

**AUSTRALIAN ROAD RULES
AMENDMENT PACKAGE 2005
DRAFT REGULATORY IMPACT STATEMENT**

November 2005



National Transport Commission

**Prepared by
National Transport Commission**

National Transport Commission

Australian Road Rules Amendment Package 2005 Draft Regulatory Impact Statement

Report prepared by: National Transport Commission

ISBN:

REPORT OUTLINE

Date: July 2005

ISBN:

Title: **Australian Road Rules Amendment Package 2005
Draft Regulatory Impact Statement**

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Type of report: Draft Regulatory Impact Statement (RIS)

Objectives: Improved Road Safety

NTC Programs: Monitoring, Maintenance and Review

Key Milestones: Submission to the Transport Agencies Chief Executives and to the Australian Transport Council.

Abstract: The Australian Road Rules Maintenance Group convened in 2003, 2004 and 2005 to deliberate on matters for inclusion in the next Australian Road Rules Amendment Package. The proposed amendments are required to make the Australian Road Rules more succinct and contemporary, thereby contributing to the safety of all road users and the efficient movement of traffic on Australia's roads.

Purpose: For public consultation

Key words: Road rules, drivers, vehicles

Comments by: Friday 20 January 2006

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FOREWORD

The National Transport Commission (NTC) is an independent body established under an Inter-Governmental Agreement. It has an on-going responsibility to develop, monitor and maintain uniform or nationally consistent regulatory and operational reforms relating to road transport, rail transport and intermodal transport.

The Australia Road Rules (ARR) were developed by the National Road Transport Commission (predecessor to the NTC) in consultation with relevant stakeholders, which included road transport agencies, police, road safety experts, motoring organisations, local government, members of the public and other interested parties. The ARR were, in most part, an integration of jurisdictional laws, incorporating seatbelt and child restraint legislation.

The ARR were approved by the Australian Transport Council (ATC) in January 1999, as was a maintenance strategy by which the ARR could be amended to ensure, as model legislation, they reflected the current needs of stakeholders and meet community expectations concerning road safety.

Although the ARR were implemented nationally, the maintenance process has highlighted inadequacies in some areas.

Extensive consultation has been undertaken between the NTC and representatives of all Commonwealth, State and Territory road safety, traffic, road transport and enforcement authorities, in order to identify and recommend the required changes. Preliminary consultation with internal stakeholders has been conducted by representatives within their jurisdiction. Wider consultation with the public and stakeholders is now to be undertaken.

This Regulatory Impact Statement together with the proposed draft amendments, will be submitted to Transport Agencies Chief Executives for consideration and then to the ATC for approval. Subject to that approval, the amendments will be incorporated into the ARR, and States and Territories will implement changes to jurisdictional legislation in accordance with their own protocols.

Written comments may be forwarded to the NTC Chief Executive or emailed to the Project Manager directly.

The NTC acknowledges the work undertaken by ARR Maintenance Group.

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a series of loops and a final flourish.

Stuart Hicks
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SUMMARY

Purpose

The purpose of this Regulatory Impact Statement (RIS) is to describe proposed changes to the Australian Road Rules (ARR), and outline the impact of the proposals on road users.

Background

In 2003, 2004 and 2005 the ARR maintenance process identified a number of issues concerning ARR. The ARRMG believed that these issues necessitated changes to ensure the ARR remained contemporary, clear and enforceable. After much discussion and deliberation by the ARRMG, the Amendment Package 2005 was developed by the NTC for consideration by Transport Agencies Chief Executives (TACE) and the Australian Transport Council (ATC).

Main Issues

The issues mentioned in this RIS generally cover the range of the ARR, with one issue not being more significant than another. Some of the provisions of the recommend changes include turns, traffic lane arrows, red traffic arrows, stopping, keeping left, having proper control and leading of animals.

Additionally, some areas of the legislative framework that underpins the success of the ARR need to be changed to give a larger return on safety benefits to the community. The changes proposed in this RIS will achieve those aims by setting up model provisions (ARR) for jurisdictions to follow.

Research/Methods and Process

Generally, matters contained within this RIS were considered as mechanical, that is, to put the words or phrases into working order, an arrangement that all road users and devotees of the ARR would understand. All jurisdictions reviewed each change in detail and sourced advice from relevant parties where appropriate.

Consultation

Extensive consultation has been undertaken between the NTC and representatives of all Commonwealth, State and Territory road safety, traffic, road transport and enforcement authorities, in order to identify and agree to the required changes. Some jurisdictions have also consulted with public transport managers and operators and local government in their States or Territories. Final consultation with the public and stakeholders will now take place.

Conclusions

The ARR must remain synchronous with modern day expectations and be clear to all users. The proposed amendments seek to achieve those goals and are therefore imperative to the proper operation of the ARR. Generally, impact of the proposals on road users is not substantial and it is predicted the inclusion in the ARR of the matters discussed in this RIS, will ensure they do reflect present-day expectations of the community and stakeholders, and contribute to effective administration and enforcement, thus providing a safer motoring environment.

Recommendations

The NTC recommends that TACE and the ATC approve the proposed changes contained in the Australian Road Rules Amendment Package 2005, as described in this RIS.

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1. INTRODUCTION

This Regulatory Impact Statement (RIS) documents various issues raised by the Australian Road Rules Maintenance Group (ARRMG) relating to the Australian Road Rules (ARR) nationally. The proposed changes have been developed through the maintenance strategy endorsed by the ATC in 1999. As part of this strategy, representatives of Commonwealth, State and Territory government agencies have agreed to the necessary changes by consensus or majority. The proposed changes will modify existing laws and insert others.

2. PROBLEMS AND OBJECTIVES

While the ARR endeavour to provide a definitive guide as to how road users should behave on Australia's roads, difficulty has arisen in some areas as to the interpretation placed on some rules, contrary to their intent. Furthermore, changing times demand the ARR be constantly scrutinised to ensure their present-day appeal is not demeaned.

The ARRMG has identified a number of areas that require attention so that the ARR are clarified.

Each of the proposed changes will be dealt with separately, describing the rationale and impact on road users, if any.

3. PROPOSAL AND ALTERNATIVES

It is proposed that the ARR adopt each of the recommendations outlined in the following Description of Amendments, to ensure national uniformity and consistency in road rules is maintained to produce a desired reduction in road trauma.

The alternatives to be considered are:

- do nothing, therefore maintaining the status quo or worsening of the level of trauma by a deterioration of compliance;
- continued education programmes that can only reflect the legislative regime; or
- adopting the proposed changes, thus providing an emphasis on compliance and modify education programmes to reflect the changes.

The changes are seen as necessary and desirable by representatives of Commonwealth, State and Territory road safety, traffic and enforcement authorities. If the changes are not made, jurisdictions may face pressures that could lead to individual modifications being applied, to the detriment of providing a homogeneous set of laws.

4. DESCRIPTION OF AMENDMENTS

Each of the amendments is now described and discussed. The heading to each amendment includes a reference to the corresponding item or items in the schedule to the draft amendment regulation accompanying this RIS (OLD reference 0311846A-050714A, 15/07/2005, 8:31am).

4.1 Application of Division (making turns) – Rules 43 and 26

Rule 43(1), Division 5 Part 4, provides that a left turn from a road into a road-related area or adjacent land, or from a road-related area into a road, must be done in accordance with Division 1. However, Division 1 at rule 26 states that the Division does not apply when making a left turn from a road into a road-related area or adjacent land, or from a road-related area into a road: this appears to be a contradiction. The ARR' intention was that left turns, whether executed at intersections or other places, should be governed by the same requirements. The amendment intends to clarify that left turns should be made in a similar manner wherever they are made.

Impact: As this amendment reinstates the intent of the rule and reinforces current practices, there will be no adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma.

4.2 Starting a left turn from a multi-lane road – Rule 28

Rule 28 describes how a driver must make a left turn from a multi-lane road. The technical interpretation of this rule, where a slip lane is present, requires a driver to approach and enter the intersection from the left lane rather than from the slip lane itself.

This is contrary to the operational intent of a slip lane in that if a slip lane is present a driver turning left must use the slip lane. The proposed amendment seeks to rectify this problem by requiring a driver turning at an intersection on which there is a slip lane applicable to the direction the driver is travelling, to make the turn from within the slip lane, or if the slip lane is obstructed, from within the left lane.

Impact: As this amendment reinstates the intent of the rule and reinforces current practices, there will be no adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma.

4.3 Making a turn as indicated by a road marking – Rule 29

Rule 29 requires all drivers turning left at an intersection with road markings to obey the road marking. It makes no allowance for drivers of long vehicles who by necessity must flout the rule to negotiate the turn.

The proposed amendment allows for drivers to execute a left turn at an intersection that has road markings indicating how the turn is to be made, by contemplating vehicle length, but subject to the same restrictions as are in existence for other turning rules (for example rule 28(2) and 32(2)).

Impact: As this amendment reinstates the intent of the rule and reinforces current practices, there will be no adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma.

4.4 Division does not apply to certain turns (making turns) – Rules 43 and 30

Rule 43(2), Division 5 Part 4, provides that a right turn from a road into a road-related area or adjacent land, or from a road-related area into a road, must be done in accordance with Division 2. However, Division 2 at rule 30 states that the Division does not apply when making a right turn from a road into a road-related area or adjacent land, or from a road-related area into a road: this appears to be a contradiction. The ARR intention was that right turns, whether executed at intersections or other places, should be governed by the same requirements. It is intended to clarify, that right turns should be made in a similar manner wherever they are made.

