

## **Part 2 Application of the Australian Road Rules**

### **Division 1 Roads and road-related areas**

#### **11 Australian Road Rules apply to vehicles and road users on roads and road-related areas**

- (1) The Australian Road Rules apply to vehicles and road users on roads and road-related areas.

*Note* **Road** is defined in rule 12, **road-related area** is defined in rule 13, **road user** is defined in rule 14, and **vehicle** is defined in rule 15.

- (2) Each reference in the Australian Road Rules (except in this Division) to a **road** includes a reference to a **road-related area**, unless otherwise expressly stated in the Rules.

*Examples for subrule (2)*

1 A reference in rule 146 (which deals with driving within a single marked lane or line of traffic) to the road includes a reference to the road-related area of the road.

2 A reference in rule 200 (1) (which deals with certain heavy or long vehicles stopping on roads) to a length of road includes a reference to the road-related area of the length of road.

3 A reference in rule 31 (which deals with starting a right turn from a road, except a multi-lane road) to a road does not include a reference to a road-related area, because of the definition in subrule (5) of that rule.

#### **12 What is a road**

- (1) A **road** is an area that is open to or used by the public and is developed for, or has as one of its main uses, the driving or riding of motor vehicles.

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

- (2) However, unless the contrary intention appears, a reference in the Australian Road Rules (except in this Division) to a **road** does not include a reference to:
- (a) an area so far as the area is declared, under another law of this jurisdiction, not to be a road for the Australian Road Rules; or
  - (b) any shoulder of the road.
- (3) The **shoulder** of the road includes any part of the road that is not designed to be used by motor vehicles in travelling along the road, and includes:
- (a) for a kerbed road — any part of the kerb; and
  - (b) for a sealed road — any unsealed part of the road, and any sealed part of the road outside an edge line on the road;
- but does not include a bicycle path, footpath or shared path.

*Note* **Bicycle path** is defined in rule 239, **edge line** and **footpath** are defined in the dictionary, and **shared path** is defined in rule 242.

### **13 What is a road-related area**

- (1) A **road-related area** is any of the following:
- (a) an area that divides a road;
  - (b) a footpath or nature strip adjacent to a road;
  - (c) an area that is not a road and that is open to the public and designated for use by cyclists or animals;
  - (d) an area that is not a road and that is open to or used by the public for driving, riding or parking vehicles.

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

- (2) However, unless the contrary intention appears, a reference in the Australian Road Rules (except in this Division) to a **road-related area** includes a reference to:
- (a) an area so far as the area is declared, under another law of this jurisdiction, to be a road-related area for the Australian Road Rules; or
  - (b) any shoulder of a road; or

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(c) any other area that is a footpath or nature strip as defined in the dictionary;

but does not include a reference to an area so far as the area is declared, under another law of this jurisdiction, not to be a road-related area for the Australian Road Rules.

*Note* **Shoulder** is defined in rule 12.

## **Division 2 Road users and vehicles**

### **14 Road users**

A **road user** is a driver, rider, passenger or pedestrian.

*Note* **Driver** is defined in rule 16, **pedestrian** is defined in rule 18, and **rider** is defined in rule 17.

### **15 What is a vehicle**

A **vehicle** includes:

- (a) a motor vehicle, trailer and tram; and
- (b) a bicycle; and
- (c) an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle; and
- (d) a combination; and
- (e) a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground);

but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy.

*Note* Various terms mentioned in this rule are defined in the dictionary.

### **16 Who is a driver**

- (1) A **driver** is the person who is driving a vehicle (except a motor bike, bicycle, animal or animal-drawn vehicle).

*Note 1* **Bicycle** and **motor bike** are defined in the dictionary, and **vehicle** is defined in rule 15.

*Note 2* **Drive** includes be in control of — see the definition in the dictionary.

- (2) However, a **driver** does not include a person pushing a motorised wheelchair.

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

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**17 Who is a rider**

- (1) A *rider* is the person who is riding a motor bike, bicycle, animal or animal-drawn vehicle.

*Note 1* *Bicycle* and *motor bike* are defined in the dictionary.

*Note 2* *Ride*, for the rider of a motor bike or animal-drawn vehicle, includes be in control of — see the definition in the dictionary.

- (2) A *rider* does not include:

- (a) a passenger; or
- (b) a person walking beside and pushing a bicycle.

**18 Who is a pedestrian**

A *pedestrian* includes:

- (a) a person driving a motorised wheelchair that cannot travel at over 10 kilometres per hour (on level ground); and
- (b) a person in a non-motorised wheelchair; and
- (c) a person pushing a motorised or non-motorised wheelchair; and
- (d) a person in or on a wheeled recreational device or wheeled toy.

*Note* *Wheelchair*, *wheeled recreational device* and *wheeled toy* are defined in the dictionary.

**19 References to driver includes rider etc**

Unless otherwise expressly stated in the Australian Road Rules, each reference in the Rules (except in this Division) to a *driver* includes a reference to a rider, and each reference in the Rules (except in this Division) to *driving* includes a reference to riding.