As national scheme laws, the Rules require ongoing monitoring and review to ensure they remain contemporary and fulfil the needs of stakeholders.

The NTC has developed the 12th package of amendments with the assistance of representatives from State and Territory road transport agencies and other relevant stakeholder groups.

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 legislative changes to the Rules

The NTC will seek Ministerial approval of the 12th package in November 2017. Once approved, each State and Territory will take steps to adopt the changes by passing legislation to amend local transport laws to incorporate the amendments.

The NTC is now seeking feedback on the proposed legislative amendments. The consultation period is open until 11 August 2017.

1 Context

Key points

The Australian Road Rules (the Rules) provide a national model set of rules about road user behaviour that are implemented in State and Territory transport laws. The NTC worked with State and Territory road transport agencies and other stakeholder groups to identify potential changes to the Rules to ensure they remain contemporary and improve road safety. This report summarises the proposed changes.

1.1 Objectives

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

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

1.2 Background

The Rules were approved by Ministers in 1999 to provide a single national set of rules to govern the behaviour of road users across Australia. To ensure that they 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 December 2016 we met with stakeholders to consider a number of potential changes to the Rules to address identified problems. Based on conclusions agreed at that meeting and subsequent targeted consultation, we developed a draft 12th package of amendments.

We now seek public comment on those proposed changes.

2 Proposed amendments

Key points

The proposed amendments reflect changes to address problems identified by key stakeholders. We consider the amendments:

- Reflective of advances in driver technology
- Clarify existing rules
- Improve road user safety and efficiency
- Improve and facilitate harmonisation of different rules already in force in States and Territories.

2.1 Proposed amendments

2.1.1 Rule 45 – What is changing direction

Under road rules 46 and 48, before a driver changes direction to the left or right, the driver must give a left or right change of direction signal. Under road rule 45 a change of direction to the left or right includes ‘diverging to the left’ or ‘diverging to the right.’

There is ambiguity about the circumstances within which the manoeuvre of ‘diverging to the left’ may occur and the meaning of the word ‘diverging’. The phrase is not defined nor is it supported by diagrams in the Rules.

The intent of the rule is that ‘diverging to the left’ or ‘diverging to the right’ covers a situation where a vehicle moves to the left or right from a straight line of travel within a marked lane or line of traffic. Rule 45 already covers the manoeuvre of changing marked lanes to the left or right. To clarify the meaning of ‘diverging’ to the left or right under rule 45 and therefore when a change of direction signal is required, sub-rules 45(2)(c) and 45(3)(c) will be expanded so that ‘diverging’ expressly includes moving to the left or right from travelling in a straight line within a marked lane.

2.1.2 Rules 65, 72, 73 and 81 – Giving way at marked foot crossings, intersections and pedestrian crossings

Rule 65 requires drivers to give way to pedestrians on marked foot crossings that have flashing yellow traffic lights. Rule 65, however, does not require drivers to give way to pedestrians entering marked foot crossings.

Similarly, rules 72, 73 and 81 require drivers to give way to pedestrians on slip lanes at intersections and pedestrians on pedestrian crossings. The absence of requirements to give way to pedestrians entering marked foot crossings, slip lanes and pedestrian crossings is inconsistent with the current give way rules for pedestrians entering children’s crossings under rule 80 and presents a safety risk for pedestrians using the road network.

To achieve consistency across the Rules and improve road user safety, rules 65, 72, 73 and 81 will require drivers to give way to pedestrians either on or entering marked foot crossings, slip lanes at intersections and pedestrian crossings.

2.1.3 Rule 115– Driving in a roundabout to the left of the central traffic island

Under rule 115 drivers in roundabouts must drive to the left of the central traffic island. If the vehicle is too large, the vehicle may be driven on the edge of the central traffic island to the left of the centre of the island, or over the central traffic island to the left of the centre line if safe to do so.

In some areas, due to their dimensions, large vehicles are unable to comply with the strict requirement to keep to the left of the centreline of the central traffic island and are therefore encroaching to the right of the centre line. Encroachment to the right of the centre line affects roundabouts that are part of narrow roads, leading road authorities to restrict right hand turns for oversize vehicles.

To allow large vehicles to encroach to the right of the centreline, rule 115 will allow large vehicles to drive over central traffic islands to the right of the centre. However, to mitigate safety risks, the vehicle must be physically incapable of staying to the left of the centreline and the manoeuvre must be generally safe and practicable to perform.

