



Australian Capital Territory

# Road Transport (Road Rules) Amendment Regulation 2025 (No 1)

**Subordinate Law SL2025-23**

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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 24 October 2025.

ANDREW BARR  
Chief Minister

TARA CHEYNE  
Minister

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**1 Name of regulation**

This regulation is the *Road Transport (Road Rules) Amendment Regulation 2025 (No 1)*.

**2 Commencement**

This regulation commences on the later of—

- (a) 3 November 2025; and
- (b) the day after its notification day.

*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 \(Road Rules\) Regulation 2017](#).

*Note* This regulation also amends the following legislation (see sch 1):

- [Road Transport \(Offences\) Regulation 2005](#)
- [Road Transport \(Public Passenger services\) Regulation 2002](#).

**4 New division 16.1 heading**

*insert*

**Division 16.1                      Application—pt 16**

**5 Sections 264 to 266**

*substitute*

**Division 16.2      Wearing seatbelts and seating positions—drivers and passengers**

**264      Wearing seatbelt and seating position—driver**

- (1) The driver of a motor vehicle that is moving, or is stationary but not parked—
- (a) must occupy a driver’s seating position that is fitted with an approved seatbelt; and
  - (b) must not occupy the same seating position as another passenger (whether or not the other passenger is exempt from wearing a seatbelt under section 267); and
  - (c) must wear the seatbelt properly adjusted and fastened.

Maximum penalty: 20 penalty units.

**Examples—seatbelts properly adjusted and fastened**

- 1 A lap and sash seatbelt is properly adjusted and fastened for a driver if—
- (a) the seatbelt is secured in the buckle with the lap portion of the belt sitting low and firmly over the driver’s hips; and
  - (b) the sash portion of the belt is positioned firmly over the driver’s shoulder and not under the driver’s arm furthest from the secured buckle or behind the driver’s back.
- 2 A lap belt is properly adjusted and fastened for a driver if the seatbelt is secured in the buckle with the belt sitting low and firmly over the driver’s hips.
- (2) Subsection (1) (c) does not apply if the driver is—
- (a) reversing the vehicle; or
  - (b) exempt from wearing a seatbelt under section 267.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

**265      Wearing seatbelt and seating position—passenger  
16 years old or older**

- (1) A passenger in or on a motor vehicle that is moving, or is stationary but not parked, must comply with subsection (2) if the passenger is 16 years old or older.

Maximum penalty: 20 penalty units.

- (2) The passenger—
- (a) must occupy a seating position that is fitted with an approved seatbelt; and
  - (b) must not occupy the same seating position as another passenger (whether or not the other passenger is exempt from wearing a seatbelt under section 267); and
  - (c) must wear the seatbelt properly adjusted and fastened.

**Examples—seatbelts properly adjusted and fastened**

- 1 A lap and sash seatbelt is properly adjusted and fastened for a passenger if—
- (a) the seatbelt is secured in the buckle with the lap portion of the belt sitting low and firmly over their hips; and
  - (b) the sash portion of the belt is positioned firmly over their shoulder and not under their arm furthest from the secured buckle or behind their back.
- 2 A lap belt is properly adjusted and fastened for a passenger if the seatbelt is secured in the buckle with the belt sitting low and firmly over their hips.
- (3) Subsection (2) (a) and (c) do not apply if the passenger is exempt from wearing a seatbelt under section 267.
- (4) Subsection (2) (b) does not apply to a passenger in a bus, public minibus, taxi, hire car or tow truck who has a child who is under 1 year old seated on their lap if—
- (a) no suitable approved child restraint is fitted and available for use; and

- (b) if the bus, minibus, taxi, hire car or tow truck has 2 or more rows of seats—the passenger is not in the front row of seats.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (3) and s (4) (see [Criminal Code](#), s 58).

**265A Driver to ensure passengers comply with seatbelt and seating position requirements**

- (1) The driver of a motor vehicle that is moving, or is stationary but not parked, must ensure that a passenger in or on the vehicle complies with the requirements that apply to the passenger under section 265 or division 16.3.

Maximum penalty: 20 penalty units.

- (2) Subsection (1) does not apply to—
  - (a) the driver of a bus, taxi or hire car if the passenger is 16 years old or older; or

*Note* Section 266K also provides exceptions for passengers under 16 years old in a public minibus, taxi or hire car.

