

National Transport Commission (Model Amendments Regulations: Australian Road Rules—Package No. 8) Regulations 2009

Select Legislative Instrument No. 309, 2009

made under the

National Transport Commission Act 2003

**Compilation No. 1**

**Compilation date:** 5 March 2016

**Includes amendments up to:** F2016L00170

**Registered:** 7 June 2016

**About this compilation**

**This compilation**

This is a compilation of the *National Transport Commission (Model Amendments Regulations: Australian Road Rules—Package No. 8) Regulations 2009* that shows the text of the law as amended and in force on 5 March 2016 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

**Uncommenced amendments**

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

**Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

**Editorial changes**

For more information about any editorial changes made in this compilation, see the endnotes.

**Modifications**

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

**Self‑repealing provisions**

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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1 Name of Regulations

These Regulations are the *National Transport Commission (Model Amendments Regulations: Australian Road Rules—Package No. 8) Regulations 2009*.

2 Commencement

These Regulations commence on the day after they are registered.

3 Proposed amendments of model legislation—*Model Amendments Regulations: Australian Road Rules—Package No. 8*

(1) Under section 7 of the *National Transport Commission Act 2003*, Schedule 1 sets out model legislation (in the form of regulations) to amend the principal model legislation.

(2) In subregulation (1), ***principal model legislation*** means the model legislation set out in Schedule 1 to the *National Transport Commission (Road Transport Legislation—Australian Road Rules) Regulations 2006* as if it had been amended by the model legislation set out in:

(a) Schedules 1 and 2 to the *National Transport Commission (Road Transport Legislation—Australian Road Rules) Amendment Regulations 2006 (No. 1)*; and

(b) Schedule 1 to the *National Transport Commission (Model Amendments Regulations: Australian Road Rules—Package No. 7) Regulations 2008*; and

(c) Schedule 1 to the *National Transport Commission (Road Transport Legislation—Australian Road Rules) Amendment Regulations 2008 (No. 1)*; and

(d) Schedule 1 to the *National Transport Commission (Road Transport Legislation ‑ Australian Road Rules) Amendment Regulations 2008 (No. 2)*; and

(e) Schedule 1 to the *National Transport Commission (Road Transport Legislation—Australian Road Rules) Amendment Regulations 2008 (No. 3)*; and

(f) Schedule 1 to the *National Transport Commission (Model Amendments Regulations: Australian Road Rules—Package No. 6) Regulations 2008*.

Note 1: The model legislation does not have the force of law (see paragraph 7(2)(a) of the *National Transport Commission Act 2003*).

Note 2: These Regulations are not subject to disallowance—see regulations made for the purposes of paragraph 44(2)(b) of the *Legislation Act 2003*.

Note 3: These Regulations are not subject to sunsetting—see regulations made for the purposes of paragraph 54(2)(b) of the *Legislation Act 2003*.

Schedule 1—Model legislation for regulation 3

(regulation 3)

**Model Amendments Regulations: Australian Road Rules—Package No. 8**

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**Model Amendments Regulations: Australian Road Rules—Package No. 8**

**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: Australian Road Rules—Package No. 8.

2. Purpose

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

(a) to confine the use of mobile phones in motor vehicles to hands‑free phones and phones that are in mountings fixed to the vehicles; and

(b) to confine the use of visual display units used as drivers’ aids in motor vehicles to units that are in mountings fixed to the vehicles; and

(c) to address various technical matters in relation to –

(i) the definition of shared zones; and

(ii) drivers giving way to pedestrians when turning at intersections; and

(iii) the giving of turning signals when using roundabouts; and

(iv) staying to the left of the centre of roads and the crossing of dividing lines; and

(v) overtaking to the left of vehicles; and

(vi) particular vehicles leaving marked lanes for the purposes of turning; and

(vii) carrying animals on motor bikes.

3. Approval

These Regulations were approved by the Australian Transport Council on 6 February 2009.

4. Rules being amended by these Regulations

These Regulations amend the Australian Road Rules.

5. Change to what constitutes a *shared zone*

(1) In rule 24(1), after “on a road” insert “, or the road,”.

(2) For rule 24(2) substitute –

“(2) A ***shared zone*** is:

(a) if there is a *shared zone sign* and an *end shared zone sign* on a road and there is no intersection on the length of road between the signs—that length of road; or

(b) if there is a *shared zone sign* on a road that ends in a dead end and there is no intersection on the length of road beginning at the sign and ending at the dead end—that length of road; or

(c) a network of roads in an area with:

(i) a *shared zone sign* on each road into the area, indicating the same number; and

(ii) an *end shared zone sign* on each road out of the area; or

(d) a road related area that is between a *shared zone sign* that relates to the area and an *end shared zone sign* that relates to the area.

