



Australian Capital Territory

# Road Transport Legislation Amendment Regulation 2015 (No 1)

Subordinate Law SL2015-33

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

Dated 28 October 2015.

SHANE RATTENBURY  
Minister

MICK GENTLEMAN  
Minister

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[Road Transport \(General\) Act 1999](#) and the [Road Transport \(Safety and Traffic Management\) Act 1999](#)

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## Part 1 Preliminary

### 1 Name of regulation

This regulation is the *Road Transport Legislation Amendment Regulation 2015 (No 1)*.

### 2 Commencement

This regulation commences on 1 November 2015.

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

### 3 Legislation amended

This regulation amends the *Road Transport (Offences) Regulation 2005* and the *Road Transport (Safety and Traffic Management) Regulation 2000*.

## Part 2 Road Transport (Offences) Regulation 2005

### 4 Schedule 1 Part 1.13, new items 3A to 3G

*insert*

3A	38A (1)	overtake bicycle rider too closely	20	236	2 (NS)
3B	38C (2)				
3B.1	<ul style="list-style-type: none"><li>by contravening 38C (2) (a)</li></ul>	approach crossing on bicycle faster than 10km/h	20	118	
3B.2	<ul style="list-style-type: none"><li>by contravening 38C (2) (b)</li></ul>	not enter crossing on bicycle safely	20	118	
3B.3	<ul style="list-style-type: none"><li>by contravening 38C (2) (c)</li></ul>	ride on crossing on bicycle faster than 10km/h	20	118	

3B.4	<ul style="list-style-type: none"> <li>by contravening 38C (2) (d)</li> </ul>	bicycle rider not give way to pedestrian on crossing	20	118	
3B.5	<ul style="list-style-type: none"> <li>by contravening 38C (2) (e)</li> </ul>	bicycle rider not keep left on crossing	20	118	
3B.6	<ul style="list-style-type: none"> <li>by contravening 38C (2) (f)</li> </ul>	proceed on marked foot crossing (with bicycle crossing lights) on bicycle before allowed	20	118	
3B.7	<ul style="list-style-type: none"> <li>by contravening 38C (2) (g)</li> </ul>	proceed on marked foot crossing (without bicycle crossing lights) on bicycle before allowed	20	118	
3C	38D (1)	not give way to bicycle rider (flashing yellow light)	20	389	3 (NS)
3D	38D (2)	not stop at children's crossing—bicycle rider on crossing	20	389	3 (NS)
3E	38D (2)	proceed at children's crossing—bicycle rider on/entering crossing	20	389	3 (NS)

**Part 2** Road Transport (Offences) Regulation 2005

Section 4

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3F	38D (3)	not give way to bicycle rider on pedestrian crossing	20	389	3 (NS)
3G	38D (4)				
3G.1		not finish crossing road safely (pedestrian crossing lights)	20	118	
3G.2		not remain in safety area (pedestrian crossing lights)	20	118	



## Part 3 Road Transport (Safety and Traffic Management) Regulation 2000

### 5 Division 2.2.1 heading, note 3, new items 4A to 4C

*insert*

4A	65	this regulation, s 38D (1)
4B	80	this regulation, s 38D (2)
4C	81	this regulation, s 38D (3)

### 6 Division 2.2.1 heading, note 3, new items 5A and 5B

*insert*

5A	248	this regulation, s 38D (5)
5B	262	this regulation, s 38D (4)

### 7 New division 2.3.1A

*insert*

#### Division 2.3.1A Bicycle riders

##### 38A Keeping safe lateral distance when passing bicycle rider

- (1) The driver of a motor vehicle passing the rider of a bicycle that is travelling in the same direction as the driver must pass the bicycle at a sufficient distance from—
- (a) the bicycle; or

- (b) if the rider is riding alongside another rider—the bicycle furthest to the right.

Maximum penalty: 20 penalty units.

*Note* The [Australian Road Rules](#), r 129 requires the rider of a bicycle on a road, other than a multi-lane road, to ride as near as practicable to the far left side of the road.

