



Australian Capital Territory

Road Transport (Safety and Traffic Management) Amendment Regulation 2018 (No 1)

Subordinate Law SL2018-3

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

Dated 10 April 2018.

SHANE RATTENBURY
Minister

MICK GENTLEMAN
Minister



Australian Capital Territory

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1 Name of regulation

This regulation is the *Road Transport (Safety and Traffic Management) Amendment Regulation 2018 (No 1)*.

2 Commencement

- (1) Schedule 1, part 1.1, amendment 1.2 and schedule 1, part 1.2 commence on the commencement of the *Road Transport (Road Rules) Regulation 2017*.

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

- (2) The remaining provisions commence on 14 April 2018.

3 Legislation amended

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

Note This regulation also amends other legislation (see sch 1).

4 New section 59

in division 2.3.8, insert

59 Approaching and passing stationary or slow moving emergency vehicle etc

- (1) This section applies if a police vehicle or an emergency vehicle is—
- (a) on a road; and
 - (b) stationary or moving slowly; and
 - (c) displaying flashing red or blue lights (whether or not it is also displaying other lights or sounding an alarm).

- (2) A driver of a vehicle on the road must—
- (a) approach the police vehicle or emergency vehicle at a speed at which the driver can, if necessary, stop safely before reaching the vehicle; and
 - (b) give way to any police officer or emergency worker on foot near the police vehicle or emergency vehicle; and
 - (c) pass the police vehicle or emergency vehicle at a speed of not more than—
 - (i) 40km/h; or
 - (ii) if the applicable speed limit at the point the driver passes the police vehicle or emergency vehicle is less than 40km/h—the speed limit; and
 - (d) after passing the police vehicle or emergency vehicle, drive at a speed at which the driver can, if necessary, stop safely, until the driver is a sufficient distance past the vehicle that the increase in speed does not risk the safety of any police officer or emergency worker on foot near the vehicle.

Maximum penalty: 20 penalty units.

- (3) Subsection (2) does not apply if the driver is driving on a road that is divided by a median strip and the police vehicle or emergency vehicle is on the other side of the road and beyond the median strip.

5 Section 66 (1), new note

insert

Note Power to make a statutory instrument (including an approval or declaration) includes power to make different provision in relation to different matters or different classes of matters, and to make an instrument that applies differently by reference to stated exceptions or factors (see [Legislation Act](#), s 48).

Schedule 1 Consequential amendments

(see s 3)

Part 1.1 Road Transport (Offences) Regulation 2005

[1.1] Schedule 1, part 1.13, new items 64A to 64D

insert

| | | | | | |
|-----|------------|---|----|-----|---|
| 64A | 59 (2) (a) | not drive at safe stopping speed when approaching stationary/slow moving police vehicle/emergency vehicle | 20 | 257 | 2 |
| 64B | 59 (2) (b) | not give way to police officer/emergency worker on foot | 20 | 257 | 2 |
| 64C | 59 (2) (c) | drive more than 40km/h or lower required speed limit when passing stationary/slow moving police vehicle/emergency vehicle | 20 | 257 | 2 |

Schedule 1 Consequential amendments
Part 1.1 Road Transport (Offences) Regulation 2005

Amendment [1.2]

| | | | | | |
|-----|------------|--|----|-----|---|
| 64D | 59 (2) (d) | not drive at safe stopping speed after passing stationary/slow moving police vehicle/emergency vehicle | 20 | 257 | 2 |
|-----|------------|--|----|-----|---|

[1.2] Schedule 1, part 1.12A, new items 520A to 520D

insert

| | | | | | |
|------|--------------|---|----|-----|---|
| 520A | 300C (2) (a) | not drive at safe stopping speed when approaching stationary/slow moving police vehicle/emergency vehicle | 20 | 257 | 2 |
| 520B | 300C (2) (b) | not give way to police officer/emergency worker on foot | 20 | 257 | 2 |
| 520C | 300C (2) (c) | drive more than 40km/h or lower required speed limit when passing stationary/slow moving police vehicle/emergency vehicle | 20 | 257 | 2 |
| 520D | 300C (2) (d) | not drive at safe stopping speed after passing stationary/slow moving police vehicle/emergency vehicle | 20 | 257 | 2 |

Part 1.2

Road Transport (Road Rules) Regulation 2017

[1.3] New section 300C

in division 18.1, insert

300C Approaching and passing stationary or slow moving emergency vehicle etc

- (1) This section applies if a police vehicle or an emergency vehicle is—
 - (a) on a road; and
 - (b) stationary or moving slowly; and
 - (c) displaying flashing red or blue lights (whether or not it is also displaying other lights or sounding an alarm).
- (2) A driver of a vehicle on the road must—
 - (a) approach the police vehicle or emergency vehicle at a speed at which the driver can, if necessary, stop safely before reaching the vehicle; and
 - (b) give way to any police officer or emergency worker on foot near the police vehicle or emergency vehicle; and
 - (c) pass the police vehicle or emergency vehicle at a speed of not more than—
 - (i) 40km/h; or
 - (ii) if the applicable speed limit at the point the driver passes the police vehicle or emergency vehicle is less than 40km/h—the speed limit; and

- (d) after passing the police vehicle or emergency vehicle, drive at a speed at which the driver can, if necessary, stop safely, until the driver is a sufficient distance past the vehicle that the increase in speed does not risk the safety of any police officer or emergency worker on foot near the vehicle.

Maximum penalty: 20 penalty units.

- (3) Subsection (2) does not apply if the driver is driving on a road that is divided by a median strip and the police vehicle or emergency vehicle is on the other side of the road and beyond the median strip.

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 12 April 2018.

2 Republications of amended laws

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