



Queensland

Transport Legislation Amendment Regulation (No. 3) 2012

Explanatory Notes for SL 2012 No. 250

made under the

Transport Operations (Road Use Management) Act 1995

General outline

Short title

Transport Legislation Amendment Regulation (No. 3) 2012.

Authorising law

Section 171 of the *Transport Operations (Road Use Management) Act 1995*.

Policy objectives and the reasons for them

The amendment regulation allows power-assisted bicycles meeting European Standard EN15194 to be used in Queensland. The regulation also makes some minor amendments to enhance the operation of existing provisions.

Achievement of policy objectives

The regulation deals with the following matters.

Allow the use of pedalecs in Queensland

The regulation amends the *Queensland Road Rules* to specify that “pedalecs” can be used in Queensland. Pedalecs are power-assisted bicycles meeting European Standard EN15194 with power output up to 250 watts. This is 50 watts greater than the current 200 watt limit, however pedalecs contain stringent safety features such as a cut-out in power assistance once the vehicle reaches 25km/h and a requirement for the rider to pedal to access the power.

Pedalecs are increasingly being used in Europe and Japan and the European Standard is becoming the de facto standard for these vehicles. The cycling industry and bicycle user groups are supportive of allowing pedalecs to be used in Queensland. The amendments will ensure that cyclists who want to ride power-assisted bicycles will have a greater range of bicycles to choose from including the more modern, European Standard bicycles. Pedalecs may also make cycling a more feasible option for many people, particularly those who may not be able to easily pedal a non-powered bicycle, such as seniors or those with disabilities. Those needing to make longer journeys or who live in hilly areas will also benefit.

The amendments are consequential on amendments to the definition of “bicycle” in the *Transport Operations (Road Use Management) Act 1995* which were made in the *Gold Coast Waterways Authority Act 2012*. The regulation also includes a consequential amendment to the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010* to provide that pedalecs do not need to meet normal vehicle standards, as they will instead be required to comply with the European Standard.

The regulation will provide that other types of power-assisted bicycles which were previously allowed or prohibited in Queensland through the definition of “bicycle” will also now be dealt with in the *Queensland Road Rules*. Power-assisted bicycles with electric motors with maximum power output up to 200 watts are allowed and bicycles with internal combustion engines are prohibited.

Driver licence testing exemptions

All Australian driver licensing authorities currently recognise the licensing regimes of certain countries and exempt their licence holders from undertaking road rules and practical driving tests when applying for a car or motorbike licence in Australia. The Association of Australian and New Zealand Road Transport and Traffic Authorities (Austroads) assesses the

applications of countries seeking Australian recognition of their licences. The criteria for assessing applications have recently been reviewed and a new tier of recognised countries has been created.

The regulation amends the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010* to provide for the new tier of countries whose licence testing standards meet stringent criteria relating to evidence of identity, security features of the licence, and licence examiner training and assessment standards but do not meet all of the licence testing requirements. The new tier of countries recognises a person's driving experience and age as a substitute for licensing measures aimed at novice drivers. As a result, only drivers aged 25 or over will be eligible for the exemption from undertaking road rules and practical driving tests.

The new tier of countries will initially consist of the Republic of Korea, Taiwan, Hong Kong, Estonia and the Czech Republic.

Emergency services exemption for fatigue management

Under the *Transport Operations (Road Use Management—Fatigue Management) Regulation 2008*, drivers of heavy vehicles over 12 tonnes and certain buses are subject to work and rest hour requirements and a requirement to maintain a work diary. Emergency service personnel are exempt from those requirements while *driving to or attending* an emergency. This includes ambulance, fire, police and disaster management officers and other persons approved by the chief executive to carry out duties during an emergency.

As a result of discussions with the Queensland Fire and Rescue Service, it is proposed to extend the current exemption for emergency service personnel to provide that they do not need to maintain a work diary when *returning from* an emergency. They will, however, remain subject to work and rest hour requirements.

Speed and redlight cameras

Schedule 10 of the *Traffic Regulation 1962* lists the model numbers of photographic detection devices approved for use in Queensland as speed camera systems and redlight camera systems. Those model numbers appear, with a range of other data (e.g. vehicle speed, time, date) on images captured by the devices. Under section 120(4) of the *Transport Operations (Road Use Management) Act 1995*, markings or writing made by a photographic detection device on an image are an evidentiary aid and have

the meaning given to them by a regulation. The Traffic Regulation provides that where an image shows the word ‘model’ followed by writing, the writing indicates the model of the system used to take the image.

On occasion, however, camera manufacturers will, in addition to the writing that identifies the model, include additional characters or markings that identify some component of the system. This may be, for example, to indicate the trigger mechanism that activates the system. For example, adding “-p” after the model number would indicate that the device was triggered by a parabolic antenna. The amendment will clarify that these additional characters or markings do not affect the determination of whether the camera system is an approved photographic detection device.

Consistency with policy objectives of authorising law

The amendments made to regulations under the *Transport Operations (Road Use Management) Act 1995* are consistent with the policy objectives in section 3 of that Act which include providing for the effective and efficient management of road use in the State and improving road safety.

Benefits and costs of implementation

The costs of implementing the amendments will be met from existing budget allocations. The amending regulation reduces red tape and provides for administrative efficiency as outlined below.

Driver licence testing exemptions

The amendments will provide that driver licence holders aged 25 or over from the Republic of Korea, Taiwan, Hong Kong, Estonia and the Czech Republic will no longer be required to undertake road rules or practical driving tests before obtaining a Queensland driver licence. This will streamline processes in customer service centres by reducing unnecessary licence testing procedures for experienced drivers from countries that have been independently assessed by Austroads.

It will also ensure that foreign licence holders settling in Queensland are subject to the same licensing rules that apply in all other Australian states and territories.

Emergency services exemption for fatigue management

The amendments will provide that emergency service personnel do not need to maintain a work diary when *returning* from an emergency. This reduces the need for unnecessary paperwork to be maintained after emergency personnel have been attending an emergency and will allow them to return home without unnecessary delays. The amendments require them to remain subject to normal work and rest hour requirements, which will ensure appropriate safety is maintained.

Consistency with fundamental legislative principles

The amendments are consistent with fundamental legislative principles.

Consultation

Relevant Queensland government departments have been consulted and support the amendments. The cycling industry and bicycle user groups are supportive of allowing pedalecs to be used in Queensland.

ENDNOTES

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