Note: ***Intersection*** is defined in the dictionary.”.

(3) In rule 24(3), for “subrule (2)(a) and (b)” substitute “subrules (2)(c)(i) and (ii)”.

6. Giving way to pedestrians when turning at intersections

(1) In rule 62(1) –

(a) in paragraph (a), for “on” substitute “crossing”;

(b) after note 4 insert –

“Note 5: In relation to paragraph (a), rule 353(1) specifies that a driver is not required to give way to a pedestrian who is crossing the road that the driver is leaving, and rule 353(2) provides that a pedestrian who is only crossing a part of a road is considered to be crossing the road.”.

(2) In rule 64 –

(a) in paragraph (b), for “on” substitute “crossing”;

(b) after note 3 insert –

“Note 4: In relation to paragraph (b), rule 353(1) specifies that a driver is not required to give way to a pedestrian who is crossing the road that the driver is leaving, and rule 353(2) provides that a pedestrian who is only crossing a part of a road is considered to be crossing the road.”.

(3) In rule 67(4) –

(a) for “on” substitute “who is crossing”;

(b) at the end of the subrule insert –

“Note: Rule 353(1) specifies that a driver is not required to give way to a pedestrian who is crossing the road that the driver is leaving, and rule 353(2) provides that a pedestrian who is only crossing a part of a road is considered to be crossing the road.”.

(4) In rule 69(3) –

(a) for “on” substitute “who is crossing”;

(b) at the end of the subrule insert –

“Note: Rule 353(1) specifies that a driver is not required to give way to a pedestrian who is crossing the road that the driver is leaving, and rule 353(2) provides that a pedestrian who is only crossing a part of a road is considered to be crossing the road.”.

(5) In rule 72(3) –

(a) in paragraph (b), for “on” substitute “who is crossing”;

(b) in the note, for “Note” substitute “Note 1”;

(c) after the note insert –

“Note 2: In relation to paragraph (b), rule 353(1) specifies that a driver is not required to give way to a pedestrian who is crossing the road that the driver is leaving, and rule 353(2) provides that a pedestrian who is only crossing a part of a road is considered to be crossing the road.”.

(6) In rule 72(5) –

(a) in paragraph (c), for “on” substitute “who is crossing”;

(b) in the note, for “Note” substitute “Note 1”;

(c) after the note insert –

“Note 2: In relation to paragraph (c), rule 353(1) specifies that a driver is not required to give way to a pedestrian who is crossing the road that the driver is leaving, and rule 353(2) provides that a pedestrian who is only crossing a part of a road is considered to be crossing the road.”.

(7) In rule 73(2) –

(a) in paragraph (b), for “on” substitute “who is crossing”;

(b) in the note, for “Note” substitute “Note 1”;

(c) after the note insert –

“Note 2: In relation to paragraph (b), rule 353(1) specifies that a driver is not required to give way to a pedestrian who is crossing the terminating road, and rule 353(2) provides that a pedestrian who is only crossing a part of a road is considered to be crossing the road.”.

(8) In rule 73(4) –

(a) for “on” substitute “who is crossing”;

(b) after the example insert –

“Note: Rule 353(1) specifies that a driver is not required to give way to a pedestrian who is crossing the continuing road, and rule 353(2) provides that a pedestrian who is only crossing a part of a road is considered to be crossing the road.”.

(9) In rule 73(6) –

(a) in paragraph (b), for “on” substitute “who is crossing”;

(b) in the note, for “Note” substitute “Note 1”;

(c) after the note insert –

“Note 2: In relation to paragraph (b), rule 353(1) specifies that a driver is not required to give way to a pedestrian who is crossing the continuing road, and rule 353(2) provides that a pedestrian who is only crossing a part of a road is considered to be crossing the road.”.

7. Signals when using roundabouts

(1) For rule 112(2) substitute –

“(2) Before entering the roundabout, the driver must give a left change of direction signal for long enough to give sufficient warning to other drivers and pedestrians.

Offence provision.

Note: ***Left change of direction signal*** is defined in the dictionary.”.

(2) For rule 113(2) substitute –

“(2) Before entering the roundabout, the driver must give a right change of direction signal for long enough to give sufficient warning to other drivers and pedestrians.

Offence provision.

Note: ***Right change of direction signal*** is defined in the dictionary.”.

(3) In rule 113(3) –

(a) in paragraph (b), for “lights.” substitute “lights; or”;

(b) after paragraph (b) insert –

“(c) the driver is about to leave the roundabout.”;

(c) after note 2 insert –

“Note 3: Rule 118 requires a driver, if practicable, to give a left change of direction signal when leaving a roundabout.”.

