



WESTERN AUSTRALIAN

ROAD TRAFFIC REGULATIONS 2013



NOVEMBER, 2013

REPORT ON CURRENT WEST AUSTRALIAN ROAD TRAFFIC REGULATIONS

THAT POTENTIALLY RELATE TO THE LEGALITY
OF FILMING ON WA ROADS, WITH A CAMERA
MOUNTED IN/ON A MOVING VEHICLE.

PREAMBLE

In 2008 the then Department of Planning and Infrastructure (DPI), collaborated with film industry Key Grips, graded Safety Supervisors, and ScreenWest to create a permit system which allowed for filming activities involving Low Loaders & Tracking Vehicles to be done in compliance with legal requirements under WA road traffic regulations. Until that point in time the Film & Television Safety Guidance Notes and Film Industry Recommended Safety Code were used to ensure acceptable safety parameters were met. However, the Safety Guidance Notes and Safety Code are an industry "best practice", and not supported by WA Road Traffic legislation. Thus Low Loader and Tracking Vehicle activities that require persons to travel in/on "load carrying spaces" were being conducted illegally under WA Road Traffic Regulations 2002, prior to the permit system being implemented.

An "Exemption from Open Load Space Requirements of WA Road Traffic Code 2000 during Filming activities" permit issued by the Dept. of Transport, allows for Low Loader and Tracking Vehicle activities within certain parameters, which ensure that filming is conducted safely and in compliance with legal and industry best practice requirements.

This report seeks to explain the legality of current industry practice for filming involving moving vehicles, with a camera(s) mounted internally or externally.

The report will also recommend what processes are required to be implemented to allow for safe and legal filming of the above. In consultation with WA Police and the Department of Transport, the report writer has amended the current "Exemption from Open Load Space Requirements of WA Road Traffic Code 2000 during Filming activities" permit issued by the Dept. of Transport. The new "Film Industry Request for Department of Transport Exemption from Requirements of the Road Traffic Code 2000 During Filming Activities", complies with Department of Transport requirements for issuing the exemption.

All persons involved with the film industry should be mindful that the Road Traffic (Vehicle Standards) Regulations 2002 and Road Traffic (Vehicle Standards) Rules 2002, APPLY TO ALL ROAD USERS.

The report writer wishes to acknowledge the invaluable assistance and co-operation of the Department of Transport and WA Police in researching this report, and identifying a "way forward". Thanks also to Key Grips in WA, Vic and NSW for their input and providing photo examples.

During the report creation process, the issue of filming with "non-registrable" vehicles arose. For information covering filming activities involving "quad bikes" see the last page of this report.

INTRODUCTION

"Vehicle mounts" includes camera(s), lighting, special effects rigs (rain) or any equipment &/or associated rigging, being mounted to the outside &/or inside of a vehicle that will be moving, for the purposes of filming.

It is not only West Australian Road Traffic Regulations that must be considered when undertaking vehicle mounts. Employers (Producers / Production Managers) have "Duty of Care" obligations in ensuring a safe work place and safe systems of work under Occupational Safety and Health Regulations. Recommended safety practices for filming activities involving vehicle mounts are also covered in the Film & Television Safety Guidance Notes and the Film & Television Recommended Safety Code.

Failure to comply with relevant regulations could expose the production to criminal prosecutions, may affect the production's insurance coverage, and should an incident occur, Worksafe WA along with WA Police may instigate an investigation.

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CREW CONTRACTED TO RIG VEHICLE MOUNTS

A Producer / Production Manager should ensure that they employ / contract the appropriate crew when filming with vehicle mounts, and that anyone employed / contracted to rig vehicle mounts has the necessary skills, expertise and resources (equipment, support crew) to do the job safely and within parameters set by WA Road Regulations, OSH Regulations and industry best practice.

Under OSH regulations, an *"Employer shall ensure that workers &/or Contractors are equipped with the correct skills to safely complete any task required of them"*.

The Film & Television Safety Guidance Notes and the Film Industry Recommended Safety Code provide specific safety precautions to be implemented for filming with vehicle mounts.

