



Australian Capital Territory

Road Transport Legislation Amendment Regulation 2010 (No 1)

Subordinate Law SL2010-5

The Australian Capital Territory Executive makes the following regulation under the *Road Transport (General) Act 1999*, the *Road Transport (Public Passenger Services) Act 2001* and the *Road Transport (Safety and Traffic Management) Act 1999*.

Dated 23 February 2010.

JON STANHOPE
Minister

ANDREW BARR
Minister



Australian Capital Territory

Road Transport Legislation Amendment Regulation 2010 (No 1)

Subordinate Law SL2010-5

made under the

Road Transport (General) Act 1999, the Road Transport (Public Passenger Services) Act 2001 and the Road Transport (Safety and Traffic Management) Act 1999

Contents

	Page
Part 1	Preliminary
1	Name of regulation 1
2	Commencement 1
Part 2	Road Transport (Offences) Regulation 2005
3	Legislation amended—pt 2 2
4	Section 8 (1) 2
5	Section 21 (2) (a) 4

J2009-755

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Contents

	Page	
6	Schedule 1, part 1.2, new item 3A	5
7	Schedule 1, part 1.2, new item 6A	5
8	Schedule 1, part 1.2, item 7.2	6
9	Schedule 1, part 1.2, items 20 and 21	6
10	Schedule 1, part 1.2, new items 44A and 44B	7
11	Schedule 1, part 1.2, item 47, column 2	7
12	Schedule 1, part 1.2, item 48, column 2	7
13	Schedule 1, part 1.2, item 49, column 2	8
14	Schedule 1, part 1.2, item 97, column 3	8
15	Schedule 1, part 1.2, new item 97A	8
16	Schedule 1, part 1.2, new item 121A	9
17	Schedule 1, part 1.2, item 143	9
18	Schedule 1, part 1.2, new items 168A, 168A.1 and 168A.2	10
19	Schedule 1, part 1.2, new item 186A	10
20	Schedule 1, part 1.2, new item 195A	11
21	Schedule 1, part 1.2, new item 209A	11
22	Schedule 1, part 1.2, new item 242A	11
23	Schedule 1, part 1.2, new item 254A	12
24	Schedule 1, part 1.2, item 259	12
25	Schedule 1, part 1.2, item 272, column 3	12
26	Schedule 1, part 1.2, new item 285A	13
27	Schedule 1, part 1.2, new items 307A to 307E	13
28	Schedule 1, part 1.2, new item 312A	14
29	Schedule 1, part 1.2, new item 315A	14
30	Schedule 1, part 1.2, item 317, column 3	15
31	Schedule 1, part 1.2, item 320	15
32	Schedule 1, part 1.2, item 331A	15
33	Schedule 1, part 1.2, item 335	16
34	Schedule 1, part 1.2, new items 336A to 336C	16
35	Schedule 1, part 1.2, new item 349A	17
36	Schedule 1, part 1.2, items 359 and 360	17
37	Schedule 1, part 1.2, item 362 and items 362.1 to 362.3	18
38	Schedule 1, part 1.2, item 363 and items 363.1 to 363.3	19

	Page	
39	Schedule 1, part 1.2, item 368, column 3	20
40	Schedule 1, part 1.2, item 369, column 3	20
41	Schedule 1, part 1.2, new items 383A to 383C	20
42	Schedule 1, part 1.2, new item 415A	21
43	Schedule 1, part 1.2, new item 416A	21
44	Schedule 1, part 1.2, item 421	21
45	Schedule 1, part 1.13, item 1	22
Part 3	Road Transport (Public Passenger Services) Regulation 2002	
46	Legislation amended—pt 3	23
47	Section 132 (3), notes 1 and 2	23
48	Section 138 (2), notes 1 and 2	23
49	Section 270 (5), notes 1 and 2	24
Part 4	Road Transport (Safety and Traffic Management) Regulation 2000	
50	Legislation amended—pt 4	25
51	Section 5	25
52	New section 6A	25
53	Division 2.2.1, note 2, table, item 6	26
54	Division 2.2.1, note 2, table, item 22	26
55	Division 2.2.1, note 2, table, item 23	26
56	Section 12A	26
57	Section 23	26
58	Section 23B	27
59	Section 24, new definitions	28
60	Section 25	28
61	New section 66 (1) (aa)	28
62	New section 66 (1) (ba)	28

Part 1 Preliminary

1 Name of regulation

This regulation is the *Road Transport Legislation Amendment Regulation 2010 (No 1)*.

