



Australian Capital Territory

Road Transport (Road Rules) Amendment Regulation 2019 (No 1)

Subordinate Law SL2019-14

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 26 June 2019.

SHANE RATTENBURY
Minister

CHRIS STEEL
Minister



Australian Capital Territory

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Part 1 Preliminary

1 Name of regulation

This regulation is the *Road Transport (Road Rules) Amendment Regulation 2019 (No 1)*.

2 Commencement

This regulation commences on 1 July 2019.

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 following legislation:

- [Road Transport \(Offences\) Regulation 2005](#)
- [Road Transport \(Road Rules\) Regulation 2017](#)
- [Road Transport \(Safety and Traffic Management\) Regulation 2017](#).

4 Legislation repealed

The [Road Transport \(Safety and Traffic Management\) Protective Helmets for Motorbike Riders Approval 2016 \(No 1\)](#) (DI2016-22) is repealed.

Part 2 Road Transport (Offences) Regulation 2005

5 Section 21 (2) (a) (vii)

omit

phone

substitute

device

6 New section 21 (2) (a) (viii)

insert

(viii) section 300AA (2) (Use of mobile device—learner and provisional licence holders); or

7 Schedule 1, part 1.12A, items 58 and 59*substitute*

| | | | | | |
|----|------------|--|----|-----|--------|
| 58 | 65 (2) (a) | not give way to pedestrian on or entering marked foot crossing (flashing yellow light) | 20 | 474 | 3 (NS) |
| 59 | 65 (2) (b) | obstruct pedestrian on marked foot crossing (flashing yellow light) | 20 | 474 | 3 (NS) |

8 Schedule 1, part 1.12A, new items 60A and 60B*insert*

| | | | | | |
|-----|------------|---|----|-----|--------|
| 60A | 65 (2) (d) | not give way to bicycle rider on or entering marked foot crossing (flashing yellow light) | 20 | 474 | 3 (NS) |
|-----|------------|---|----|-----|--------|

Part 2 Road Transport (Offences) Regulation 2005

Section 9

| | | | | | |
|-----|------------|--|----|-----|--------|
| 60B | 65 (2) (e) | obstruct bicycle rider on or entering marked foot crossing (flashing yellow light) | 20 | 474 | 3 (NS) |
|-----|------------|--|----|-----|--------|

9 Schedule 1, part 1.12A, items 68.5 and 69.7, column 3

after

pedestrian

insert

on or entering slip lane

10 Schedule 1, part 1.12A, item 94, column 3

after

on

insert

or entering

11 Schedule 1, part 1.12A, item 95, column 3*substitute*

overtake/pass vehicle giving way to pedestrian/bicycle rider on or entering children's/pedestrian crossing

12 Schedule 1, part 1.12A, items 148 to 150*substitute*

| | | | | | |
|-----|-------------|--|----|-----|--------|
| 148 | 115 (1) (a) | not drive left of central traffic island in roundabout | 20 | 368 | 2 (NS) |
| 149 | 115 (1) (b) | not drive on edge and left of central traffic island | 20 | 368 | 2 (NS) |
| 150 | 115 (1) (c) | not drive over and left of central traffic island | 20 | 368 | 2 (NS) |

13 Schedule 1, part 1.12A, new item 201A

insert

| | | | | | |
|------|----------|---|----|-----|--|
| 201A | 151A (4) | lane filtering where no lane filtering sign applies | 20 | 151 | |
|------|----------|---|----|-----|--|

14 Schedule 1, part 1.12A, item 467

substitute

| | | | | | |
|-----|-------------|--|----|-----|--|
| 467 | 271 (1) (b) | ride motor bike without at least 1 hand on handlebars/both feet on footrests/footboard | 20 | 200 | |
|-----|-------------|--|----|-----|--|

15 Schedule 1, part 1.12A, new item 498A*insert*

| | | | | | |
|------|----------|---|----|-----|--|
| 498A | 292A (1) | drive/tow vehicle with unrestrained moving load | 20 | 577 | |
|------|----------|---|----|-----|--|

16 Schedule 1, part 1.12A, item 519, columns 2 and 3*omit*

phone

substitute

device

17 Schedule 1, part 1.12A, new item 519A

insert

| | | | | | |
|--------|--|---|----|-----|---|
| 519A | 300AA | | | | |
| 519A.1 | <ul style="list-style-type: none">using mobile device | learner/provisional licence holder use mobile device | 20 | 480 | 3 |
| 519A.2 | <ul style="list-style-type: none">using mobile device for messaging, social networking, mobile application or accessing internet | learner/provisional licence holder use mobile device for messaging, social networking, mobile application or accessing internet | 20 | 589 | 4 |

Part 3 Road Transport (Road Rules) Regulation 2017

18 Section 12

substitute

12 References to *road* include road related area

Unless otherwise expressly stated in this regulation, a reference in this regulation (except in this division) to a road includes a road related area.