The Film & Television Safety Guidance Notes states that, *"all rigging of equipment shall be done in a safe manner by competent and experienced personnel under the direction of the Key Grip"*.

The Film & Television Recommended Safety Code states that, *"a Safety Supervisor should be engaged sequences involving any trailer, A-frame rigs, and bonnet or side mounted cameras or tracking vehicle shots filmed on public roads or spaces"*.

LOCATION OF FILMING ACTIVITY

The relevant local council &/or Main Roads WA must give written permission for any filming activities conducted on public roads / streets.

If filming activities are to be undertaken on a Private Road, or a road that will be closed fully (blocked), then WA Road Traffic Regulations DO NOT apply. However, the activity and persons responsible for the activity are still subject to WA OSH regulations, the Film & Television Safety Guidance Notes and the Film Industry Recommended Safety Code.

If filming activities are to be undertaken on a Public Road / space, regardless of any Traffic Management implemented (other than the aforementioned complete road closure), then the activity and persons responsible for the activity are subject to Road Traffic (Vehicle Standards) Regulations 2002, Road Traffic (Vehicle Standards) Rules 2002, along with WA OSH regulations, the Film & Television Safety Guidance Notes and the Film Industry Recommended Safety Code.

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VEHICLE MOUNTS

(which include associated rigging for camera &/or lighting &/or other equipment)

EXTERNAL OR INTERNAL PROTRUSIONS

Mounts on a vehicle are considered to be a load, *"anything that is normally removed from the vehicle when the vehicle is not in use"*.

- + A load on a vehicle must not be placed in a way that makes the vehicle unstable or unsafe.
- + Anything loaded on a vehicle must be properly secured to prevent it from being dislodged from the vehicle in the course of its use.
- + An appropriate method must be used to restrain the load on a vehicle.
- + A load on a vehicle must not project in a way that is dangerous to a person or to property, even if all dimension and warning requirements are met.

No vehicle must be equipped with:

- + Anything fitted or loaded that obstructs the driver either in the operation of the vehicle or in his/her view from it.
- + Any object or fitting, not technically essential to such vehicle, which protrudes from any part of the vehicle so that it is likely to increase the risk of bodily injury to a pedestrian or any person.
- + Any object or fitting which, because it is pointed or has a sharp edge, is likely to increase the risk of bodily injury to any person.

FIELD OF VIEW

A motor vehicle must not be so constructed or equipped nor must anything be affixed thereto in such a manner as to prevent the driver from having an adequate view of traffic on either side of the vehicle and in all directions in front of the vehicle to enable the vehicle to be driven with safety. Vehicle mounts can be rigged internally and/or externally of a vehicle.

VEHICLE MOUNTS – INTERNAL

Most common scenario is when a camera is "hand held" by the operator. However the camera may be positioned on a seat, centre console, floor, or a seat (front passenger, rear) is removed and camera positioned in its place. The positioning of the camera and any associated equipment, should not hinder the drivers ability to operate the vehicle, including impeding the drivers field of vision as described above. All equipment should be secured and "safety tethers" used as appropriate.

CAMERA IS HAND HELD INSIDE VEHICLE

Operator should be wearing factory fitted seat belt at all times whilst vehicle is in motion. The camera should be restrained by a "safety tether", which is anchored appropriately. All passengers of a moving vehicle must be wearing the factory fitted seat belt (if installed). If it is desired that an occupant of a vehicle **not** wear a factory fitted seat belt, then a **Department of Transport exemption is required**.

CAMERA RIGGED INSIDE VEHICLE – SEAT REMOVAL - DEPARTMENT OF TRANSPORT EXEMPTION REQUIRED

In some vehicles, removing a seat may involve disabling of air bags integrated in to the seat". If this is the case a suitably qualified engineer or automotive electrician must be sought to ensure that the remaining airbag system is not adversely affected.

