



New South Wales

# Road Amendment (Unrestrained Passengers Offence Exemptions) Rules 2012

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 Rules under the *Road Transport (Safety and Traffic Management) Act 1999*.

DUNCAN GAY, MLC  
Minister for Roads and Ports

## Explanatory note

The object of these Rules is to provide an exemption from the requirement that drivers of motor vehicles ensure that passengers wear a seatbelt for juvenile justice officers and correctional officers in respect of passengers who are in their custody and refuse or fail to wear a seatbelt.

These Rules are made under the *Road Transport (Safety and Traffic Management) Act 1999*, including section 72A (the general rule-making power).

**2012 No 185**

Rule 1 Road Amendment (Unrestrained Passengers Offence Exemptions) Rules  
2012

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**Road Amendment (Unrestrained Passengers Offence Exemptions) Rules 2012**

under the

Road Transport (Safety and Traffic Management) Act 1999

**1 Name of Rules**

These Rules are the *Road Amendment (Unrestrained Passengers Offence Exemptions) Rules 2012*.

**2 Commencement**

These Rules commence on the day on which they are published on the NSW legislation website.

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## Schedule 1 Amendment of Road Rules 2008

### [1] Rule 265 Wearing of seatbelts by passengers 16 years old or older

Insert after rule 265 (3–1) (after the notes):

- (3–2) The driver of a motor vehicle does not commit an offence under subrule (3) that arises from the refusal or failure of a passenger to wear a seatbelt properly fastened and adjusted if the passenger is in his or her lawful custody and is being transported by the driver:
- (a) in the course of his or her employment as a juvenile justice officer (within the meaning of the *Children (Detention Centres) Act 1987*), or
  - (b) in the course of his or her employment as a correctional officer (within the meaning of the *Crimes (Administration of Sentences) Act 1999*), or
  - (c) in the course of performing the duties of a correctional officer in accordance with an authority issued under section 240 of the *Crimes (Administration of Sentences) Act 1999*.

**Note 1.** This subrule is an additional NSW subrule. There is no corresponding subrule in rule 265 of the *Australian Road Rules*.

### [2] Rule 266 Wearing of seatbelts by passengers under 16 years old

Insert after rule 266 (6–1) (after the notes):

- (6–2) The driver of a motor vehicle does not commit an offence under this rule that arises from the refusal or failure of a passenger to wear a seatbelt properly fastened and adjusted if the passenger is in his or her lawful custody and is being transported by the driver in the course of his or her employment as a juvenile justice officer (within the meaning of the *Children (Detention Centres) Act 1987*).

**Note 1.** This subrule is an additional NSW subrule. There is no corresponding subrule in rule 266 of the *Australian Road Rules*.