

**EXTRAORDINARY GAZETTE**



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**ADELAIDE, THURSDAY, 20 MAY 2010**

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South Australia

## **Australian Road Rules Variation Rules 2010**

under the *Road Traffic Act 1961*

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### **Part 1—Preliminary**

#### **1—Short title**

These rules may be cited as the *Australian Road Rules Variation Rules 2010*.

#### **2—Commencement**

These rules will come into operation on 1 July 2010.

#### **3—Variation provisions**

In these rules, a provision under a heading referring to the variation of specified rules varies the rules so specified.

## Part 2—Variation of *Australian Road Rules*

### 4—Variation of rule 63—Giving way at an intersection with traffic lights not operating or only partly operating

Rule 63—after subrule (3), including the notes and the diagram, insert:

- (4) Subrule (3) does not apply if the intersection is a roundabout.

**Note 1—**

*Roundabout* is defined in the dictionary.

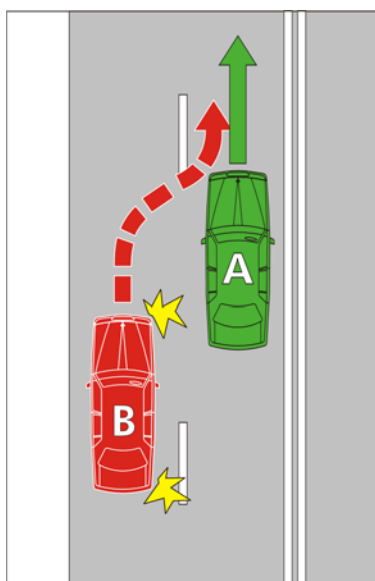
**Note 2—**

Rule 114 requires a driver entering a roundabout to give way to any vehicle in the roundabout and to any tram that is entering or approaching the roundabout.

### 5—Variation of rule 148—Giving way when moving from one marked lane or line of traffic to another marked lane or line of traffic

Rule 148(1), examples, example 2—delete example 2 and substitute:

Example 2



### 6—Variation of rule 158—Exceptions to driving in special purpose lanes etc

Rule 158(4), definition of *permitted distance*, (a)—after "bicycle lane" insert:  
or a tram lane

### 7—Variation of rule 235—Crossing a level crossing

- (1) Rule 235(1), note—delete the note and substitute:

**Note 1—**

*Level crossing* is defined in rule 120.

**Note 2—**

If the pedestrian facility is a footpath or shared path at which there is a red pedestrian light, rule 235A imposes further obligations on pedestrians using the facility.

(2) Rule 235—after subrule (2), including the example for subrule (2)(e) and the note, insert:

(2A) If any of the following events occurs after a pedestrian has started to cross a railway line, or tram tracks, at a level crossing, he or she must finish crossing the line or tracks without delay:

- (a) warning lights start flashing, or warning bells start ringing;
- (b) a gate, boom or barrier starts to close;
- (c) a train or tram approaches the crossing.

Offence provision.

## 8—Insertion of rule 235A

After rule 235 insert:

### 235A—Crossing a pedestrian level crossing that has a red pedestrian light

- (1) A *pedestrian level crossing* is an area where a footpath or shared path crosses a railway or tram tracks at substantially the same level.

**Note—**

*Footpath, shared path* and *tram tracks* are defined in the dictionary.

- (2) If a pedestrian approaches a pedestrian level crossing that has a red pedestrian light, he or she must not start to cross the crossing while the light is red.

Offence provision.

**Note—**

*Red pedestrian light* is defined in the dictionary.

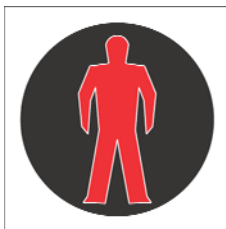
- (3) If a red pedestrian light at a pedestrian level crossing appears after a pedestrian has started to cross the crossing, he or she must finish crossing the crossing without delay.

Offence provision.

**Note—**

*Red pedestrian light* is defined in the dictionary.

