
Part 16 Rules for persons travelling in or on vehicles

263 Application of Part to persons in or on trams

This Part, except rule 269 (1), does not apply to a person in or on a tram.

Note Rule 269 (1) prohibits a person getting off, or out of, a moving vehicle.

264 Wearing of seatbelts by drivers

- (1) The driver of a motor vehicle that is moving, or is stationary but not parked, must comply with this rule if the driver's seating position is fitted with a seatbelt.

Offence provision.

Note **Driver** is defined in rule 16, and **motor vehicle** and **park** are defined in the dictionary.

- (2) The driver must wear the seatbelt properly adjusted and fastened unless the driver is:
- (a) reversing the vehicle; or
 - (b) exempt from wearing a seatbelt under rule 267.

Note Rule 267 provides exemptions from wearing seatbelts.

265 Wearing of seatbelts by passengers 16 years old, or older

- (1) A passenger in or on a motor vehicle that is moving, or is stationary but not parked, must comply with this rule if the passenger is 16 years old, or older.

Offence provision.

Note **Motor vehicle** and **park** are defined in the dictionary.

Rule 266

- (2) The passenger must occupy a seating position fitted with a seatbelt if:
 - (a) there is a seating position fitted with a seatbelt that is not already occupied by someone else who is not exempt from wearing a seatbelt; and
 - (b) the passenger is not exempt from wearing a seatbelt under rule 267.
- (3) If the passenger occupies a seating position fitted with a seatbelt, the passenger must wear the seatbelt properly adjusted and fastened unless the passenger is exempt from wearing a seatbelt under rule 267.
- (4) If the motor vehicle has 2 or more rows of seats, the passenger must not sit in the front row of seats unless:
 - (a) the passenger is occupying a seating position fitted with a seatbelt; or
 - (b) there is not a seating position available for the passenger in another row of seats; or
 - (c) the passenger is permitted to sit in the front row of seats under another law of this jurisdiction.

Note Another law of this jurisdiction may prohibit the carrying of passengers for whom seatbelts are not available.

266 Wearing of seatbelts by passengers under 16 years old

- (1) The driver of a motor vehicle (except a bus or motor bike) that is moving, or is stationary but not parked, must ensure that this rule is complied with for each passenger in or on the vehicle who is under 16 years old.

Offence provision.

Note **Bus**, **motor bike**, **motor vehicle** and **park** are defined in the dictionary.

Rule 266

- (2) If the passenger is under 1 year old, and not exempt from wearing a seatbelt under rule 267, the passenger must be restrained in a suitable approved child restraint that is properly fastened and adjusted, unless the driver is exempt from this subrule under subrule (5).

Note **Approved child restraint** is defined in subrule (7).

- (3) If the passenger is at least 1 year old but under 16 years old, and not exempt from wearing a seatbelt under rule 267, the passenger must be restrained in a suitable approved child restraint that is properly fastened and adjusted, or occupy a seating position fitted with a suitable seatbelt and wear the seatbelt properly adjusted and fastened, if:
- (a) a suitable approved child restraint, or a seating position fitted with a suitable seatbelt, is available in the motor vehicle for the passenger; or
 - (b) another law of this jurisdiction requires all passengers at least 1 year old but under 16 years old to be restrained in an approved child restraint, or wear a seatbelt, unless they are exempt from wearing a seatbelt under the law of this jurisdiction.
- (4) If the motor vehicle has 2 or more rows of seats, the passenger must not be in the front row of seats unless the passenger is restrained in a suitable approved child restraint or occupying a seating position fitted with a seatbelt.

Note Another law of this jurisdiction may prohibit the carrying of passengers for whom approved child restraints or seatbelts are not available.

- (5) The driver of a public minibus or taxi is exempt from subrule (2) in relation to a passenger if:
- (a) there is no suitable approved child restraint available in the minibus or taxi for the passenger; and
 - (b) if the minibus or taxi has 2 or more rows of seats — the passenger is not in the front row of seats; and
 - (c) there is not another law of this jurisdiction requiring all passengers in a minibus or taxi who are under 1 year old to be restrained in an approved child restraint.

Note **Public minibus** and **taxi** are defined in the dictionary.

Rule 267

(6) For this rule:

- (a) an approved child restraint is available in the motor vehicle for a passenger if an approved child restraint is fitted in the vehicle and is not occupied by someone else under 16 years old; and
- (b) a seating position (whether or not fitted with a seatbelt) is available in the vehicle for a passenger if it is not occupied by someone else under 16 years old; and
- (c) an approved child restraint or seatbelt is suitable for a passenger if it is suitable for restraining, or to be worn by the passenger.

(7) In this rule:

approved child restraint means a child restraint approved, for the Australian Road Rules, under another law of this jurisdiction.

267 Exemptions from wearing seatbelts

(1) A person is exempt from wearing a seatbelt if:

- (a) the person is exempt from wearing a seatbelt under another law of this jurisdiction and is complying with the conditions (if any) of the exemption; and
- (b) if the person is a passenger in a motor vehicle with 2 or more rows of seats and there is not another law of this jurisdiction permitting the person to sit in the front row of seats — the person is not in the front row of seats.

Note ***Motor vehicle*** is defined in the dictionary.

(2) A person in or on a motor vehicle is exempt from wearing a seatbelt if:

- (a) the person is engaged in the door-to-door delivery or collection of goods, or in the collection of waste or garbage, and is required to get in or out of the vehicle, or on or off the vehicle, at frequent intervals; and
- (b) the vehicle is not travelling over 25 kilometres per hour.