2.1.4 Rule 151A– Lane filtering between slow or stationary vehicles on a motor bike

In the Queensland, Victoria and New South Wales road rules riders of motor bikes are permitted to lane filter. Lane filtering occurs when a motor bike rider rides at low speed between stationary or slow moving vehicles travelling in the same direction. Transport Ministers have asked governments to pursue a national approach to lawful lane filtering. Therefore, to allow those jurisdictions whose road rules do not currently provide for lawful lane filtering and to facilitate consistency and harmonisation across all Australian jurisdictions the rules will be changed to provide for the practice.

New rule 151A allows lane filtering when a motor bike rider rides at low speed between stationary or slow moving vehicles travelling in the same direction. The speed limit of the motor bike must be 30 km/h or less and the manoeuvre must be safe to perform. Lane filtering is prohibited, however, at a speed more than 30 km/h, in school zones and when it is not safe to do so. To ensure pedestrian safety, lane filtering is not permitted between a vehicle and the kerb of a road.

So that lawful lane filtering may be performed, a number of other rules that would otherwise apply will not require compliance. The other rules that will not apply are:

- Rules 44 to 51 – Requirements about indicating when changing direction
- Rule 141 – Requirement not to overtake vehicles on the left
- Rule 146 – Requirement to drive within marked lanes or lines of traffic
- Rule 147 – Requirement not to cross a continuous line that separates lanes

2.1.5 Introduction of ‘Bus ONLY’ signs – New rule 154A

The Rules do not prescribe requirements about the use of roads subject to ‘Bus ONLY’ signs. ‘Bus ONLY’ signs have been created by Standards Australia, in consultation with jurisdictions, to restrict the use of roads to the exclusive use of buses.

Standards Australia is an independent not-for-profit standards body that develops and maintains Uniform Traffic Control Devices.

Currently, the only rules about the use of bus lanes are rules 154 and 158. Under rule 154, drivers are not permitted to drive in marked bus lanes unless an exception applies under rule 158. The exceptions under rule 158 permit a number of manoeuvres that are not appropriate for the use of roads intended for the exclusive use of buses.

The amendments will limit the use of roads subject to the new 'Bus ONLY' signs in a similar way to rule 155A that imposes restrictions on drivers' use of tramways. Specifically, the amendments will not allow drivers to drive in, enter, or cross Bus ONLY lanes except in particular circumstances or to perform particular manoeuvres.

Generally, the amendments will allow drivers to drive in, enter or cross Bus ONLY lanes to avoid obstructions or to enter or leave parts of other roads such as service roads. In all circumstances, however, drivers must give way to vehicles in Bus ONLY lanes and approach Bus ONLY lanes in specified ways so that the safety of other road users is not put at undue risk.

Further, the new amendments will require drivers to give way to vehicles in Bus ONLY lanes when turning at intersections.

To facilitate and support the new Bus ONLY lane requirements a number of consequential amendments to other road rules will be made as follows –

- Rule 28 – When starting a left turn, a driver will not be required to approach and enter an intersection from within the left lane of a multilane road if the left lane is a Bus ONLY lane.
- Rule 32 - When starting a right turn, a driver will not be required to approach and enter an intersection from within the right lane of a multilane road if the right lane is a Bus ONLY lane.
- Rule 154 – To eliminate duplication and conflict about 'bus lane' and 'Bus ONLY' lane road markings, the ability to indicate a 'bus lane' under rule 154 with the words 'bus only' will be removed.
- Rule 187 – Drivers of public buses will be permitted to stop in 'Bus ONLY' lanes if they are dropping off or picking up passengers or if they are allowed to stop under another rule.
- Schedule 3 – Section number cross references will be changed to ensure appropriate permitted traffic signs align with the new 'Bus ONLY' requirements.

2.1.6 Rule 155A– Tramways

Standards Australia has developed new Tram ONLY (tramway) signs so that the word ONLY is white on a red patch. The purpose of this change is to distinguish them from Bus LANE and Tram LANE signs that are black on white.

The new signs are as follows –



2.1.7 Rule 200 – Stopping on roads – heavy and long vehicles

The term 'heavy vehicle' is defined in rule 200 to mean 'a vehicle with a GVM of 4.5 tonnes or more.' The definition is inconsistent with the definition of heavy vehicle in the Heavy Vehicle National Law (HVNL) that regulates the use of heavy vehicles on public roads. The HVNL defines a heavy vehicle to mean a vehicle that has a GVM of more than 4.5 tonnes.

