

Reader's Guide

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Aim of the Guide

The aim of this Guide is to help you to understand the Australian Road Rules ('the Rules') and the way they apply to different kinds of roads, vehicles and road users. The Guide also gives information on the structure of the Rules.

As a matter of law, the Guide is not part of the Australian Road Rules.

The Australian Road Rules

The Australian Road Rules provide rules to be followed by all road users.

They are part of a national scheme to provide uniform road laws throughout Australia.

How to use the Rules

1 *Contents and dictionary*

The contents at the beginning of the Rules will help you to find particular rules or groups of rules that you may be interested in. They may also be helpful in giving you an overview of the structure of the Rules.

The dictionary at the end of the Rules defines words and expressions that have special meanings in the Rules. It includes words and expressions that are defined elsewhere in the Rules.

2 *Application of the Rules and some key concepts*

The application of the Australian Road Rules and some key concepts are explained in Part 2 of the Rules. You will need to understand Part 2 to apply the rules properly.

Roads and road-related areas

The Rules apply to vehicles, animals and persons on roads and 'road-related areas'. 'Road-related areas' are areas like footpaths, nature strips and parking areas. The Rules generally apply to road-related areas in the same way as they apply to roads.

In the Rules, a reference to a 'road' generally includes road-related areas. If a particular rule does not apply to road-related areas, or applies only to road-related areas, this will be stated in the rule.

Drivers and riders

The Rules are generally expressed to apply to drivers of vehicles, since they are the largest category of road users. A driver is the person driving or otherwise in control of a vehicle. For example, a person steering and pushing a stalled motor vehicle would be in control of the vehicle and be the 'driver'.

Persons riding, or otherwise in control of, motor bikes or animal-drawn vehicles, or riding bicycles or animals, are called 'riders', rather than drivers. The Rules generally apply to them in the same way as they apply to drivers.

In the Rules, a reference to a 'driver' generally includes a rider. If a particular rule does not apply to riders, or applies only to particular kinds of riders, this is stated in the rule.

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The definition of a 'vehicle' (also in Part 2) is very broad and is not exhaustive. It includes, for example, motorised wheelchairs that can travel over 10 kilometres per hour. However, it does not include trains, wheeled recreational devices or wheeled toys. The driving of trains is not covered by the Australian Road Rules. Riders of wheeled recreational devices and wheeled toys are treated as pedestrians.

Although most of the rules apply to vehicles of all kinds and to both drivers and riders, there are some rules that apply only to particular drivers or riders. For example, the rules in Part 15 apply only to bicycle riders, and the rules in Part 17 apply only to the drivers of trams and public buses.

Pedestrians

It is not appropriate to apply the Australian Road Rules to persons in control of some kinds of vehicles as if they were drivers of conventional motor vehicles. For this reason, some persons who might otherwise come within the definition of 'driver' are treated as pedestrians. For example, a person pushing a motorised wheelchair is treated as a pedestrian.

The rules that apply to pedestrians are in Part 14.

3 Diagrams of traffic signs

Diagrams of all traffic signs mentioned in the Rules are shown in alphabetical order in Schedules 2 and 3 at the end of the Rules. The traffic signs in Schedule 2 are those in the relevant Australian Standard (AS 1742) as well as some existing non-standard signs in common use that will continue to be used and some new signs. The traffic signs in Schedule 3 are alternative signs still in use in one or more jurisdictions, but are being phased out.

Diagrams of signs have also been included after particular rules to help you identify the signs when reading the Rules. These diagrams may be a black and white version of the signs or may be printed in colour.

A number of traffic signs have 2 or more permitted versions. Notes to the diagrams of signs included in particular rules will tell you if there are other permitted versions of the signs or if the signs can have other permitted features. For example, there is more than one permitted version of a *speed-limit sign*. Also, a *speed-limit sign* can have a different number. Notes to the diagram of the sign in Part 3 will tell you about these things.

Diagrams (including diagrams that are examples) are part of the Rules.

4 Notes and examples

Notes are used throughout the Rules. They may tell you that certain terms are defined (and where they are defined), draw your attention to other relevant rules, or help in other ways. The notes are not part of the Rules.

Examples are also given throughout the Rules, sometimes by explanation and sometimes by diagrams. They are not exhaustive. Examples are part of the Rules.

5 Structure and language

The following points may assist you in reading and understanding the Australian Road Rules.

Arrangement of rules

Rules have been grouped in Parts and Divisions so that rules on the same subject are, as far as possible, together. However, some kinds of rules are relevant in many different situations. For example, in addition to the general give way rules in Part 7, giving way at traffic lights is dealt with in Part 6 (which deals with traffic lights) and giving way at roundabouts is dealt with in Part 9 (which deals with roundabouts). This arrangement gives drivers a more complete picture of their obligations at traffic lights and roundabouts.

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Notes at the beginning of a Part, or with an application provision, will tell you where other rules on the subject can be found.

Structure of rules

The rules often deal with complex situations. For this reason the more complex rules set out, in order:

- _ the rule (that is what must, or must not, be done in the situation covered by the rule)
- _ the exceptions to the rule
- _ any other information needed for the application of the rule (for example, particular definitions).

This enables the reader to see the rule set out in the simplest and clearest way.

