



Queensland

Transport and Other Legislation Amendment Regulation (No. 1) 2011

Explanatory Notes for SL 2011 No. 3

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. 1) 2011.

Authorising law

Section 165 of the *State Penalties Enforcement Act 1999* and sections 146, 150 and 171 of the *Transport Operations (Road Use Management) Act 1995*.

Policy objectives and the reasons for them

Increasing the penalties for a driver who disobeys a clearance sign

Currently, it is an offence under the Queensland Road Rules for the driver of an over-height vehicle to drive past a clearance sign. Despite there being an existing offence to deter drivers from striking infrastructure, such incidents continue to occur. These incidents can cause significant disruption to commuters and, in the case of rail bridges, rail lines can be closed for several hours. The purpose of this amendment is to enhance the

deterrent effect of the existing offence and thereby reduce the number of infrastructure strikes.

Overhead lane control devices

The Queensland Road Rules makes provision for the use of overhead lane control devices on roads. The amendments enhance the efficiency and safety of the current lane use management system. This will allow the Brisbane Metropolitan Transport Management Centre, police and emergency services to respond more effectively to traffic events on the road and provide drivers real-time information to safely navigate through an incident or roadworks site.

Achievement of policy objectives

Increasing the penalties for a driver who disobeys a clearance sign

The amendment will achieve the policy objective of an enhanced deterrent effect by increasing the maximum penalty for the offence from \$2 000 to \$4 000, the infringement notice fine from \$100 to \$400 and the number of demerit points from three to four.

Overhead lane control devices

The policy objective will be achieved by allowing illuminated speed limit signs displayed overhead to indicate that certain lanes are open to traffic and by providing that the placement of a *lane control ends* sign on the side of a road will mean that the overhead lane control device ceases to indicate which lanes are open to traffic.

Consistency with policy objectives of authorising law

The amendments are consistent with the main objectives of the *State Penalties Enforcement Act 1999* and *Transport Operations (Road Use Management) Act 1995*.

Alternative ways of achieving policy objectives

Increasing the penalties for a driver who disobeys a clearance sign

While existing penalties could be retained, they are not having a sufficient deterrent effect on the operation of over-height vehicles.

This amendment will work in conjunction with other approaches, including the—

- installation of height gauges at the most frequently hit rail bridges;
- trial of new technologies to warn drivers about low rail bridges; and
- targeted education on the risks of over-height vehicles disobeying clearance signs.

Overhead lane control devices

The amendment is the only effective means of ensuring a speed limit displayed overhead can indicate that a lane is open to traffic.

Benefits and costs of implementation

Increasing the penalties for a driver who disobeys a clearance sign

The key benefit of implementing this amendment is to reduce the number of incidents of over-height vehicles hitting infrastructure, thereby minimising the disruption to commuters. There are no additional costs associated with this amendment.

Overhead lane control devices

This amendment will provide for more efficient and safer roads. There are no additional costs for implementing this amendment.

Consistency with fundamental legislative principles

Increasing the penalties for a driver who disobeys a clearance sign

The proposed amendment will increase the maximum penalty for the offence in the Queensland Road Rules from 20 to 40 penalty units. The higher penalty is justified by the significant disruption and considerable damage that can result from an over-height vehicle failing to comply with a clearance sign. Section 171(2) of the *Transport Operations (Road Use Management) Act 1995* specifically authorises the making of regulations that prescribe offences and fix a maximum penalty of not more than 80 penalty units for a contravention.

Overhead lane control devices

The amendments are consistent with the fundamental legislative principles.

Consultation

Increasing the penalties for a driver who disobeys a clearance sign

The Transport Workers Union and the Queensland Trucking Association were consulted and neither organisation opposes the amendments.

Relevant government departments were also consulted and support the amendments.

Overhead lane control devices

The RACQ and relevant government departments were consulted and support the amendments.

Notes on Provisions

Part 1 Preliminary

Short Title

Clause 1 provides the short title of the regulation.

Commencement

Clause 2 provides that parts 2 and 4 and section 6 commence on 31 March 2011.

Part 2 **Amendment of Transport Operations (Road Use Management—Driver Licensing) Regulation 2010**

Regulation amended

Clause 3 specifies that part 2 amends the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*.

Amendment of sch 3 (Demerit Points)

Clause 4(1) inserts a new section 3A (Disobeying clearance sign or low clearance sign) which has the effect that a driver who commits the offence of disobeying a clearance sign under section 102(1) of the Queensland Road Rules will accrue four demerit points.

Clause 4(2) omits the reference to section 102(1) of the Queensland Road Rules under the section which deals with three demerit point offences.

Part 3 **Amendment of Transport Operations (Road Use Management—Road Rules) Regulation 2009**

Regulation amended

Clause 5 specifies that part 3 amends the *Transport Operations (Road Use Management—Road Rules) Regulation 2009*.

Amendment of s 102 (Clearance and low clearance signs)

Clause 6 increases the maximum penalty for a driver who commits an offence under section 102(1) of the Queensland Road Rules from 20 to 40 penalty units.

Amendment of s 152 (Complying with overhead lane control device)

Clause 7 inserts two new subsections.

New subsection 152(5) allows for speed limit signs on an overhead lane control device to indicate that certain lanes are open to traffic.

New subsection 152(6) provides that the placement of a *lane control ends* sign on the side of a road will mean that the overhead lane control device ceases to indicate which lanes are open to traffic. Once a driver passes a *lane control ends* sign, they will be free to drive in any appropriate lane. The effect of any electronic speed limit sign will continue to apply until the next speed limit sign.

Amendment of sch 3 (Other permitted traffic signs)

Clause 8 inserts a diagram for the *lane control ends* sign.

Amendment of sch 5 (Dictionary)

Clause 9 extends the definition of ‘overhead lane control signal’ to include a speed limit sign (variable illuminated message sign).

Part 4 Amendment of State Penalties Enforcement Regulation 2000

Regulation amended

Clause 10 specifies that part 4 amends the *State Penalties Enforcement Regulation 2000*.

Amendment of sch 3 (Transport legislation)

Clause 11 increases the infringement notice fine for the offence under section 102(1) of the Queensland Road Rules from one to four penalty units.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Transport and Main Roads.

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