Red pedestrian light showing red pedestrian symbol



## 9—Substitution of rule 265

Rule 265—delete the rule and substitute:

### 265—Wearing of seatbelts by passengers 16 years old or older

- (1) A passenger in or on a motor vehicle that is moving, or that is stationary but not parked, must comply with subrule (2) if he or she:
  - (a) is 16 years old or older; and
  - (b) is not exempt from wearing a seatbelt under rule 267.

Offence provision.

- (2) The passenger:
  - (a) must occupy a seating position that is fitted with a 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 rule 267); and
  - (c) must wear the seatbelt properly adjusted and fastened.
- (3) The driver of a motor vehicle (except a bus or taxi) that is moving, or that is stationary but not parked, must ensure that each passenger in or on the vehicle who is 16 years old or older complies with subrule (2), unless the passenger is exempt from wearing a seatbelt under rule 267.

Offence provision.

**Note—**

*Bus, motor vehicle, park* and *taxi* are defined in the dictionary.

## 10—Variation of rule 266—Wearing of seatbelts by passengers under 16 years old

- (1) Rule 266(2), (3) and (4)—delete subrules (2), (3) and (4) and substitute:
- (2) If the passenger is less than 6 months old, he or she must be restrained in a suitable and properly fastened and adjusted rearward facing approved child restraint.

**Note 1—**

*Approved child restraint* is defined in subrule (7) and *rearward facing* is defined in subrule (6A).

**Note 2—**

See subrule (4B) if a passenger cannot safely be restrained as required by this subrule because of his or her height or weight.

- (2A) If the passenger is 6 months old or older, but is less than 4 years old, he or she 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.

**Note 1—**

*Approved child restraint* is defined in subrule (7) and *forward facing* and *rearward facing* are defined in subrule (6A).

**Note 2—**

See subrule (4C) if a passenger cannot safely be restrained as required by this subrule because of his or her height or weight.

- (2B) If the passenger is 4 years old or older, but is less than 7 years old, he or she 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 a seatbelt that is properly adjusted and fastened; or
  - (c) if he or she 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 his or her body restrained by a suitable lap type seatbelt that is properly adjusted and fastened, and have his or her upper body restrained by an approved child safety harness that is properly adjusted and fastened.

**Note 1—**

*Approved child restraint* and *approved booster seat* are defined in subrule (7) and *forward facing* is defined in subrule (6A).

**Note 2—**

See subrule (4D) if a passenger cannot safely be restrained as required by this subrule because of his or her height or weight.

**Note 3—**

In relation to paragraph (b), subrule (4E) permits an approved child safety harness to be worn instead of the sash part of a lap and sash seatbelt.

**Note 4—**

In relation to paragraph (c), under rule 268(2) a person may only occupy a seating position in a part of a vehicle that is designed primarily for the carriage of goods if that position is suitable for the size and weight of the person.

- (3) A passenger who is under 4 years old must not be in the front row of seats of a motor vehicle that has 2 or more rows of seats.
- (3A) A passenger who is 4 years old or older, but is less than 7 years old, must not be in the front row of seats of a motor vehicle that has 2 or more rows of seats unless all of the other seats in the row or rows behind the front row are occupied by passengers who are also under 7 years old.
- (4) If the passenger is 7 years old or older but under 16 years old:
  - (a) he or she must be restrained in a suitable approved child restraint that is properly adjusted and fastened; or
  - (b) he or she:
    - (i) must occupy a seating position that is fitted with a suitable 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 rule 267); and
- (iii) must wear the seatbelt properly adjusted and fastened.

**Note—**

In relation to paragraph (b)(iii), subrule (4E) permits an approved child safety harness to be worn instead of the sash part of a lap and sash seatbelt.

- (4A) Subrules (2), (2A), (2B) and (4) do not apply if the passenger is exempt from wearing a seatbelt under rule 267.
- (4B) If a passenger cannot safely be restrained as required by subrule (2) because of his or her height or weight, he or she must be restrained as if subrule (2A) applied to him or her.
- (4C) If a passenger cannot safely be restrained as required by subrule (2A) or (4B) because of his or her height or weight, he or she must be restrained as if subrule (2B) applied to him or her.
- (4D) If a passenger cannot safely be restrained as required by subrule (2B) or (4C) because of his or her height or weight, he or she must be restrained as if subrule (4) applied to him or her.
- (4E) In the case of a passenger sitting in a seating position that is fitted with a lap and sash type seatbelt, it is sufficient compliance with subrule (2B)(b) or (4)(b)(iii), as the case may be, 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.