Impact: As this amendment reinstates the intent of the rule and reinforces current practices, there will be no adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma.

4.5 Making a right turn – Rule 33

Rule 33 describes how a driver must make a right turn at an intersection and requires a driver to make the turn in accordance with road markings, if present. However, the rule excludes T intersections which in many cases also have road markings.

The proposed amendment removes the exclusion to T-intersections allowing road markings to equally apply at both cross and T-intersections.

Furthermore, the rule again fails to account for long vehicles: this will be rectified by an inclusion similar to that being made to rule 29.

Impact: As this amendment reinstates the intent of the rule and reinforces current practices, there will be no adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma.

4.6 Optional hook turn by a bicycle rider – Rule 35

Rule 35 affords a bicycle rider the opportunity to make a “hook turn” at any intersection without a *hook turn only sign* or *no hook turn by bicycles sign*, so as the rider is not in the path of through traffic whilst endeavouring to make a right turn. However, the rule does not allow the same opening for riders of animals.

The proposed amendment rectifies this inconsistency as both cyclists and riders of animals are vulnerable road users.

Impact: This amendment provides protection for another type of road user and as such, it is not anticipated there will be any adverse impact on other road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and education of the equestrian fraternity. It is expected that the latter cost will be absorbed by road authorities in their on going education programmes.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma. It will also provide some protection to another exposed road user, again adding to the reduction in road trauma.

4.7 Bicycle rider making a hook turn contrary to a *no hook turn by bicycle sign* – Rule 36

It is proposed to amend rule 35 to allow riders of animals to make hook turns in the same way as bicycle riders. Rule 36 allows road authorities to prohibit bicycle riders from making hook turns, at chosen intersection, by the erection of a *no hook turn by bicycles sign*. The ability to prohibit these turns must also equally apply to riders of animals.

The proposed amendment will make the prohibition sign apply to riders of animals as well as riders of bicycles.

Impact: This amendment provides protection for another type of road user and as such, it is not anticipated there will be any adverse impact on other road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and education of the equestrian fraternity. It is expected that the latter cost will be absorbed by road authorities in their on going education programmes.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma. It will also provide some protection to another exposed road user, again adding to the reduction in road trauma while allowing road authorities some control.

4.8 Proceeding through a red traffic arrow – Rule 60

Rule 60 provides that a driver at a red traffic arrow must not enter the intersection. However, there is nothing prohibiting the driver from entering upon a marked foot crossing that may exist immediately before the intersection. This is inconsistent with rule 59, where drivers facing a red traffic light at an intersection or marked foot crossing must not enter the intersection or crossing. It was not intended that there should be irregularities for drivers when stopped at red lights. Neither was it intended to allow vehicles to obstruct the path of pedestrians when crossing the road at traffic lights. It is intended to harmonise these rules so that there is no confusion for drivers, pedestrians or enforcement agencies.

Impact: As this amendment reinstates the intent of the rule and reinforces current practices, there will be no adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma.

4.9 Giving way when turning at an intersection with traffic lights – Rule 62

Rule 62 describes to whom a driver must give way at an intersection with traffic lights. The definition of *traffic lights* includes *traffic arrows*: therefore, a driver turning right at an intersection in accordance with a green traffic arrow must give way to any oncoming vehicle, even though the oncoming vehicle may be proceeding through a red traffic light.

Drivers complying with green lights have an expectation that drivers will comply with opposing red traffic lights, without such a belief, traffic flow would be severely impeded.

The proposed amendment seeks to rectify this situation by removing the obligation on a driver turning in accordance with a green traffic arrow, to give way to other road users who have disobeyed the rules for red traffic lights.

Impact: As the amendment recognises current behaviour when complying with a green traffic arrow, it is not anticipated there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma.

4.10 Stopping and giving way at a stop sign or stop line at an intersection without traffic lights – Rule 67

Rule 67, amongst other things, describes where a driver is to stop in relation to a stop sign or stop line. There is some doubt as to where a driver is to actually stop in relation to the stop line, for example, stopping before, on or after could be said to stopping at the stop line. The ARR intended that drivers stop as near as practicable, but before reaching, the stop line as similarly expressed in rule 56.

The proposed amendment will clarify where a driver is required to stop at a stop line.

Impact: As the amendment recognises general driver behaviour when stopping at a stop line, it is not anticipated there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma.

4.11 Stopping and giving way at a stop sign or stop line at other places – Rule 68

Rule 68, amongst other things, describes where a driver is to stop in relation to a *stop sign* or *stop line* at places other than at intersections. There is some doubt as to where a driver is to actually stop in relation to the stop line, for example, stopping before, on or after could be said to stopping at the stop line. The ARR intended that drivers stop as near as practicable, but before reaching, the stop line: similarly expressed in rule 56 and in the proposed amendment for rule 67.

Furthermore, both subrules (1) and (2) include a reference to a stop line, which is missing from subrule (3) as this omission was not intended by the ARR.

It has also been highlighted through the maintenance process that stop lines are at places to indicate where a driver is to stop to comply with other devices such as children's crossings and level crossings. It was not intended that drivers stop at stop lines at a children's crossing when the flags are not displayed, at an intersection when the traffic lights are green or at a place with twin red lights when the lights are not in operation.

The proposed amendment will clarify where a driver is required to stop at a stop line and remove the obligation to stop at stop lines when it is not necessary.

Impact: As the amendment recognises general driver behaviour when stopping at a stop line, it is not anticipated there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma.

4.12 Giving way at a T-intersection – Rule 73

Rule 73 provides the requirements for a driver to give way at a T-intersection, whereas rule 38 requires a driver to give way to all other vehicles when making a U-turn. It is intended to ensure there is no confusion between these two rules, in that, a driver giving way in accordance with rule 73, does not have to give way to any vehicle making a U-turn, also reinforcing the absolute requirement for drivers making U-turns to give way to all other vehicles. The change also brings rule 73 in line with the give way requirements at rule 69(2A).

The proposed amendment reflects the ARR intention with regards to U-turns and giving way.

Impact: As this amendment reinstates the intent of the rule and reinforces current practices, there will be no adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma.

4.13 Stopping at a children's crossing – Rule 80

Rule 80, amongst other things, describes where a driver is to stop in relation to a stop line at a children's crossing. There is some doubt as to where a driver is to actually stop in relation to the stop line, for example, stopping before, on or after could be said to stopping at the stop line. The ARR intended that drivers stop as near as practicable, but before reaching, the stop line as similarly expressed in rule 56 and in the proposed amendments for rules 67 and 68.

The proposed amendments will clarify where a driver is required to stop at a stop line, and when a driver may proceed after stopping at a children's crossing.

Impact: As the amendment recognises general driver behaviour when stopping at a stop line, it is not anticipated there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma.

4.14 Giving way at a pedestrian crossing – Rule 81

Concern has been expressed by the ARRMG about the intent of the description of *pedestrian crossing* as found in rule 81(3). The particular issues relate, firstly, to the manner in which the white stripes are described to run from one side of the road to the other. This could be interpreted as meaning 90° from the boundary. Using this construal, a *pedestrian crossing* would be no different to a *marked foot crossing*, and not intended by the ARR.

Secondly, the ARRMG expressed concern about the necessity to have a *pedestrian crossing sign* in existence at all crossings. The issue here was that, should a sign be missing, for any reason, then the device ceases to be a *pedestrian crossing*, and arguably a pedestrian or driver, would be unaware of such a defect.

The proposed amendment seeks to clarify both these issues by explaining the white stripes that constitute a *pedestrian crossing* must be parallel to the centre of the road, and secondly, a *pedestrian crossing* may or may not have a *pedestrian crossing sign*.

Impact: As the amendment recognises general driver and pedestrian behaviour at *pedestrian crossings*, it is not anticipated there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma. Additionally, it will provide the necessary protection to pedestrians and guidance to drivers, should a *pedestrian crossing sign* be missing.

4.15 Giving way on a painted island – Rule 85

Rule 85 requires a driver entering a turning lane from a painted island to give way to a vehicle in the turning lane and to a vehicle entering the turning lane from a lane immediately to the left of the turning lane. This implies that the turning lane and painted island are in the centre or right side of the road. However, there are locations where the turning lane and painted island are actually on the left side of the road, therefore, requiring drivers entering the turning lane from the painted island to give way to vehicle in the turning lane and also to vehicles entering the turning lane from a lane immediately to the right of the painted island. The current rule 85 does not apply in this situation.

The proposed amendment seeks to impose the same give way provisions whether the painted island and turning lane are on the left, centre or right side of the road.

Impact: It is not expected there will be any adverse impact on road users as the change is simply enforcing existing give way principles.

Cost: No additional costs are expected.

Benefit: The proposed amendment will standardise the hierarchy of give way in turn lanes preceded by painted islands.

4.16 Giving way when moving from the side or shoulder of the road or median strip parking area – Rule 87

Rule 87 requires a driver entering a marked lane, or line of traffic, from the far left or right side of the road, or from a shoulder of a road, to give way to a vehicle travelling in the lane or line of traffic. In this rule, road includes a road-related area, therefore, the far left or right side of the road would be the far left or right side of the road-related area. This was not the intent of the ARR, as a driver wouldn't be entering from a position that is to the far left or right side of a road-related area.

