

# Transport Legislation Amendment Regulation (No. 2) 2024

Explanatory notes for SL 2024 No. 225

made under the

*Transport Operations (Road Use Management) Act 1995*  
*Transport Planning and Coordination Act 1994*

## General Outline

### Short title

*Transport Legislation Amendment Regulation (No. 2) 2024*

### Authorising laws

Section 171 of the *Transport Operations (Road Use Management) Act 1995*.  
Section 38 of the *Transport Planning and Coordination Act 1994*.

### Policy objectives and the reasons for them

*Exclusion of parking and no stopping sign contraventions from the demerit point schedule*

The first policy objective of the *Transport Legislation Amendment Regulation (No. 2) 2024* (the Amendment Regulation) is to exclude parking and no stopping sign contraventions from the schedule of demerit point offences in the *Transport Operations (Road Use Management – Driver Licensing) Regulation 2021* (the Driver Licensing Regulation). The application of demerit points is not viewed as an appropriate sanction for these minor offences, particularly given they are also subject to penalties (fines). In practice, demerit points are not applied for these contraventions and there is a community expectation that this will remain the case.

*Alignment with the Australian Road Rules*

The second policy objective is to align the *Transport Operations (Road Use Management—Road Rules) Regulation 2009* (the Queensland Road Rules) with recent amendments to the Australian Road Rules, to enhance road safety and achieve greater clarity and consistency with other Australian jurisdictions.

The Australian Road Rules are designed to provide uniform road rules as the basis of the road rules for each Australian state and territory. They were first approved in 1999 by the former Australian Transport Council (now the Infrastructure and Transport Ministers' Meetings), consisting of the ministers responsible for road traffic matters in each state and territory and the Federal Minister responsible for transport. The Australian Road Rules are reviewed every two years to ensure they remain contemporary.

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Recent amendments to the Australian Road Rules included:

- Correcting images depicting painted traffic islands.
- Exempting cyclists from the requirement to keep to the far left when they are approaching entering or riding in a single-lane roundabout.
- Removal of gendered language.
- Expanding the application of B light (bus traffic light) rules to bus only lanes (currently applicable to bus lane).
- Clarifying what ‘properly adjusted and fastened’ means for lap, and lap and sash seatbelts.

As a participating jurisdiction, Queensland’s associated legislation, the Queensland Road Rules, is generally consistent with the Australian Road Rules. As such, amendments to the Queensland Road Rules are intended to reflect the most recent amendments to the Australian Road Rules.

#### *Exception from keeping left of a dividing line for long vehicles*

The third policy objective is to provide an exception from the requirement to keep left of a dividing line for long vehicles in certain situations. This is necessary due to the impracticalities of navigating long vehicles on narrow roads, particularly when turning left and navigating engineered bends in a road.

#### *Minor corrections and clarifications*

The fourth policy objective is to make minor corrections and clarifications to the Queensland Road Rules for enhanced consistency and clarity and to better reflect the intent.

#### *Prescribing additional digital authorities*

The fifth policy objective is to prescribe additional authority types as digital authorities under the *Transport Planning and Coordination Regulation 2017* (the TPC Regulation), so that they may be legally recognised when produced in the approved app.

Part 4E of the *Transport Planning and Coordination Act 1994* (the TPC Act) provides for the legal recognition and use of ‘digital authorities’. Under Part 4E, A **digital authority** means a relevant authority that is encoded in a digital form and is able to be displayed on a digital device using the approved app (section 29AC). A **relevant authority** means an authority issued under a relevant Act prescribed by a regulation as a relevant authority and a **relevant Act** means an Act prescribed by regulation (section 29AB).

The TPC Regulation prescribes both relevant Acts (section 11B) and relevant authorities (section 11C). Currently, Queensland driver licences, marine licences and photo identification cards are recognised as digital authorities and the Queensland Digital Licence app is the approved app for their storage and display.

Funding of \$10 million over two years from 2023-24 has been committed to turn the Queensland Digital Licence app into a whole-of-government Digital Wallet. Work has commenced to digitise and add to the wallet a range of industry authorities issued by the Department of transport and Main Roads (TMR), building and construction industry licences issued by the Queensland Building and Construction Commission, and real estate agent licences issued by the Department of Justice and Attorney-General. These authorities must be prescribed in the TPC Regulation before they can be accepted as a valid digital authority.

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## Achievement of policy objectives

### *Exclusion of parking and no stopping sign contraventions from the demerit point schedule*

The Amendment Regulation achieves its first policy objective by amending Schedule 5 of the Driver Licensing Regulation so that demerit points for disobeying an official traffic sign do not apply if the sign is a parking control sign<sup>1</sup> as defined under Schedule 5 of the Queensland Road Rules or another type of official traffic sign that gives an indication about the parking of vehicles. This aligns the legislation with community expectations, existing enforcement practice and system functionality.

