

South Australia

## **Australian Road Rules Variation Rules 2016**

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 2016*.

### 2—Commencement

These rules come into operation on the day on which they are made.

### 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—Substitution of rule 3

Rule 3—delete rule 3 and substitute:

#### 3—Objects of the *Australian Road Rules*

The objects of the *Australian Road Rules* are to—

- (a) provide uniform rules across Australia for all road users; and
- (b) specify behaviour for all road users that supports the safe and efficient use of roads in Australia.

### 5—Variation of rule 98—One-way signs

(1) Rule 98(3)(a) and (b)—delete paragraphs (a) and (b) and substitute:

- (a) is riding on a bicycle path, footpath, nature strip, separated footpath or shared path adjacent to the length of road; and
- (b) is permitted to ride on the bicycle path, footpath, nature strip, separated footpath or shared path under the *Australian Road Rules* or another law of this jurisdiction.

(2) Rule 98(3), note—after "dictionary" insert:

, *bicycle path* and *separated footpath* are defined in rule 239,

### 6—Variation of rule 99—Keep left and keep right signs

(1) Rule 99(3)(a) and (b)—delete paragraphs (a) and (b) and substitute:

- (a) is riding on a bicycle path, footpath, nature strip, separated footpath or shared path; and
- (b) is permitted to ride on the bicycle path, footpath, nature strip, separated footpath or shared path under the *Australian Road Rules* or another law of this jurisdiction.

(2) Rule 99(3), note—after "dictionary" insert:

, *bicycle path* and *separated footpath* are defined in rule 239,

## **7—Variation of rule 132—Keeping to the left of the centre of a road or the dividing line**

- (1) Rule 132(1)—before note 1 insert:

**SA NOTE—**

For South Australia, see regulation 11B of the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014*.

- (2) Rule 132(2)—before the note insert:

**SA NOTE—**

For South Australia, see regulation 11B of the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014*.

## **8—Variation of rule 133—Exceptions to keeping to the left of the centre of a road**

Rule 133—at the end of the rule insert:

**SA NOTE—**

For South Australia, see regulation 11B of the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014*.

## **9—Variation of rule 134—Exceptions to keeping to the left of a dividing line**

Rule 134—after subrule (3), including the notes, (but before the examples) insert:

**SA NOTE—**

For South Australia, see regulation 11B of the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014*.

## **10—Variation of rule 137—Keeping off a dividing strip**

Rule 137(1)—before note 1 insert:

**SA NOTE—**

For South Australia, see regulation 11B of the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014*.

## **11—Variation of rule 138—Keeping off a painted island**

Rule 138(1)—before note 1 insert:

**SA NOTE—**

For South Australia, see regulation 11B of the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014*.

## **12—Variation of rule 144—Keeping a safe distance when overtaking**

Rule 144—before the note insert:

**SA NOTE—**

For South Australia, in addition to this rule, see regulation 11A of the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014*.

### **13—Variation of rule 146—Driving within a single marked lane or line of traffic**

- (1) Rule 146(1)—before note 1 insert:

**SA NOTE—**

For South Australia, see regulation 11B of the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014*.

- (2) Rule 146(2)—before the note insert:

**SA NOTE—**

For South Australia, see regulation 11B of the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014*.

### **14—Variation of rule 147—Moving from one marked lane to another marked lane across a continuous line separating the lanes**

- Rule 147—before note 1 insert:

**SA NOTE—**

For South Australia, see regulation 11B of the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014*.

### **15—Variation of rule 163—Driving past the rear of a stopped tram at a tram stop**

- (1) Rule 163(5)—after "authorised person" insert:

or police officer

- (2) Rule 163(5)—at the foot of subrule (5) insert:

**Note—**

*Authorised person* and *police officer* are defined in the dictionary.

- (3) Rule 163, SA note—delete "regulations 14 and 51" and substitute:

regulation 14

### **16—Variation of rule 164—Stopping beside a stopped tram at a tram stop**

- (1) Rule 164(5)—after "authorised person" insert:

or police officer

- (2) Rule 164(5)—at the foot of subrule (5) insert:

**Note—**

*Authorised person* and *police officer* are defined in the dictionary.

