

Australian Road Rules
14th Amendment Package
Explanatory Document
January 2023

Explanatory information

Report outline

Title	Australian Road Rules 14 th Amendment Package Explanatory Document
Type of report	Explanatory information – Public Consultation
Purpose	To support the public consultation process for the Australian Road Rules 14 th Amendment Package.
Abstract	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 2023.
Submission details	<p>Your comments regarding the draft changes are sought. Your comments will inform the recommendations we present to ministers at the Infrastructure and Transport Ministers’ Meeting in 2023.</p> <p>Any individual or organisation can make comments by way of 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: Anthony Pepi 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 Thursday 9 March 2023. Comments may be submitted online at www.ntc.gov.au</p>
Key words	Australian road rule amendments.
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Executive summary

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 14th 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 14th package in 2023. 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 Thursday 9 March 2023.

Context

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

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.

We met with stakeholders in December 2021 and March 2022 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 14th package of amendments.

We now seek public comment on those proposed changes.

1 Australian Road Rules 14th amendment package

Key points

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

- Provide consistency between give way provisions for cyclists and pedestrians
- Allow cyclists to approach, enter and travel through a single lane roundabout in the middle of the lane
- Remove the redundancy in the rule that allows a public bus to stop in a bus lane
- Update signage regarding the parking of electric vehicles
- Introduce parking space rules for electric motorcycles
- Clarify the rules regarding PMD users crossing a road near a pedestrian crossing
- Restrict the use of blue lights on non-registrable devices
- Redraft the rules about how passengers under 16 years of age must use a seatbelt, provide examples of seatbelt use, and correct an omission about where passengers under 4 should sit in a vehicle
- Clarify the application of B-light rules for bus drivers in bus and bus-only lanes
- Clarify rules for using electronic devices that form a part of or are attached to a bicycle helmet, how information which normally forms part of the electronic device's lock or menu screen are covered by the rules
- Remove gender pronouns from the rules
- Update some diagrams and traffic example images
- Make mechanical changes to the rules

1.1 Overview of the proposed amendments

1.1.1 Give way provisions for cyclists and pedestrians

There are several rules that require a driver to give way to a pedestrian crossing the road when the driver turns to enter the road, enters the road from a road-related area, or at a pedestrian crossing. However, the rules do not require the driver to give way to a rider of a bicycle crossing the road in the same circumstances. These circumstances are:

- Giving way when turning at an intersection with traffic lights
- Giving way at a flashing yellow traffic arrow at an intersection
- Stopping and giving way at a stop sign or stop line at an intersection without traffic lights

- Giving way at a give-way sign or give way line at an intersection (except a roundabout)
- Giving way at an intersection (except a T–intersection or roundabout)
- Giving way at a T–intersection
- Giving way when entering a road from a road-related area or adjacent land
- Entering a blocked crossing

It is desirable for safe practice to protect the vulnerable road user, that the driver should give way to a rider of a bicycle in these scenarios in the same way they are required to give way to a pedestrian.

Clauses 4 through 10 and 13 of the draft amendments propose to amend Rules 62, 64, 67, 69, 72, 73, 74, and 128A so that the driver must give way to a pedestrian and a rider of a bicycle.

Further to these amendments are how a driver must give way to a pedestrian or cyclist crossing a slip lane. There is some inconsistency between rules about whether the driver must give way to a person on or entering the slip lane.

Rules 69 and 73 only require a driver to give way to a person on the slip lane. Clauses 6 and 8 of the draft amendments propose to amend rules 69 and 73 respectively, so the driver must give way to the pedestrian or cyclist on or entering the slip lane.

1.1.2 Cyclists travelling through single-lane roundabouts

Rule 129 requires drivers (and cyclists) to drive as near as practicable to the far-left side of the road unless on a multi-lane road. The rule prevents a cyclist from travelling through a single lane roundabout using the middle of the lane, which is safer for the cyclist. Rule 111 contains provisions about how a rider must approach and enter a roundabout.

Clauses 12 and 14 of the draft amendments propose to amend Rules 111 and 129, respectively, so a cyclist may travel in the centre of a lane when they approach, enter, and ride through a single lane roundabout.

1.1.3 Public buses stopping in a bus lane

There is a redundancy in the rule that allows a public bus to stop in a bus lane. Rule 187(4) specifies that a public bus could stop in a bus lane only if it was permitted to drive in the bus only lane. Buses are allowed to drive in a bus only lane by definition and there already are other defences in the rules that allow a vehicle to drive or stop in these lanes.