### *Alignment with the Australian Road Rules*

The Amendment Regulation achieves its second policy objective by the Queensland Road Rules as outlined below.

- Correcting images depicting painted islands at section 85 achieves the objective of consistency with national model legislation. The Amendment Regulation replaces images that show the border of the island as a dashed line with images that show the border of the island as a continuous line. This aligns with engineering practice and reflects the actual appearance of painted islands.
- The Amendment Regulation amends section 129, which exempts bicycle and personal mobility device (PMD) riders from keeping to the far left when entering and riding in a single-lane roundabout, to include approaching the roundabout. This achieves the objective of enhanced road safety, while improving consistency with national model legislation. PMD riders are included in this exemption because, since November 2022, PMDs have been defined as vehicles in the Queensland Road Rules. PMD riders are not included in the corresponding provision in the Australian Road Rules, under which they are treated as pedestrians.
- Removing gendered language from section 266 achieves the objective of consistency with national model legislation.
- Amending section 280 to expand the application of B light (bus traffic light) rules to bus only lanes (currently applicable to bus lanes) achieves the objective of consistency with national model legislation, clarifies the policy intent of the provisions, and reflects the existing use and application of B lights in both bus lanes and bus only lanes.
- Insertion of new section 267B clarifies when an approved seatbelt is properly adjusted and fastened. It does not apply to approved child safety harnesses, or seatbelts, harnesses or restraints that are part of approved child restraints. This new section aligns as closely as possible with the Australian Road Rules. It supports the efficient enforcement and communication of the obligation to wear a properly adjusted and fastened approved seatbelt, and it addresses risks to compliance and enforcement that may arise from inconsistent interpretation and understanding of the obligation.

### *Exception from keeping left of a dividing line for long vehicles*

The Amendment Regulation achieves its third objective by inserting an exception to the requirement to keep left of a dividing line. The exception applies to drivers of long vehicles either turning left from a single lane of a two-way road or driving on a road that has a bend, for example, a bend designed for traffic calming. The exception only applies if:

- it is not practicable for the driver to drive to the left of the dividing line because of the width or condition of the road or the bend; and

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<sup>1</sup> The definition of *parking control sign* includes no stopping signs, no parking signs and particular permissive parking signs.

- the driver can safely drive to the right of it.

The provision defines a **long vehicle** as a vehicle that, together with any load or projection, is 7.5m long, or longer.

#### *Minor corrections and clarifications*

The Amendment Regulation achieves its fourth objective of enhanced consistency and clarity by making minor corrections and clarifications to the Queensland Road Rules.

- Replacing the outdated terminology ‘pedalec’ with ‘electrically power-assisted cycle (EPAC)’, aligns with changes in terminology in the Commonwealth vehicle standards to which it refers, and to the Australian Road Rules.
- Correcting a reversed image of a PMD speed limit sign in Schedule 3 of the Queensland Road Rules, achieves consistency with the PMD icon used on other signage, and removes the potential for confusion.
- Amending the definition of ‘approved seatbelt’ to clarify its relationship to the seatbelt standard for heavy vehicles addresses a disconnect in referencing caused by light vehicle and heavy vehicle standards being in different statutory instruments.

#### *Prescribing additional digital authorities*

The Amendment Regulation achieves its fifth policy objective by amending sections 11B and 11C of the TPC Regulation to prescribe additional relevant Acts and relevant authorities. This ensures they are recognised as digital authorities under Part 4E of the TPC Act.

The new digital authorities being prescribed are:

- A building certifier licence or pool safety inspector licence under the *Building Act 1975*.
- A plumbers licence or drainers licence, including a provisional or restricted licence, under the *Plumbing and Drainage Act 2018*.
- A licence or registration certificate under the *Property Occupations Act 2014*—a ‘licence’ means an auctioneer licence, real estate agent licence, or real estate letting agent licence; and a ‘registration certificate’ means a certificate of registration as a real estate salesperson.
- A licence under the *Queensland Building and Construction Commission Act 1991*—a ‘licence’ means a contractor’s licence, nominee supervisor’s licence, site supervisor’s licence, fire protection occupational licence, or mechanical services occupational licence.
- A driver accreditation or assistant accreditation under the *Tow Truck Act 2023*.
- A driver authorisation under the *Transport Operations (Passenger Transport) Act 1994*.
- An accreditation as a driver trainer, rider trainer, pilot vehicle driver, escort vehicle driver, or traffic controller under the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015*.
- A dangerous goods driver licence under the *Transport Operations (Road Use Management—Dangerous Goods) Regulation 2018*.