- (2) For this section—

- (a) a driver passes a bicycle at a *sufficient distance from the bicycle* if the driver passes at a lateral distance from the bicycle of—
- (i) if the applicable speed limit at the point the driver passes the bicycle is not more than 60km/h—at least 1m; or
  - (ii) if the applicable speed limit at the point the driver passes the bicycle is more than 60km/h—at least 1.5m; and
- (b) the *lateral distance* between a motor vehicle passing a bicycle and the bicycle is the distance between—
- (i) the most distant point to the left—
    - (A) on the driver’s vehicle; or
    - (B) on any projection from the vehicle (whether or not attached to the vehicle); and
  - (ii) the most distant point to the right—
    - (A) on the bicycle (or any part of the bicycle); or
    - (B) on a rider of the bicycle; or
    - (C) on any bicycle trailer towed by the bicycle; or

(D) on any passenger in or on any bicycle trailer.

**Examples—part of a bicycle**

basket, pannier bags

**Example—not part of a bicycle**

a flag or stick, whether or not flexible, attached to the bicycle, that projects sideways from the bicycle

*Note* An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

### **38B Exceptions for passing bicycle rider**

- (1) The driver of a motor vehicle passing the rider of a bicycle that is travelling in the same direction as the driver may make a permitted manoeuvre to pass the rider if—
  - (a) the driver has a clear view of any approaching traffic; and
  - (b) the permitted manoeuvre is necessary to comply with section 38A; and
  - (c) the driver can do so safely.

- (2) In this section:

*permitted manoeuvre* means—

- (a) if the driver is driving on a two-way road without a dividing line or median strip—drive to the right of the centre of the road; or
- (b) if the driver is driving on a road with a dividing line—drive to the right of the dividing line; or
- (c) drive on a dividing strip that is at the same level as the road; or
- (d) drive on or over a single continuous line; or
- (e) drive on or over 2 parallel lines; or

(f) drive along a side, or surrounding, of a painted island.

*Note* See the [Australian Road Rules](#), r 46 or r 48 for the requirement to give left or right change of direction signal.

### 38C Riding across road on crossing

- (1) The rider of a bicycle may ride across a road, or part of a road, on the following (a *crossing*) if the rider complies with this section:
  - (a) a children's crossing; or
  - (b) a marked foot crossing; or
  - (c) a pedestrian crossing.
- (2) The rider of the bicycle may only ride across a road, or part of a road, on a crossing if—
  - (a) the rider approaches the crossing no faster than 10km/h; and
  - (b) before riding on the crossing, the rider looks for approaching traffic and is prepared to stop; and
  - (c) the rider rides no faster than 10km/h on the crossing; and
  - (d) the rider gives way to pedestrians on the crossing; and
  - (e) the rider keeps to the left of any oncoming bicycle or pedestrian; and
  - (f) on a marked foot crossing with bicycle crossing lights—the crossing is showing a green bicycle crossing light; and
  - (g) on a marked foot crossing without bicycle crossing lights—the crossing is showing a green pedestrian crossing light.

Maximum penalty: 20 penalty units.

*Note* See the [Australian Road Rules](#), r 260 and r 262 for the circumstances in which a rider of a bicycle is allowed to cross a road at bicycle crossing lights.

**38D Application of ARRs to riders crossing road on crossing**

- (1) The [Australian Road Rules](#), rule 65 (Giving way at a marked foot crossing (except at an intersection) with a flashing yellow traffic light) applies as if a reference to a pedestrian on the crossing also includes a reference to a rider of a bicycle on the crossing.
- (2) The [Australian Road Rules](#), rule 80 (Stopping at a children's crossing) applies as if a reference to a pedestrian on the crossing also includes a reference to a rider of a bicycle on the crossing.
- (3) The [Australian Road Rules](#), rule 81 (Giving way at a pedestrian crossing) applies as if a reference to a pedestrian on the crossing also includes a reference to a rider of a bicycle on the crossing.
- (4) The [Australian Road Rules](#), rule 262 (Proceeding when bicycle crossing lights change to yellow or red) applies to a rider of a bicycle crossing a marked foot crossing without bicycle lights when the crossing shows a green pedestrian crossing light as if a reference to a bicycle crossing light were a reference to a pedestrian crossing light.
- (5) The [Australian Road Rules](#), rule 248 (No riding across a road on a crossing) does not apply.

**8 New section 117**

*insert*

**117 Review of div 2.3.1A**

- (1) The Minister must review the operation of division 2.3.1A (Bicycle riders) as soon as practicable after the end of its 2nd year of operation.
- (2) The Minister must present a report of the review to the Legislative Assembly within 3 months after the day the review is started.
- (3) This section expires 2 years after the day it commences.

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## Endnotes

**1 Notification**

Notified under the [Legislation Act](#) on 29 October 2015.

**2 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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