2 Commencement

- (1) This regulation, other than the provisions mentioned in subsection (2), commences on 15 March 2010.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

- (2) The following provisions commence on 15 March 2011:
- section 38
 - section 55
 - sections 58 to 62.
- (3) The Legislation Act, section 79 (Automatic commencement of postponed laws) does not apply to this regulation.

Part 2 Road Transport (Offences) Regulation 2005

3 Legislation amended—pt 2

This part amends the *Road Transport (Offences) Regulation 2005*.

4 Section 8 (1)

substitute

- (1) The road transport authority is the administering authority for the following infringement notice offences:
 - (a) an offence in the Australian Road Rules, part 12 (Restrictions on stopping and parking) that is an infringement notice offence under schedule 1, part 1.2, other than the following:
 - (i) rule 207 (Parking where fees are payable);
 - (ii) rule 212 (Entering and leaving a median strip parking area);

(iii) rule 213 (Making a motor vehicle secure);

Note The Australian Road Rules, pt 12, contains r 165 to r 213.

(b) an offence in the following provisions of the *Road Transport (Safety and Traffic Management) Regulation 2000* that is an infringement notice offence under schedule 1, part 1.13:

(i) division 2.3.5 (Metered parking), other than section 47 (Misuse of parking meters) and section 48 (Interfering with parking meters etc);

(ii) division 2.3.6 (Ticket parking), other than section 53 (Misuse of parking ticket machines), section 54 (Interfering with parking ticket machines etc) and section 55 (Interfering with parking tickets);

(iii) section 57A (Stopping public buses in bus zones and at bus stops);

(iv) division 3.1.3 (Heavy vehicle parking);

- (c) an infringement notice offence mentioned in the following provisions of schedule 1:
 - (i) part 1.8A (Road Transport (Mass, Dimensions and Loading) Act 2009);
 - (ii) part 1.8B (Road Transport (Mass, Dimensions and Loading) Regulation 2010);
 - (iii) part 1.10 (Road Transport (Public Passenger Services) Act 2001);
 - (iv) part 1.11 (Road Transport (Public Passenger Services) Regulation 2002).

5 Section 21 (2) (a)

substitute

- (a) for an offence mentioned in the Australian Road Rules, rule 20 (Obeying the speed-limit), rule 264 (Wearing of seatbelts by drivers), rule 265 (3) (Wearing of seatbelts by passengers 16 years old or older) or rule 266 (Wearing of seatbelts by passengers under 16 years old)—double the number of demerit points mentioned in schedule 1, part 1.2, column 6 for the offence; or

6 Schedule 1, part 1.2, new item 3A*insert*

3A	28 (1A)	not turn left from multi-lane road from within slip lane or left lane	20	216	2 (NS)
----	---------	---	----	-----	--------

7 Schedule 1, part 1.2, new item 6A*insert*

6A	32 (2A)	bicycle rider turning right not approach/enter intersection from part of bicycle storage area in front of right lane	20	216	2 (NS)
----	---------	--	----	-----	--------

8 Schedule 1, part 1.2, item 7.2

substitute

7.2	<ul style="list-style-type: none">by contravening 33 (3) (a)	not turn right near to right of centre of intersection	20	216	2 (NS)
7.3	<ul style="list-style-type: none">by contravening 33 (3) (b)	not turn right into left of centre of road	20	216	2 (NS)

9 Schedule 1, part 1.2, items 20 and 21

omit

10 Schedule 1, part 1.2, new items 44A and 44B*insert*

44A	60A (1)	enter bicycle storage area when traffic light red	20	273	3 (NS)
44B	60A (2)	enter bicycle storage area when traffic arrow red	20	273	3 (NS)

11 Schedule 1, part 1.2, item 47, column 2*substitute*

62 (1) (a)

12 Schedule 1, part 1.2, item 48, column 2*substitute*

62 (1) (b)

13 Schedule 1, part 1.2, item 49, column 2

substitute

62 (1) (c)

14 Schedule 1, part 1.2, item 97, column 3

substitute

not give way to vehicle entering turning lane from right

15 Schedule 1, part 1.2, new item 97A

insert

97A	85 (c)	not give way to vehicle entering turning lane from left	20	273	3 (NS)
-----	--------	---	----	-----	--------

16 Schedule 1, part 1.2, new item 121A*insert*

121A	101A (1)	drive on safety ramp or arrester bed when not necessary	20	157	
------	----------	---	----	-----	--