The definition of 'heavy vehicle' will be removed from rule 200 and replaced with a definition in the dictionary to the rules so that it is consistent with the HVNL definition.

2.1.8 Rule 247A – Entering a bicycle storage area

Under rule 247A a bicycle rider may only enter a bicycle storage area from a bicycle lane when approaching the storage area at an intersection with red traffic lights.

The Victoria, South Australia and Western Australia road rules allow bicycle riders to enter bicycle storage areas in other ways reflecting that not all storage areas open up from bicycle lanes.

To achieve greater consistency and harmonisation across all Australian jurisdictions, rule 247A will be removed.

2.1.9 Rule 248 – Riding across crossing

Rule 248 prohibits bicycle riders from riding across a road on a children's crossing or pedestrian crossing. Bicycle riders are permitted, however, to ride across a road on a marked foot crossing only if there are bicycle crossing lights.

To improve consistency with current practice, rule 248 will be replaced to allow bicycle riders to ride across a road on a children's crossing, pedestrian crossing and marked foot crossing whether or not there is a green bicycle crossing light. Similar to road rule 250, pedestrians will have right of way in these circumstances.

2.1.10 Rule 270 – Wearing motor bike helmets

Under rule 270 motorcycle riders must wear an approved motor bike helmet that is securely fitted and fastened on the rider's head. 'Approved motor bike helmet' means a protective helmet for motor bike riders that is approved for the Australian Road Rules under a law of a jurisdiction.

In all Australian jurisdiction road rules, the Australian standards AS1698 or AS/NZS1698 and United Nations Economic Commission for Europe (ECE) 22.05 are prescribed as the standards for approved motorbike helmets.

Rule 270 is placing motorbike riders at risk of being penalised for wearing an 'approved motor bike helmet' that complies with a prescribed standard, to a level that does not take into account helmet wear and tear or modifications that do not compromise the safety of the helmet.

To mitigate the risk of unfair enforcement outcomes, rule 270 will be changed so that the relevant helmet standards are specified and allowance is made for some wear and tear and modification as long as the helmet inherently complies with the relevant helmet standard.

2.1.11 New Rules 292A and 292B – Restricting movement of loads and load restraint systems

The Load Restraint Guide (LRG) is an administrative document prepared by the NTC that provides transport drivers, operators and other participants in the transport chain with basic safety principles which should be followed for the safe carriage of loads by both heavy and light vehicles.

As well as setting out basic principles, the LRG sets out performance standards for load movement and load restraint systems. These performance standards, however, are not referenced in the Rules leading to ambiguity about appropriate and safe load restraint requirements for vehicles. The only provision in the Rules about restraint of loads on vehicles is rule 292 which provides for more general safety load restraint requirements.

To improve clarity about legal obligations, the performance standards in the LRG will be specified as loading requirements in the Rules. Non-compliance with the performance standards will be an offence. These performance standards will also be specified in the Heavy Vehicle National Law for vehicles with a Gross Vehicle Mass of 4.5 tonnes or more through a separate process. The general safety requirements in rule 292 will not change.

2.1.12 Rules 299 and 300 – Television receivers and visual display units in motor vehicles and use of mobile phones

Rules 299 and 300 govern the use of visual display units and mobile phones in vehicles. The terminology within rules 299 and 300 is outdated and therefore requires change so that it is contemporaneous with current advances in technology and remains efficient and effective.

Rules 299 and 300 include examples of driver's aids that relate to different tasks. However, the examples do not necessarily relate to aiding a specific driving task but rather a working task designed to assist an occupational driver (e.g a ticket issuing machine). To ensure that a specific aid relates directly back to a task or function for which it is designed, rules 299, 300 and the dictionary to the Rules will be changed so that 'driver's aid' and 'working aid' are distinguished, defined and supported by specific examples. The changes will provide clarity about aids that support driving and aids that support working while driving

The requirements in rules 299 and 300 about when and how visual display units and mobile phones may be used will not change.

Further, under rules 299 and 300 a visual display unit or mobile phone can be used in a vehicle when it is 'parked'. The term 'parked' is not defined, however, 'park' is defined in the dictionary to the Rules. To provide clarity, the definition of 'park' in the dictionary will be changed so that the definition applies to the requirements under rules 299 and 300.

