



New South Wales

# Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Driver and Passenger Safety) Regulation 2001

under the

Road Transport (Safety and Traffic Management) Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Safety and Traffic Management) Act 1999*.

CARL SCULLY, M.P.,

Minister for Roads

## Explanatory note

The object of this Regulation is to create a new offence under the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* for the driver of a motor vehicle to drive the vehicle if any person who is travelling in the vehicle is not wearing a seatbelt, or is not otherwise restrained, in accordance with the requirements applying to the person under the principal Regulation or the *Australian Road Rules*.

This Regulation is made under the *Road Transport (Safety and Traffic Management) Act 1999*, including section 71 (the general regulation-making power) and clause 1 (i) of Schedule 1.

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Clause 1            Road Transport (Safety and Traffic Management) (Road Rules)  
Amendment (Driver and Passenger Safety) Regulation 2001

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## **1 Name of Regulation**

This Regulation is the *Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Driver and Passenger Safety) Regulation 2001*.

## **2 Commencement**

This Regulation commences on 8 June 2001.

## **3 Amendment of Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999**

The *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* is amended as set out in Schedule 1.

## **4 Notes**

The explanatory note does not form part of this Regulation.

## Schedule 1 Amendments

(Clause 3)

### [1] Clause 47B

Insert after clause 47A:

#### **47B Driving with unrestrained passengers**

- (1) The driver of a motor vehicle must not drive the vehicle on a road if any person (including the driver when there is more than one person in the vehicle) travelling in the vehicle is not wearing a seatbelt, or is not otherwise restrained, in accordance with the requirements (if any) applying to the person under this Regulation or Part 16 of the *Australian Road Rules*.

Maximum penalty: 20 penalty units.

**Note.** Rule 264 of the Australian Road Rules requires the driver of a motor vehicle to wear a seatbelt, but that offence will only apply to the driver when the driver alone is not wearing a seatbelt.

- (2) Subclause (1) does not apply to the driver of a taxi or bus.

### [2] Schedule 1 Qualifications on application of Australian Road Rules

Insert after clause 11:

#### **11A Driver not wearing seatbelt in motor vehicle with unrestrained passenger**

If rule 264 of the *Australian Road Rules* requires the driver of a motor vehicle to wear a seatbelt, the driver does not commit an offence under that rule if the following circumstances apply:

- (a) the driver is not wearing a seatbelt,
- (b) there is one or more other persons travelling in the vehicle,

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Schedule 1 Amendments

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- (c) any such other person is not wearing a seatbelt, or is not otherwise restrained, in accordance with the requirements applying to the person under this Regulation or Part 16 of the *Australian Road Rules*.

**Note.** If the driver is unrestrained along with any one or more unrestrained passengers, then the driver will be committing an offence under clause 47B of this Regulation. Rule 264 will apply only when the driver alone is not wearing a seatbelt.

BY AUTHORITY