



New South Wales

# Road Transport Amendment (Automated Seatbelt Enforcement) Rule 2024

under the

Road Transport Act 2013

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following rule under the *Road Transport Act 2013*.

JOHN GRAHAM, MLC  
Minister for Roads

## Explanatory note

The objects of this rule are—

- (a) to amend the *Road Rules 2014* to provide for the enforcement of camera detected seatbelt offences by penalty infringement notice, and
- (b) to make consequential amendments to the *Road Transport (Driver Licensing) Regulation 2017* and the *Road Transport (General) Regulation 2021*.

## **Road Transport Amendment (Automated Seatbelt Enforcement) Rule 2024**

under the

Road Transport Act 2013

### **1 Name of rule**

This rule is the *Road Transport Amendment (Automated Seatbelt Enforcement) Rule 2024*.

### **2 Commencement**

This rule commences on 1 July 2024.

## Schedule 1 Amendment of Road Rules 2014

### [1] Rule 264 Wearing of seatbelts by drivers

Insert after rule 264(1), penalty provision—

#### Examples of seatbelts being properly adjusted and fastened—

- 1 A lap and sash seatbelt is properly adjusted and fastened for a driver if—
  - (a) the seatbelt is secured in the buckle with the lap portion of the belt sitting low and firmly over the driver's hips, and
  - (b) the sash portion of the belt is positioned firmly over the driver's shoulder and not under the driver's arm furthest from the secured buckle or behind the driver's back.
- 2 A lap belt is properly adjusted and fastened for a driver if the seatbelt is secured in the buckle with the belt sitting low and firmly over the driver's hips.

### [2] Rules 264–1 and 264–2

Insert after rule 264—

#### 264–1 NSW rule: drivers must ensure passengers comply with seatbelt requirements

- (1) The driver of a motor vehicle that is moving, or is stationary but not parked, must ensure a passenger in or on the vehicle complies with the requirements of rule 265 or 266 applying to the passenger.  
Maximum penalty—20 penalty units.
- (2) Subrule (1) does not apply in relation to the following—
  - (a) a bus passenger,
  - (b) a taxi passenger who is 16 years of age or more,
  - (c) a passenger who is exempt from wearing a seatbelt under rule 267.
- (3) The driver of a motor vehicle does not commit an offence under subrule (1) arising from the refusal or failure of a passenger to wear a seatbelt properly fastened and adjusted if the passenger is in the driver's lawful custody and is being transported by the driver—
  - (a) in the course of the driver's employment as a juvenile justice officer, within the meaning of the *Children (Detention Centres) Act 1987*, or
  - (b) in the course of the driver's 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 the *Crimes (Administration of Sentences) Act 1999*, section 240.
- (4) This rule does not apply to the driver of a motor vehicle who is the holder of a learner licence or a provisional P1 or P2 licence.

#### Note—

This rule is an additional NSW road rule. There is no corresponding rule in the *Australian Road Rules*.

#### 264–2 NSW rule: medical exemption—passenger less than 16 years of age

- (1) The driver of a motor vehicle does not commit an offence under rule 264–1(1) relating to a passenger not complying with rule 266(2), (2A) or (2B) if—
  - (a) the driver is carrying a medical certificate stating that a medical practitioner believes the passenger should not be restrained in the way

- described in those subrules because of a medical condition or disability that the passenger has, and
- (b) the passenger is properly restrained in a child restraint that has been designed for, and is suitable for use by, the passenger or a person with the same medical condition or disability as the passenger, and
  - (c) the driver is complying with any conditions stated in the medical certificate, and
  - (d) no other law of this jurisdiction states that this subrule does not apply.
- (2) The driver of a motor vehicle does not commit an offence under rule 264–1(1) relating to a passenger not complying with rule 266(3) or (3A) if—
- (a) the driver is carrying a medical certificate stating that a medical practitioner believes the passenger should not be seated in the position described in those subrules because of a medical condition or disability that the passenger has, and
  - (b) the driver is complying with any conditions stated in the medical certificate, and
  - (c) no other law of this jurisdiction states that this subrule does not apply.
- (3) Subrules (1) and (2) only apply to a driver who produces the relevant medical certificate or a copy of the certificate—
- (a) for a camera recorded offence—to the Commissioner of Fines Administration—
    - (i) within 28 days after receiving a penalty notice, or
    - (ii) during an internal review conducted under the *Fines Act 1996*, Part 3, Division 2A, or
  - (b) otherwise—to an authorised person immediately after being asked to do so by the authorised person.