The proposed amendment seeks to remedy this situation by excluding a road-related area (other than a shoulder) from the rule so that the reference to far left or right side relates to the road and shoulder.

Impact: As the amendment recognises general driver behaviour when entering a road (from the side of the road), it is not anticipated there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma.

4.17 No left turn and no right turn signs – Rule 91

Rule 91 allows for the establishment of a *no left turn sign* and *no right turn sign* at intersections. It has become a common practice to use these signs as a traffic management device at places other than intersections. It is desired that these signs have regulatory force when used in areas such as median strip openings, drive-thru outlets and other places where turn restrictions need apply.

The amendment seeks to remedy this situation by extending the application of the rule to “another place on a road”.

Impact: As the amendment recognises current applications and use of these signs, it is not anticipated there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma. Furthermore, the amendments will provide an effective enforcement tool for drivers who choose to ignore traffic management treatments.

4.18 Traffic lane arrows – Rule 92

Rule 92 describes what a driver, in a marked lane, must do at an intersection with traffic lane arrows in the driver’s lane. As a traffic management device, traffic signs are used to exempt certain categories of vehicles from the requirement to obey traffic lane arrows.

The amendment seeks to provide regulatory force to traffic signs overriding traffic lane arrows marked on a road.

Impact: As the amendment recognises current applications and use of traffic lane arrows, it is not anticipated there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma. Furthermore, the amendments will provide an effective enforcement tool for drivers who choose to ignore traffic management treatments.

4.19 One-way signs – Rule 98

Rule 98 requires a driver on a road to drive in the direction indicated on a *one-way sign*. The instruction applies to a road which includes a road-related area. Other rules, such as 250 and 288 allow, in certain circumstances, drivers to drive on footpaths. However, as a footpath is a road-related area and road-related area is included in rule 98, a driver must comply with the *one-way sign*: this was never the intent of the ARR. Drivers permitted to travel on footpaths, for example cyclists and riders of postal motor cycles, should not be required to comply with these signs.

The amendment seeks to exclude a road-related area, other than shoulders from the rule, thereby allowing drivers on footpaths to travel in either direction.

Impact: As the amendment simply recognises current driver behaviour when using footpaths, it is not anticipated there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma. Furthermore, the amendments will allow those permitted to drive on a footpath to do so without fear of penalty when exercising a current understanding and practice.

4.20 Keep left and keep right signs – Rule 99

Rule 99 requires a driver on a road to drive in the direction indicated on a *keep left sign* or *keep right sign*. The instruction applies to a road which includes a road-related area. Other rules, such as 250 and 288 allow, in certain circumstances, drivers to drive on footpaths. However, as a footpath is a road-related area and road-related area is included in rule 99, a driver must comply with a *keep left sign* or *keep right sign*: this was never the intent of the ARR. Drivers permitted to travel on footpaths, for example cyclists and riders of postal motor cycles, should not be required to comply with these signs.

The amendment seeks to exclude a road-related area, other than shoulders from the rule, thereby removing the instruction that they must obey these signs.

Impact: As the amendment simply recognises current driver behaviour when using footpaths, it is not anticipated there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma. Furthermore, the amendments will allow those permitted to drive on a footpath, to do so without fear of penalty when exercising a current understanding and practice.

4.21 Safety ramps and arrester beds – New rule 101A

Generally, long descending grades will require arrester beds/safety ramps to allow vehicles that may be out of control on a long downgrade a point of access to an engineering treatment specifically designed to take the vehicle out of harm's way and bring it to a halt. Australian Standard 1742.8 requires arrester beds/safety ramps to be appropriately signed on their approach to advise out of control drivers of their location. Some jurisdictions, at considerable cost, use screenings on the bed to provide better stopping qualities. However, they are finding that drivers of four wheel drive vehicles in particular, are using these arrester beds/safety ramps to practice their driving techniques, and spreading the screenings (and sometimes other materials) to the degree that they are no longer effective as a stopping agent. It is intended to prohibit drivers using these arrester beds/safety ramps, unless in an emergency situation.

The proposed amendment seeks to introduce a new sign prohibiting the use of arrester beds/safety ramps other than in a crisis.

Impact: As the amendment is aimed at a minority of drivers undertaking unwanted practices, it is not anticipated there will be any adverse impact on general road users.

Costs: Costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review, and the cost of installing the sign (where needed) will be offset by the recurrent cost of replacing the floor of the arrester beds/safety ramps.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma. Furthermore, it will guarantee the quality of the arrester beds/safety ramps is retained intact until truly needed.

4.22 Length limit signs/No large vehicles signs – Rule 104

Rule 104 places a prohibition of vehicles (except buses) driving past a *no trucks sign* that has information on or with it indicating a mass or length limit, if the driver's vehicle exceeds that limit. Subrule (4) provides an exception for the truck, if the truck's destination lies beyond the sign. However, there is no provision to allow a driver of a vehicle, other than a truck, to pass the sign where the driver's destination lies beyond the sign.

The proposed amendment seeks to allow all vehicles to which the sign under rule 104 applies to pass the sign if the vehicle's destination lies beyond the sign.

Impact: It is not anticipated there will be any adverse impact on general road users.

Costs: Costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma. Furthermore, it will give road authorities the ability to protect road infrastructure by limiting the length or mass of vehicles other than trucks, as they do for trucks.

4.23 What is a roundabout – Rule 109

Rule 109 describes a roundabout and includes that a *roundabout sign* must be at each entrance. Concern has been expressed by the ARRMG about the intent of the description of a roundabout as expressed in this rule. The particular issues relates to the necessity to have a *roundabout sign* in existence at all entry points. The issue here is that, should a sign be missing for any reason, then the engineering treatment ceases to be a roundabout, and arguably a pedestrian or driver would be unaware of such a defect, similar to that discussed at Item 4.16 of this RIS for pedestrian crossings.

The proposed amendment seeks to clarify this issue by stating that a roundabout may or may not have a sign.

Impact: As the amendment recognises general driver and pedestrian behaviour at roundabouts, it is not anticipated there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma. Additionally, it will provide the necessary protection and guidance to drivers, should a *roundabout sign* be missing.

4.24 Entering a roundabout from a multi-lane road or a road with two or more lines of traffic travelling in the same direction – Rule 111

Rule 111 provides guidance to drivers on how to negotiate roundabouts. The rule includes five diagrams as examples to explain the instructions in pictorial form. However, example 4 depicts a T-intersection with traffic lane arrows showing both straight ahead and a right and left turn: it is not possible to proceed in the straight ahead direction. It is intended to remove the straight ahead arrows.

The proposed amendment seeks simply to rectify a graphic problem in a diagram and has no actual impact on the rule.

Impact: It is not anticipated there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations.

4.25 Driving in a roundabout to the left of the central traffic island – Rule 115

Rule 115 requires a driver, when driving in a roundabout, to drive to the left of the central traffic island, unless the driver's vehicle is too large to drive in the roundabout without driving on the edge of or over the central traffic island. It is obvious that the exceptions were intended to cater for large vehicles that needed in some way to mount the central traffic island to complete their manoeuvre. The intent of the ARR has always been that the driver's side wheels would be part of the vehicle mounting the island. However, a practise is developing with large vehicles that they drive to the right of the central traffic island: in most cases with their offside wheels on the island, but with others completely to the right of the island. It is intended to bring an end to this practice by requiring drivers to remain left of the centre of the island if practicable.

The proposed amendment will clarify that although certain drivers are permitted to mount the central traffic island in a roundabout, they must always keep their vehicle to the left of the island.

Impact: As the amendment recognises general driver behaviour when negotiating roundabouts, it is not anticipated there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma. In addition, it will provide better safety aspects for roundabouts.

4.26 Stopping and giving way at a stop sign at a level crossing – Rule 121

Rule 121, amongst other things, requires a driver to stop at a level crossing with a *stop sign*. There is some doubt as to where a driver is to actually stop in relation to the stop line, for example, stopping before, on or after could be said to stopping at the stop line. The ARR intended that drivers stop as near as practicable to, but before reaching, the stop line: similarly expressed in rule 56 and in the proposed amendments for rules 67, 68 and 80.

The proposed amendment will clarify where a driver is required to stop at a stop line.

Impact: As the amendment recognises general driver behaviour when stopping at a stop line, it is not anticipated there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma.

4.27 Keeping to the left on a multi-lane road – Rule 130

Rule 130 prohibits a driver, on a multi-lane road with a speed limit exceeding 80km/h, or with a *keep left unless overtaking sign*, from travelling in the right lane unless certain exceptions apply. However, some jurisdictions use the right lane as a special purpose lane and the rule as currently written, prohibits vehicles that would normally be permitted to use a special purpose lane from using the lane. The rule needs to cater for special purpose lanes, being the right lane of a multi-lane road.

The *end keep left unless overtaking sign* as shown in the ARR does not comply with the relative Australian Standard. It is proposed to replace the end diagram at the last part of the rule with the Australian Standard sign.

Some jurisdictions use slow vehicle turn-out lanes. The purpose of these lanes is to allow drivers of slower vehicles to move out of the path of faster moving vehicles. It is not intended to make vehicles use the *slow vehicle turn-out lane* if the vehicle is travelling at the speed limit, or the vehicle is the only vehicle using the length of road at the time.

The proposed amendment seeks to allow the intended use of special purpose lanes, replace the *end keep left unless overtaking sign*, and provide for the proper use of slow vehicle turn-out lanes.