17 Schedule 1, part 1.2, item 143*substitute*

143	115 (1) (a)	not drive left of traffic island in roundabout	20	205	2 (NS)
143A	115 (1) (b)	not drive on edge and left of traffic island	20	205	2 (NS)
143B	115 (1) (c)	not drive over and left of traffic island	20	205	2 (NS)

18 Schedule 1, part 1.2, new items 168A, 168A.1 and 168A.2

insert

168A	132 (2A)				
168A.1	<ul style="list-style-type: none">if there are double dividing lines	drive over dividing line to do U-turn (double dividing lines)	20	205	3 (NS)
168A.2	<ul style="list-style-type: none">in any other case	drive over dividing line to do U-turn (not double dividing lines)	20	205	2 (NS)

19 Schedule 1, part 1.2, new item 186A

insert

186A	148A	not give way (diverge to left or right within marked lane)	20	157	3 (NS)
------	------	--	----	-----	--------

20 Schedule 1, part 1.2, new item 195A*insert*

195A	155A (1)	drive in tramway	20	185	3 (NS)
------	----------	------------------	----	-----	--------

21 Schedule 1, part 1.2, new item 209A*insert*

209A	170 (1)	stop in intersection	20	90	
------	---------	----------------------	----	----	--

22 Schedule 1, part 1.2, new item 242A*insert*

242A	197 (1A)	stop on painted island	20	79	
------	----------	------------------------	----	----	--

Part 2 Road Transport (Offences) Regulation 2005

Section 23

23 Schedule 1, part 1.2, new item 254A

insert

254A	208A (1)	parallel park in direction other than direction of travel (road-related area)	20	79	
------	----------	---	----	----	--

24 Schedule 1, part 1.2, item 259

omit

25 Schedule 1, part 1.2, item 272, column 3

substitute

use front or rear fog light when not permitted

26 Schedule 1, part 1.2, new item 285A*insert*

285A	225 (2)	travel in vehicle with device for preventing effective use of speed measuring device/device for detecting speed measuring device	20		
------	---------	--	----	--	--

27 Schedule 1, part 1.2, new items 307A to 307E*insert*

307A	235 (2A) (a)	delay finishing crossing level crossing despite warning lights/bells starting	20	67	
307B	235 (2A) (b)	delay finishing crossing level crossing despite gate/boom/barrier starting to close	20	67	
307C	235 (2A) (c)	delay finishing crossing level crossing despite tram/train approaching crossing	20	67	

Part 2 Road Transport (Offences) Regulation 2005

Section 28

307D	235A (2)	cross pedestrian level crossing when pedestrian light red	20	67	
307E	235A (3)	delay finishing crossing pedestrian level crossing despite pedestrian light turning red	20	67	

28 Schedule 1, part 1.2, new item 312A

insert

312A	238 (2) (ab)	pedestrian not face approaching traffic	20	67	
------	--------------	---	----	----	--

29 Schedule 1, part 1.2, new item 315A

insert

315A	240A	use wheeled device/toy when <i>no wheeled device/toy</i> sign	20	67	
------	------	---	----	----	--

30 Schedule 1, part 1.2, item 317, column 3*substitute*

use wheeled device/toy (speed limit>50km/h)

31 Schedule 1, part 1.2, item 320*substitute*

320	240 (2) (b)	use wheeled device on road at night	20	67	
320A	240 (2) (c)	use wheeled device on road at prohibited time	20	67	

32 Schedule 1, part 1.2, item 331A*insert*

331A	244C	travel on motorised scooter on road/road related area	20	67	
------	------	---	----	----	--

33 Schedule 1, part 1.2, item 335

substitute

335	246 (1)	carry more persons on bicycle than permitted	20	67	
335A	246 (2)	bicycle passenger not in passenger seat	20	67	
335B	246 (3)	ride bicycle with passenger not in passenger seat	20	67	

34 Schedule 1, part 1.2, new items 336A to 336C

insert

336A	247A (1)	ride bicycle into bicycle storage area other than from bicycle lane	20	67	
336B	247B (1)	rider entering bicycle storage area not give way to vehicle/motor vehicle	20	67	

336C	247B (2)	rider in bicycle storage area not give way to motor vehicle in other lane	20	67	
------	----------	---	----	----	--