**Note—**

*Approved child safety harness* is defined in subrule (7).

- (2) Rule 266(5)—delete "from subrule (2)" and substitute:  
from subrules (2), (2A) and (2B)
- (3) Rule 266(5)(c)—delete "under 1 year old" and substitute:  
the same age as the passenger
- (4) Rule 266(5), note—delete the note and substitute:

**Note 1—**

*Public minibus* and *taxi* are defined in the dictionary.

**Note 2—**

Despite the exemption provided by this subrule, in order to comply with subrule (5A) the driver of a taxi or public minibus must ensure that passengers who are 1 year old or older, but less than 7 years old, wear a seatbelt.

- (5) Rule 266—after subrule (5) insert:  
(5A) If the exemption set out in subrule (5) applies to a driver in relation to a passenger who is 1 year old or older, but less than 7 years old, and who is not exempt from wearing a seatbelt under rule 267, the passenger must wear a seatbelt that is properly adjusted and fastened to the best extent that is possible given the height and weight of the passenger.

- (6) Rule 266(6)(b) and (c)—delete paragraphs (b) and (c) and substitute:
- (b) an approved child restraint or seatbelt is suitable for a passenger if it is suitable for restraining, or to be worn by, the passenger.
- (7) Rule 266—after subrule (6) insert:
- (6A) For this rule, a child restraint that is properly fastened and adjusted:
    - (a) is forward facing if, once it restrains a passenger, his or her head is closer to the rear of the vehicle than his or her feet;
    - (b) is rearward facing if, once it restrains a passenger, his or her feet are closer to the rear of the vehicle than his or her head.
- (8) Rule 266(7)—before the definition of *approved child restraint* insert:
- approved booster seat* means a booster seat approved, for the *Australian Road Rules*, under another law of this jurisdiction.
- (9) Rule 266(7)—after the definition of *approved child restraint* insert:
- approved child safety harness* means a child safety harness approved, for the *Australian Road Rules*, under another law of this jurisdiction.

## 11—Variation of rule 267—Exemptions from wearing seatbelts

- (1) Rule 267—after subrule (1), including the note, insert:
- (1A) A person in or on a motor vehicle is exempt from wearing a seatbelt if:
    - (a) the seating position that he or she occupies is not fitted with a seatbelt; and
    - (b) there is no requirement for that seating position to be fitted with a seatbelt; and
    - (c) all passengers in the vehicle who are exempt from wearing a seatbelt are complying with subrule (8).
  - (1B) Subrule (1A) does not apply to a person who is under 7 years old.
  - (1C) To avoid doubt, subrule (1A) does not authorise a passenger to whom rule 266(3) or (3A) applies to occupy a seat in the front row of seats in a vehicle that has 2 or more rows of seats.
- (2) Rule 267(3)(a)—delete "certificate," and substitute:
- certificate (other than a certificate issued under subrule (3A)),
- (3) Rule 267—after subrule (3) insert:
- (3A) A person is exempt from wearing a seatbelt if:
    - (a) he or she (or, if he or she is a passenger in a vehicle, the vehicle's driver) is carrying a certificate:
      - (i) that is signed by a medical practitioner; and
      - (ii) that states that, in the opinion of the medical practitioner, the person should not wear a seatbelt due to the person's medical condition; and
      - (iii) that displays a date of issue; and



- (iv) that displays an expiry date that is a date not more than 12 months after the date of issue; and
- (v) that has not expired; and
- (b) he or she is complying with any conditions stated in the certificate; and
- (c) there is no other law of this jurisdiction that states that this subrule does not apply in this jurisdiction.

**Note—**

*Medical practitioner* is defined in subrule (9).