Impact: As the amendment recognises general driver behaviour when using special purpose lanes, seeks to clarify slow vehicle turn-out lanes in line with current usage and reorganises wording on a sign, it is not anticipated there will be any adverse impact on road users.

Costs: The costs imposed by this amendment are those that accompany the making of amendments, advice to enforcement agencies and the replacement of what will be non-

compliant signs. Sign replacement will be achieved through normal maintenance processes and will therefore be cost neutral.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma.

4.28 Keeping to the left of oncoming vehicles – Rule 131

Rule 131 requires a driver on a road to keep to the left of oncoming vehicles, unless certain exceptions apply. The instruction applies to a road which includes a road-related area. Other rules, such as 250 and 288 allow, in certain circumstances, drivers to drive on footpaths. However, as a footpath is a road-related area and road-related area is included in rule 131, a driver must keep to the left of an oncoming vehicle while driving on the footpath: this was never the intent of the ARR. Drivers permitted to travel on footpaths, for example cyclists and riders of postal motor cycles, should not be required to comply with this rule.

The amendment seeks to exclude a road-related area, other than a shoulder from the rule, thereby providing that drivers on footpaths do not have to travel to the left of oncoming vehicles.

Impact: As the amendment simply recognises current driver behaviour when using footpaths, it is not anticipated there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which rules will assist in reducing road trauma. Furthermore, the amendments will allow those permitted to drive on a footpath, to do so without fear of penalty when exercising a current understanding and practice.

4.29 Keeping to the left of the centre of a road or the dividing line – Rule 132

Rule 132, amongst other things, describes how a driver must drive in relation to a dividing line. There has been considerable conjecture as to whether this rule applies to a driver making a U-turn across two parallel continuous dividing lines: it is intended to clearly state the ARR intention in this situation.

Furthermore, the application of the rule should not include footpath or shared paths, so these will be excluded from the rule.

The proposed amendment will express the original intent, and insert a new subrule that prohibits a driver executing a U-turn across two parallel continuous dividing lines, and exclude footpaths and shared paths from its application.

Impact: As drivers generally already believe they cannot cross two parallel continuous lines, and keeping left doesn't apply to footpaths, it is not anticipated there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma. Furthermore, the amendments will allow those permitted to drive on a footpath, to do so without fear of penalty when exercising a current understanding and practice.

4.30 No overtaking etc to the left of a vehicle – Rule 141

Rule 141 prohibits overtaking another vehicle to the left, unless in prescribed situations. One of those conditions is that if the vehicle is turning right, or making a U-turn from the centre of the road, and is giving a right change of direction signal. Unlike the other two occasions when overtaking to the left of a vehicle is permitted, a requirement that it must be safe to overtake has been omitted. The ARR intended that in all three exceptions the driver must ensure that it is safe to conduct the manoeuvre in the first instance.

The proposed amendment will make the three exceptions to the rule uniform by including in paragraph (b) that it is safe to overtake the vehicle to the left.

Impact: As drivers generally already believe they cannot overtake a vehicle to the left, in any situation, unless it is safe, it is not anticipated there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma.

4.31 Driving within a single marked lane or line of traffic – Rule 146

Rule 146 requires a driver to drive completely within a single marked lane or line of traffic, unless a prescribed exception exists. It has been identified by the ARRMG, through the maintenance strategy, that both subrules (1) and (2) refer to marked lanes and emergency stopping lanes. As an emergency stopping lane is a marked lane by definition, its appearance in rule 146 is not necessary. It is intended to remove the reference to emergency stopping lane, thereby providing a clearer understanding of its intent.

The proposed amendment simplifies the rule and expresses the original intent.

Impact: As this is a technical alteration, it is not anticipated there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma.

4.32 Giving way when moving from one marked lane or line of traffic to another marked lane or line of traffic – Rule 148

Rule 148 requires drivers moving from one marked lane or line of traffic into another, to give way to any vehicle in the lane or line the driver is moving into. However, the rule does not address circumstances where there may be two vehicles within the one lane (a bicycle and a motor vehicle or two motor cycles), and one of those vehicles diverges into the path of the other. It is a clear intent of the ARR that where any vehicle deviates into the path of another, the deviating vehicle must give way to the other vehicle.

The proposed amendments will make amendments to rule 148 that will give effect to the intent of the ARR.

Impact: Generally, drivers already believe they must give way when moving laterally on a road, which is reflected in current driving practices, it is not anticipated there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma.

4.33 Driving on or across continuous white edge lines – Rule 150

Rule 150 prohibits a driver crossing a continuous white edge line unless in the circumstances permitted by the rule. However, the rule provides no exception if there is an obstruction on the road. It is intended to bring this rule in line with rules 146(1)(d) and 147(a), and allow a driver to cross a continuous white edge line to avoid an obstruction.

The proposed amendment is necessary to make this rule consistent with other rules.

Impact: It is not anticipated there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma.

4.34 Riding a motor bike alongside a vehicle – New rule 151A

It is a common practice for motor bike riders to “split lanes”, that is, overtake or pass another motor vehicle (except a motor bike) in the same lane as the other motor vehicle. Although rules 140 to 145 specifically deal with the many attributes of overtaking, none make the rider of a motor bike move into an adjacent lane to overtake another motor vehicle. This has resulted in a cult belief that splitting lanes (an inherently dangerous practice) is recognised as acceptable behaviour of motor bike riders.

It is intended to impose the same behaviour on motor bike riders as is already the case with other motor vehicles during the process of overtaking, that is, move into an adjacent lane or line of traffic and pass at a safe distance. If it is safe, a motorbike may pass another motorbike in the same lane.

The proposed amendment is structured to bring about this behaviour change.

Impact: The proposed amendment is expected to impact on the current behaviour of motor bike riders, in that they will not be able to overtake by splitting lanes, but will have to move into an adjacent lane to overtake. Although delay times for motor bike riders are expected to be minimal, some opposition can be expected from the motor bike fraternity, as it involves a change of behaviour. Nevertheless, the proposed amendment is expected to gain the support of the general motoring community and remove the crash risk to motor bike riders engaging in the practice.

Costs: The costs imposed by this amendment are those that accompany the making of amendments, education of motor bike riders and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review. Additional costs may also be seen in minimal time delays and prosecution costs for riders breaching the new rule. However, it is not possible to quantify a monetary value, as it is not possible to estimate how many motor bike riders currently split lanes, and how many will continue to do so after the introduction of the new rule.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma. Furthermore, a general reduction in crash risk is expected which will benefit not only the rider, but also his/her family and drivers directly involved when passed, at a very close distance, by a motor bike.

4.35 Bus lanes – Rule 154

Rule 154 prohibits drivers (other than a driver of a public bus) from driving in a bus lane, unless exceptions apply, and describes what a bus lane actually is. Traffic engineers have raised concern, through the maintenance strategy, that in some circumstances a bus lane may actually become another special purpose lane, in which case there would need to be installed *end of bus lane signs* and other signs to indicate the other special purpose lane. This becomes confusing for motorists and users of both types of lanes. To remove this confusion, it is suggested that a special purpose lane such as a bus lane, can end at a sign indicating another type of special purpose lane.

It has also been suggested that some bus lanes are short in length and it is difficult to sign post these lanes at both the start and finish. An alternative would be to indicate a bus lane by road markings.

The proposed amendment seeks to rectify both these issues by the inclusion of additional words to reflect the desired outcome.

Impact: As this is an engineering issue on marking special purpose lanes, and no new signs or rules will be introduced, it is not anticipated there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma. Furthermore, it will assist in reducing sign clutter and provide a broader scope for traffic management.

4.36 Tram lanes – Rule 155

Rule 155 prohibits drivers (other than drivers of trams or public buses) from driving in a tram lane, unless in accordance with prescribed exceptions. Victoria has requested that a “tram recovery vehicle” which must travel along tram tracks to assist disabled trams, should also be excluded. It is intended to include “tram recovery vehicle” as another category of vehicles to which the rule does not apply.

The proposed amendments seek to make an allowance for “tram recovery vehicles”.

Impact: As this is a technical alteration and already in practice, it is not anticipated there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma.

4.37 Driving in ‘tramways’ proposed new rule – New rule 155A

Victoria is seeking amendments aimed to improve the movement of commuters in congested urban areas as part of the implementation of its overarching policies Melbourne 2030 Planning for Sustainable Growth and Linking Melbourne The Metropolitan Transport Plan. It has developed the Tram Priority Program and taken a strategic decision to give a higher priority to trams on the network generally and in particular on priority routes.

At present there is poor compliance by motorists with existing road rules, and low levels of enforcement due to difficulties encountered in establishing and prosecuting offences associated with:

- full and part-time tram lanes (Rules 155, 158), supported by advisory signs which use the term Fairway; and
- not moving into the path of an approaching tram and moving out of the path of an approaching tram, i.e. avoiding delay to trams (Rule 76).

The proposal is to provide for the option of a **tramway** under proposed new rule 155A.

Thus the possible treatments available will be:

- tram tracks where trams and cars share the road space together;
- part-time and full-time **tram lanes** where trams have priority but vehicles are allowed to drive for up to 100 metres to enter or leave the road; and
- **tramways** where drivers are prohibited from entering by physical barriers or by double yellow lines.

