

Impact Analysis Statement

Summary IAS

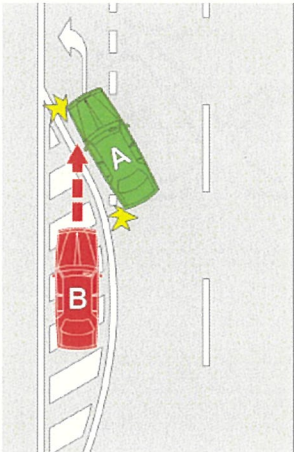
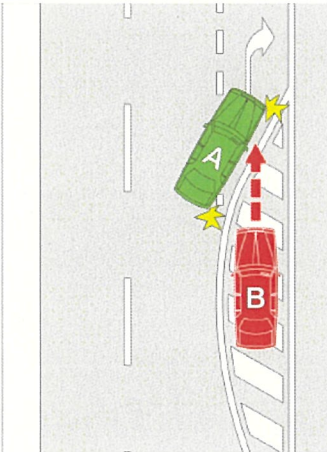
Details

Lead department	Department of Transport and Main Roads
Name of the proposal	<p>Amendments to the <i>Transport Operations (Road Use Management—Road Rules) Regulation 2009</i> (Queensland Road Rules) for the following:</p> <ol style="list-style-type: none"> 1. Section 85 – image correction (painted island) 2. Section 129 – rider approaching roundabout 3. Insertion of a new section 134A – exception to requirement to keep left of dividing line 4. Section 266(2B)(c)(ii) – gender neutral language 5. Insertion of new section 267B – definition of ‘properly adjusted and fastened’ for approved seatbelt 6. Section 280 – Application of B light (bus traffic light) provisions 7. Section 353B – pedalec definition replacement (consequential amendment) 8. Schedule 3 – image correction (personal mobility device speed limit sign) 9. Schedule 5 – approved seatbelt definition to refer to relevant standards <p>Amendment to the <i>Transport Operations (Road Use Management—Driver Licensing) Regulation 2021</i> (Driver Licensing Regulation) for the following:</p> <ol style="list-style-type: none"> 10. Schedule 5 – demerit points not to apply for contravening parking or no stopping sign
Submission type	Summary IAS
Title of related legislative or regulatory instrument	<p><i>Transport Operations (Road Use Management—Road Rules) Regulation 2009</i></p> <p><i>Transport Operations (Road Use Management—Driver Licensing) Regulation 2021</i></p>
Date of issue	September 2024

	Background
Items 1, 2, 4, 5 and 6	<p>The Australian Road Rules (ARR) provide uniform road rules throughout Australia. They form the basis of the road rules for each Australian state and territory.</p> <p>In Queensland, the ARR are adopted into law via the Queensland Road Rules (QRR). The QRR is mostly consistent with the ARR, except for some limited local variances.</p> <p>The National Transport Commission (NTC) conduct biannual reviews of the ARR to ensure they achieve road safety, remain contemporary, incorporate policy changes, and address stakeholder feedback. Queensland has adopted the 13 previous ARR amendment packages.</p> <p>The ARR 14th amendment package was developed by the NTC, endorsed by all Australian transport agencies, and approved by the Infrastructure and Transport Ministers Meeting in</p>