Rule 268

- (3) A person is exempt from wearing a seatbelt if:
- (a) the person (or, for a passenger, the driver of the vehicle in which the person is a passenger) is carrying a certificate, issued under another law of this jurisdiction, stating that the person is not required to wear a seatbelt; and
 - (b) the person is complying with the conditions (if any) stated in the certificate.
- (4) However, a person is not exempt under subrule (3) from wearing a seatbelt if the person (or, for a passenger, the driver of the vehicle in which the person is a passenger) does not immediately produce the certificate mentioned in the subrule for inspection when a police officer or authorised person asks the person (or the driver) whether the person is exempt from wearing a seatbelt.

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

- (5) A person is exempt from wearing a seatbelt if:
- (a) the person is a passenger in a police or emergency vehicle; and
 - (b) if the vehicle has 2 or more rows of seats — the person is not in the front row of seats or there is not a seating position available for the person in another row of seats.

Note **Emergency vehicle** and **police vehicle** are defined in the dictionary.

268 How persons must travel in or on a motor vehicle

- (1) A person must not travel in or on a part of a motor vehicle that is not a part designed primarily for the carriage of passengers or goods.

Offence provision.

Note **Motor vehicle** is defined in the dictionary.

Rule 268

- (2) A person must not travel in or on a part of a motor vehicle that is a part designed primarily for the carriage of goods if the part is:
- (a) not enclosed; or
 - (b) declared under another law of this jurisdiction to be a part of the vehicle in or on which persons must not be carried.

Offence provision.

Note **Enclosed** is defined in subrule (7).

- (3) A person must not travel in or on a motor vehicle with any part of the person's body outside a window or door of the vehicle, unless the person is the driver of the vehicle and is giving a hand signal:
- (a) for changing direction to the right in accordance with rule 50; or
 - (b) for stopping or slowing in accordance with rule 55.

Offence provision.

- (4) The driver of a motor vehicle (except a bus) must not drive with a passenger if any part of the passenger's body is outside a window or door of the vehicle.

Offence provision.

Note **Bus** is defined in the dictionary.

- (5) This rule does not apply to a person who is:
- (a) in or on a police or emergency vehicle; or
 - (b) on a motor bike; or
 - (c) engaged in the door-to-door delivery or collection of goods, or in the collection of waste or garbage, in or on a motor vehicle that is not travelling over 25 kilometres per hour.

Note **Emergency vehicle**, **motor bike**, and **police vehicle** are defined in the dictionary.

Rule 269

- (6) This rule also does not apply to a person if:
- (a) the person is exempt from this rule under another law of this jurisdiction and is complying with the conditions (if any) of the exemption; or
 - (b) the vehicle is exempt from this rule under another law of this jurisdiction.
- (7) For this rule:
- enclosed**, for a part of a vehicle, means enclosed by:
- (a) the structure of the vehicle; or
 - (b) a canopy, cage or other device fitted to the vehicle that is approved, for the Australian Road Rules, under another law of this jurisdiction.

269 Opening doors and getting out of a vehicle etc

- (1) A person must not get off, or out of, a moving vehicle, unless the person is engaged in the door-to-door delivery or collection of goods, or in the collection of waste or garbage, and the vehicle is not travelling over 5 kilometres per hour.

Offence provision.

Note 1 **Vehicle** is defined in rule 15.

Note 2 Rule 237 deals with persons getting on, or into, a moving vehicle.

- (2) Subrule (1) does not apply to a person getting off a bicycle or animal.
- (3) A person must not cause a hazard to any person or vehicle by opening a door of a vehicle, leaving a door of a vehicle open, or getting off, or out of, a vehicle.

Offence provision.

- (4) The driver of a bus must not drive the bus unless the doors of the bus are closed while the bus is moving.

Offence provision.

Note **Bus** is defined in the dictionary.

Rule 270

270 Wearing motor bike helmets

- (1) The rider of a motor bike that is moving, or is stationary but not parked, must:
 - (a) wear an approved motor bike helmet securely fitted and fastened on the rider's head; and
 - (b) not ride with a passenger unless the passenger complies with subrule (2).

Offence provision.

Note **Motor bike** and **park** are defined in the dictionary.

- (2) A passenger on a motor bike that is moving, or is stationary but not parked, must wear an approved motor bike helmet securely fitted and fastened on the passenger's head.

Offence provision.

- (3) In this rule:

approved motor bike helmet means a protective helmet for motor bike riders that is approved, for the Australian Road Rules, under another law of this jurisdiction.

passenger, of a motor bike, includes a person on the pillion seat of the motor bike, or in a sidecar.

271 Riding on motor bikes

- (1) The rider of a motor bike that is moving, or is stationary but not parked, must:
 - (a) sit astride the rider's seat facing forwards; and
 - (b) ride with at least 1 hand on the handlebars; and
 - (c) if the motor bike is moving — keep both feet on the footrests designed for use by the rider of the motor bike.

Offence provision.

Note **Motor bike** and **park** are defined in the dictionary.

Rule 272

- (2) A passenger on a motor bike (except a passenger in a sidecar) that is moving, or is stationary but not parked, must:
- (a) sit astride the pillion seat facing forwards; and
 - (b) keep both feet on the footrests designed for use by a pillion passenger on the motor bike.

Offence provision.

- (3) The rider of a motor bike must not ride with a passenger (except a passenger in a sidecar) unless the passenger complies with subrule (2).

Offence provision.

- (4) The rider of a motor bike must not ride with more than 1 passenger (excluding any passenger in a sidecar).

Offence provision.

- (5) The rider of a motor bike must not ride with more passengers in a side car than the sidecar is designed to carry.

Offence provision.

- (6) A provision of this rule does not apply to a person if the person is exempt from the provision under another law of this jurisdiction.

272 Interfering with the driver's control of the vehicle etc

A passenger in or on a vehicle must not:

- (a) interfere with the driver's control of the vehicle; or
- (b) obstruct the driver's view of the road or traffic.

Offence provision.