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**TRANSPORT**

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Road Traffic Act 1974

**Road Traffic Code Amendment Regulations  
(No. 3) 2010**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Road Traffic Code Amendment Regulations (No. 3) 2010*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) regulations 22 and 23 — on 1 March 2011;
- (c) the rest of the regulations — on the day after the day on which these regulations are published in the *Gazette*.

**3. Regulations amended**

These regulations amend the *Road Traffic Code 2000*.

**4. Regulation 3 amended**

In regulation 3(1) delete the definition of *shared zone* and the diagrams and notes following that definition and insert:

*shared zone* means —

- (a) a length of road with —
  - (i) both a “shared zone” sign and an “end shared zone” sign; and
  - (ii) no intersection between the signs;or
- (b) a length of road with —
  - (i) a “shared zone” sign; and
  - (ii) a dead end; and
  - (iii) no intersection between the sign and the dead end;

or

- (c) the network of roads in an area with —
- (i) a “shared zone” sign on each road into the area, indicating the same number; and
  - (ii) an “end shared zone” sign on each road out of the area;

Shared zone sign

End shared zone sign

(circle in red)



Note: There are a number of other permitted versions of each of these signs.

Note: A “shared zone” sign may also have a different number on the sign.

## 5. Regulation 7 amended

- (1) In regulation 7 delete “Where any” and insert:
  - (1) Where any
- (2) At the end of regulation 7 insert:
  - (2) Where any of these regulations require a driver who is turning from a carriageway at an intersection to give way to a pedestrian who is crossing the carriageway that the driver is entering, the requirement applies if and only if the pedestrian’s line of travel in crossing the carriageway is essentially perpendicular to the edges of the carriageway the driver is entering.

## 6. Regulation 45 amended

In regulation 45(3) delete “on” and insert:

who are crossing

## 7. Regulation 47 amended

In regulation 47(b) delete “on” and insert:

crossing

**8. Regulation 50 amended**

In regulation 50(4) delete “on” and insert:

who is crossing

**9. Regulation 52 amended**

In regulation 52(2) delete “on” and insert:

who is crossing

**10. Regulation 55 amended**

(1) In regulation 55(3)(b) delete “on” and insert:

who is crossing

(2) In regulation 55(6)(c) delete “on” and insert:

who is crossing

**11. Regulation 56 amended**

(1) In regulation 56(2)(b) delete “on” and insert:

who is crossing

(2) In regulation 56(4) delete “on” and insert:

who is crossing

(3) In regulation 56(6)(b) delete “on” and insert:

who is crossing

**12. Regulation 93 amended**

In regulation 93(2)(a) delete “entering” and insert:

approaching

**13. Regulation 94 amended**

In regulation 94(2)(a) delete “entering” and insert:

approaching

**14. Regulation 123 amended**

After regulation 123(1) insert:

(2A) A driver shall not drive past, or overtake, to the left of a vehicle or combination displaying a “do not overtake turning vehicle” sign in any circumstance other than the one referred to in subregulation (1) unless —

- (a) the driver is driving on a carriageway that has 2 or more marked lanes available exclusively for vehicles travelling in the same direction, the driver overtakes the vehicle or combination in a marked lane to the left of the vehicle or combination, and it is safe to do so; or
- (b) the vehicle is turning right or making a U turn from the centre of the road and giving a right turn signal, and it is safe to overtake to the left of the vehicle or combination; or
- (c) the vehicle is stationary and it is safe to overtake to the left of the vehicle or combination.

Points: 2

Modified penalty: 2 PU

**15. Regulation 137 amended**

In regulation 137(1):

- (a) in paragraph (b) delete “lane.” and insert:

lane; or

- (b) after paragraph (b) insert:

- (c) intending to turn off the carriageway or to make a U turn, and in order to do so safely without disrupting other vehicles on the carriageway it is necessary to position the vehicle in another lane before starting the turn, or to make the turn.

**16. Regulation 230 amended**

- (1) In regulation 230 delete the definition of *small charter vehicle*.

- (2) In regulation 230 insert in alphabetical order:

*omnibus* has the meaning given in the *Transport Co-ordination Act 1966* section 4(1);

**17. Regulation 231 amended**

Delete regulation 231(1) and insert:

- (1) A medical certificate referred to in this Part must —
- (a) be signed by a medical practitioner; and
  - (b) certify the relevant matter referred to in subsection (2A); and
  - (c) be current at the time of the alleged offence.
- (2A) The medical certificate must certify that —
- (a) while driving or travelling in a motor vehicle —
    - (i) the person is unable for medical reasons to wear a seat belt; or
    - (ii) because of the person’s size, build or other characteristic, it would be unreasonable to require the person to wear a seat belt;
  - or
  - (b) while driving or travelling in a motor vehicle that has 2 or more rows of seats, the person is unable for medical reasons to sit anywhere except in the front row.

**18. Regulation 233 amended**

In regulation 233(3) delete “small charter vehicle” and insert:

omnibus

**19. Regulation 234 amended**

- (1) In the provisions listed in the Table delete “approved”.