	<p>June 2023. The NTC conducted public consultation on the ARR 14th amendment package and no major issues were raised.</p> <p>The majority of the ARR 14th package is being adopted into the QRR to maintain national consistency.</p>
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Proposal type	Details
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<p>Minor and machinery</p>	<p>1. Amendment of section 85 of the QRR - image correction (painted island)</p> <p><i>The proposal is minor and machinery in nature, accounting for minor changes in practice and does not result in a substantive change to regulatory policy or new impacts on business, government or the community so regulatory impact analysis is not required under the Better Regulation Policy.</i></p> <p>This amendment will incorporate new diagrams of painted islands that show the border of the island as a continuous line (previously a broken line) to align with engineering practice.</p> <p style="text-align: center;"><i>Examples—</i></p> <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="text-align: center;">  <p>Example 1</p> <p>Driver entering a turning lane from a painted island giving way to a vehicle entering the turning lane from the marked lane immediately to the right of the turning lane</p> </div> <div style="text-align: center;">  <p>Example 2</p> <p>Driver entering a turning lane from a painted island giving way to a vehicle entering the turning lane from the marked lane immediately to the left of the turning lane</p> </div> </div> <p>In the examples, vehicle B must give way to vehicle A.</p>
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Proposal type	Details
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<p>Minor and machinery</p>	<p>2. Amendment of section 129 of the QRR – rider approaching roundabout</p> <p><i>The proposal is minor and machinery in nature, accounting for minor changes in practice and does not result in a substantive change to regulatory policy or new impacts on business, government or the community so regulatory impact analysis is not required under the Better Regulation Policy.</i></p> <p>Section 129 of the QRR currently exempts bicycle and personal mobility device (PMD) riders from keeping to the far left when entering and riding in a single-lane roundabout. This amendment extends that exemption to riders approaching a single-lane roundabout. This provides for maximum rider safety by ensuring riders are able to ‘take the lane’ and prevent other drivers from attempting to overtake in an unsafe manner.</p>
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Proposal type	Details
<p>Minor and machinery</p>	<p>3. Insertion of a new section 134A of the QRR – exception to requirement to keep left of a dividing line</p> <p><i>The proposal is minor and machinery in nature, accounting for minor changes in practice and does not result in a substantive change to regulatory policy or new impacts on business, government or the community so regulatory impact analysis is not required under the Better Regulation Policy.</i></p> <p>Section 132 of the QRR requires that a driver must keep to the left of the centre of a road or the dividing line, and exceptions to this requirement are set out in sections 133 and 134. For roads without a dividing line, section 133 allows drivers to drive to the right of the centre of the road if it is impracticable to keep to the left and the driver can do so safely. A similar exemption is not afforded under section 134 for roads with a single dividing line.</p> <p>Long vehicles such as buses, garbage trucks and removalist vehicles often need more space to negotiate turns and engineered bends in the roadway. This exposes drivers of long vehicles to potential penalisation if they are detected contravening section 132, regardless of whether the contravention is necessary.</p> <p>Under section 28(2) of the QRR, drivers of long vehicles (7.5m long or longer) turning left at an intersection from a multi-lane road may approach and enter the intersection from the next marked lane if it is not practicable to navigate the turn from within the left lane. An equivalent exemption is not applicable to drivers of long vehicles navigating turns or bends on roads where it is similarly impractical to navigate the road otherwise.</p> <p>Given that there is a specific application to drivers of long vehicles, a new section is proposed. An insertion of a new section 134A will provide that, despite section 132, the driver of a long vehicle may momentarily cross the dividing line if the driver is turning left from a single lane of a two-way road or navigating a road that has a bend, for example, a bend designed for traffic calming. This would apply only in situations where it is safe to do so, and drivers would need to exercise judgement when determining that there is no other option available to safely manoeuvre the vehicle along the road. A definition for 'long vehicle' in section 134A is also provided for.</p>
Proposal type	Details
<p>Minor and machinery</p>	<p>4. Amendment of section 266(2B)(c)(ii) of the QRR – gender neutral language</p> <p><i>The proposal is minor and machinery in nature relating to updates to current drafting practice and does not result in a substantive change to regulatory policy or new impacts on business, government or the community.</i></p> <p>This amendment will ensure the QRR stays contemporary by using gender-neutral language.</p>
Proposal type	Details
<p>No RIA is required</p>	<p>5. Insertion of new section 267B in the QRR – definition of 'properly adjusted and fastened' for approved seatbelt</p> <p><i>The proposal relates to minor changes in practice and does not result in a substantive change to regulatory policy or new impacts on business, government or the community so regulatory impact analysis is not required under the Better Regulation Policy.</i></p> <p>New section 267B of the QRR will clarify when an approved seatbelt is properly adjusted and fastened, as detailed below. This is intended to ensure vehicle occupants understand the obligation and to support efficient enforcement.</p> <p>a. For a lap and sash type approved seatbelt—</p> <p>i. the seatbelt must be secured in the buckle; and</p>