Existing sections of the tram network where the tram tracks are already physically separated from traffic lanes for other vehicles will become tramways. New tramways will generally apply where there are two or more traffic lanes clear of tram tracks in peak periods, or in rare cases where one lane only exists, and where this is sufficient for acceptable road network operation during peak as well as off-peak periods. This is

because tramways will effectively exclude other vehicles from that part of the road 24 hours per day, seven days per week.

Implementation of tramways is to be undertaken on a case-by-case basis through a consultative program involving local councils, road users and property occupiers on various sections of higher use tram routes. Some existing full-time tram lanes will be converted to tramways.

The intent is to actively discourage drivers from driving along tram tracks. Additionally, drivers are not to stop on tram tracks when crossing at a break in a tramway (crossing points will be provided strategically as discontinuities in the tramway, control on stopping is to be achieved by use of traffic signals, provision of vehicle storage space clear of tram tracks, turn bans, signs and line marking and other physical measures).

The intended outcomes are to:

- improve the travel time and reliability of road based tram services;
- improve safety and convenience for passengers accessing trams;
- enhance safety at tram stops;
- maintain access and safety for other road users;
- more clearly communicate to motorists their responsibilities; and
- ensure that the rules are more self enforcing and also more suitable for active enforcement.

Other Feasible Options to Achieve the Objective

- driver and community information and education on existing rules; and
- targeted enforcement of existing road rules.

These options however are not regarded as sufficient to achieve the desired outcomes, particularly because of difficulties in active enforcement.

Impact

The effect of the road rule changes benefits all road users by making road space allocation clearer. The effect is to shift the balance of access to, and use, of road space in favour of trams. This will improve tram reliability and support the viability of the public transport system into the future.

The adverse effects on motor vehicle drivers of reduced road space being available where tramways are implemented will be managed by a network operations approach being taken to accommodate motor vehicles better on alternative routes, by management of on-road parking and traffic signal systems.

Costs

The costs that are imposed by these amendments are those that accompany the making of the amendments, the engineering costs, advice to enforcement agencies and education programmes by road and tram authorities. It is expected that the costs will be borne by the particular programmes established to introduce the changes.

Benefits

Tram passengers will receive the benefits, but all road users and the community generally will benefit by securing a more viable public transport system. The implementation of tramways is expected to reduce traffic congestion and improve the more efficient transportation of people in congested urban areas. There will be indirect benefits of reducing greenhouse emissions from car exhausts. However, any consideration of the impact on traffic flow or cost benefit will depend on where and how tramways are implemented and cannot be generalised globally at this stage.

4.38 No parking signs – Rule 168

Rule 168 describes how a no parking sign applies to a driver and provides an exception relating to a “required time”, which is portrayed in the rule as being two minutes or other time shown on the sign. However, the rule grants no additional time for people with disabilities. This is contrary to the general intent of the ARR in allowing people with disabilities extended time in parking areas as shown in rule 206. It is intended to allow people with disabilities to remain on a length of road, controlled by a no parking sign, for five minutes rather than the two minutes applying to other drivers.

The proposed amendment will result, in this rule and rule 206 being more closely aligned.

Impact: As drivers with a disability, and to which rule 206 applies, already are permitted extended periods when parking, it is not anticipated there will be any adverse impact on other road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma. Furthermore, drivers with disabilities will be able to better utilise the assistance provided under rule 168.

4.39 Stopping on a clearway – Rule 176

Rule 176 describes the operation of a *clearway sign*. It has been identified that subrule (5) is redundant, as *clearway signs* used in the ARR comply with the Australian Standards and as such, always indicate the days and times that apply.

The proposed amendment will remove subrule (5) and for consistency, make minor changes to subrule (4).

Impact: Effectively the rule remains unaltered, it is not anticipated there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma.

4.40 Stopping at or near a tram stop – Rule 196

Rule 196 prohibits a driver stopping on a road within ten metres of the approach of a sign displaying the words “tram stop” or “tram stop request”. Victoria has identified that many tram stops in Victoria do not have these words inscribed, what they do have are the words “stop” with a picture of a tram. It is difficult to enforce rule 196 at tram stops identified in this way.

Furthermore, in Victoria there is a new “Metlink” branding programme to provide a new integrated signage scheme for all trams, buses and trains. The programme proposes to use signs without the words “tram stop” or “tram stop request”. It is intended to make this rule more consistent with rule 195, “a sign that indicates a bus stop”, and at the same time, providing for Victoria’s new tram programme.

The proposed amendment will add a little flexibility in the use of new signs while at the same time, aligning the wording of rule 195 and 196 regarding the necessary signs.

Impact: Effectively, the rule remains unaltered, it is not anticipated there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma.

4.41 Stopping on a path, dividing strip or nature strip – Rule 197

Rule 197 prohibits drivers from stopping (parking) on a path, dividing strip or nature strip, unless exceptions apply. While rule 138 prevents drivers from driving on a painted island, there is no embargo on drivers from stopping on a painted island. It was not intended that drivers should be permitted to stop (park) on a painted island.

The proposed amendment will include a new subrule to specifically prohibit a driver stopping on a painted island.

Impact: Driver behaviour indicates that drivers believe parking on a painted island is not permitted, it is not anticipated there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma.

4.42 Parking for longer than indicated – Rule 205

Rule 205 describes how long a driver may park on a length of road or area to which a permissive parking sign applies. However, there has been concern expressed by some jurisdictions that there is confusion as to when and for how long a driver can stop outside the operation of the sign. The intent of the ARR is that the sign only applies to the times inscribed on the sign, and there is no restriction outside those times. Where there are no times on the sign, it operates for a 24 hour period.

The proposed amendments seek to make it clear as to when the restrictions inscribed on a sign apply.

Impact: Effectively the rule remains unaltered, it is not anticipated there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma.

4.43 Parallel parking in a road-related area (except in a median strip parking area) – Rule 208

Rule 208 describes how a driver must park on a length of road. However, the rule does not apply to road-related areas such as indented parking areas or other areas not considered to be forming part of the road. The resultant effect, for example, is that vehicles parked in indented parking places that are adjacent to a road, can park facing oncoming traffic which requires drivers to drive on the incorrect side of the road in the first instance, to both arrive and depart the parking area. The ARR intent is that when a vehicle is parked adjacent to a through lane or line of traffic, on a shoulder or on an indented parking area next to the road, it parks in the same direction as travel for the vehicles in the lane or line of traffic as expressed in subrule (2).

Furthermore to add clarity to rule 208(6), where a driver must not park within three metres of a continuous dividing line, it is proposed to add words to ensure the rule refers to a continuous dividing line and no other dividing line.

The proposed amendment will introduce a new rule to make it clear that a driver parking in a road-related area such as an indented parking area, parks facing the same direction as the direction of travel in the adjacent lane or line of traffic.

Impact: Effectively the rule remains unaltered, it is not anticipated there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma.

4.44 Parking in parking bays – Rule 211

Rule 211 stipulates how a driver should position his/her vehicle when parking in parking bays. However, there is some confusion as to whether subrules (2) and (3) only apply where there are parking bay signs: this was not the intent of the ARR. It is intended to ensure that rule 211 applies to drivers parking on a length of road with marked parking bays, whether or not there are parking bay signs.

The proposed amendment will simply apply the rule wherever there are marked parking bays.

Impact: Generally, most drivers park in parking bays wherever marked, therefore, it is not anticipated there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma and ensure vehicles are parked as required/permitted by road authorities.

4.45 Using rear fog lights – Rule 217

Rule 217 prohibits the use of “rear fog lights” other than in fog or hazardous weather conditions. However, concern has been expressed by all jurisdictions that there is no similar requirement for the use of “front fog lights”. The ARRMG agrees that “front fog lights” should only be used in the same circumstances as “rear fog lights”. This will endeavour to address the carnival effect of multitudes of lights operating on the front of vehicles, which simply confuses drivers that are being approached. It is intended to provide definitions of both front and rear fog lights, combine the rule to include both front and rear, and modify the heading.

The proposed amendment will allow all fog lights fitted to a vehicle, to be used in fog or other hazardous weather conditions, thereby bringing consistency to the rule.

Impact: Even though this will require a behavioural change for some drivers, it is not anticipated there will be any adverse impact on all road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies and education to drivers. It is expected that the costs to enforcement agencies and road authorities through education, will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma and ensure consistency for the use of both front and rear fog lights.

4.46 Making a motor vehicle secure – Rule 213

Rule 213 instructs a driver to secure his/her vehicle before leaving it unattended. However, it has been highlighted, through the maintenance strategy, that it seems a driver could secure the vehicle while leaving the window open. This was not intended by the ARR, windows should be closed and doors should be locked. To this end, it is intended to mention windows in the rule to remove any doubt, while at the same time allowing room to leave windows ajar for airflow purposes in hot weather.

The proposed amendment includes a new subrule (5) that, in addition to doors being locked, windows are to be closed or secured.

A note is also to be added to refer the reader to the dictionary for the meaning of “window”.

Impact: Generally most drivers close the windows before they depart the vehicle, and this change does not alter those practices, it is not anticipated there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma and ensure vehicles are left secured in line with the intent of the rule.

4.47 Using hazard warning lights – Rule 221

Victoria has introduced legislation that requires certain drivers to have alcohol ignition interlock systems fitted to their motor vehicles. These devices connect to the hazard warning lights (and horn) of the vehicle. Rule 221 currently prohibits hazard warning lights to be used for the purpose of interlock systems. Additionally, anti-theft devices use the functionality of hazard warning lights, which is again prevented by the rule. It is intended to allow the proper use of these devices by consenting to the operation of the device when a driver breaches the alcohol requirements, or as an alarm for the anti-theft device.