8. Keeping to the left of the centre of a road or the dividing line

(1) In rule 132(2), for the note substitute –

“Note: Rule 134 deals with driving to the right of the dividing line to overtake another vehicle, to enter or leave a road, or to move from one part of the road to another. Rule 139(2) deals with driving to the right of the dividing line to avoid an obstruction.

The effect of this subrule, in relation to continuous dividing lines, is as follows:

• in the case of a dividing line that is only a single continuous dividing line, or that is a broken dividing line to the right of a single continuous dividing line, a driver may only drive to the right of such a line in the circumstances set out in rules 134(3) and 139(2) (as supplemented by rule 139(3));

• in the case of a dividing line that is a single continuous dividing line to the right of a broken dividing line, a driver may only drive to the right of such a line in the circumstances set out in rules 134(2), 134(3) and 139(2);

• in the case of a dividing line that is 2 parallel continuous dividing lines, a driver may only drive to the right of such a line in the circumstances set out in rule 139(2) (as supplemented by rule 139(3)).”.

(2) At the end of rule 132(2A) insert –

“

|  |  |  |
| --- | --- | --- |
| Example 1 | Example 2 | Example 3 |
| Driving across a single continuous dividing line to make a U‑turn is **not** permitted | Driving across a single continuous dividing line to the left of a broken dividing line to make a U‑turn is **not** permitted | Driving across 2 parallel continuous dividing lines to make a U‑turn is **not** permitted |
|  |  | ”. |

9. Clarification to exceptions to keeping to the left of a dividing line

(1) In rule 134(2), after “line is a” insert “single”.

(2) In rule 134(3), for “not 2 parallel continuous dividing lines” substitute “a single continuous or broken dividing line, or a broken dividing line to the left or right of a single continuous dividing line”.

In rule 134(3), after Example 2 insert –

“

|  |  |  |
| --- | --- | --- |
| Example 2A | Example 2B | Example 2C |
| **Driving across a single continuous dividing line is permitted to enter or leave the road** | **Driving across a single continuous dividing line is permitted to leave the road to enter a road‑related area** | **Driving across a single continuous dividing line to the left of a broken dividing line is permitted to enter or leave the road** |
|  |  | ”. |

10. Passing or overtaking a vehicle displaying a *do not overtake turning vehicle sign*

After rule 143(1) insert –

“(1A) A driver must not drive past, or overtake, to the left of a vehicle displaying a *do not overtake turning vehicle sign* unless:

(a) the driver is driving on a multi‑lane road and the vehicle can be safely overtaken in a marked lane to the left of the vehicle; or

(b) the vehicle is turning right, or making a U–turn from the centre of the road, and is giving a right change of direction signal and it is safe to overtake to the left of the vehicle; or

(c) the vehicle is stationary and it is safe to overtake to the left of the vehicle.

Offence provision.

Note: ***Centre of the road***, ***marked lane***, ***multi‑lane road***, ***overtake***, ***right change of direction signal*** and ***U–turn*** are defined in the dictionary.”.

11. Further exception to requirement for particular vehicles to use marked lane

In rule 159(1) –

(a) in paragraph (c), for “jurisdiction.” substitute “jurisdiction; or”;

(b) after paragraph (c) insert –

“(d) intending to turn off the road or to make a U‑turn, and in order to do so safely without disrupting other vehicles on the road it is necessary to position the vehicle in another lane before starting the turn, or to make the turn.”.

12. Driver of motor bike to have proper control of the motor bike

(1) For rules 297(3) and (4) substitute –

“(3) The rider of a motor bike must not ride with an animal on the motor bike between the rider and the handle bars, or in another position that interferes with the rider’s ability to control the motorbike or to have a clear view of the road.

Offence provision.

Note: ***Motor bike*** is defined in the dictionary.

(4) Subrule (3) does not apply to the rider of a motor bike who rides with an animal between the rider and the handle bars for a distance of not more than 500 metres on a road for the purpose of a farming activity that the rider is carrying out.”.

13. Television receivers and visual display units in motor vehicles

(1) For rule 299(2)(b) substitute –

“(b) the vehicle is not a motor bike and the visual display unit is, or is part of, a driver’s aid and either –

(i) is an integrated part of the vehicle design; or

(ii) is secured in a mounting affixed to the vehicle while being used; or”.

(2) After rule 299(2) insert –

“(3) For the purposes of subrule (2)(b)(ii), a visual display unit is secured in a mounting affixed to the vehicle if, and only if—

(a) the mounting is commercially designed and manufactured for that purpose; and

(b) the unit is secured in the mounting, and the mounting is affixed to the vehicle, in the manner intended by the manufacturer.”.