- (b) the driver of a corrections vehicle, youth detention vehicle or sheriff's vehicle if the passenger fails or refuses to wear a seatbelt or other restraint required under section 265 or division 16.3.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

**Division 16.3 Requirements for seatbelts and seating positions—passengers under 16 years old**

**266 Definitions—div 16.3**

- (1) For this division—



- (a) an approved child restraint is **available** in a motor vehicle for a passenger if it is fitted in the vehicle and is not occupied by someone else; and
  - (b) an approved child restraint or approved seatbelt is **suitable** for a passenger if it is suitable for restraining, or to be worn by, the passenger.
- (2) Also, for this division, a child restraint that is properly fastened and adjusted is—
  - (a) **forward facing** if, once it restrains a passenger, their head is closer to the rear of the vehicle than their feet; and
  - (b) **rearward facing** if, once it restrains a passenger, their feet are closer to the rear of the vehicle than their head.

### **266C      Wearing seatbelts—passengers under 6 months old**

- (1) If a passenger is under 6 months old, the passenger must be restrained in a suitable and properly fastened and adjusted rearward facing approved child restraint.
- (2) However, if the passenger cannot safely be restrained as required by subsection (1) because of their height or weight, the passenger must be restrained as if section 266D (1) applied to them.
- (3) Also, if the passenger cannot safely be restrained as required by subsection (2) because of their height or weight, the passenger must be restrained as if section 266E (1) applied to them.
- (4) Further, if the passenger cannot safely be restrained as required by subsection (3) because of their height or weight, the passenger must be restrained as if section 266I applied to them.
- (5) This section does not apply if the passenger is exempt from wearing a seatbelt under section 267.

*Note*      The defendant has an evidential burden in relation to the matters mentioned in s (5) (see [Criminal Code](#), s 58).

- (6) This section applies subject to section 266F and section 266K.

**266D Wearing seatbelts—passengers 6 months old or older but under 4 years old**

- (1) If a passenger is 6 months old or older, but under 4 years old, the passenger must be restrained in a suitable and properly fastened and adjusted—
- (a) rearward facing approved child restraint; or
  - (b) forward facing approved child restraint that has an inbuilt harness.
- (2) However, if the passenger cannot safely be restrained as required by subsection (1) because of their height or weight, the passenger must be restrained as if section 266E (1) applied to the passenger.
- (3) Also, if the passenger cannot safely be restrained as required by subsection (2) because of their height or weight, the passenger must be restrained as if section 266I applied to the passenger.
- (4) This section does not apply if the passenger is exempt from wearing a seatbelt under section 267.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (4) (see [Criminal Code](#), s 58).

- (5) This section applies subject to section 266F and section 266K.

**266E Wearing seatbelts—passengers 4 years old or older but under 7 years old**

- (1) If a passenger is 4 years old or older, but under 7 years old, the passenger must—
- (a) be restrained in a suitable and properly fastened and adjusted forward facing approved child restraint that has an inbuilt harness; or

- (b) be placed on a properly positioned approved booster seat and be restrained by either a suitable lap and sash type approved seatbelt that is properly adjusted and fastened, or by a suitable approved child safety harness that is properly adjusted and fastened; or
- (c) if the passenger is seated in a seating position in a part of the vehicle that is designed primarily for the carriage of goods—
  - (i) be restrained by a suitable lap and sash type seatbelt that is properly adjusted and fastened; or
  - (ii) have the midsection of the passenger's body restrained by a suitable lap type seatbelt that is properly adjusted and fastened, and have the passenger's upper body restrained by an approved child safety harness that is properly adjusted and fastened.
- (2) However, if the passenger cannot safely be restrained as required by subsection (1) because of their height or weight, the passenger must be restrained as if section 266I applied to them.
- (3) This section does not apply if the passenger is exempt from wearing a seatbelt under section 267.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).
- (4) This section applies subject to section 266F and section 266K.
- (5) In this section:

***approved booster seat*** means a booster seat approved by the road transport authority under the [Road Transport \(Safety and Traffic Management\) Regulation 2017](#), section 73 (1) (b).

**266F Exemption for driver—passenger’s medical condition etc**

- (1) The driver does not have to ensure that section 266C, section 266D or section 266E is complied with for a passenger if—
  - (a) a medical certificate is in force for the passenger stating that a medical practitioner believes the passenger should not be restrained in any of the ways described in those sections because of a medical condition or disability that the passenger has; and
  - (b) the passenger is properly restrained in a child restraint that has been designed for, and is suitable for use by, the passenger or a person with the same medical condition or disability as the passenger; and
  - (c) the driver is complying with any conditions stated in the medical certificate.
- (2) However, the driver is exempt under subsection (1) only if—
  - (a) for a driver issued with an infringement notice in relation to a passenger detected by a seatbelt detection system—a copy of the medical certificate is provided to the road transport authority to accompany—
    - (i) an application for withdrawal of the infringement notice under the *Road Transport (General) Act 1999*, section 34; or
    - (ii) a notice disputing liability for the offence under the *Road Transport (General) Act 1999*, section 51; or
  - (b) the driver immediately produces the medical certificate when an authorised person or police officer asks to see the certificate.