19 Section 45 (2) (e)

substitute

- (e) moving to the left to, or from, a stationary position;

20 Section 45 (3) (e)

substitute

- (e) moving to the right to, or from, a stationary position;

21 Section 65 (2) (a) and (b)

substitute

- (a) give way to any pedestrian on or entering the crossing; and
- (b) not obstruct any pedestrian on the crossing; and

22 New section 65 (2) (d) and (e)

insert

- (d) give way to any bicycle rider on or entering the crossing; and
- (e) not obstruct any bicycle rider on or entering the crossing.

23 Section 72 (4) (b) etc

after

on

insert

or entering

in

- section 72 (4) (b)
- section 73 (5) (b)
- section 81 (2)

24 Section 82

omit

at the crossing

substitute

on or entering the crossing

25 Section 115 heading

substitute

115 Driving in roundabout**26 Section 115 (1) (c)**

substitute

- (c) if subsection (3) applies to the driver—over the central traffic island, as near as practicable to the left of the centre of the central traffic island.

27 New section 115 (3) (c)

insert

- (c) the driver can safely drive over the central traffic island.

28 New section 141 (1) (d)

insert

- (d) the driver is lane filtering in accordance with section 151A.

29 New section 146 (1) (ea)

insert

- (ea) lane filtering in accordance with section 151A; or

30 New section 146 (2) (f)

insert

- (f) the driver is lane filtering in accordance with section 151A.

31 New section 147 (f)

insert

- (f) the driver is lane filtering in accordance with section 151A.

32 New section 151A (2) (fa)

insert

- (fa) a no filtering sign does not apply to the length of road; and

33 Section 151A (3)

substitute

- (3) For subsection 151A (2) (fa), a no filtering sign on a road applies to a length of road starting at the sign and ending at the nearer of the following:

- (a) if the length of road ends at a T-intersection or dead end—the end of the length of road;
 - (b) the next end no filtering sign that is on the road.
- (4) The rider of a motorbike must not lane filter along a length of road to which a no lane filtering sign applies.

Maximum penalty: 20 penalty units.

- (5) In this section:

end no filtering sign means a traffic sign—

- (a) with a symbol displaying a motorbike positioned between 2 vehicles with a black diagonal line across the symbol; and
- (b) with a symbol positioned below the symbol mentioned in paragraph (a) displaying the word ‘END’ in black letters.

full licence—see the [Road Transport \(Driver Licensing\) Regulation 2000](#), section 5 (2) (Basic kinds of driver licence).

lane filtering, for a motorbike rider, means riding a motorbike between 2 marked lanes of traffic travelling in the same direction as the motorbike when there are vehicles adjacent to the motorbike in both marked lanes.

motorcycle licence—see the [Road Transport \(Driver Licensing\) Regulation 2000](#), dictionary.

no filtering sign means—

- (a) a traffic sign with a symbol displaying a motorbike positioned between 2 vehicles with a red diagonal line across the symbol;
or
- (b) a traffic sign displaying the word ‘no filtering’.

34 New section 156 (1) (a) (iv)

insert

- (iv) a zero emissions vehicle; or

35 New section 156 (3) and (4)

insert

- (3) In this section:

zero emissions vehicle means a car that has an electric motor—

- (a) powered by electricity, whether alone or in combination with another energy source, and is rechargeable by being plugged into an external power source; or
- (b) powered by a hydrogen fuel cell.

- (4) The following provisions expire on 31 December 2023:

- subsection (1) (a) (iv)
- subsection (3), definition of ***zero emissions vehicle***
- this subsection.

36 Section 200 (3), definition of *heavy vehicle*

omit

37 Section 262 heading

substitute

262 Proceeding when bicycle crossing at an intersection or another place on a road**38 Section 262 (4A)**

insert

- (4A) If the bicycle crossing lights show a green bicycle crossing light, the rider may cross at the intersection, or another place on the road, even though the traffic lights show a red or yellow traffic light.