35 Schedule 1, part 1.2, new item 349A

insert

349A	256 (3)	ride bicycle with passenger not wearing bicycle helmet/fitted/fastened	20	67	
------	---------	--	----	----	--

36 Schedule 1, part 1.2, items 359 and 360

substitute

359	262 (1)				
359.1	<ul style="list-style-type: none"> by contravening 262 (2) 	not finish crossing road safely (bicycle crossing lights)	20	67	
359.2	<ul style="list-style-type: none"> by contravening 262 (3) 	not remain in safety area (bicycle crossing lights)	20	67	

37 Schedule 1, part 1.2, item 362 and items 362.1 to 362.3

substitute

362	265 (1)				
362.1	<ul style="list-style-type: none"> by contravening 265 (2) (a) 	not occupy seat with seatbelt (16 yrs or older)	20	284	
362.2	<ul style="list-style-type: none"> by contravening 265 (2) (b) 	occupy same seat as another passenger (16 yrs or older)	20	284	
362.3	<ul style="list-style-type: none"> by contravening 265 (2) (c) 	seatbelt not adjusted/fastened (16 yrs or older)	20	284	
362A	265 (3)	drive with passenger (16 yrs or older): <ul style="list-style-type: none"> without seatbelt; or in same seat as another passenger; or seatbelt not adjusted/fastened 	20	284	3 (NS)

38 Schedule 1, part 1.2, item 363 and items 363.1 to 363.3*substitute*

363	266 (1)				
363.1	<ul style="list-style-type: none"> by contravening 266 (2) 	not in adjusted/fastened/restraint (under 6 months)	20	284	3 (NS)
363.2	<ul style="list-style-type: none"> by contravening 266 (2A) 	not in adjusted/fastened/restraint (over 6 months but under 4 yrs)	20	284	3 (NS)
363.3	<ul style="list-style-type: none"> by contravening 266 (2B) 	not in adjusted/fastened/restraint/booster seat (over 4 yrs but under 7 yrs)	20	284	3 (NS)
363.4	<ul style="list-style-type: none"> by contravening 266 (3) 	in front seat (under 4 yrs)	20	284	3 (NS)
363.5	<ul style="list-style-type: none"> by contravening 266 (3A) 	in front seat (over 4 yrs but under 7 yrs)	20	284	3 (NS)
363.6	<ul style="list-style-type: none"> by contravening 266 (4) 	no restraint/seatbelt (over 7 yrs but under 16 yrs)	20	284	3 (NS)

39 Schedule 1, part 1.2, item 368, column 3

substitute

drive with passenger in vehicle part not for passengers or goods

40 Schedule 1, part 1.2, item 369, column 3

substitute

drive with passenger in vehicle part for goods (part not enclosed or no seat suitable for size/weight of passenger)

41 Schedule 1, part 1.2, new items 383A to 383C

insert

383A	271 (5A)	ride motorbike with passenger <8 yrs not in sidecar	20	99	
383B	271 (5B)	passenger in sidecar not seated safely	20	99	
383C	271 (5C)	ride motorbike with passenger in sidecar not seated safely	20	99	

42 Schedule 1, part 1.2, new item 415A*insert*

415A	297 (1A)	drive vehicle with person/animal in lap	20	99	
------	----------	---	----	----	--

43 Schedule 1, part 1.2, new item 416A*insert*

416A	297 (3)	ride motorbike with animal on petrol tank	20	99	
------	---------	---	----	----	--

44 Schedule 1, part 1.2, item 421*substitute*

421	301 (1)	lead animal while driving motor vehicle	20	67	
421A	301 (2)	passenger in motor vehicle lead animal while vehicle moving	20	67	
421B	301 (3)	lead animal while riding bicycle	20	67	

Part 2 Road Transport (Offences) Regulation 2005

Section 45

45 **Schedule 1, part 1.13, item 1**

omit

Part 3

Road Transport (Public Passenger Services) Regulation 2002

46 Legislation amended—pt 3

This part amends the *Road Transport (Public Passenger Services) Regulation 2002*.

47 Section 132 (3), notes 1 and 2

substitute

Note 1 A passenger in a taxi, including a person in a wheelchair, must wear a suitable child restraint (if one is available) or a seatbelt, unless the person is exempt from wearing a seatbelt (see Australian Road Rules, r 265 and r 266).

Note 2 For exemptions from wearing a seatbelt, including for medical reasons, see the Australian Road Rules, r 267.

