

Transport and Other Legislation Amendment Regulation (No. 4) 2014

Explanatory notes for SL 2014 No. 325

made under the

State Penalties Enforcement Act 1999
Transport Operations (Road Use Management) Act 1995

General Outline

Short title

Transport and Other Legislation Amendment Regulation (No. 4) 2014

Authorising laws

Section 165 of the *State Penalties Enforcement Act 1999*.
Sections 147 and 171 of the *Transport Operations (Road Use Management) Act 1995*.

Policy objectives and the reasons for them

The changes contained in the amendment regulation are designed to reduce red tape and improve transport outcomes for motorcycle riders and other road users.

Motorcycle riding for both commuting and recreational purposes has increased in popularity in Queensland in recent years for a variety of reasons, including economy, ease of parking and avoiding traffic congestion. There are currently over 188 000 motorcycles registered in Queensland.

To examine options for reform, the *Motorcycle Discussion Paper: Road Rules for Motorcycle Riders* was released for public comment in mid-2014. The paper received 9242 responses, the majority of which supported introducing lane filtering, simplifying motorcycle control rules and broadening the approved motorcycle helmet standards.

Achievement of policy objectives

The Queensland Road Rules will be amended to allow motorcycle riders to lane filter by moving between stationary or slow moving vehicles travelling in the same direction provided it is safe to do so, the rider holds an open motorcycle licence or a non-Queensland equivalent licence, and is not travelling at more than 30km/hour.

Lane filtering will not be permitted in school zones during school zone hours and riding a motorcycle at speed through moving traffic will also be prohibited. Riders who fail to comply with these restrictions will face a penalty of three penalty units and three demerit points.

Motorcycle riders who hold an open licence or a non-Queensland equivalent licence will also be permitted to pass stationary or slow moving traffic by travelling in an emergency stopping lane or on a sealed part of the road outside the edge line (edge filtering) provided the speed limit on the road is 90km/hour or more. This will assist where, for example, traffic is congested on a motorway or freeway. As with lane filtering, while edge filtering, the rider must not exceed 30km/hour and may only pass traffic in this manner if it is safe to do so.

To assist traffic flow and to facilitate lane filtering, motorcycle riders will also be allowed to enter bicycle storage areas, which are areas of road at signalised intersections that allow cyclists to wait in front of stopped vehicles.

The Queensland Road Rules will also be amended to simplify motorcycle control rules. Specifically, the rules governing where a rider must have their hands and feet will be removed and the rules specifying how a rider must sit on the motorcycle will be simplified to require them only to be astride the seat. Broader laws already require a rider to have proper control of their motorcycle, ride with due care and attention and not operate their motorcycle dangerously. These laws provide an appropriate level of direction as to acceptable motorcycle rider behaviour.

Finally, the rules relating to approved motorcycle helmets will be expanded to specifically allow helmets which meet the United Nations Economic Commission for Europe 22.05 standard. This will provide motorcycle riders and passengers with a wider range of helmets to choose from.

To support the above changes, amendments will be made to the *State Penalties Enforcement Regulation 2014* to introduce a fine of three penalty units for contravening lane filtering and edge filtering restrictions. The *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010* will also be amended to provide for the allocation of three demerit points for a rider who contravenes those restrictions.

Consistency with policy objectives of authorising law

The amendments are consistent with the policy objectives of the *Transport Operations (Road Use Management) Act 1995* and, in particular, the objectives of improving road safety and providing for the effective and efficient management of road use in the State.

The amendments to the *State Penalties Enforcement Regulation 2014* are consistent with the objectives in section 4 of the *State Penalties Enforcement Act 1999*.

Inconsistency with policy objectives of other legislation

The amendment regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

It is anticipated these amendments will deliver better outcomes and more flexibility for motorcycle riders and their passengers. The amendments will also support the Government's commitment to reduce red tape.

Consistency with fundamental legislative principles

The amendment regulation is consistent with the fundamental legislative principles.

Consultation

The *Motorcycle Discussion Paper: Road Rules for Motorcycle Riders* was released for public comment in mid-2014. The paper received 9242 responses, the majority of which supported the proposed changes.

Consultation has also been undertaken with the Department of the Premier and Cabinet, Queensland Treasury and Trade, the Department of Justice and Attorney-General and the Queensland Police Service. All government agencies consulted support the proposed amendments.

The Office of Best Practice Regulation, Queensland Competition Authority, was also consulted and has advised that the amendments do not require a Regulatory Impact Statement.