**Table**

r. 234(2)	r. 234(3)(a)
r. 234(3)(b)	r. 234(4)(a)
r. 234(4)(b)	r. 234(7)(a)
r. 234(13)(a)	

- (2) In regulation 234(12) delete “an approved” and insert:
- a
- (3) In regulation 234(13) delete “small charter vehicle” (each occurrence) and insert:
- omnibus
- (4) In regulation 234(14) delete “an approved” (each occurrence) and insert:

a

**20. Regulation 235 amended**

- (1) In regulation 235(2) delete “an approved” and insert:
- a
- (2) In regulation 235(4) delete “(5)” and insert:
- (3)
- (3) Delete regulation 235(7) and insert:
- (7) A person in or on a motor vehicle has a defence to a charge under this Division relating to —
- (a) the wearing of a seatbelt; or
- (b) the use of a child restraint or booster seat,
- if the person who is not wearing the seatbelt or using the child restraint or booster seat has a medical certificate certifying a matter referred to in regulation 231(2A)(a) and, if required to do so, the person or driver produces the medical certificate.
- (8A) The driver of a motor vehicle has a defence to a charge under regulation 234(6) if —
- (a) the passenger referred to in the regulation has a medical certificate certifying the matter referred to in regulation 231(2A)(b); and
- (b) if required to do so, the passenger or driver produces the medical certificate.

- (4) After regulation 235(9) insert:
- (10A) A person is exempt from using a child restraint or booster seat if he or she is receiving medical treatment of an urgent and necessary nature while in or on a vehicle.
- (5) In regulation 235(12):
- (a) delete “approved” (first occurrence);
- (b) delete “an approved” (each occurrence) and insert:
- a

**21. Regulation 264A amended**

- (1) In regulation 264A(1) delete “handlebars.” and insert:
- handlebars, or in another position that interferes with the rider’s ability to control the motor cycle or to have a clear view of the carriageway.
- (2) In regulation 264A(2) delete “a motor cycle” and insert:
- the part of the motor cycle between the rider and the handlebars

**22. Regulation 264 amended**

- (1) Delete regulation 264(2)(b) and insert:
- (b) the visual display unit is, or is part of, a driver’s aid and either —
- (i) is an integrated part of the vehicle design; or
- (ii) is secured in a mounting affixed to the vehicle while being used;
- or
- (2) After regulation 264(2) insert:
- (3) For the purposes of subregulation (2)(b)(ii), a visual display unit is secured in a mounting affixed to the vehicle if, and only if —
- (a) the mounting is commercially designed and manufactured for that purpose; and

- (b) the unit is secured in the mounting, and the mounting is affixed to the vehicle, in the manner intended by the manufacturer.

**23. Regulation 265 replaced**

Delete regulation 265 and insert:

**265. Use of mobile phones**

- (1) In this regulation —

*body*, in relation to a mobile phone, means the part of the phone that contains the majority of the phone's mechanisms;

*held* includes held by, or resting on, any part of the driver's body, but does not include held in a pocket of the driver's clothing or in a pouch worn by the driver;

*mobile phone* does not include a CB radio or any other two-way radio;

*use*, in relation to a mobile phone, includes any of the following actions by the driver of a vehicle —

- (a) hold the phone;
- (b) enter or place anything into the phone, or send or look at anything that is in the phone;
- (c) turn the phone on or off;
- (d) operate any other function of the phone.

- (2) A driver of a vehicle must not use a mobile phone while the vehicle is moving, or is stationary but not parked, unless —

- (a) the phone is being used to make or receive a phone call, other than a text message, video message, email or similar communication, and the body of the phone —
  - (i) is secured in a mounting affixed to the vehicle while being so used; or
  - (ii) is not secured in a mounting affixed to the vehicle and is not being held by the driver, and the use of the phone does not require the driver, at any time while using it, to press any thing on the body of the phone or otherwise to manipulate any part of the body of the phone;

or

- (b) the visual display of the phone is being used as a driver's aid in accordance with regulation 264 and the use of the phone does not require the driver, at any time while using it, to press any

thing on the body of the phone or otherwise to manipulate any part of the body of the phone.

Points: 3                      Modified penalty: 5 PU

- (3) For the purposes of this regulation, a driver does not use a mobile phone if —
- (a) a text message, video message, email or similar communication is received automatically by the phone; and
  - (b) on and after the receipt, the communication itself, rather than any indication that the communication has been received, does not become automatically visible on the screen of the phone.

**24. Regulation 284 amended**

In regulation 284(4) delete “Regulations 234 and 239 do” and insert:

Regulation 234 does

**25. Regulation 306 inserted**

After regulation 305 insert:

**306. References to pedestrians crossing a carriageway**

In these regulations, a reference to a pedestrian crossing a carriageway includes a reference to a person who is crossing only part of a carriageway.

*Example*

A person walking to a median strip or to the middle of a carriageway to display a hand-held stop sign is to be taken to be crossing the carriageway for the purposes of these regulations.

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.

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