The proposed amendment will allow anti-theft and alcohol ignition interlock systems to trigger hazard warning lights.

Impact: It is not anticipated there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma and provide harmonisation with other legislation.

4.48 Using horns and similar warning devices – Rule 224

Victoria has introduced legislation that requires certain drivers to have alcohol ignition interlock systems fitted to their motor vehicles. These devices connect to the horn (and hazard warning lights) of the vehicle. Rule 224 currently prohibits a horn to be used for the purpose of interlock systems. Additionally, anti-theft devices use the functionality of the horn, which is again prevented by the rule. It is intended to allow the proper use of these devices by permitting the operation of the device when a driver breaches the alcohol requirements, or as an alarm for the anti-theft device.

The proposed amendment will allow anti-theft and alcohol ignition interlock systems to trigger the horn.

Impact: It is not anticipated there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma and provide harmonisation with other legislation.

4.49 Using radar detectors and similar devices – Rule 225

Rule 225 prohibits a person from driving a vehicle if the vehicle has in or on it, a device for preventing the use of, or detecting the use of, a speed measuring device. Anecdotal evidence suggests that there have been occasions when these devices have been carried in or on a trailer attached to the motor vehicle. The intent of the ARR was to prevent the use of these devices whether they were in or on the motor vehicle or a trailer attached. It is intended to clearly state that such a device cannot be in or on a trailer.

The proposed amendments seek to introduce words that prohibit devices for preventing the use of, or detecting the use of, a speed measuring device, being carried in or on trailers.

Impact: It is not anticipated there will be any adverse impact on road users, as “anti-speed measuring devices” have always been prohibited by jurisdictional laws.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma and provide harmonisation with other legislation.

4.50 Pedestrians not to cause a traffic hazard or obstruction – Rule 236

Rule 236 generally prohibits pedestrians undertaking practices that may cause a danger or obstruction. Subrule (5) prohibits a person in a vehicle from buying or offering to buy, an article or service from a person on a road. As the intent of the rule is to prohibit persons in or riding vehicles from buying, the reference should be made to a driver or passenger. The rule will then also be consistent with other parts of the ARR. It is intended to replace person with driver or passenger.

The proposed amendment simply seeks to provide some consistency within the ARR.

Impact: It is not anticipated there will be any adverse impact on road users as this change is of a minor technical nature.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments, advice to enforcement agencies and education programmes by road authorities. It is expected that the latter two cost items will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, and ensure the best opportunities are provided for pedestrian safety.

4.51 Pedestrians travelling along a road (except in or on a wheeled recreational device or toy) – Rule 238

Rule 238 requires a pedestrian to use a footpath or nature strip, if available and fit for use. However, if it is impractical to use either, the pedestrian may walk on the road and in doing so, the pedestrian must keep to the far left or right side of the road. It is suggested by the ARRMG, that walking on the side of the road in the same direction as and immediately adjacent to other traffic, is inherently dangerous. It is intended to require pedestrians, if walking on a road, to walk on the far side of the road so as to face oncoming

traffic unless it is impractical to do so. This will provide the pedestrian greater protection as they will be aware and see all oncoming traffic, enabling them to take some action should the traffic be approaching too close.

The proposed amendments will require pedestrians walking on a road to walk on the same side as oncoming traffic, unless it is impracticable to do so.

Impact: It is not anticipated there will be any adverse impact on road users, as most pedestrians already practise this behaviour.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations.

4.52 Wheeled recreational devices and toys not to be used on certain roads – Rule 240

Rule 240 describes where a person must travel in or on a wheeled recreational device or wheeled toy. Subrule (1)(b) is to be amended to bring it into line with the 50 km/h default speed limit.

The maintenance strategy has also identified that the rule is too prescriptive, in that it requires a person using rollerblades or rollerskates to remove those devices before crossing the road and then replace them once across the road: this is totally unreasonable. It is intended to allow users of wheeled recreational devices or wheeled toys to cross a road without the necessity of removing the apparatus.

Additionally, it is an unsafe practice for users of wheeled recreational devices or wheeled toys to be on a road at night without lights. As it is impracticable to fit lights to these devices, it is proposed to ban their use on roads and shoulders at night. They may however be used at night on road related areas unless otherwise banned.

The proposed amendments seek to assist users of wheeled recreational devices, by allowing them to cross roads, while at the same time protecting them during the night hours.

Local councils have also requested the ability to prohibit the use of wheeled recreational devices and wheeled toys in areas such as plaza shopping centres and heavily trafficked pedestrian paths. The amendment will also include the use of prohibition signs for these devices.

Impact: It is not anticipated there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma.

4.53 Carrying people on a bicycle – Rule 246

Rule 246 prohibits a rider carrying more people on a bicycle than it is designed to carry. However, there is nothing in the rule that requires a rider to carry persons in the seats or positions designed for the carriage of persons. For example, a rider may carry a child if the bicycle is designed for the carriage of two persons, it has a child seat fitted. Unfortunately there is nothing in the rule that requires the rider, if carrying a child, to actually carry the child in the child seat. The rules do not reflect similar attributes to rule 271 for carrying additional passengers on motor cycles. It is intended to make a rider use the appropriate seats when carrying additional persons.

Impact: It is not anticipated there will be any adverse impact on road users, as most riders carrying a passenger on a bicycle that is designed to carry additional passengers, use the appropriate seat.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments, advice to enforcement agencies and education programmes by road authorities. It is expected that the latter two items' cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma and offer some further protection to passengers on bicycles.

4.54 Bicycle helmets – Rule 256

Rule 256 requires a rider of a bicycle to wear an approved bicycle helmet, and prohibits the rider from carrying passengers that are not wearing approved bicycle helmets. However, there is no liability against the passenger for not wearing the helmet and this is inconsistent with helmet wearing for motor cycles under rule 270(2). It is intended to align these two rules by making it an offence for the passenger on a bicycle to not wear a helmet.

Impact: As the amendment recognises current behaviour, it is not anticipated there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma. It will also provide some protection to another exposed road user, again adding to the reduction in road trauma.

4.55 Proceeding when bicycle crossing lights change to red – Rules 260, 261 and 262

Rules 260, 261 and 262 provide instruction to riders of bicycles as to when they are required to stop at red or yellow bicycle crossing lights, and once stopped, when they may proceed. However, there is no instruction detailing what a bicycle rider must do if the bicycle crossing lights change to red or yellow when the rider is part-way across the crossing. It is intended to apply rules similar to pedestrians at rule 232(2), to riders of bicycles.

The proposed amendments will provide direction to bicycle riders at bicycle crossing lights similar to those that already exist for pedestrians.

Impact: As the amendment will provide a clear direction to riders of bicycles, it is not anticipated there will be any adverse impact on them or other road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma.

4.56 Exemptions from wearing seat belts – Rule 267

Rule 267 provides specific exemptions to the requirements for wearing seatbelts. Specifically, subrule (5) provides an exclusion for a person travelling as a passenger in a police vehicle. It is unclear whether the subrule includes a person travelling in a caged area or similar secure area of a police vehicle. Placing a requirement on the driver of a police vehicle to ensure a person arrested and being transported is wearing a seatbelt, is unacceptable to all police agencies and fraught with danger as many of these individuals undertake drunken, aggressive and violent behaviour. The intent of the ARR was for any person travelling as a passenger would be exempt, including a person travelling in the caged area.

The proposed amendment will simply clarify the intent of the ARR.

Impact: As the amendment will provide a clear direction that passengers in a caged area of a police vehicle are not required to wear a seatbelt, it is not anticipated there will be any adverse impact on them or other road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, and allow the transport of passengers in these areas without fear of penalty by the driver.

4.57 How persons must travel in or on a motor vehicle – Rule 268

Rule 268 prohibits a person from travelling in a part of a motor vehicle that is not designed primarily for the carriage of passengers or goods. Subrules (4A) and (4B) create an offence for the driver of a motor vehicle if a passenger who is under 16 years old is in a part of the vehicle that is not designed for the carriage of passengers or goods. It is intended to extend this provision to make the driver responsible regardless of the passenger's age.

The proposed amendment will remove the reference to a person under 16 years of age, thereby making the driver responsible for the passenger no matter what age.

Furthermore, rules 268(3) and (4) mention the word “window”. It is proposed to include notes referring the reader to the dictionary for the meaning of “window”.

Impact: As the current ARR already prohibit persons being carried in load areas of a motor vehicle, the inclusion of a liability on the driver is not expected to produce an adverse impact on other road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments, education and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma. It will also provide a stronger indication to all road users that the carriage of unrestrained passengers is not acceptable.

4.58 Riding on motor bikes – Rule 271

Rule 271 describes how riders and passengers must travel on motor bikes, including in sidecars. However, the rule does not require a passenger in a sidecar to be seated safely. It is intended to require a passenger using a sidecar to be seated safely.

Additionally, concerns have been expressed by many jurisdictions regarding the carriage of children on the pillion seat of motor bikes, an inherently dangerous practice. It is also intended to prohibit a child under eight years of age from riding as a passenger, unless in a sidecar.

Furthermore, an anomaly has been identified that a person pushing a motor bike would be in control of the vehicle and could be said to be the rider (dictionary definition of rider). If a person was pushing a motor bike, they cannot also be expected to sit astride the rider's seat, etc.