**Note—**

This rule is an additional NSW road rule. There is no corresponding rule in the *Australian Road Rules*.

**[3] Rule 265 Wearing of seatbelts by passengers 16 years old or older**

Insert after rule 265(2)(c)—

**Examples of seatbelts being properly adjusted and fastened—**

- 1 A lap and sash seatbelt is properly adjusted and fastened for a passenger if—
  - (a) the seatbelt is secured in the buckle with the lap portion of the belt sitting low and firmly over the passenger’s hips, and
  - (b) the sash portion of the belt is positioned firmly over the passenger’s shoulder and not under the passenger’s arm furthest from the secured buckle or behind the passenger’s back.
- 2 A lap belt is properly adjusted and fastened for a passenger if the seatbelt is secured in the buckle with the belt sitting low and firmly over the passenger’s hips.

**[4] Rule 265(3)–(3–2)**

Omit the subrules. Insert instead—

- (3) \* \* \* \* \*

**Note—**

The *Australian Road Rules*, rule 265(3) has not been reproduced in these rules. The subrule has been left blank in order to preserve uniformity of numbering with the *Australian Road Rules*.

**[5] Rule 266 Wearing of seatbelts by passengers under 16 years old**

Omit subrule 266(1). Insert instead—

(1) \* \* \* \* \*

**Note—**

The *Australian Road Rules*, rule 266(1) has not been reproduced in these Rules. The subrule has been left blank in order to preserve uniformity of numbering with the *Australian Road Rules*.

**[6] Rule 266(2)**

Omit “If the passenger is less than 6 months old, he or she”.

Insert instead “A passenger who is less than 6 months old”.

**[7] Rule 266(2), note 3**

Insert after note 2—

**Note 3—**

Subrule (2) is not uniform with the corresponding subrule in the *Australian Road Rules*, rule 266.

**[8] Rule 266(2A)**

Omit “If the passenger is 6 months old or older, but is less than 4 years old, he or she”.

Insert instead “A passenger who is 6 months old or older, but is less than 4 years old,”.

**[9] Rule 266(2A), note 3**

Insert after note 2—

**Note 3—**

Subrule (2A) is not uniform with the corresponding subrule in the *Australian Road Rules*, rule 266.

**[10] Rule 266(2B)**

Omit “If the passenger is 4 years old or older, but is less than 7 years old, he or she”.

Insert instead “A passenger who is 4 years old or older, but is less than 7 years old,”.

**[11] Rule 266(2B), example**

Insert after rule 266(2B)(c)—

**Examples of seatbelts being properly adjusted and fastened—**

- 1 A lap and sash seatbelt is properly adjusted and fastened for a passenger if—
  - (a) the seatbelt is secured in the buckle with the lap portion of the belt sitting low and firmly over the passenger’s hips, and
  - (b) the sash portion of the belt is positioned firmly over the passenger’s shoulder and not under the passenger’s arm furthest from the secured buckle or behind the passenger’s back.
- 2 A lap belt is properly adjusted and fastened for a passenger if the seatbelt is secured in the buckle with the belt sitting low and firmly over the passenger’s hips.

**[12] Rule 266(2B), note 5**

Omit note 5. Insert instead—

**Note 5—**

Subrule (2B) is not uniform with the corresponding subrule in the *Australian Road Rules*, rule 266.

**[13] Rule 266(2C) and (2D)**

Omit the subrules. Insert instead—

(2C) \* \* \* \* \*

**Note—**

The *Australian Road Rules*, rule 266(2C) has not been reproduced in these rules. The subrule has been left blank in order to preserve uniformity of numbering with the *Australian Road Rules*.

(2D) \* \* \* \* \*

**Note—**

The *Australian Road Rules*, rule 266(2D) has not been reproduced in these rules. The subrule has been left blank in order to preserve uniformity of numbering with the *Australian Road Rules*.

**[14] Rule 266(3B) and (3C)**

Omit the subrules. Insert instead—

(3B) \* \* \* \* \*

**Note—**

The *Australian Road Rules*, rule 266(3B) has not been reproduced in these rules. The subrule has been left blank in order to preserve uniformity of numbering with the *Australian Road Rules*.

