

# Transport and Other Legislation Amendment Regulation (No. 1) 2016

Explanatory notes for SL 2016 No. 150

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) 2016*

### Authorising laws

Section 165 of the *State Penalties Enforcement Act 1999*

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

### Policy objectives and the reasons for them

The policy objectives of the amendment regulation are to implement motorcycle licensing reforms aimed at reducing the incidence of motorcycle crashes, and to streamline the regulatory requirements placed on those providing motorcycle training.

#### Motorcycle safety reforms

Motorcycle riders are one of the most vulnerable road user groups and are continually over-represented in the Queensland road toll. The following changes contained in the amendment regulation are aimed at improving safety outcomes for motorcycle riders. They are aimed at ensuring that new riders have appropriate skills and experience to safely ride a motorcycle on the road.

#### *Off-road pre-learner practical training and assessment course*

Novice motorcycle riders in their first years of riding are a very vulnerable road user group and are involved in more crashes than riders with more years of experience. To better prepare learner riders for riding on-road, the amendments introduce an off-road practical

pre-learner course as a pre-requisite to obtaining a motorcycle learner licence. This will enable new riders to gain basic riding knowledge and motorcycle handling skills in a safe environment before riding on the road, potentially improving road safety outcomes for this vulnerable group. It is proposed that the pre-learner course be approximately 12 hours, to ensure adequate time for novice riders to learn and retain the critical skills and behaviours needed to safely ride on the road. The majority of other Australian jurisdictions have a similar pre-learner training requirement. After completing the pre-learner course, applicants will be granted a motorcycle learner licence which will enable the holder to learn to ride a learner approved motorcycle which is a motorcycle with a lower power-to-weight ratio.

In line with current requirements for motorcycle training and assessment, learner licence applicants living within a 100km radius of a Q-Ride training area will be required to complete the pre-learner course. Recognising that requirements should not unnecessarily burden or exclude Queenslanders living in regional and remote areas, applicants living outside a 100km radius of a Q-Ride training area can choose not to complete the pre-learner course, but will instead have to hold a motorcycle learner licence for one year before being eligible for a class RE licence.

#### *Minimum learner licence tenure period*

Research has identified that the median time Queensland learner riders held their learner licence before progressing to a class RE licence was 27 days. This very short time as a learner rider means newly licensed riders often have very little riding experience, which may pose a road safety risk.

To encourage skill development and promote the accumulation of on-road riding experience, the amendment regulation will introduce a minimum learner tenure period of three months for all learner riders who complete the Q-Ride pre-learner course.

Learner riders outside a 100km radius of a Q-Ride training area, who are exempt from completing the pre-learner course, will have to hold their learner licence for the extended minimum tenure period of one year to encourage more supervised on-road riding experience and skill development in lieu of the formalised training in the pre-learner course. These applicants will not be prevented from completing the pre-learner course, and the Department of Transport and Main Roads will encourage everyone to undertake the course to maximise training and skill development for this vulnerable group.

#### *Extend minimum class RE provisional, probationary or open licence period*

Novice riders in Queensland are most at risk of being involved in a serious crash in the first three years of unaccompanied riding. To provide novice riders more time to develop experience and higher order skills under conditions of reduced risk, it is proposed to require novice riders to hold their class RE licence for a minimum of two years before they are eligible to progress to a class R licence. This will extend the minimum class RE licence period from one to two years.

An extended minimum class RE licence tenure period will support road safety outcomes by restricting novice riders to lower powered motorcycles during the most vulnerable years for new riders. This change will reduce the risk exposure for two of the three years of highest risk by delaying new riders from riding larger, more powerful motorcycles (for which a class R licence is required).

In recognition of the extended class RE licence tenure period, during which time class RE licence holders have the opportunity to gain experience riding with passengers, the passenger restriction for the first year of holding a class R licence will be removed.

#### Streamlining business requirements for Q-Ride Registered service providers

In conjunction with the introduction of the motorcycle safety reforms, a number of changes will be made to improve administrative processes for Q-Ride Registered service providers (Q-Ride providers). Q-Ride providers deliver motorcycle training and assessment.

## **Achievement of policy objectives**

### Motorcycle safety reforms

The policy objective will be achieved by making the following amendments to the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*:

- Introduce an off-road practical pre-learner training and assessment course, as a prerequisite to obtain a motorcycle learner licence. The amendments also ensure that this requirement is not to apply to those living outside a 100km radius of a Q-Ride training area.
- Introduce a minimum motorcycle learner licence tenure period of three months for those who have completed the pre-learner training and assessment course.
- Introduce a minimum learner licence tenure period of one year for learner licence holders who did not complete the pre-learner course due to living outside a 100km radius of a Q-Ride training area.
- Extend the minimum RE licence tenure period from one year to two years.
- Remove the passenger restriction for the first year of holding a class R licence.