The proposed amendment seeks to create an offence for both the rider and passenger of a motor cycle should the passenger not be seated properly in the sidecar, and prohibit the carriage of a child under eight years of age, unless in a sidecar. It also seeks to exclude a person pushing a motor cycle from the requirement of subrule (1).

Impact: The community expects passengers in sidecars to be safely seated, and in most instances this is the case. However, the wayward passenger and rider need to realise unsafe behaviours will not be tolerated. The community is also concerned about child safety and expects that irresponsible behaviour by riders will not endanger children. As riders in both these categories are in the minority, it is not expected there will be any adverse impact on road users generally.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments, education and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma. It will also provide greater protection where passengers of motor cycles are concerned.

4.59 Division does not apply to public buses travelling along tram tracks – Rule 280

Rule 280 has raised concern as to the application of Division 2, Part 17. It is apparent that the intent of the ARR is for the rule to apply to buses travelling in bus lanes. Otherwise, there would be serious road safety implications, for example, more than one lane turning at B-lights. It is intended to clarify that the Division applies to public buses travelling in bus lanes.

The proposed amendment simply sets in place the intent of the ARR when dealing with public buses.

Impact: As the amendment recognises current behaviour and engineering practices, it is not anticipated there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma.

4.60 Driver to have proper control of vehicle – Rule 297

Rule 297 requires a driver to have proper control of a motor vehicle at all times. However, there are no specific circumstances that identify proper control. Anecdotally, the incidence of drivers and riders having children or animals in their laps while driving, is increasing. In such circumstances it is difficult to demonstrate that the driver did not have proper control of the vehicle, unless the behaviour results in a crash. Even so, it is still difficult to prove that the child or animal was a contributing factor. In reality, the unpredictable conduct of a child or animal on a drivers lap, in a moving motor vehicle, is itself an unacceptable safety risk. It is intended to prohibit a driver from driving a motor vehicle with a child or animal in the driver's lap. This concept is to be extended to riders of motor bikes with animals being carried on the petrol tank of the vehicle.

The proposed amendments seek to introduce a new subrule that will prohibit a driver undertaking unsafe behaviour.

Impact: As drivers practising this activity are in the minority, it is not expected there will be any adverse impact on road users generally.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments, education and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma. It will also provide greater protection by removing driver distraction and impediment.

4.61 Use of hand-held mobile phones – Rule 300

Rule 300 prohibits a driver using a hand-held mobile phone while the vehicle is in motion or stationary but not parked. There has been considerable conjecture as to what constitutes

a “hand-held mobile phone”. As all mobile phones can generally said to be hand-held, any use of these devices would be prohibited. The intention was to ban a mobile phone that was held in the hand of the driver, not a mobile phone in a cradle. It is planned to make the rule clear in its intention by specifically stating a mobile phone must not be held in the driver’s hand.

The proposed amendments seek to insert words that will ensure drivers understand their responsibility when using mobile phones.

Impact: Although hand-held mobile phone usage is still a problem it is common knowledge that their use while driving is prohibited, in which case, underpinning the rule with some clarity, it is not expected there will be any adverse impact on road users.

Costs: As the prohibition has existed since the inception of the ARR, the only costs imposed by this amendment are those that accompany the making of amendments, education and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma. It will also provide greater protection by removing driver distraction.

4.62 Leading an animal while driving a vehicle – Rule 301

Rule 301 prohibits a person leading an animal while driving a motor vehicle. This practice is innately dangerous, as it causes both a distraction and hindrance to the driver as well as other road users. However, the rule allows a passenger to lead an animal which not only creates distractions for other road users, but also the driver of the vehicle. The ARR intended that no person in or on a moving vehicle is to lead an animal.

The proposed amendment seeks to rectify an omission that allowed persons other than a driver to lead an animal from a moving vehicle.

Impact: As drivers practising this activity are in the minority, it is not expected there will be any adverse impact on road users generally. However, for those undertaking this practice there will be a considerable impact. Nevertheless, the safety benefit to be achieved will outweigh any inconvenience created and the finding of alternative means to lead animals.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments, education and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review. It is not possible to quantify the number of persons that actually lead animals from a motor vehicle, therefore it is equally not possible to apply a monetary value.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma. It will also provide greater protection by removing road user distractions and impediments.

4.63 Exemption for drivers of trams – Rule 309

Rule 309 provides certain exceptions for drivers and public buses travelling along tram tracks. Victoria has requested that a “tram recovery vehicle” which travel along tram tracks to assist disabled trams, also need to have similar provisions that rule 309 offers. It

is intended to include “tram recovery vehicle” as another category of vehicles to which the rule applies.

The proposed amendments seek to make an allowance for “tram recovery vehicles”.

Impact: As this is a technical alteration and already in practice, it is not anticipated there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma.

4.64 Exemption for breakdown vehicles – New rule 313B

Jurisdictions have requested an exemption for the driver of a breakdown vehicle from the operation of certain rules while the driver is engaged in repairing a disabled vehicle. New rule 313B is to allow this exemption under a law of the jurisdiction.

Impact: It is not expected there will be any adverse impact on road users generally.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments, education and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma.

4.65 Meaning of audible line – New rule 323A

Advances in traffic engineering have resulted in the increased use of audible edge lines to arouse drivers who veer over the line. These lines comprise a series of rectangular raised markers that emit a humming-like sound when driven over by a motor vehicle. The ARR do not recognise these lines as edge lines as they are not a continuous line. It is intended that audible edge lines be treated in the same way as edge lines in the ARR.

The proposed amendment to insert new rule 323A seeks to recognise the use of audible edge lines as edge lines.

Impact: It is not expected there will be any adverse impact on road users generally.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments, education and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review. The use of audible edge lines, as opposed to continuous lines, is at the sole discretion of jurisdictions.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma. Furthermore, it will allow those jurisdictions desirous of using audible edge lines to do so at a lesser cost, in that they will no longer be required to paint a continuous line over the raised markers that comprise the audible line.

4.66 How parking control signs apply to a length of road – Rule 334

Rule 334 depicts how parking control signs relate on a length of road. However, it has been highlighted, that because a kerb is part of the shoulder (ARR 12(3) refers), and a shoulder being a road-related area is excluded from the rule, then the parking control signs do not apply to the shoulder of the road. If this were to be the case, there is no way the ARR can prohibit parking on shoulders: this is not the intent of the ARR.

Victoria identified and overcame this problem at an earlier time, by including a varied definition of shoulder, “the shoulder of a road means an area (not being part of the road) adjoining the road that is open to and used by the public for driving, riding or parking motor vehicles and to which no parking control signs apply.”

The proposed amendment does not necessarily seek to adopt Victoria’s provision, but to at least rectify this technical problem.

Impact: As this is a technical alteration and already in practice, it is not anticipated there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma.

4.67 Traffic control devices applying to an area – Schedule 2

New examples of parking control signs provided for under rule 335 are to be included in Schedule 2.

4.68 Traffic control devices (except road markings and parking control signs) – Rule 340

Rule 340 describes how a traffic control device applies to a person. However, Example 2 states that if a driver is turning left using a slip lane at an intersection, a traffic light on the right side of the slip lane does not apply to the driver. In a practical sense a traffic island usually separates a slip lane from the other part of the road at an intersection. In some instances there is a traffic light on the traffic island that does apply to the slip lane. Whether the traffic light applies to the slip lane or other part of the road is determined by the placement of the traffic light, that is, if it is to apply to the other part of the road it will be positioned on the right of the traffic island and if it is to apply to the slip lane it will be on the left side of the island.

The proposed amendment seeks to change the second example simply to allow for current traffic engineering practices.

Impact: It is not expected that there will be any adverse impact on road users as the proposal is endorsing long standing traffic engineering practices.

Costs: There will be no costs associated with this proposed change.

Benefit: Clarity in promotion the original intent of the rule and support for traffic engineering practices.

4.69 Road markings – Rule 341

Rule 341 insists the application of road markings applies to a person unless the position of the marking indicates that it does not apply to the person. For example, a continuous lane line applies to a driver travelling along the road, and rule 134 provides exceptions to crossing a lane line which includes making a U-turn. It is intended to include a note in rule 341 that a lane line applies to a driver making a U-turn, however, other rules may provide exceptions.

It is intended to change the rule to add some clarity about its application to drivers making a U-turn.

Impact: It is not expected there will be any adverse impact on road users generally.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments, education and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma.

4.70 References to stopping as near as practicable to a place – New rule 352

It has previously been proposed in this RIS at items 4.12 and 4.13 to amend rules 67 and 68 with regard to stopping at stop lines. However, there still remains the argument that a vehicle that stops behind another vehicle at a stop line has also stopped as close as practicable to the line, and does not need to again stop at the line after proceeding. This argument could be applied to any amount of vehicles in a line at a stop line. It is clearly not the intent of the ARR which desire each vehicle to approach and stop at the line. It is intended to make this requirement abundantly clear.

The proposed amendment will include a provision that explains stopping behind another vehicle is not complying with the provision to stop.

Impact: As this is a change of a technical nature, it is not expected there will be any adverse impact on road users generally.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments, education and advice to enforcement agencies. It is expected that the latter two costs will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma.