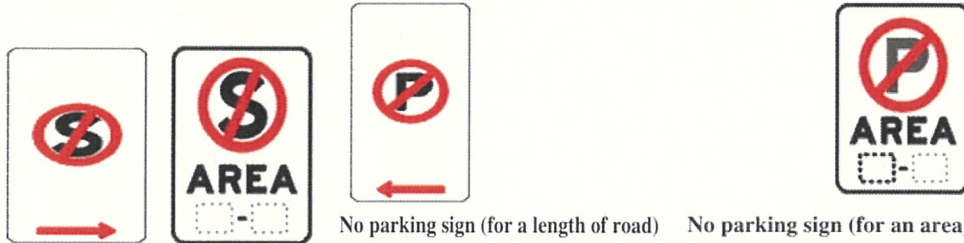
	<ul style="list-style-type: none"> ii. the lap portion of the seatbelt must pass firmly across the person's pelvic area; and iii. the sash portion of the seatbelt must pass firmly and diagonally across the person's chest from the buckle to over the person's shoulder furthest from the secured buckle. <p>b. For a lap type approved seatbelt—</p> <ul style="list-style-type: none"> i. the seatbelt must be secured in the buckle; and ii. the lap portion of the seatbelt must pass firmly across the person's pelvic area. <p>This new section will not apply to approved child safety harnesses, or seatbelts, harnesses or restraints that are part of approved child restraints.</p>
Proposal type	Details
<p>No RIA is required</p>	<p>6. Amendment of section 280 of the QRR – Application of B light (bus traffic light) provisions</p> <p><i>The proposal is minor and machinery in nature, accounting for minor changes in practice and does not result in a substantive change to regulatory policy or new impacts on business, government or the community so regulatory impact analysis is not required under the Better Regulation Policy.</i></p> <p>Amending section 280 will expand the application of B lights (bus traffic lights) to bus only lanes (currently applicable in to bus lanes), to apply to all drivers driving in bus lanes and bus only lanes who are permitted to drive in these lanes (for example under sections 154, 154A and 158) of the QRR. This clarifies the intent of the provisions and reflects the existing use and application of B lights in both bus lanes and bus only lanes.</p>
Proposal type	Details
<p>Minor and Machinery</p>	<p>7. Amendment of section 353B of the QRR – pedalec definition replacement (consequential amendment)</p> <p><i>The proposal is minor and machinery in nature being a consequential amendment with no regulatory or policy change.</i></p> <p>Section 353B of the QRR currently defines a power-assisted bicycle with reference to a 'pedalec'. Section 353B(4) provides that 'pedalec' has the meaning given by the <i>Vehicle Standard (Australian Design Rule—Definitions and Vehicle Categories) 2005 (Cwlth)</i> (the ADR¹).</p> <p>In 2021 (<i>ADR amendment 11</i>), the definition of 'pedalec' was removed from the ADR and was replaced with a definition for 'electrically power-assisted cycle (EPAC)'. Subsequently, the ARR also replaced the term 'pedalec' with the term 'electrically power-assisted cycle' (EPAC), pointing to the definition given in the ADR. EPAC is also defined in the <i>Road Vehicle Standards (Classes of Vehicles that are not Road Vehicles) Determination 2021 (Cwlth)</i> (the Determination), made under the <i>Road Vehicle Standards Act 2018 (Cwlth)</i>. The Determination's definition reflects the ADR definition.</p> <p>The use of the term 'pedalec' in the QRR is inconsistent with the ARR and with other Australian states that have adopted the newer terminology. It also points to the ADR for a definition that no longer exists.</p> <p>An amendment is needed to amend the definition for power-assisted bicycle under section 353B and replace the term 'pedalec' with 'electrically power-assisted cycle'. Aligning the definition with current Commonwealth legislation will have no regulatory impact as the definitions are functionally identical.</p>

¹ The ADR was originally made under section 7 of the *Motor Vehicle Standards Act 1989* and from 1 July 2021 continues in force as if it were a national road vehicle standard determined under section 12 of the *Road Vehicle Standards Act 2018* (see Schedule 3, Part 2, item 2 of the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018*).