- (4) Rule 267(4)—delete "subrule (3) from wearing a seatbelt" and substitute:  
subrule (3) or (3A)
- (5) Rule 267(5)(b)—delete paragraph (b) and substitute:
  - (b) either:
    - (i) if the vehicle has 2 or more rows of seats—the person is not in the front row of seats or there is not a seating position available for the person in another row of seats; or
    - (ii) if the vehicle is a police vehicle and has a caged, or other secured, area designed for the carriage of passengers—the person occupies a seating position in that area.
- (6) Rule 267—after subrule (5), including the note, insert:
  - (6) A person is exempt from wearing a seatbelt if he or she is providing or receiving medical treatment of an urgent and necessary nature while in or on a vehicle.
  - (7) If a truck or bus has a sleeper compartment, a two-up driver of the truck or bus is exempt from wearing a seatbelt while he or she occupies the sleeper compartment for rest purposes.

**Note—**

*Bus* and *truck* are defined in the dictionary.

- (8) If a vehicle does not have seatbelts or approved child restraints fitted to all its passenger seating positions, a passenger who is exempt from wearing a seatbelt under this rule must not occupy a seating position that is fitted with a seatbelt or an approved child restraint if the result would be that a passenger who is not exempt from wearing a seatbelt under this rule would be required to occupy a seating position that is not fitted with a seatbelt or an approved child restraint.
- (9) In this rule:
  - medical practitioner* means a person who is a medical practitioner within the meaning of the *Medical Practice Act 2004*.
  - two-up driver* means a person accompanying a driver of a truck or bus on a journey, or part of a journey, who has been, is or will be sharing the task of driving the truck or bus during the journey.

**12—Variation of rule 268—How persons must travel in or on a motor vehicle**

- (1) Rule 268(2), including the note—delete subrule (2), including the note, and substitute:
- (2) A person must not travel in or on a part of a motor vehicle that is a part designed primarily for the carriage of goods unless:
- (a) the part is enclosed; and
- (b) he or she occupies a seating position that is suitable for the size and weight of the person and that is fitted with a seatbelt.

Offence provision.

**Note 1—**

*Enclosed* is defined in subrule (7).

**Note 2—**

Rule 265 deals with the wearing of seatbelts by passengers 16 years old or older, and rule 266 deals with the wearing of seatbelts by passengers under 16 years old.

- (2) Rule 268(3)—insert at the foot:

**Note—**

*Window* is defined in the dictionary.

- (3) Rule 268(4A)—delete "who is under 16 years old"
- (4) Rule 268(4B)—delete "who is under 16 years old"
- (5) Rule 268(4B)—delete "if the part is:" and substitute:

unless:

- (6) Rule 268(4B)(a) and (b)—delete paragraphs (a) and (b) and substitute:
- (a) the part is enclosed; and
- (b) the person occupies a seating position that is suitable for the size and weight of the person and that is fitted with a seatbelt.

- (7) Rule 268(4B)—insert at the foot:

**Note—**

Rule 265 deals with the wearing of seatbelts by passengers 16 years old or older, and rule 266 deals with the wearing of seatbelts by passengers under 16 years old.

**13—Variation of rule 299—Television receivers and visual display units in motor vehicles**

- (1) Rule 299(2)—after paragraph (b) insert:
- (ba) the visual display unit is a mobile data terminal fitted to a police vehicle or an emergency vehicle; or
- (2) Rule 299(2), note—delete the note and substitute:

**Note—**

*Bus*, *emergency vehicle* and *police vehicle* are defined in the dictionary.

**14—Variation of Schedule 3—Other permitted traffic signs**

- (1) Schedule 3, after item headed "Area speed-limit sign", last occurring, insert:

Arrester bed sign

(rule 101A)



Arrester bed sign

(rule 101A)



- (2) Schedule 3, items headed "Road access sign", first and second occurring, (in each of which items the sign is green and contains the words "Prohibited on Freeway" amongst others)—delete the items
- (3) Schedule 3, after item headed "School zone sign", last occurring, insert:

School zone sign

(rule 23)



- (4) Schedule 3, items headed "Truck arrester bed" (2 items)—delete the items

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these rules come into operation as set out in these rules.

**Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 20 May 2010

No 33 of 2010

MRS08/006CS