Clause 16 of the draft amendments proposes to amend Rule 187(4) to remove this redundancy and redrafts the accompanying notes in the rule.

In addition, the notes in Rule 187 are redrafted to aid the rule's comprehension.

1.1.4 Signage regarding the parking of electric vehicles

The symbols in the rules about stopping in parking areas for electric vehicles and parking areas for charging electric vehicles, rules 203B and 203C respectively, have been updated.

The new symbols were developed and tested as per Australian standards (AS 1743:2018, *Road signs: specifications*).¹

Green, black, and red variants of the symbol have been introduced to accommodate use on different types of parking signs, for example a green symbol on a permissive parking sign.

Clauses 18 and 19 introduce these new symbols into Rules 203B and 203C, with examples of parking signs for:

- Permissive parking sign displaying an electric-powered vehicle symbol
- Electric-powered vehicle parking sign
- Permissive parking signs displaying an electric-powered vehicle symbol and the words 'while charging'
- Electric-powered vehicle charging parking sign

The draft amendments also propose to amend Rule 203C to distinguish between vehicle charging parking signs and signs about parking electric vehicles if they are not charging.

Clauses 54 and 55 replicate the signs in schedules 2 and 4 of the rules.

1.1.5 Parking spaces for electric motorbikes

There are no parking space rules for electric motorbike only parking. Parking areas are needed that reserve spaces for electric motorbikes while they are charging as well as areas for when the motorbikes park without charging.

Clauses 18 and 19 amend Rules 203B and 203C to introduce electric motorbike only parking and parking while charging spaces. It will be an offence for drivers of other types of vehicles to stop in these parking areas.

The draft amendments propose to introduce new electric motorbike parking signs and a symbol. A green, red, and black version of the symbol will be added to the rules to enable the use of different colours on parking signs.

The examples of signs are:

- Permissive parking sign displaying an electric-powered motor bike symbol
- Electric-powered motor bike parking sign
- Permissive parking signs displaying an electric-powered motor bike symbol and the words while charging
- Electric-powered motor bike charging parking sign

Clauses 54 and 55 replicate the signs in schedules 2 and 4 of the rules.

¹ See Austroads' project report for information about the development of the new electric vehicle symbol, *Standardised Signage and Pavement Symbols for Low and Zero Emission Vehicles* (2022). Available at <https://austroads.com.au/publications/low-and-zero-emission-vehicles/ap-r667-22>

1.1.6 Personal mobility device (PMD) users crossing a road using a bike crossing near a pedestrian crossing

Rule 234 requires pedestrians to use a pedestrian crossing if they cross the road within 20m of a pedestrian crossing. PMD users are classed as pedestrians and will commit an offence if they cross the road using a bicycle crossing within 20m of a pedestrian crossing. There is no reason that a PMD user who is allowed to use a bicycle crossing should be obliged to cross the road using the pedestrian crossing instead of the bicycle crossing.

Clause 26 amends Rule 234 so that PMD users may choose to cross the road using either type of crossing when they have the option to do so.

1.1.7 Use of coloured lights on non-registrable vehicles

Bicycle riders and PMD users are required to have a solid or flashing red and white light visible on their bike when they ride at night or in hazardous conditions. However, there is no restriction on the other colours that they can also display, including a blue-flashing light.

Bike riders and PMD users may choose to use a blue light that may cause confusion for road users between police vehicles and these non-registrable vehicles at night. There are no rules about using lights on a wheeled recreational device. However, a person using this combination of lights may similarly cause distraction or confusion in other road users.

Clauses 29, 31 and 32 of the draft amendments propose to insert new rules to prohibit the use of a blue light on a non-registrable vehicle. Exemptions are provided in the rules for a police officer using these vehicles and devices in the course of their duty and blue lights that are in-built into the vehicles.

In addition, Clause 56 of the draft amendments proposes to include a definition of inbuilt light in the dictionary.

1.1.8 A definition of properly adjusted and fastened seatbelt

Rules 264 and 265 create an obligation that a person must wear a seatbelt that is 'properly adjusted and fastened' where an approved seatbelt is fitted to a vehicle's seating position. The direction that the seatbelt must be 'properly adjusted and fastened' does not provide examples about how a person must meet these obligations or to support the efficient enforcement of people not wearing the seatbelt correctly.

Clauses 36 and 37 of the draft amendments propose to amend Rules 264 and 265 with examples of what a 'properly adjusted and fastened' seatbelt means for lap, and lap and sash seatbelts. These changes are intended to support the efficient enforcement and communication of these rules.