The changed requirements will not be applied retrospectively to motorcycle licences already held on 1 October 2016. However, the reforms will apply if the person progresses through the motorcycle licensing system. For example, if a person already held a motorcycle learner licence on 1 October 2016, they will not be required to complete a pre-learner course or hold the learner licence for at least three months. However, if they progress to a class RE licence they will be required to hold their RE licence at least two years before being eligible to progress to a class R licence.

### Streamlining business requirements for Q-Ride providers

The policy objective will be achieved by making amendments to the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015* that will do the following:

- Require motorcycle training and assessment to be delivered according to a standardised curriculum which covers pre-learner, class RE and class R licence levels. This standardised curriculum will reduce the administrative burden on Q-Ride providers by replacing the current administrative scheme under which providers must firstly develop their own courses in compliance with certain

standards and, secondly submit all course content, including any changes, to the Department of Transport and Main Road (the department) for approval.

- Require rider trainers to have undergone training in the standardised curriculum before they can deliver the curriculum to motorcycle trainees.

Amendments will also remove offence provisions which contain the following requirements currently placed on Q-Ride providers:

- To supply one motorcycle for each class of motorcycle for which they provide training.
- To routinely provide the department with the written authorisation of the owner of the property on which training is to be provided.

An amendment will also remove the requirement for Q-Ride providers to arrange and pay for external audits. The providers will however continue to be subject to the internal audits conducted by departmental auditors.

A consequential amendment is also being made to the *State Penalties Enforcement Regulation 2014* to remove entries for the offences that are being omitted from the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015*. Since these offence provisions are being removed from this regulation, they no longer need to be listed as offences for which a penalty infringement notice can be issued.

A number of minor amendments are also being made to support the introduction of an on-line system to allow Q-Ride providers to choose whether they issue competency declarations in paper form or electronically. The on-line system will provide a further reduction in administrative processes for Q-Ride providers.

The policy objective will also be achieved by making an amendment to the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010* to remove the requirement for training vehicles (up to 4.5 tonne gross vehicle mass) to undergo annual vehicle inspections paid for by Q-Ride providers and driver trainers. However, it will be a statutory condition of the accreditation held by the Q-Ride providers and driver trainers that the vehicles provided are in a safe condition and appropriately serviced. If the vehicles are not in an appropriate condition, this will be a ground to commence show cause action as to whether the department should amend, suspend or cancel their accreditation.

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

The amendments are consistent with the policy objectives of the authorising law.

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

The amendments are not inconsistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

### Motorcycle safety reforms

The benefit of the motorcycle safety reforms is that they are aimed at improving road safety outcomes by ensuring novice riders have the appropriate skills and experience to safely ride a motorcycle on the road. The cost of the reform initiatives is approximately \$725,000, predominately associated with information system enhancements to support the initiatives. This will be met from existing budget allocations.

### Streamlining business requirements for Q-Ride providers

The benefit of streamlining business requirements for Q-Ride providers is that this will reduce the regulatory and financial burden for Q-Ride providers by giving them more freedom to manage their business. The reforms also support the motorcycle safety reforms which are expected to have road safety benefits for new riders in Queensland.

Any costs associated with changes to the Q-Ride provider scheme will be met by existing budget allocations.

## **Consistency with fundamental legislative principles**

The amendments are consistent with the fundamental legislative principles.

The amendments remove the offence that applies to a person who rides a motorcycle with a passenger during their first year of holding a class R licence. This is in recognition of the fact that a person will need to hold their class RE licence for an additional year prior to being eligible for a class R licence. During this additional year, class RE licence holders will have had the opportunity to gain experience riding with passengers and therefore the offence provision is no longer necessary.

The amendments also remove the offence provision which contains the requirement that Q-Ride providers must supply a motorcycle for each licence class for which they will be providing training. Many trainees supply their own motorcycle for training purposes so Q-Ride providers will make a business decision about whether or not to provide motorcycles.

The amendments also remove the offence that applies if a Q-Ride provider fails to provide the chief executive with a copy of a written authorisation to use a particular area for Q-Ride training if the area is not owned or leased by the provider. Instead, the amendments provide that it is a statutory condition of the approval to operate as a Q-Ride provider that written authorisation be obtained from the owner of the area. A failure to comply with this requirement could result in administrative action being taken in relation to the provider's approval.

## **Consultation**

### Motorcycle safety reforms

The reforms were developed considering community and stakeholder feedback obtained through the *Motorcycle Licensing Discussion Paper: Improving Road Safety for Motorcycle Riders in Queensland* and an online survey in July 2015. Targeted consultation

was also held with Q-Ride providers, the RACQ and the Motorcycle Riders' Association of Queensland.

Stakeholders are generally supportive of the amendments.

#### Streamlining business requirements for Q-Ride providers

Executive members of the Australian Driver Trainers Association (Queensland) and the Independent Driving Instructors Guild were consulted on the proposed changes and were supportive.

Q-Ride providers were consulted on the proposed changes during consultation forums and by email. An overwhelming majority of providers are supportive of the changes.

No concerns were raised by external auditors in relation to removing the requirement for an external scheduled audit to be conducted on Q-Ride providers.

The standardised training curriculum is being developed in conjunction with Q-Ride industry representatives.