## **Consistency with policy objectives of authorising laws**

The Amendment Regulation is consistent with the policy objectives of the *Transport Operations (Road Use Management) Act 1995* to:

- Provide for the effective and efficient management of road use in the State.
  - Provide a scheme for managing the use of the State’s roads that will improve road safety
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and the environmental impact of road use in ways that contribute to overall transport effectiveness and efficiency.

The Amendment Regulation is consistent with the policy objective of the *Transport Planning and Coordination Act 1994* to improve the economic, trade and regional development performance of Queensland, and the quality of life of Queenslanders.

## **Inconsistency with policy objectives of other legislation**

The Amendment Regulation is not inconsistent with the policy objectives of other legislation.

## **Alternative ways of achieving policy objectives**

There are no alternative ways of achieving the policy objectives other than regulatory amendments.

## **Benefits and costs of implementation**

### *Exclusion of parking and no stopping sign offences from the demerit point schedule*

There are no costs associated with excluding parking and no stopping sign offences from the demerit point schedule. The amendment aligns the legislation with community expectations and current and historical enforcement practice.

### *Alignment with the Australian Road Rules*

The benefits of amending the Queensland Road Rules to adopt recent amendments to the Australian Road Rules include:

- Safety enhancements for bicycle and PMD riders at single-lane roundabouts.
- Gender inclusive language.
- Clarity around seatbelt wearing obligations for obligated persons and for enforcement and adjudication processes.
- Clarity around the applicability of B light rules.
- More accurate images of painted islands.

There are no costs associated with these minor changes.

### *Exception from keeping left of a dividing line for long vehicles*

The benefit of the new exception from the keeping left of a dividing line requirement, is that drivers of long vehicles will not be exposed to penalties for situations where it is impractical, impossible or unsafe for them to keep left of a dividing line. There are no costs associated with this change.

### *Minor corrections and clarifications*

The benefits of the minor corrections and clarifications in the Amendment Regulation are improved clarity for both obligation holders and enforcement responders. There are no costs associated with these minor changes.

### *Prescribing additional digital authorities*

The Queensland Digital Licence app is designed to provide a quick, convenient, and secure way for Queenslanders to prove their identity. The Amendment Regulation builds on this by giving holders of certain industry authorities a convenient way of proving their credentials, without having to carry a physical card.

The regulatory impact is expected to be negligible. Similar to Queensland driver licences, physical licences will continue to be issued and holders can have both a physical and digital authority. Anyone who cannot, or chooses not to, go digital, can continue to carry and display their physical licence rather than using the app.

The costs of digitising industry authorities will be met from the allocated funding of \$10 million for the Whole-of-Government Digital Wallet transformation. There may be some minor costs to communicate the changes to industry, which will be met from existing budget allocations.

## **Consistency with fundamental legislative principles**

The Amendment Regulation is consistent with the fundamental legislative principles as required under the *Legislative Standards Act 1992*.

## **Consultation**

TMR consulted with the Royal Automobile Club of Queensland, the Local Government Association of Queensland, and the Queensland Law Society in relation to:

- Exclusion of parking and no stopping sign offences from the demerit point schedule.
- Alignment with the Australian Road Rules.
- Exception from keeping left of a dividing line for long vehicles.
- Minor corrections and clarifications.

TMR consulted with the Queensland Bus Industry Council, Queensland Trucking Association and Bicycle Industries Australia in relation to:

- Alignment with the Australian Road Rules.
- Exception from keeping left of a dividing line for long vehicles.
- Minor corrections and clarifications.

TMR consulted with the Livestock and Rural Transporters Association of Queensland in relation to:

- Exception from keeping left of a dividing line for long vehicles.
- Minor corrections and clarifications.

Stakeholders were either supportive or had no comments on the proposed changes.

No external consultation was undertaken in relation to prescribing additional authority types to be recognised as digital authorities. The changes are beneficial as they give the holder of a relevant authority the option of storing the authority digitally if preferred. The Queensland Digital Licence app is entirely voluntary. Physical licences will continue to be issued to holders who cannot use, or prefer not to use, the app.

In accordance with *The Queensland Government Better Regulation Policy*, summary Impact Analysis Statements (IAS) have been prepared. The IASs found, in summary, that the amendments did not create significant regulatory impacts for the community or the government.

All amendments are exempt from further regulatory impact analysis because they are either deregulatory, minor or machinery in nature, or assessed as having impacts that are not significant.

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