1.1.9 1.1.1 Seatbelt rules for passengers under 16 years old

Rule 266 describes the obligations that a driver has regarding the seating and restraint of passengers under the age of 16. The way the rule is constructed makes the provisions difficult to follow and does not support the rule's comprehension.

Clause 38 of the draft amendments proposes to redraft Rule 266 to improve readability and comprehension. The amendments preserve the policy intent and obligations placed on road-users so there is no change to how a driver must comply with these rules.

1.1.10 Seating position in a vehicle for passengers older than 1 and less than 4 years old

There are restrictions in road rules about where a person less than 7 years old may sit in a vehicle. However, Rules 266(3) and 266(3A) only place a restriction on people less than 1-year-old or 4 and older but less than 7. There is a gap in the model law for passengers aged 1 and older but less than 4.

The gap stems from a version control error between the 9th and 11th amendment packages. The 7th amendment package introduced the rule restricting a person less than 4 from sitting in the front seat. However, the model law reverted to the pre-7th package version between 2012 and 2015 without this change being part of any amendment package during those years. This package corrects the error.

Clause 38 of the draft amendments corrects this gap by proposing to insert new rule 266G(1) to provide that children less than 4 years of age may not sit in the front row of a motor vehicle if there are two or more rows.

1.1.11 B-lights to apply to bus and bus only lanes

The rule that applies Part 17 – Division 2 – Public buses to bus lanes does not include bus only lanes. This is an unintended oversight from the introduction of Rule 154A in a previous road rule amendment package.

Clause 44 of the draft amendments proposes to amend Rule 280 so that Part 17 – Division 2 – Public buses applies to bus lanes and bus only lanes.

1.1.12 New electronic device category and associated rules for bicycle helmet devices

There is an inconsistency about how helmet devices are regulated between bicycle and motorbike riders. Electronic devices integrated or affixed to a bicycle helmet fall under the definition of a wearable device. Wearable devices include things like smart watches and smart glasses. Motorbike helmet devices, however, are distinct from wearable devices and have a different rule set. It was intended that motor vehicle and bicycle rider distraction be treated similarly when the rules about electronic devices were developed, and there is no obvious reason to differentiate between devices in a bicycle helmet or a motor bike helmet.

Clauses 46, 47, 48, 49 in the draft amendments amend Rules 304A, 304B, 304G, and 304H to introduce bicycle helmet devices so that rules for using these devices is the same as those for using motorbike helmet devices.

1.1.13 Static and variable information that can be shown on an electronic device

Rule 304G(1)(g) allows some types of information, including static information, to be shown on the display of an electronic device, if the device is locked and shows the ordinary lock screen, the ordinary menu screen if the device is unlocked, and automatic notifications. The intent of the word 'static' is to make sure that content with moving images (movies, television shows, video calls, etc) are not shown on the lock screen, menu screen or as part of an automatic notification.

However, the use of the term 'static' is too stringent and could mean the driver commits an offence if some basic information changes on the screen, e.g., time, battery power, weather information, or notifications that appear and disappear. This is not the intent of the rules.

Clause 48 of the draft amendments proposes to amend Rule 304G(1)(g) so the display of variable information that would ordinarily be shown on a device's lock or menu screen is permitted. Examples of different types of variable information are given in the rule. This will allow information that would normally be shown on the display to change as it updates without being an offence. For instance, changing date and time, battery power, or weather information.

1.1.14 Removing gender pronouns in the road rules

A subset of the road rules uses the gender pronouns he/she and his/hers.

Clauses 17, 20, 23, 24, 25, 27, 28, 30, 33, 37(1), 40(1)(3), 41(1), 50, 51, 53, 56(3)(4)(5)(7)(8)(9) of the draft amendments propose to amend the rules by removing gender pronouns and replacing them with a gender-neutral term that does not change the obligation placed on the person.

1.1.15 Updated diagrams and examples

Clauses 9 of the draft amendments proposes to update Rule 73(5) with an example image for drivers turning right at a T-intersection with a slip lane.

Clause 10 of the draft amendments proposes to update Rule 85 with examples of a painted traffic island using a continuous line as a border.

1.1.16 Mechanical amendments

Several of the proposed draft amendments are mechanical in nature, these include:

- Inserting new division headings
- Typographical and grammatical corrections
- Numbering corrections
- Updating cross referencing between rules
- Relocating definitions that are defined in one rule but referred to in other rules to the dictionary.

Clauses 3, 15, 21, 22, 34, 35, 39, 40(2), 41(2)(3), 42 43, 45, 52 and 56 of the draft amendments propose the required mechanical amendments.

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