- (3) Rule 164, SA note—delete "regulations 14 and 51" and substitute:

regulation 14

### **17—Variation of rule 164A—Staying stopped if a tram comes from behind a stopped driver and stops**

- (1) Rule 164A(4)—after "authorised person" insert:

or police officer

- (2) Rule 164A(4)—at the foot of subrule (4) insert:

**Note—**

*Authorised person* and *police officer* are defined in the dictionary.

- (3) Rule 164A, SA note—delete "regulations 14 and 51" and substitute:  
regulation 14

### **18—Variation of rule 207—Parking where fees are payable**

- (1) Rule 207(1), SA note—after "*Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014*" insert:

and section 86A of the *Road Traffic Act 1961*

- (2) Rule 207(2), SA note—after "*Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014*" insert:

and section 86A of the *Road Traffic Act 1961*

### **19—Variation of rule 245—Riding a bicycle**

Rule 245(a)—delete "sit" and substitute:

be

### **20—Variation of rule 250—Riding on a footpath or shared path**

- (1) Rule 250(1), SA note—delete the SA note

- (2) Rule 250—after subrule (1), including the note, insert:

(1A) The rider does not have to comply with subrule (1) if—

- (a) the rider is carrying a medical certificate that states a medical practitioner believes the rider should be allowed to ride on the footpath because of a medical condition that the rider has; and
- (b) the rider is complying with any conditions stated in the medical certificate; and
- (c) no other law of this jurisdiction states that this subrule does not apply.

**Note—**

*Medical certificate* and *medical practitioner* are defined in the dictionary.

(1B) Also, the rider does not have to comply with subrule (1) if—

- (a) the rider is with another rider who is riding on a footpath;  
and
- (b) the other rider is—
  - (i) carrying a medical certificate that states a medical practitioner believes the rider should be allowed to ride on the footpath because of a medical condition that the rider has; or

(ii) a child under 12 years of age.

- (1C) However, the rider is exempt under subrule (1A) or (1B) only if the rider who is carrying the medical certificate immediately produces the medical certificate when an authorised person or police officer asks to see the certificate.

**Note—**

*Authorised person, medical certificate, medical practitioner* and *police officer* are defined in the dictionary.

## **21—Insertion of rule 262A**

After rule 262 insert:

### **262A—Proceeding when bicycle crossing light is green**

- (1) The rider of a bicycle who is crossing at an intersection, or another place on a road, with bicycle crossing lights and traffic lights must comply with this rule.

Offence provision.

**Note—**

*Bicycle crossing lights, intersection* and *traffic lights* are defined in the dictionary.

- (2) If the bicycle crossing lights show a green bicycle crossing light, the rider may cross even though the traffic lights show a red traffic light or yellow traffic light.

**Note—**

*Bicycle crossing lights, green bicycle crossing light, red traffic light, straight ahead, traffic lights* and *yellow traffic light* are defined in the dictionary.

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

- (1) Rule 266—after subrule (2B), including the notes, insert:

- (2C) A passenger does not have to comply with subrules (2), (2A) and (2B) if—

- (a) the driver is carrying a medical certificate that states a medical practitioner believes the passenger should not be restrained in any of the ways described in those subrules 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; and

- (d) no other law of this jurisdiction states that this subrule does not apply.

**Note—**

*Medical certificate* and *medical practitioner* are defined in the dictionary.

- (2D) However, the passenger is exempt under subrule (2C) only if the driver immediately produces the medical certificate when an authorised person or police officer asks to see the certificate.

**Note—**

*Authorised person* and *police officer* are defined in the dictionary.

- (2) Rule 266—after subrule (3A), including the example, insert:

- (3B) The driver does not have to comply with subrule (3) or (3A) if—

- (a) the driver is carrying a medical certificate that states a medical practitioner believes the passenger should be in the front row of the vehicle because of a medical condition that the passenger has; and
- (b) the driver is complying with any conditions stated in the medical certificate; and
- (c) no other law of this jurisdiction states that this subrule does not apply.