**266G Seating position—passenger under 4 years old**

- (1) If a passenger is under 4 years old, and the motor vehicle has 2 or more rows of seats, the passenger must not be in the front row of seats.

- (2) The driver does not have to comply with subsection (1) if—
  - (a) a medical certificate is in force for the passenger stating that a medical practitioner believes the passenger should be in the front row of the vehicle because of a medical condition or disability that the passenger has; and
  - (b) the driver is complying with any conditions stated in the medical certificate.
- (3) However, the driver is exempt under subsection (2) only if—
  - (a) for a driver issued with an infringement notice in relation to a passenger detected by a seatbelt detection system—a copy of the medical certificate is provided to the road transport authority to accompany—
    - (i) an application for withdrawal of the infringement notice under the *Road Transport (General) Act 1999*, section 34; or
    - (ii) a notice disputing liability for the offence under the *Road Transport (General) Act 1999*, section 51; or
  - (b) the driver immediately produces the medical certificate when an authorised person or police officer asks to see the certificate.

**266H      Seating position—passenger 4 years old or older but under 7 years old**

- (1) A passenger who is 4 years old or older, but is under 7 years old, must not be in the front row of a motor vehicle that has 2 or more rows of seats unless in the row or rows behind the front row—
  - (a) all of the other seats are occupied by passengers who are also under 7 years old; or
  - (b) there is no empty seating position in which the passenger can sit in accordance with this section.

**Example**

This subsection would permit a 6 year old to sit in the front row of a vehicle that has 2 rows of seats if 2 occupied approved child restraints in the back row encroached on an empty seating position between them in a way that made it impossible for another approved child restraint or booster seat to be placed in that position.

- (2) The driver does not have to comply with subsection (1) if—
  - (a) a medical certificate is in force for the passenger stating that a medical practitioner believes the passenger should be in the front row of the vehicle because of a medical condition or disability that the passenger has; and
  - (b) the driver is complying with any conditions stated in the medical certificate.
- (3) However, the driver is exempt under subsection (2) only if—
  - (a) for a driver issued with an infringement notice in relation to a passenger detected by a seatbelt detection system—a copy of the medical certificate is provided to the road transport authority to accompany—
    - (i) an application for withdrawal of the infringement notice under the *Road Transport (General) Act 1999*, section 34; or
    - (ii) a notice disputing liability for the offence under the *Road Transport (General) Act 1999*, section 51; or
  - (b) the driver immediately produces the medical certificate when an authorised person or police officer asks to see the certificate.

**266I Seating position—passenger 7 years old or older but under 16 years old**

- (1) If a passenger is 7 years old or older, but is under 16 years old—
  - (a) the passenger must be restrained in a suitable approved child restraint that is properly adjusted and fastened; or

- (b) the passenger—
  - (i) must occupy a seating position that is fitted with a suitable approved seatbelt; and
  - (ii) must not occupy the same seating position as another passenger (whether or not the other passenger is exempt from wearing a seatbelt under section 267); and
  - (iii) must wear the seatbelt properly adjusted and fastened.
- (2) This section does not apply if the passenger is exempt from wearing a seatbelt under section 267.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

**266J Passenger sitting in seating position fitted with particular seatbelt**

- (1) This section applies in relation to a passenger sitting in a seating position that is fitted with a lap and sash type seatbelt.
- (2) It is sufficient compliance with section 266E (1) (b) or section 266I (b) (iii) if, instead of using the sash part of the seatbelt, an approved child safety harness that is properly adjusted and fastened is used to restrain the upper body of the passenger.

**266K Exemptions for driver—public minibus, taxi, hire car or tow truck**

- (1) The driver of a public minibus, taxi or hire car is exempt from section 266C, section 266D and section 266E in relation to a passenger if—
  - (a) there is no suitable approved child restraint available in the minibus, taxi or hire car for the passenger; and
  - (b) if the minibus, taxi or hire car has 2 or more rows of seats—the passenger is not in the front row of seats.

- (2) If the exemption set out in subsection (1) applies to a driver in relation to a passenger who is 1 year old or older, but under 7 years old, and who is not exempt from wearing a seatbelt under section 267, the passenger must wear an approved seatbelt that is properly adjusted and fastened to the best extent that is possible given the height and weight of the passenger.
- (3) The driver of a public minibus, taxi, hire car or tow truck is exempt from section 266C and section 266D in relation to a passenger who is under 1 year old if—
  - (a) there is no suitable approved child restraint available in the minibus, taxi, hire car or tow truck for the passenger; and
  - (b) the minibus, taxi, hire car or tow truck has 2 or more rows of seats; and
  - (c) the passenger is not in the front row of seats; and
  - (d) the passenger is seated on the lap of another passenger who is at least 16 years old; and
  - (e) in the case of a tow truck—the tow truck is towing another vehicle, which the passenger was travelling in, because the other vehicle broke down or was involved in a crash.