39 Section 262A

omit

40 Section 266 (2C)

omit everything before paragraph (a), substitute

- (2C) The driver does not have to ensure subsection (2), (2A) or (2B) is complied with for a passenger if—

41 Section 266 (2D)

omit

passenger

substitute

driver

42 Sections 266 (3B) and 267 (3A)

after

medical condition

insert

or disability

43 Section 267 (4)

omit

medical certificate

substitute

certificate

44 Section 270 (3), definition of *approved motorbike helmet*

substitute

approved motorbike helmet means a helmet—

- (a) made in compliance with a relevant standard for the helmet; and
- (b) that has an identifying mark certifying compliance with the standard; and
- (c) that is in good repair and proper working order and condition.

Examples—par (c)

- 1 a helmet that is scratched or marked but the scratch or mark has not—
 - penetrated the helmet's outer shell; or
 - damaged the helmet's retention system; or
 - damaged the helmet's inner lining
- 2 a helmet that is damaged to a degree that might reasonably be expected from the normal use of the helmet

45 Section 270 (3), new definitions of *disapplied provision* and *relevant standard*

insert

disapplied provision, of a standard, means a provision (if any) of the standard—

- (a) relating to external projections, but only to allow attachment of communication and recording equipment using frangible mountings; or
- (b) relating to flip down internal visors, but only for helmets with an external visor that meets the standard; or
- (c) requiring the user of a helmet to carry a brochure or label detailing use and care instructions for the helmet.

relevant standard, for a helmet, means—

- (a) if the helmet is manufactured in Australia—either of the following, whether in force at the time the helmet is manufactured or at any later time:
 - (i) AS 1698-1988;
 - (ii) AS/NZS 1698; or
- (b) if the helmet is imported into Australia—either of the following, whether in force at the time the helmet is imported or at any later time:
 - (i) AS 1698-1988;
 - (ii) AS/NZS 1698; or
- (c) in any case—the United Nations Economic Commission for Europe standard 22.05, whether in force at the time the helmet is manufactured or at any later time;

but does not include a disapplied provision of a standard mentioned in paragraph (a), (b) or (c).

46 New section 270 (4)

insert

- (4) The [Legislation Act](#), section 47 (5) and (6) do not apply to a relevant standard.

Note A relevant standard does not need to be notified under the [Legislation Act](#) because s 47 (5) and (6) do not apply (see [Legislation Act](#), s 47 (7)).

47 Section 271 (1)

substitute

- (1) Unless subsection (1A) applies, the rider of a motorbike that is moving (other than a rider who is walking beside and pushing a motorbike), or the rider of a motorbike that is stationary but not parked, must—
- (a) sit astride the rider's seat facing forwards; and
 - (b) if the motorbike is moving—
 - (i) keep at least 1 hand on the handlebars; and
 - (ii) keep both feet on the footrests or footboard designed for the rider's use.

Maximum penalty: 20 penalty units.

48 Section 271 (1A)

omit

Also, the

substitute

The

49 New section 292 (2)*insert*

- (2) This section is not limited by section 292A.

50 New section 292A*insert***292A Restricting movement of load**

- (1) A driver must not drive or tow a vehicle carrying a load unless—
- (a) the load is restrained so that it cannot move relative to the vehicle other than as permitted under subsection (2); and
 - (b) the load is restrained by a system that, at a minimum, prevents the load from moving in the circumstances stated in subsection (3).

Maximum penalty: 20 penalty units.

- (2) A load may be permitted to move relative to the vehicle if—
- (a) the stability and weight distribution of the vehicle cannot be adversely affected by the movement; and
 - (b) the load cannot become dislodged from the vehicle.

Examples—loads permitted to move

- 1 loads contained, held, protected or enclosed within the sides or enclosure of a part of the vehicle and restrained from moving horizontally
- 2 loads consisting of very light objects, or loose bulk loads, that are contained, held, protected or enclosed within the sides or enclosure of a part of the vehicle
- 3 loads consisting of bulk liquids that are contained, held, protected or enclosed within the sides or enclosure of a part of the vehicle

- (3) For subsection (1) (b), the circumstances are that the vehicle is subject to—
- (a) each of the following separately:
 - (i) 0.8g deceleration in a forwards direction;
 - (ii) 0.5g deceleration in a backwards direction;
 - (iii) 0.5g acceleration in a lateral direction; or
 - (b) if friction is relied on to comply with paragraph (a)—0.2g acceleration in a vertical direction relative to the load.
- (4) In this section:
g means gravitational acceleration or 9.81m/s².

51 Section 299 (2) (bb)

omit

phone

substitute

device

52 New section 300 heading

substitute

300 Use of mobile device

53 New subsection 300 (1A)

before subsection (1), insert

- (1A) This section applies to a driver of a vehicle other than a driver who holds a learner licence or provisional licence.