**Note—**

*Medical certificate* and *medical practitioner* are defined in the dictionary.

- (3C) However, the driver is exempt under subrule (3B) only if the driver immediately produces the medical certificate when an authorised person or police officer asks to see the certificate.

**Note—**

*Authorised person* and *police officer* are defined in the dictionary.

## **23—Variation of rule 267—Exemptions from wearing seatbelts**

- (1) Rule 267(3)(a)—before "certificate" second occurring insert:

medical

- (2) Rule 267(3A) and (4)—delete subrules (3A) and (4), including the notes, and substitute:

- (3A) A person who is in, or on, a motor vehicle is exempt from wearing a seatbelt if—

- (a) the person or, if the person is a passenger, the driver of the vehicle is carrying a medical certificate that states a medical practitioner believes the person should not wear a seatbelt because of a medical condition that the person has; and
- (b) the person is complying with any conditions stated in the medical certificate; and

- (c) no other law of this jurisdiction states that this subrule does not apply.

**Note—**

*Medical certificate* and *medical practitioner* are defined in the dictionary.

- (4) However, the person is exempt under subrule (3) or (3A) only if the person who is carrying the medical certificate immediately produces the medical certificate when an authorised person or police officer asks to see the certificate.

**Note—**

*Authorised person* and *police officer* are defined in the dictionary.

## **24—Variation of rule 270—Wearing motor bike helmets**

Rule 270—after subrule (1), including the note, insert:

- (1A) However, the rider of a motor bike that is moving, or is stationary but not parked, is exempt from wearing an approved motor bike helmet if—
  - (a) the motor bike's engine is not on; and
  - (b) the rider is pushing the motor bike; and
  - (c) in the circumstances, it is safe for the rider not to wear the helmet.

## **25—Variation of rule 271—Riding on motor bikes**

- (1) Rule 271(1)(c)—after "footrests" insert:

or footboard

- (2) Rule 271—after subrule (1), including the note, insert:

- (1A) Also, the rider of a motor bike that is moving may—
  - (a) stand on the motor bike's footrests or footboard designed for the rider's use if—
    - (i) the rider has both feet on the footrests or footboard; and
    - (ii) in the circumstances, it is safe for the rider to do so; or
  - (b) remove a foot from the footrest or footboard designed for the rider's use if—
    - (i) the rider is sitting on the rider's seat; and
    - (ii) at least 1 foot is on a footrest or footboard; and
    - (iii) in the circumstances, it is safe for the rider to do so.

**Note—**

*Motor bike* is defined in the dictionary.



- (3) Rule 271(5B)—delete "motorbike" and substitute:  
motor bike

## 26—Variation of rule 299—Television receivers and visual display units in vehicles

- (1) Rule 299(1)—delete "motor"  
(2) Rule 299(1), note—delete "*Motor vehicle* and *park* are" and substitute:  
*Park* is

## 27—Variation of rule 300—Use of mobile phones

- (1) Rule 300(1)(a)—delete "a phone call (other than a text message, video message, email or similar communication)" and substitute:  
an audio phone call  
(2) Rule 300(4)—after the definition of "*affixed to*" insert:  
*audio phone call* does not include an email, text message, video call, video message or other similar communication;

## 28—Variation of Dictionary

- (1) Dictionary—before the definition of *minibus zone* insert:  
*medical certificate* means a certificate that—  
(a) is signed by a medical practitioner; and  
(b) states a date of issue; and  
(c) if another law of this jurisdiction does not exempt the medical certificate from displaying an expiry date—states an expiry date that is not more than 1 year after the date of issue; and  
(d) has not expired.

### SA NOTE—

For South Australia, see regulation 57A of the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014*.

*medical practitioner* means a person registered under the *Health Practitioner Regulation National Law (South Australia) Act 2010* to practise in the medical profession (other than as a student).

- (2) Dictionary, definition of *turning lane*, note—delete ", *U-turn*"

### 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**

with the advice and consent of the Executive Council  
on 8 December 2016

No 274 of 2016

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