Proposal type	Details
<p>Minor and machinery</p>	<p>8. Amendment of Schedule 3 of the QRR – image correction (personal mobility device speed limit sign)</p> <p><i>The proposal is minor and machinery in nature relating to the correction of an icon and does not result in a substantive change to regulatory policy or new impacts on business, government or the community.</i></p> <p>To support the introduction of amendments to Personal Mobility Device (PMD) rules in November 2022, uniform PMD icons and signage were developed to signal to riders where and how to obey the rules in public spaces. An inverted (horizontally-reversed) representation of the PMD speed limit sign appears in Schedule 3 of the QRR (see depiction below – supplementary plate beneath the main sign). It is inconsistent with the PMD icon used on other signage under the QRR such as, for example, section 24B. This inconsistency creates the potential for confusion.</p> <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="text-align: center;"> <p>Personal mobility device speed limit sign</p> <p>(section 24B)</p>  </div> <div style="text-align: center;"> <p>Section 24B</p>  <p>End personal mobility device speed limit sign</p> </div> </div> <p>As such, an amendment to Schedule 3 of the QRR is required to replace the inverted supplementary plate version of the 'personal mobility device speed limit sign' with the correct PMD icon. The amendment will ensure that the signage is consistent with all other PMD signage in the QRR.</p>
Proposal type	Details
<p>No RIA is required</p>	<p>9. Amendment of Schedule 5 of the QRR – approved seatbelt definition to refer to relevant standards</p> <p><i>The proposal relates to minor changes in practice and does not result in a substantive change to regulatory policy or new impacts on business, government or the community so regulatory impact analysis is not required under the Better Regulation Policy.</i></p> <p>The definition of an 'approved seatbelt' contained in Schedule 5 of the QRR is required to be amended so that it references the relevant standards for both light vehicles and heavy vehicles. Specifically, the amendment will clarify the connection to the <i>Heavy Vehicle (Vehicle Standards) National Regulation</i> for heavy vehicles. This will achieve the intent that seatbelt laws apply to both light vehicles and heavy vehicles in accordance with the relevant standards.</p> <p>The amendment will not add any regulatory burden and will instead ensure that the existing legislation is not enforced contrary to its intent.</p>
Proposal type	Details
<p>No RIA is required</p>	<p>10. Amendment of Schedule 5 of the Driver Licensing Regulation – demerit points not to apply for contravening parking or no stopping sign</p> <p><i>The proposal is de-regulatory and does not increase costs or regulatory burden on business, government or the community so regulatory impact analysis is not required under the Better Regulation Policy.</i></p>

Schedule 5 section 13 of the Driver Licensing Regulation prescribes, a three (3) demerit point offence, against section 74(1) of *Transport Operations (Road Use Management) Act 1995* (the TORUM Act), that involves contravening an indication given by an official traffic sign installed under section 71(1) of the TORUM Act.

An official traffic sign can be installed under section 71(1) of the TORUM Act and includes parking and no stopping signs (see examples below). For instance, to prevent vehicles from stopping near a pedestrian crossing, bus stop or driveway.



No parking sign (for a length of road) No parking sign (for an area)

There is a community expectation that demerit points will not be applied for contravening parking and no stopping signs. The application of demerit points is not viewed as an appropriate sanction for these minor offences, particularly given there are applicable penalties (fines) associated with the offence.

In practice, demerit points are not, and have not historically been, applied for contravention of official traffic signs related to parking and no stopping. To ensure drivers are not penalised incorrectly for parking offences, TMR has already operationalised this by not applying demerit points in the system.

Amendments are required to Schedule 5, item 13 of the Driver Licensing Regulation to clarify that demerit points do not apply to drivers who contravene an official traffic sign installed under section 71 of the TORUM Act that is:

- a parking control sign as defined under the Queensland Road Rules, schedule 5—
 - a bicycle parking sign;
 - a bus zone sign;
 - a clearway sign;
 - a loading zone sign;
 - a mail zone sign;
 - a motorbike parking sign;
 - a no parking sign;
 - a no stopping sign;
 - a people with disabilities parking sign;
 - a permissive parking sign;
 - a permit zone sign;
 - a taxi zone sign;
 - a truck zone sign;
 - a works zone sign; or
- another type of official traffic sign that gives an indication about the parking of vehicles.

Signed/Approved

Sally Stannard
 Director-General
 Department of Transport and Main Roads
 26 / 8 / 2024

Bart Mellish MP
 Minister for Transport and Main Roads
 Minister for Digital Services
 2 / 9 / 2024