Note 1 Section 300AA deals with the use of mobile devices by holders of learner licences or provisional licences.

Note 2 **learner licence** and **provisional licence**—see the [Road Transport \(Driver Licensing\) Act 1999](#), dictionary.

54 Section 300 (1) and (2)

omit

phone

substitute

device

55 Section 300 (3)

omit

a phone

substitute

a mobile device

56 Section 300 (3)

omit

the phone

substitute

the device

57 Section 300 (4), definitions of *body* and *held*

substitute

body, in relation to a mobile device, means the part of the device that contains the majority of the device's mechanisms.

held—

- (a) includes held by, or resting on, any part of the driver's body; but
- (b) does not include—
 - (i) held in a pocket of the driver's clothing or in a pouch worn by the driver; or
 - (ii) for a mobile device that is a wearable device—worn by the driver in the manner intended by the manufacturer.

58 Section 300 (4), new definition of *mobile device*

insert

mobile device—

- (a) includes a mobile phone and any other wireless hand-held or wearable device designed or capable of being used for telecommunication; but
- (b) does not include a CB radio or any other two-way radio.

Examples—other hand-held or wearable devices

tablet computer, smart watch

59 Section 300 (4), definition of *mobile phone* and examples

omit

60 Section 300 (4), definition of *use*

substitute

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

- (a) holding the body of the device in the driver's hand (whether or not engaged in a phone call), except while in the process of giving the body of the device to a passenger in the vehicle;
- (b) entering or placing, other than by the use of voice, anything into the device, or sending or looking at anything that is in the device;
- (c) turning the device on or off;
- (d) operating any other function of the device.

61 New section 300AA

before section 300A, insert

300AA Use of mobile device—learner and provisional licence holders

- (1) This section applies to a driver of a vehicle who holds a learner licence or provisional licence.
- (2) The driver must not use a mobile device while the vehicle is moving, or is stationary but not parked.

Maximum penalty: 20 penalty units.

- (3) Subsection (2) does not apply if—
 - (a) the device is being used as a driver's aid and, while being used as a driving aid, each of the following apply:
 - (i) the body of the device is secured in a mounting affixed to the vehicle in accordance with section 300 (2);

- (ii) the use of the device does not require the driver to—
 - (A) press anything on the body of the device or otherwise manipulate any part of the body of the device; or
 - (B) use the driver's voice; or

Examples—driver's aids

- 1 navigational or intelligent highway and vehicle system equipment
- 2 rear-view screens

Examples—voice-activated feature of a mobile device

- 1 bluetooth wireless technology to make or receive a phone call
- 2 virtual assistant

- (b) the vehicle is an emergency vehicle or police vehicle; or
- (c) the device is being used to stream or play music or audio files and, while being used for that purpose, each of the following apply:
 - (i) the body of the device is not being held by the driver;
 - (ii) the use of the device does not require the driver to—
 - (A) press anything on the body of the device or otherwise manipulate any part of the body of the device; or
 - (B) use the driver's voice.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

- (4) For this section, a driver does not use a device to receive a text message, video message, email or similar communication if—
 - (a) the communication is received automatically by the device; 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 device.

(5) In this section:

body—see section 300 (4).

held—see section 300 (4).

mobile device—see section 300 (4).

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

- (a) holding the body of the device in the driver's hand (whether or not engaged in a phone call), except while in the process of giving the body of the device to a passenger in the vehicle;
- (b) entering or placing, including by the use of voice, anything into the device, or sending or looking at anything that is in the device;
- (c) turning the device on or off;
- (d) operating any other function of the device, including by the use of voice.

62 Schedule 3, End tramway sign

relocate to schedule 2

63 Schedule 3, Tramway sign

relocate to schedule 2

64 Schedule 4, Green bicycle symbol

omit

, s 262A

65 Dictionary, note 2

insert

- AS
- AS/NZS

66 Dictionary, note 4*insert*

- learner licence
- provisional licence

67 Dictionary, definition of *nature strip**substitute**nature strip* means an area between—

- (a) a road (as defined in the *Road Transport (General) Act 1999*, dictionary); and
- (b) adjacent land;

but does not include a bicycle path, footpath or shared path.

Part 4 **Road Transport (Safety and
Traffic Management)
Regulation 2017**

68 **Section 73 (1) (e)**

omit

69 **Section 73 (4), definition of *motorbike***

omit

Endnotes

1 **Notification**

Notified under the [Legislation Act](#) on 27 June 2019.

2 **Republications of amended laws**

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