4.71 Schedule 3

Schedule 3 of the ARR contains diagrams of other permitted signs:

- New South Wales uses a *taxi stand sign* as opposed to a *taxi zone sign* as shown in rule 182. New South Wales wishes to retain the use of these signs: to be replaced only during the normal maintenance process. The proposed amendment simply inserts another diagram into Schedule 3 to allow New South Wales' current usage.

- Rule 23 requires the termination of a “school zone” by an *end school zone sign* or a *speed limit sign*. Traffic engineers have advised that another end sign should be available for use where the built-up area default speed-limit applies. It is intended to include an *end school zone sign*.
- Rule 23 requires the establishment of a school zone by a *school zone sign*. Traffic engineers have advised that other school zone signs are used. It is intended to include these signs into Schedule 3.

Impact: It is not expected there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments. Conversely, to replace the signs outside normal maintenance processes will incur unnecessary capital expenditure by the road authority.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations.

4.72 Dictionary

This amendment package has inserted or modified various rules, some of which require the inclusion of definitions. Therefore, the dictionary in the ARR needs to reflect what has been proposed for some rules and will include changes to the following:

- *audible edge line* to be included;
- *dividing line* to be modified to include an audible edge line;
- *edge line* to be modified to include audible edge line;
- *front fog light* to be included;
- *traffic arrows* to be modified to remove the necessity for them to be installed with traffic lights;
- *built-up area* to be modified;
- *turn line* to be included;
- *tram recovery vehicle* to be included;
- *tram stop* to be modified; and
- *window* to be included.

The proposed amendments seek to make these necessary changes.

Impact: It is not expected there will be any adverse impact on road users.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments, education and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations.

4.73 Miscellaneous

The following miscellaneous amendments are of a mechanical nature that fix omissions or add clarity, but do not change the meaning or intent of the rule:

- The following diagrams are replacing existing diagrams that are defective in the quality of their reproduction or have a minor inconsistency with the rule:
 - Rule 111(2), example 1;
 - Rule 111(3), example 2;
 - Rule 111(4), example 3;
 - Rule 134, example 3, 4 and 5;
 - Rule 171, example 1
 - Rule 210(2A), examples;
- The “Offence provision” for rule 170(1) was omitted from the original version of the Rules. The proposed amendment rectifies the omission.

5. IMPACT ASSESSMENT

The ARR were implemented nationally from December 1999, and were largely based on State and Territory law; nevertheless, some changes to previous practices had to be accepted by all governments. The ARR resulted in the elimination of the vast majority of previous differences, leaving only a small number that provide for local variations. As part of the maintenance strategy, these variations will be reduced as practices in jurisdictions become more uniform. The consideration of these amendments forms an integral part of the maintenance strategy, assuring operable and consistent model legislation.

The principles of safety, traffic efficiency, stability and reduced administration cost on which the ARR were based, have been taken into account during contemplation of the proposed amendments. No significant adverse impact from adoption of the amendments have been identified during the review process undertaken by the ARRMG.

Given the nature of the amendments, a formal benefit cost analysis is inappropriate and in most cases impractical. Data to quantify impacts in each case are not available, and the corrective nature of most of the proposed amendments does not warrant quantitative evaluation.

Although some of the amendments impose additional costs on various classes of road users, it is anticipated that these costs would not be substantial. Developing useable rules means that they will be easier for all road users to understand, resulting in the reinforcement of the desired on-road behaviour. Individual jurisdiction will determine the extent to which particular changes will need to be publicised and revisions made to information materials and relevant publications. The costs of doing so are considered to be significantly outweighed by the benefits of precise and contemporary law.

A summary of the amendments that affect different road user groups and those that serve to clarify the ARR generally, is set out in the following items.

5.1 Clarification of Road Rules Generally

The following dot points generally describe proposed amendments to clarify the application of various provisions and ensure interpretation is uniform. There will be

benefits in terms of enforcement and the administration and general understanding of road traffic law:

- insertion of the correct diagrams and explanation where necessary to illustrate particular requirements more clearly;
- clarification of the conditions that create an offence for non-use of slip lanes where required;
- rectification of anomalies relating to long vehicles turning at intersections;
- affording riders of animals the same level of protection as cyclists;
- revision of definition of traffic arrows to provide for instances where they are installed on their own;
- obligations on drivers concerning the use of slow vehicle turnout lanes;
- provision for turn signs at places other than intersections, such as median breaks and driveways;
- inclusion of an amendment providing for a U-turn over a single unbroken line;
- clarification of provisions relating to audible edge lines;
- inclusion of obligation on vehicle changing direction to give way to other vehicles within the lane;
- time extension granted to people with disabilities, allowing them five minutes to alight from vehicle; and
- clarification regarding the application of permissive parking signs.

5.2 Drivers and Riders of Motor Vehicles

The majority of the proposed amendments will affect the drivers of motor vehicles as shown in the following dot points, they seek to clarify the application of several rules and in some cases require an adjustment in the permitted behaviour. The need for publicity and revision of road law information materials, will be determined by individual jurisdictions:

- motor bikes prohibited from overtaking another vehicle (excluding another motor bike), either moving or stationary in the same lane;
- removal of current inconsistency relating to left-turns at T-intersections;
- driver obligations giving way when turning at an intersection with traffic lights;
- requirements for stopping and giving way at a stop sign;
- requirements for parking vehicle in same direction as the traffic flow;
- motor bikes (postal vehicles) permitted to ride in both directions on footpaths on a one way street;
- requirements for securing vehicle windows and sunroof;
- allowing persons travelling in a caged area at the rear of a police van to be exempt from wearing seatbelts;
- creation of a rule providing for traffic lane arrows remote from an intersection to apply on roads;
- creation of an offence for stopping on a painted island;
- correction of anomaly allowing passengers to lead an animal from a moving vehicle;
- prevention of passengers travelling in the vehicle or trailer being towed by the vehicle, from using radar detectors and similar devices;
- revision of provisions applying to children riding as passengers on motor cycles;
- inclusion of a provision to outlaw 'vehicle surfing';
- creation of an offence to drive whilst carrying children or animals on lap;
- provision for use of pavement markings to signpost short bus lanes; and

- extension of provisions to allow for operation of alcohol ignition interlock system.

5.3 Pedestrians and Users of Wheeled Recreation Devices

For safety related reasons, the proposed amendments will bring the obligations on pedestrians, including as users of wheeled recreational devices, up to date and more compatible with those relating to other road users. The requirements relating to the use of wheeled recreation devices are further clarified by:

- requiring drivers to stop and give way at pedestrian crossings, in instances where the sign is missing due to vandalism or accident;
- correcting an anomaly preventing wheeled recreational devices from crossing a road; and
- restricting the riding of wheeled recreational devices on roads at night.

5.4 General objectives

The amendment objective is to improve road safety and facilitate traffic movement and interaction between road user groups. The benefits and costs of the proposed amendments can be summarised in the following dot points:

Benefits:

- updated rules that will assist in achieving the desired on-road behaviour by all road user groups;
- revised rules that reflect current needs, based on operational experience in all jurisdictions;
- removal of ambiguities that will facilitate enforcement and administration of traffic law;
- less confusion for interstate travellers – this would not be achieved if jurisdictions were required to apply their own interpretations to ambiguous rules; and
- simplification of traffic laws improves road safety and reduces confusion amongst road users.

Costs:

- it is likely that some costs will be incurred in the process of publicising the changes and amending relevant road law information materials, however, amendments designed to clarify existing rules are not likely to incur significant costs;
- those road users affected by these amendments will need to adjust their behaviour to comply with amended or new provisions; and
- in instances where a proposed amendment requires a change in the behaviour of road users, or imposes a new requirement, those who do not comply may incur a cost in the form of a penalty. Such individual costs are however outweighed by the benefits to the community in terms of improved road safety and traffic management arising from clearer, more consistent and up-to-date road laws.

6. RECOMMENDATION

It is recommended that the proposed amendments as described in this draft RIS be submitted for endorsement by the ATC and subsequent incorporation into the ARR.

7. CONSULTATION

In preparing these amendments, extensive consultation has been undertaken between the NTC and representatives of all Commonwealth, State and Territory road safety, traffic, road transport and enforcement authorities, in order to identify and agree to the required changes. These discussions have been conducted between 2002 and 2004. Wider consultation, with relevant bodies such as motoring associations and third party insurers, was also performed by representatives within their States or Territories and considered in preparing their responses to the proposals.

Attachment A provides table a summary of responses received during formal consultation on the draft proposal.

8. IMPLEMENTATION

Any amendments must be incorporated in the ARR and follow the ATC approval processes required by the *National Transport Commission Act 2003*. Individual jurisdictions adopt the ARR published by the NTC by reference, as a Schedule to regulations or by legislative amendment. Implementation of the proposed amendments is subject to their endorsement by the ATC, expected during 2006.

9. REVIEW

In accordance with the maintenance strategy approved by the ATC, members of the ARRMG will continue to monitor the application of the ARR in their individual jurisdictions to ensure their effective operation. Proposals for any future amendments may need to be considered on the basis of experience with the application of particular provisions, or the identification of new provisions that may be required.

10. COMPETITION STATEMENT

The proposed amendments would have no adverse impact on competition or trade.

11. SUMMARY OF CONSULTATION RESPONSES

Attachment A shows a summary of all consultation comments and responses to this RIS.

ATTACHMENT A**SUMMARY OF CONSULTATION RESPONSES**

ORGANISATION	COMMENT	RESPONSE