(3C) \* \* \* \* \*

**Note—**

The *Australian Road Rules*, rule 266(3C) has not been reproduced in these rules. The subrule has been left blank in order to preserve uniformity of numbering with the *Australian Road Rules*.

**[15] Rule 266(4), example**

Insert after rule 266(4)(b)—

**Examples of seatbelts being properly adjusted and fastened—**

- 1 A lap and sash seatbelt is properly adjusted and fastened for a passenger if—
  - (a) the seatbelt is secured in the buckle with the lap portion of the belt sitting low and firmly over the passenger's hips, and
  - (b) the sash portion of the belt is positioned firmly over the passenger's shoulder and not under the passenger's arm furthest from the secured buckle or behind the passenger's back.
- 2 A lap belt is properly adjusted and fastened for a passenger if the seatbelt is secured in the buckle with the belt sitting low and firmly over the passenger's hips.

**[16] Rule 267 Exemptions from wearing seatbelts**

Omit rule 267(4). Insert instead—

- (4) However, a person is exempt under subrule (3) or (3A) only if the driver produces the relevant medical certificate or a copy of the certificate—
  - (a) for a camera recorded offence—to the Commissioner of Fines Administration—
    - (i) within 28 days after receiving a penalty notice, or

- (ii) during an internal review conducted under the *Fines Act 1996*, Part 3, Division 2A, or
- (b) otherwise—to an authorised person immediately after being asked to do so by the authorised person.

**Note—**

Subrule (4) is not uniform with the corresponding subrule in the *Australian Road Rules*, rule 267. However, the corresponding paragraph in the *Australian Road Rules* allows another law of this jurisdiction to exempt a person from wearing a seatbelt. Different rules may apply in other Australian jurisdictions.

**[17] Rule 267–1 NSW rule: restraint of drivers who are holders of learner licences or provisional P1 or P2 licences and their passengers**

Insert after rule 267–1(2)—

**Examples of seatbelts being properly adjusted and fastened—**

- 1 A lap and sash seatbelt is properly adjusted and fastened for a passenger if—
  - (a) the seatbelt is secured in the buckle with the lap portion of the belt sitting low and firmly over the passenger’s hips, and
  - (b) the sash portion of the belt is positioned firmly over the passenger’s shoulder and not under the passenger’s arm furthest from the secured buckle or behind the passenger’s back.
- 2 A lap belt is properly adjusted and fastened for a passenger if the seatbelt is secured in the buckle with the belt sitting low and firmly over the passenger’s hips.

**[18] Rule 267–1(4), example**

Insert at the end of the subrule—

**Examples of seatbelts being properly adjusted and fastened—**

- 1 A lap and sash seatbelt is properly adjusted and fastened for a passenger if—
  - (a) the seatbelt is secured in the buckle with the lap portion of the belt sitting low and firmly over the passenger’s hips, and
  - (b) the sash portion of the belt is positioned firmly over the passenger’s shoulder and not under the passenger’s arm furthest from the secured buckle or behind the passenger’s back.
- 2 A lap belt is properly adjusted and fastened for a passenger if the seatbelt is secured in the buckle with the belt sitting low and firmly over the passenger’s hips.

**[19] Dictionary**

Insert in alphabetical order—

*camera recorded offence* has the same meaning as in the Act, section 183(1).

**Note—**

This is an additional NSW definition. There is no corresponding definition in the *Australian Road Rules*, Dictionary.

## **Schedule 2      Amendment of Road Transport (Driver Licensing) Regulation 2017**

**[1]      Schedule 1 National schedule of demerit point offences**

Omit “Rule 265(3)” wherever occurring in Column 1 under the heading *Road Rules 2014*.

Insert instead “Rule 264–1(1)”.

**[2]      Schedule 1**

Omit the matter relating to Rule 266 under the heading *Road Rules 2014*.



### **Schedule 3      Amendment of Road Transport (General) Regulation 2021**

**[1]      Schedule 5 Penalty notice offences**

Omit “265(1), 266,” from Column 1 under the heading *Road Rules 2014*.

Insert instead “264–1, 265(1),”.

**[2]      Schedule 5**

Omit “Rule 265(3)” wherever occurring in Column 1 under the heading *Road Rules 2014*.

Insert instead “Rule 264–1”.