Exemptions

In addition to exceptions that may be set out in a rule, there are a number of general exemptions. Trams, for example, are exempted from the operation of a number of Parts in the Rules because they run on fixed tracks. The list of exceptions for trams is in Part 19 (Exemptions). Also, in Part 19 there are, for example, a number of general exemptions for police and emergency vehicles and for other vehicles and drivers in particular situations.

A number of rules provide for an exemption if the driver is 'permitted' to do something, or is 'authorised' or 'exempt', 'under another law of this jurisdiction'. Procedures for granting authorisations, permits and exemptions from the Australian Road Rules may vary from jurisdiction to jurisdiction, so the Rules leave these matters to complementary laws of each State or Territory.

Definitions included in a rule

Most definitions of words and expressions are given in the dictionary. However, some terms are defined in the text of a rule. This is done where the word or expression is used only in that rule and nowhere else in the Rules. In addition, some definitions, particularly of areas or lengths of road that are established by traffic signs or road markings, are complex or need diagrams to be fully understood. They are placed with the basic rule that deals with the area or length of road, so that the rule and the definition (with any accompanying diagrams) can be seen and understood together. For example, see the definitions of *bicycle path* and *separated footpath* in rule 239. This also means there is no need for diagrams of the signs to appear in the dictionary as well as at the end of the rule and in the Schedules. The definitions are, however, signposted in the dictionary at the end of the Rules. Notes are also included in relevant rules drawing attention to these definitions.

*Use of the terms **vehicle** and **road** in a rule*

Because of the way 'driver' is defined, it is generally not necessary to say 'the driver of a vehicle' or mention the driver's vehicle in a rule.

In the same way, because the Australian Road Rules apply only to roads and road-related areas, it is not generally necessary to say in a rule that something must, or must not, be done, 'on a road', except where the kind of road, or the place on a road, is relevant to the rule or it is necessary to exclude road-related areas.

*Use of the terms **bus** and **public bus***

If a rule is directed to the driver of a public bus, the term 'public bus' is used in the rule, and the rule applies only to public buses. For examples, see Part 17 (Additional rules for drivers of trams and public buses). However, if a rule directs a driver of any vehicle to take or not take some action in relation to a bus, the term 'bus' is used and the rule applies to buses of all kinds. This is because, although the rule is primarily intended to apply to public buses, a public bus may not be marked in a way that makes it distinguishable from a private bus, and it is preferable from the point of view of road safety that the driver treat any bus as a

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public bus. For examples see Part 11, Division 7 (Passing trams and safety zones). There are also some rules that refer specifically to the drivers of all buses.

*Use of the term **does not apply** in relation to a rule*

A rule may say that it does not apply to a driver of a particular kind, or in a particular situation. This does not mean, however, that another rule will not apply to the driver in the same situation. An example is rule 95 (Emergency stopping lane only signs). A bicycle rider does not commit an offence under rule 95 by riding in an emergency stopping lane, because the rule expressly states that it does not apply to bicycle riders. However, the rider may still commit an offence by riding in the emergency stopping lane if a *no bicycles sign* applies to the lane (see rule 252 (No bicycles signs and markings)).

Use of present tense for some actions

The rules may say that a driver 'is turning' at an intersection. The use of the present tense is intended to cover both the present and future aspects of the present tense. That is, it refers to a driver who is preparing to make the turn as well as a driver who is in the course of making the turn. The context will make this clear in the rule.

*Obligation to **give way***

There are a number of rules requiring a driver to give way to another driver or a pedestrian. However, under the Rules the other driver or pedestrian does not have a 'right' of way. Indeed, in some situations, a number of drivers may be required to give way to each other, eg at an intersection with a *stop sign* or *give way sign* on more than 1 of the intersecting roads. Similarly, although a driver may be required to give way to a pedestrian, the pedestrian is required under rule 236 (1) not to cause a traffic hazard by moving into the driver's path.

Offences and penalties

If a rule (or subrule) creates an offence, this is indicated by the words 'Offence provision.' set out in the rule (or subrule). A person who breaches the rule (or subrule) commits an offence.

The penalty for an offence is set by other laws of each jurisdiction. Penalties can include a fine and, in some circumstances, disqualification from driving.

Other aids to using and understanding the Rules

Part 20 of the Rules explains how traffic signs, traffic signals, road markings and other traffic control devices on roads must comply with the Rules to be legally effective. The Part also explains the way traffic control devices apply to lengths of road and areas, and also to drivers and other road users. Traffic signs and signals generally apply to a person if they face the person, but there are exceptions.

Part 21 of the Rules contains a number of provisions to put certain legal issues beyond doubt. They enable the language and concepts in the Australian Road Rules to be expressed more simply.

Other road laws

The Australian Road Rules are not completely self-contained and need to be read with the associated laws of each jurisdiction. These laws deal with administrative and legal issues that may be particular to each jurisdiction. For example, each jurisdiction defines 'emergency worker' and 'police officer' in slightly different ways for the Australian Road Rules. The definitions of these terms in the dictionary indicate that the terms are defined under other laws of the jurisdiction.

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The Australian Road Rules do not provide all the rules to be followed by road users. Other rules applying to road users are to be found in other laws. For example, other laws deal with drink-driving. Some of these other rules are indicated by notes in the Rules.