## **Division 16.4 Exemptions from wearing seatbelts**

### **6 Section 267 (1C)**

*omit*

section 266 (3) or (3A)

*substitute*

section 266G (1) or section 266H (1)



## 7 Section 267 (3A)

*omit*

the person or, if the person is a passenger, the driver of the vehicle is carrying a medical certificate that states

*substitute*

a medical certificate is in force for the person stating that

## 8 Section 267 (4)

*substitute*

- (4) However, the person is exempt under subsection (3A) only if—
- (a) for a driver issued with an infringement notice in relation to a person detected by a seatbelt detection system—a copy of the medical certificate is provided to the road transport authority to accompany—
    - (i) an application for withdrawal of the infringement notice under the *Road Transport (General) Act 1999*, section 34; or
    - (ii) a notice disputing liability for the offence under the *Road Transport (General) Act 1999*, section 51; or
  - (b) the person immediately produces the medical certificate when an authorised person or police officer asks to see the certificate.

## 9 Section 267 (9), new note

*insert*

*Note* The defendant has an evidential burden in relation to the matters mentioned in this section (see *Criminal Code*, s 58).

**10 New division 16.5 heading**

*after section 267, insert*

**Division 16.5 Other rules for people travelling in or on vehicles**

**11 Section 310 (2) (h) and (i)**

*substitute*

- (h) section 264 (Wearing seatbelt and seating position—driver);
- (i) section 265 (Wearing seatbelt and seating position—passenger 16 years old or older);

**12 Dictionary, new definitions**

*insert*

***approved child safety harness*** means a child safety harness approved by the road transport authority under the [Road Transport \(Safety and Traffic Management\) Regulation 2017](#), section 73 (1) (d).

***available***, for an approved child restraint in a motor vehicle, for division 16.3 (Requirements for seatbelts and seating positions—passengers under 16 years old)—see section 266 (1) (a).

***forward facing***, for a child restraint, for division 16.3 (Requirements for seatbelts and seating positions—passengers under 16 years old)—see section 266 (2) (a).

***rearward facing***, for a child restraint, for division 16.3 (Requirements for seatbelts and seating positions—passengers under 16 years old)—see section 266 (2) (b).

***suitable***, for an approved child restraint or approved seatbelt, for division 16.3 (Requirements for seatbelts and seating positions—passengers under 16 years old)—see section 266 (1) (b).

## **Schedule 1      Consequential amendments**

(see s 3)

### **Part 1.1              Road Transport (Offences) Regulation 2005**

#### **[1.1]      Section 21 (2) (a) (ii) to (iv)**

*substitute*

- (ii) section 264 (Wearing seatbelt and seating position—driver);
- (iii) section 265 (Wearing seatbelt and seating position—passenger 16 years old or older);
- (iv) section 265A (Driver to ensure passengers comply with seatbelt and seating position requirements);

**[1.2] Schedule 1, part 1.16, items 466 to 469.7**

*substitute*

466	264 (1) (a)	driver not in seat with seatbelt	20	574	3 (NS)
467	264 (1) (b)	driver in same seat as another passenger	20	574	3 (NS)
468	264 (1) (c)	driver not wear properly adjusted/fastened seatbelt	20	574	3 (NS)
469	265 (1)				
469.1	<ul style="list-style-type: none"><li>not comply with 265 (2) (a)</li></ul>	passenger 16 yrs or older not in seat with seatbelt	20	574	3 (NS)
469.2	<ul style="list-style-type: none"><li>not comply with 265 (2) (b)</li></ul>	passenger 16 yrs or older in same seat as another passenger	20	574	3 (NS)
469.3	<ul style="list-style-type: none"><li>not comply with 265 (2) (c)</li></ul>	passenger 16 yrs or older not wear properly adjusted/fastened seatbelt	20	574	3 (NS)

469A	265A (1)	driver not ensure passenger complying with seatbelt or seating position requirements	20	574	3 (NS)
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## Part 1.2 Road Transport (Public Passenger Services) Regulation 2002

### [1.3] Section 132 (3), note 1

*omit*

s 265 and s 266

*substitute*

pt 16

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### Endnotes

#### 1 Notification

Notified under the [Legislation Act](#) on 30 October 2025.

#### 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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