

Transport Operations (Road Use Management—Road Rules) and Other Legislation Amendment Regulation 2018

Explanatory notes for SL 2018 No. 195

made under the

State Penalties Enforcement Act 1999

Transport Operations (Road Use Management) Act 1995

General Outline

Short title

Transport Operations (Road Use Management—Road Rules) and Other Legislation Amendment Regulation 2018

Authorising law

Section 165 of the *State Penalties Enforcement Act 1999*

Sections 146 and 171 of the *Transport Operations (Road Use Management) Act 1995*

Policy objectives and the reasons for them

The policy objectives of the regulation are to adopt the 12th package of Australian Road Rules amendments and to make a number of road rules related amendments. The Australian Road Rules are national model legislation designed to provide uniform road rules throughout Australia. As national model law, the Australian Road Rules are continually reviewed to ensure they improve road safety, remain contemporary, incorporate legislative and policy changes, and address stakeholder concerns. On 10 November 2017, the 12th package of Australian Road Rules amendments was approved by the Transport and Infrastructure Council. The amended Australian Road Rules are now included in the model legislation.

To maintain national consistency, the *Transport Operations (Road Use Management—Road Rules) and Other Legislation Amendment Regulation 2018* (the amendment regulation) will amend the Queensland Road Rules to incorporate the amendments from the 12th package of Australian Road Rules amendments. A number of related amendments are also being made to the Queensland Road Rules, including increasing the fine for blocking intersections to ease traffic congestion and increase safety for pedestrians.

Achievement of policy objectives

To maintain national consistency, the amendment regulation will amend the Queensland Road Rules to:

- clarify that changing direction includes moving *from* a stationary position (as well as *to* a stationary position which is currently provided in the Queensland Road Rules)
- provide that drivers must give way to pedestrians and bicycle riders who are *entering*, as well as *on* a marked foot crossing, slip lane or pedestrian crossing. This amendment will align all related give way rules with section 80 of the Queensland Road Rules, which provides for the give way rules at a children's crossing
- allow large vehicles to drive as near as practicable to the left of the centre of a central traffic island if it is safe to do so. This will replace the current 'left of centre' provision
- include a provision that lane filtering by riders of motorbikes may be prohibited by a no filtering sign
- recognise new Tramway signs
- align the definition of heavy vehicle in section 200 of the Queensland Road Rules with the definition in the Heavy Vehicle National Law to mean a vehicle with a Gross Vehicle Mass (GVM) of more than 4.5t. This amendment also clarifies that the rule about heavy vehicles stopping in non-built-up areas applies unless a local law otherwise provides
- without changing the effect, shift the location of the content of section 66A of the Queensland Road Rules for national consistency of Road Rule numbering. Section 66A clarifies that if a rider of a bicycle approaches an intersection with both bicycle crossing lights and traffic lights, the rider is not required to stop for a red or yellow traffic light if the bicycle crossing light is green
- clarify that a person who can be exempted by a medical certificate from wearing a seatbelt due to a medical condition includes a person with a disability.

Related amendment – increased penalties for blocking intersections

It is proposed to increase the fine that applies if an infringement notice is issued for a range of offences that relate to motorists blocking intersections and certain crossings. This driver behaviour reduces traffic flow, increases traffic congestion and increases risk for pedestrians. The aim of the amendment is to send a clear message of deterrence to motorists.

For each of the offences listed below, it is proposed to increase the fine that applies if an infringement notice is issued to an amount of \$200:

- section 96(1) – keep clear markings
- section 128 – entering blocked intersections
- section 128A – entering particular blocked crossings

- section 175(1) – stopping on or near a level crossing
- section 176(1) – stopping on a clearway.

Related amendment – approved motorbike helmets

It is proposed to ensure that a motorbike helmet remains compliant with a United Nations Economic Commission for Europe (UN ECE) standard if the helmet complied with that standard at the time of manufacture, even if the standard has since been updated. This amendment will afford motorbike riders with UN ECE standard helmets the same treatment as riders with helmets complying with Australian Standards (AS) or Australian/New Zealand Standards (AS/NZS).

Related amendment – red light arrow offence

Motorists are currently required to stop at a red traffic arrow. Instances have occurred where drivers have approached an intersection in a dedicated turning lane controlled by a traffic arrow showing a red light, however the driver has then veered across lanes to travel straight through the intersection on a green light while the traffic arrow is still red. This driver behaviour is not in keeping with the intent of the legislation, is potentially dangerous and can endanger other road users. The Queensland Road Rules are being amended to clarify the circumstances in which it is an offence to proceed when the traffic arrow is red. This will assist in prosecuting what is already deemed an unlawful action.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the policy objectives of section 3 of the *Transport Operations (Road Use Management) Act 1995* which include improving road safety, providing for the effective and efficient management of road use in the State and promoting the effective and efficient movement of people, goods and services.

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

Road users in Queensland will benefit from the adoption of the nationally agreed amendments as the amendments will assist in ensuring uniformity between the Queensland Road Rules and the road rules that apply in other Australian jurisdictions.

The costs of implementing the amendment regulation will be minimal and will be met from existing resources.

Consistency with fundamental legislative principles

The amendment regulation is consistent with fundamental legislative principles.

Consultation

The 12th package of amendments to the Australian Road Rules has undergone a national consultation process. In June 2017, the National Transport Commission released a public consultation paper, including a consultation draft of the amendments, seeking feedback on the proposed legislative changes. The amendments were approved by the Transport and Infrastructure Council on 10 November 2017. The Australian Road Rules were amended on 19 March 2018. The amendments currently proposed to the Queensland Road Rules will ensure that the Queensland Road Rules are consistent with the road rules of other jurisdictions.

The Royal Automobile Club of Queensland, the Motorcycle Riders Association of Queensland and the Queensland Trucking Association have been consulted on various 12th package amendments, including in relation to changing direction, driving in a roundabout, heavy vehicles stopping in built-up areas, and motorbike helmet standards. No issues with or objections to the proposed amendments were raised.

All Queensland local council authorities have been consulted about the proposed change to section 200 (heavy vehicles stopping in built-up areas). All councils who responded indicated their support for the proposed amendment.

The Office of Best Practice Regulation, Queensland Productivity Commission has advised that the regulation is unlikely to result in significant adverse impacts and therefore no further assessment is required under *The Queensland Government Guide to Better Regulation*.