

Transport Operations (Road Use Management— Driver Licensing) (Hazard Perception Test) Amendment Regulation 2021

Explanatory notes for SL 2021 No. 6

made under the

Transport Operations (Road Use Management) Act 1995

General Outline

Short title

Transport Operations (Road Use Management—Driver Licensing) (Hazard Perception Test) Amendment Regulation 2021

Authorising law

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

Policy objectives and the reasons for them

The policy objective of the *Transport Operations (Road Use Management—Driver Licensing) (Hazard Perception Test) Amendment Regulation 2021* (Driver Licensing Regulation) is to introduce new Hazard Perception Test (HPT) requirements to enhance road safety outcomes for novice drivers and motorbike riders. This includes making changes to:

- relocate the HPT so that progression from a car-learner licence to unsupervised driving is dependent upon a person demonstrating their hazard perception ability;
- ensure that the holders of P1 licences prior to the commencement of the amended legislation must still complete the HPT before progression to a car P2 licence or an open licence; and
- introduce the requirement that a motorbike learner-licence holder must complete a motorbike specific HPT before they can upgrade their motorbike licence.

Achievement of policy objectives

The amendment regulation achieves the policy objectives listed above by amending the Driver Licensing Regulation as set out below.

Relocation of Car Hazard Perception Test

Novice drivers have a much higher-crash risk than experienced adult drivers. Research has found that, among novice drivers, more than 40 per cent of crashes involved a failure to scan the roadway adequately. Hazard perception has been described as the only higher-order skill that can predict the likelihood of a crash.

In 2008, the Department of Transport and Main Roads (TMR) introduced an online HPT for drivers as part of Queensland's Graduated Licensing System (GLS). At that time, the HPT was positioned as a requirement to exit the P1 licence. Dependant on the person's age, they would either progress to a P2 licence or an open licence.

However, the safety benefits of the current car HPT are not being fully realised as the HPT is required at a time when the novice driver is already driving unsupervised with a P1 licence. The driver may continue to drive unsupervised regardless of whether they fail the HPT. As such, the HPT is now being relocated as a requirement to exit the learner licence, which will make progression to unsupervised driving dependent upon a person demonstrating their hazard perception ability.

The current location of the HPT means that novice drivers aged 25 and over are not required to complete the HPT. This is because a person aged at least 25 will receive a P2 licence directly after passing the practical driving test, meaning that they bypass the P1 licence, and consequently, the HPT requirement.

Queensland remains the only jurisdiction with a HPT that allows novice drivers to drive unsupervised without demonstrating that they have adequate hazard perception abilities. Moving the HPT to become a requirement to exit the learner licence will provide a consistent approach that aligns with other Australian jurisdictions that have a HPT.

Along with changing when the HPT is undertaken, the HPT is also being updated. TMR has been involved in a national project led by Austroads to develop a bank of three-dimensional, high-quality, computer-generated image HPT clips. The clips are available to all Australian jurisdictions for adoption into their individual GLSs.

The new test clips were developed to expose participants to situations which have been identified as the most problematic for novice drivers and riders based on crash data. To support these improvements, the fee for the HPT is being increased from \$21.30 to \$37.05. Applicants will only have to pay this fee once and will have access to the test until they pass, for up to a maximum of 12 months.

Motorbike Hazard Perception Test

Riding a motorbike presents a host of new challenges over and above those experienced while driving a car. The motorbike licensing requirements in the Driver Licensing Regulation do not currently include the requirement for motorbike riders to complete a HPT. Hazard perception abilities are vital for motorbike riders, as the ability to perceive a hazard can help offset their increased vulnerability while on the road.

Research has reported that motorbike crashes where the rider was at fault were primarily due to rider errors in hazard perception or deliberate risk-taking by the rider. The current motorbike GLS provides a comprehensive training and testing system. However, it does not specifically assess an individual's hazard perception abilities. In 2010, a study conducted by Hosking, Liu, and Bayly found that inexperienced riders, irrespective of driving experience, would benefit from motorbike-specific hazard perception training.

A motorbike HPT will aid in identifying those riders that present a higher on-road risk and prohibit them from progressing to unsupervised riding until hazard perception competency is demonstrated. As a result, a HPT is being introduced for motorbike riders to increase the safety of this vulnerable road user group and the others with whom they interact.

Consistency with policy objectives of authorising law

The amendments to the Driver Licensing Regulation are consistent with the policy objectives of the *Transport Operations (Road Use Management) Act 1995*.

In particular, these amendments are consistent with the objectives of providing for the effective and efficient management of road use in the State and providing a scheme for managing the use of the State's roads that will improve road safety in ways that contribute to overall transport effectiveness and efficiency.

Inconsistency with policy objectives of other legislation

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

Benefits and costs of implementation

As outlined above, the benefits of making the Driver Licensing Regulation are:

- increased road safety by requiring learner licence holders to demonstrate their hazard perception competency before progressing to unsupervised driving or riding;
- that the HPT will be a mandatory requirement for all learner drivers and riders, regardless of age and a pre-requisite to undertaking the practical driving test; and
- that the new HPT clips will provide greater flexibility and efficiencies for ongoing maintenance of the test and ensure the quality of the clips is not causing applicants to fail.

The total project funding allocated to develop the Hazard Perception Tests is \$2.8M.

Consistency with fundamental legislative principles

The Driver Licensing Regulation does not raise any fundamental legislative principle considerations.

Consultation

Relocation of car HPT

TMR engaged with external industry, community and road safety stakeholders including the Australian Driver Trainer Association, Independent Driving Instructors Guild, Motor Accident Insurance Commission, Police Citizens Youth Club (Braking the Cycle program). These stakeholders have indicated their support.

The RACQ advised that while they support the modernisation of the test, they prefer its placement between the P1 and P2 licence or the open licence, as they consider it provides a reminder of road safety messaging for the graduating driver as they move closer to an unrestricted licence. TMR has advised RACQ that the relocation of the HPT as a requirement to exit the learner licence will ensure that those who do not demonstrate the necessary ability are unable to drive unsupervised on the roads. This is an important objective as it will improve the road safety of young and novice drivers who continue to be over-represented in Queensland's road toll.

CARRS-Q are generally supportive, however, they have noted that there is limited research and data available in relation to HPTs and have suggested that further research be undertaken as the new tests are operationalised and evaluated. CARRS-Q have indicated that they have an expectation that further research evidence would be available as the HPT clips are operationalised. TMR intends to evaluate the hazard perception test changes and is currently working to develop an evaluation framework and process.

Motorbike HPT

TMR has engaged with external industry stakeholders through the annual Q-Ride forum and through an industry working group. TMR advised all Q-Ride registered service providers of its intention to introduce a motorbike HPT and to locate this as a requirement to exit the learner licence. No objections to this proposal have been received.

TMR has also formed the Queensland Motorcycle Licensing Advisory Group. The group consists of representatives from Honda Australian Rider Training, Streetwise Motorbike Training, RACQ and CARRS-Q. This group has indicated its support for the introduction of the motorbike HPT and its proposed location.

The Office of Best Practice Regulation (OBPR) in the Queensland Productivity Commission was also consulted on the proposed amendments and have advised that the Driver Licensing Regulation is unlikely to result in significant adverse impacts and no further regulatory impact analysis is required under the *Queensland Government Guide to Better Regulation*.