Please note that the deployment timing of a vehicle's airbags is critical to the protection of occupants in a crash. In some cases, the disabling or removal of airbags from a vehicle can alter the electrical impedance of the airbag system, making the remaining airbags deploy too soon or too late in a crash. Before removing or disabling any airbags, expert advice from an appropriately qualified engineer or automotive electrician must be sought to ensure that the operation of the remaining airbag system is not adversely affected.

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VEHICLE MOUNTS – EXTERNAL

Vehicle mounts which are classified as a “load” comes under schedule 1 division 3 & 4 of the Road Traffic (Vehicle Standards) Regulations 2002, - size and projection of loads. Any equipment and associated rigging material should be made compliant with the above requirements for “External or Internal Protrusions” and “Field of View”. The following measure should be taken:

- + Foam padding applied to leading / sharp edges
- + Protection to pipe ends (tennis balls)
- + High visibility material (flag, vest) to indicate further most protrusion from vehicle
- + Signage to indicate “caution - filming vehicle”

CONFIGURATIONS: (ROAD TRAFFIC (VEHICLE STANDARDS) RULES 2002 PART 7 DIVISION 2)

- + Bonnet – **Department of Transport Exemption required. Traffic Control required** (TMP & Traffic Controllers, or Police or Licensed Pilot Escort)
- + Side (hostess tray) – Maximum protrusion less than 150 mm from side of vehicle – **No Department of Transport Exemption required. No Traffic Control required.**
- + Side (hostess tray) – Maximum protrusion greater than 150 mm from side of vehicle – **Department of Transport exemption required. Traffic control required** (TMP & Traffic Controllers, or Police or Licensed Pilot Escort)
- + Rear/front - Maximum protrusion less than 1200mm from front or rear of vehicle – **No Department of Transport Exemption required. No Traffic Control required.**
- + Rear/front - Maximum protrusion greater than 1200mm from front or rear of vehicle – **Department of Transport Exemption required. Traffic Control required** (TMP & Traffic Controllers, or Police or Licensed Pilot Escort)
- + Roof mount (properly secured). Overall height (vehicle + roof mount) up to 4.3 m are allowed without **Department of Transport Exemption**

ADDENDUM

QUAD BIKES

Quad bikes, golf carts are considered “non-registrable” under the Road Traffic Act, thus can only be driven / operated on private property. In order to be used for filming activities in a public space, a “special permit” would be required from the Department of Transport. Currently there is no permit from WAPOL that would be applicable to enable ‘non-registrable’ vehicles to drive on footpaths or roads.

Further consultation is required with the Department of Transport and WA Police to develop a system that would allow for non-registrable vehicles to be driven in public spaces legally, under current WA Road Traffic regulations.

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REPORT BY

John Fairhead
Safety Consultant / Supervisor
 (MEAA: 6001452)
 Dip Screen & Media
 Cert IV OHS

Appendix 1 - Containing
 various examples of camera(s)
 mounted vehicles

Click [here](#) for Department of
 Transport Exemption Application

EXPERTS CONSULTED

Ajith Mathota
 Dept. of Transport
 Engineer Vehicle Safety & Standards

John Marcolina
 Dept. of Transport
 Manager Vehicle Safety & Standards

Antony Robertson
 WA Police - Strategic Projects
 Officer Media & Corporate
 Communications Senior

Constable Tony Watson
 WA Police - Permit and
 Parade Officer

REFERENCES

*Road Traffic (Vehicle Standards)
 Regulations 2002*

*Road Traffic (Vehicle Standards)
 Rules 2002*

*Australian Design Rule 42/04 –
 General Safety*

*Requirements Occupational
 Health and Safety Act 1984*

*(WA) Occupational Health &
 Safety Regulations 1996 (WA)*

*Film & Television Safety
 Guidance Notes*

*Film Industry Recommended
 Safety Code*

*Road Safety (Vehicles) Regulations
 2009 (VIC) incorporating
 amendments as at 30 March 2013*

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APPENDIX 1.

Bonnet Mount Examples



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Low Loader Examples



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Rear, Interior And Motor Cycle Mount Examples



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Side Mount Examples



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Tracking Vehicle Examples



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