2.1.13 Various Rules – Correcting legislative drafting issues

During Parliamentary Counsel Committee (PCC) consideration of the 11th package of amendments, a number of legislative drafting issues were identified. The PCC is a national committee representing the drafting offices in Australia and plays a crucial role to ensure national model legislation is prepared in a consistent manner. The drafting issues identified do not prevent implementation of the amendments in local laws because they achieve the agreed uniform national policy. However, the amendments will be corrected to reflect PCC drafting practice. The proposed corrections are as follows:

Rules 262 and 262A – Rules relating to bicycle crossing lights

Rule 262A is intended to allow a bicycle rider to cross a road if a green bicycle light is showing, despite a red traffic light also showing.

From a statutory construction perspective, however, rule 262A is drafted as an offence provision when it is a qualification to proceeding when an applicable traffic light is red under rule 262.

To achieve the above intention, rule 262A will be removed and replaced with new sub-rule 262(4A).

Rule 266 – Wearing of seatbelts by passengers under 16 years old

Rule 266 requires **drivers** to make sure children of varying ages are wearing child restraints or seatbelts. New sub-rules 2C, 2D, 3B and 3C provide exemptions to these requirements, however, inconsistent terminology is used.

New sub-rules 2C and 2D provide exemptions to rules about 6 month to 7 year old child restraint requirements. The exemptions, however, relate to a passenger and not the driver upon who the obligation is imposed under rule 266(1).

Sub-rules 2C and 2D will be changed so that the driver does not have to comply with sub-rules 2, 2A or 2B in relation to a passenger.

Under sub-rules 2, 2A or 2B the medical certificate relating to not using the required child restraints can be on the grounds of a medical condition or disability. In sub-rule 3B, however, the medical certificate can only be issued on the ground of a medical condition. There is no reason for the words 'or disability' to be absent from sub-rule 3B that provides an exemption to the requirements that 0 – 7 year olds must not be in the front seat.

Sub-rule 3B will be changed to include a reference to disability.

Rule 267 - Exemptions from wearing seatbelts

Sub-rule 266(4A) exempts passengers from child restraint requirements if they are exempt under rule 267.

Sub-rule 267(3A) exempts passengers from the requirement to wear a seatbelt if a medical certificate states that the person should not wear a seatbelt because of a medical condition only. Sub-rule 267(3A) is inconsistent with the exemption under sub-rule 266(2C) that exempts a passenger on the grounds of a medical condition or disability.

Sub-rule 267(3A)(a) will be changed to include 'or disability.'

Sub-rule 267(4) refers to a person only being exempt from wearing a seatbelt under sub-rules (3) or (3A) if they immediately produce the medical certificate when asked by the police or an authorised person. However, sub-rule (3) only refers to a certificate, not a medical certificate.

To cover both sub-rules (3) and (3A) sub-rule 267(4) will refer to having to produce the certificate only.

Sub-rule 267(9) provides for a definition of 'medical practitioner,' however, the term 'medical practitioner' is defined in the dictionary and rules 250 and 266 refer to that definition. It is not intended that the term 'medical practitioner' used in rule 267 carry a different meaning than that provided for in the dictionary and therefore the definition will be removed.

Rule 271 - Riding on motor bikes

As part of the 11th package of amendments paragraph (c) of rule 271(1) was removed. Rule 271(1)(c) required a rider of a motor bike that is moving to keep **both feet** on the footrests.

New rule (1A)(a) allows a rider of motorbike that is moving to stand on the footrests or footboard provided it is safe to do so. New rule (1A)(a) is an exception to sub-rule (1)(a) that requires the rider of a moving motor bike to sit astride the rider's seat facing forward.

New sub-rule (1A)(b) provides that a rider of a moving motor bike can remove a foot from the footrest or footboard as long as the rider is sitting in the rider's seat, at least 1 foot is on a footrest or the footboard, and it is safe to do so. However, this permission is

arguably meaningless in the absence of a requirement for the rider of a moving motor cycle to keep any feet on a footrest that was previously required under old rule 271(1)(c). New paragraph (1A)(b), therefore, does not create an exception in contrast to the way new rule (1A)(a) operates.

Rule 271(1) will be changed to require a rider of a moving motor bike to keep both feet on the footrests or footboard so that the exception created in sub-rule (1A)(b) operates clearly.