48 Section 138 (2), notes 1 and 2

substitute

Note 1 A passenger in a taxi, including a person in a wheelchair, must wear a suitable child restraint (if one is available) or a seatbelt, unless the person is exempt from wearing a seatbelt (see Australian Road Rules, r 265 and r 266).

Note 2 For exemptions from wearing a seatbelt, including for medical reasons, see the Australian Road Rules, r 267.

49 Section 270 (5), notes 1 and 2

substitute

Note 1 A passenger in a taxi, including a person in a wheelchair, must wear a suitable child restraint (if one is available) or a seatbelt, unless the person is exempt from wearing a seatbelt (see Australian Road Rules, r 265 and r 266).

Note 2 For exemptions from wearing a seatbelt, including for medical reasons, see the Australian Road Rules, r 267.

Part 4 Road Transport (Safety and Traffic Management) Regulation 2000

50 Legislation amended—pt 4

This part amends the *Road Transport (Safety and Traffic Management) Regulation 2000*.

51 Section 5

substitute

5 Meaning of *Australian Road Rules*

In this regulation:

Australian Road Rules means that part of the publication known as the Australian Road Rules, ISBN 0 7240 8874 1 published by the National Transport Commission in February 2008 that consists of the rules approved by the Australian Transport Council under the *National Transport Commission Act 2003* (Cwlth).

Note The Australian Road Rules are accessible at www.legislation.act.gov.au.

52 New section 6A

in part 2.1, insert

6A Transitional—ARR r 266 and r 267

- (1) The Australian Road Rules are to be read as if—
 - (a) rule 266 and rule 267 are not part of the rules; and
 - (b) the repealed Australian Road Rules, rule 266 and rule 267 are part of the rules.

(2) This section expires on 14 March 2011.

(3) In this section:

repealed Australian Road Rules means that part of the publication known as the Australian Road Rules, ISBN 0 7240 8874 1 published by the National Road Transport Commission on 22 October 2003 that consists of the rules approved by the Australian Transport Council under the *National Road Transport Commission Act 1991* (Cwlth).

53 Division 2.2.1, note 2, table, item 6

omit

54 Division 2.2.1, note 2, table, item 22

substitute

22	244C	23
----	------	----

55 Division 2.2.1, note 2, table, item 23

substitute

23	266	23A
23A	266 (2B)	23B

56 Section 12A

omit

57 Section 23

substitute

23 ARR r 244C—motorised scooters not to be used

For the Australian Road Rules, rule 244C, a person must not use a motorised scooter on a road or road related area.

58 Section 23B*substitute***23A ARR r 266—children travelling in interstate registered vehicles**

- (1) This section applies to a passenger in or on a motor vehicle (other than a bus or motorbike) who is under 7 years old.
- (2) For the Australian Road Rules, rule 266, the passenger is exempt from rule 266 if the motor vehicle is registered in a State that does not have a law that substantially corresponds to rule 266.

23B ARR r 266 (2B)—children travelling in goods compartments

- (1) This section applies to a passenger in a motor vehicle who is—
 - (a) at least 4 years old; and
 - (b) under 7 years old; and
 - (c) travelling in a seating position in a part of the vehicle that is designed primarily for the carriage of goods.
- (2) For the Australian Road Rules, rule 266 (2B), the passenger is exempt from—
 - (a) being restrained in an approved child restraint; or
 - (b) being placed in an approved booster seat and restrained by a seatbelt.
- (3) However, the passenger must be—
 - (a) restrained by a suitable lap and sash type seatbelt; or
 - (b) restrained by—
 - (i) for the midsection of the passenger's body—a lap type seatbelt; and

- (ii) for the passenger's upper body—an approved child safety harness.

Note A person must not travel in a seating position in a part of a vehicle that is designed primarily for the carriage of goods unless the position is suitable for the size and weight of the person (see ARR, r 268 (2)).

59 Section 24, new definitions

insert

approved booster seat means a booster seat that is approved by the road transport authority under section 66 (1) (aa) (Approvals etc by road transport authority).

approved child safety harness means a child safety harness that is approved by the road transport authority under section 66 (1) (ba) (Approvals etc by road transport authority).

60 Section 25

omit

61 New section 66 (1) (aa)

insert

- (aa) approve a booster seat as an approved booster seat; or

62 New section 66 (1) (ba)

insert

- (ba) approve a child safety harness as an approved child safety harness; or

Endnotes

1 Notification

Notified under the Legislation Act on 1 March 2010.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

© Australian Capital Territory 2010