14. Substitution of rule 300

For rule 300 substitute –

“300 Use of mobile phones

(1) The driver of a vehicle must not use a mobile phone while the vehicle is moving, or is stationary but not parked, unless:

(a) the phone is being used to make or receive a phone call (other than a text message, video message, email or similar communication) 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

(b) the vehicle is an emergency vehicle or a police vehicle; or

(c) the driver is exempt from this rule under another law of this jurisdiction.

Offence provision.

Note: ***Emergency vehicle***, ***park*** and ***police vehicle*** are defined in the dictionary.

(2) For the purposes of this rule, a mobile phone is secured in a mounting affixed to the vehicle if, and only if—

(a) the mounting is commercially designed and manufactured for that purpose; and

(b) the mobile phone is secured in the mounting, and the mounting is affixed to the vehicle, in the manner intended by the manufacturer.

(3) For the purposes of this rule, a driver does not use a phone to receive a text message, video message, email or similar communication if:

(a) the communication is received automatically by the phone; and

(b) on and after receipt, the communication itself (rather than any indication that the communication has been received) does not become automatically visible on the screen of the phone.

(4) In this rule:

***affixed to***, in relation to a vehicle, includes forming part of the vehicle;

***body*,** in relation to a mobile phone, means the part of the phone that contains the majority of the phone’s mechanisms;

***held*** includes held by, or resting on, any part of the driver’s body, but does not include held in a pocket of the driver’s clothing or in a pouch worn by the driver;

***mobile phone*** does not include a CB radio or any other two‑way radio;

***use***, in relation to a mobile phone, includes any of the following actions by a driver:

(a) holding the body of the phone in her or his hand (whether or not engaged in a phone call), except while in the process of giving the body of the phone to a passenger in the vehicle;

(b) entering or placing, other than by the use of voice, anything into the phone, or sending or looking at anything that is in the phone;

(c) turning the phone on or off;

(d) operating any other function of the phone.”.

15. Insertion of rule 353

After rule 352 insert –

“353 References to pedestrians crossing a road

(1) If a driver who is turning from a road at an intersection is required to give way to a pedestrian who is crossing the road that the driver is entering, the driver is only required to give way to the pedestrian if the pedestrian’s line of travel in crossing the road is essentially perpendicular to the edges of the road the driver is entering – the driver is not required to give way to a pedestrian who is crossing the road the driver is leaving.

(2) In these Rules, a reference to a pedestrian crossing a road includes a reference to a person who is crossing only part of a road (for example, a person walking to a safety zone or a median strip, or to the middle of a road to display a hand‑held stop sign).”.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

**Abbreviation key—Endnote 2**

The abbreviation key sets out abbreviations that may be used in the endnotes.

**Legislation history and amendment history—Endnotes 3 and 4**

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

**Editorial changes**

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

**Misdescribed amendments**

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

|  |  |
| --- | --- |
| ad = added or inserted | o = order(s) |
| am = amended | Ord = Ordinance |
| amdt = amendment | orig = original |
| c = clause(s) | par = paragraph(s)/subparagraph(s) |
| C[x] = Compilation No. x | /sub‑subparagraph(s) |
| Ch = Chapter(s) | pres = present |
| def = definition(s) | prev = previous |
| Dict = Dictionary | (prev…) = previously |
| disallowed = disallowed by Parliament | Pt = Part(s) |
| Div = Division(s) | r = regulation(s)/rule(s) |
| ed = editorial change | reloc = relocated |
| exp = expires/expired or ceases/ceased to have | renum = renumbered |
| effect | rep = repealed |
| F = Federal Register of Legislation | rs = repealed and substituted |
| gaz = gazette | s = section(s)/subsection(s) |
| LA = *Legislation Act 2003* | Sch = Schedule(s) |
| LIA = *Legislative Instruments Act 2003* | Sdiv = Subdivision(s) |
| (md) = misdescribed amendment can be given | SLI = Select Legislative Instrument |
| effect | SR = Statutory Rules |
| (md not incorp) = misdescribed amendment | Sub‑Ch = Sub‑Chapter(s) |
| cannot be given effect | SubPt = Subpart(s) |
| mod = modified/modification | underlining = whole or part not |
| No. = Number(s) | commenced or to be commenced |

Endnote 3—Legislation history

| Name | Registration | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- |
| National Transport Commission (Model Amendments Regulations: Australian Road Rules—Package No. 8) Regulations 2009 (SLI No. 309, 2009) | 17 Nov 2009 (F2009L04189) | 18 Nov 2009 (r 2) |  |
| Acts and Instruments (Framework Reform) (Consequential Amendments) Regulation 2016 | 29 Feb 2016 (F2016L00170) | Sch 1 (item 33): 5 Mar 2016 (s 2(1) item 1) | — |

Endnote 4—Amendment history

| Provision affected | How affected |
| --- | --- |
| r 3 | am F2016L00170 |