

TASMANIA

ROAD AMENDMENT RULES (No. 2) 2022
STATUTORY RULES 2022, No. 51

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ROAD AMENDMENT RULES (No. 2) 2022

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following rules under the *Traffic Act 1925*.

Dated 18 July 2022.

B. BAKER
Governor

By Her Excellency's Command,

JEREMY ROCKLIFF
Acting for and on behalf of the Minister for Infrastructure and
Transport

1. Short title

These rules may be cited as the *Road Amendment Rules (No. 2) 2022*.

2. Commencement

These rules take effect on 1 August 2022.

3. Principal Rules

In these rules, the *Road Rules 2019** are referred to as the Principal Rules.

*S.R. 2019, No. 61

4. Rule 79A substituted

Rule 79A of the Principal Rules is rescinded and the following rule is substituted:

79A. Speed-limit approaching and passing stationary or slow-moving police, emergency, enforcement, roadside assistance service and escort vehicles

- (1) A driver approaching a stationary or slow-moving police vehicle, emergency vehicle, enforcement vehicle, roadside assistance service vehicle or escort vehicle that is displaying a flashing blue, red, yellow or magenta light (whether or not it is also displaying other lights) or sounding an alarm must drive at a speed at which the driver can, if necessary, stop safely before passing the vehicle.

Penalty: Fine not exceeding 20 penalty units.

Note Approaching, emergency vehicle, enforcement vehicle, escort vehicle and police vehicle are defined in the dictionary.

- (2) A driver approaching a stationary or slow-moving police vehicle, emergency vehicle, enforcement vehicle, roadside assistance service vehicle or escort vehicle that is displaying a flashing blue, red, yellow or magenta light (whether or not it is also displaying other lights) or sounding an alarm must give way to any police officer, emergency worker, enforcement vehicle worker, roadside

assistance worker or escort vehicle worker on foot in the immediate vicinity of the vehicle.

Penalty: Fine not exceeding 20 penalty units.

Note *Emergency worker, enforcement vehicle worker, escort vehicle worker, give way and police officer* are defined in the dictionary.

- (3) A driver must not drive past, or overtake, a stationary or slow-moving police vehicle, emergency vehicle, enforcement vehicle, roadside assistance service vehicle or escort vehicle, that is displaying a flashing blue, red, yellow or magenta light (whether or not it is also displaying other lights) or sounding an alarm, at a speed greater than 40 kilometres per hour.

Penalty: Fine not exceeding 20 penalty units.

Note *Overtake* is defined in the dictionary.

- (4) Subrule (3) does not apply to a driver of a vehicle if –
- (a) the driver is driving the vehicle past, or overtaking, a stationary or slow-moving vehicle, referred to in that subrule, on a road with a speed limit of greater than 80 kilometres per hour; and

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- (b) at the time the driver becomes aware of the stationary or slow-moving vehicle referred to in that subrule, there is not sufficient time to safely reduce the speed of the driver's vehicle as required under that subrule; and
 - (c) while the driver is driving the driver's vehicle past, or overtaking, a stationary or slow-moving vehicle, referred to in that subrule, the driver reduces the speed of the driver's vehicle to the extent that it is safe to do so.
- (5) A driver who drives past, or overtakes, a stationary or slow-moving police vehicle, emergency vehicle, enforcement vehicle, roadside assistance service vehicle or escort vehicle that is displaying a flashing blue, red, yellow or magenta light (whether or not it is also displaying other lights) or sounding an alarm must not increase speed until the driver is at a sufficient distance from the vehicle so as not to cause a danger to any police officers, emergency workers, enforcement vehicle workers, roadside assistance workers or escort vehicle workers in the immediate vicinity of the vehicle.

Penalty: Fine not exceeding 20 penalty units.

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- (6) Subrules (1), (2), (3) and (5) do not apply if the driver is driving on a road that is divided by a median strip and the police vehicle, emergency vehicle, enforcement vehicle, roadside assistance service vehicle or escort vehicle is on the other side of the road beyond the median strip.

Note *Median strip* is defined in the dictionary.

- (7) This rule applies to a driver despite any other rule of the *Road Rules*.
- (8) A reference in subrules (1), (2), (3) and (5) to a flashing yellow light does not include a direction indicator light.
- (9) In this rule –

roadside assistance service vehicle
means a light vehicle built, fitted or used to provide aid or assistance to other vehicles, or drivers, on a public street;

roadside assistance worker means the driver of, or passenger in, a roadside assistance service vehicle while the person is in, or in the immediate vicinity of, that vehicle.

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 27 July 2022.

These rules are administered in the Department of State Growth.

EXPLANATORY NOTE
(This note is not part of the rules)

These rules amend rule 79A of the *Road Rules* by clarifying which classes of vehicles, and which workers, drivers must give way to in certain circumstances.