

Transport Legislation Amendment Regulation 2026

Explanatory notes for SL 2026 No. 7

made under the

Transport Operations (Marine Safety) Act 1994

Transport Operations (Passenger Transport) Act 1994

Transport Operations (Road Use Management) Act 1995

General Outline

Short title

Transport Legislation Amendment Regulation 2026

Authorising law

Sections 207 and 215 of the *Transport Operations (Marine Safety) Act 1994*

Section 155 of the *Transport Operations (Passenger Transport) Act 1994*

Sections 146, 147, 150 and 171 of the *Transport Operations (Road Use Management) Act 1995*

Policy objectives and the reasons for them

The policy objectives of the *Transport Legislation Amendment Regulation 2026* (the Amendment Regulation) are to:

- increase pilotage fees to ensure cost recovery
- update the legislation to reflect that bicycle helmets that comply with specific additional standards are approved for use
- require that bicycle helmets bear a label indicating compliance with approved standards
- update the legislation to reflect the discontinuation of the Experienced Driver Recognition Country (EDRC) scheme by Austroads
- enable practical driving tests to be undertaken by additional persons authorised by the chief executive.

Pilotage fees

In the interests of safety, ships over 50 metres in length are required to use marine pilots in designated compulsory pilotage areas. A marine pilot is a highly skilled mariner with extensive local knowledge and highly developed ship-handling skills who assists the master of a ship to operate safely within these areas. The marine pilot's role involves precision manoeuvres for large ships in confined and congested port channels or weather affected offshore berths.

Fees payable for pilotage and related activities are regulated. A review of these fees identified that revenue received from the regulated fees no longer fully recovered costs. The Amendment Regulation amends the *Transport Operations (Marine Safety) Regulation 2016* to increase pilotage and related fees by 9%.

Bicycle helmets

In March 2024, following recommendation by the Australian Competition and Consumer Commission (ACCC), the Australian Government expanded the range of bicycle helmets that can be sold in Australia by implementing the *Consumer Goods (Bicycle Helmets) Safety Standard 2024* (Cth). This standard enables the sale of bicycle helmets that comply with the following additional standards that are not currently listed under Queensland's road rule laws:

- European Standard EN 1078:2012+A1:2012, *Helmets for pedal cyclists and for users of skateboards and roller skates*
- Snell B95, *1995 Standard for Protective Headgear for Use in Bicycling, 1998 revision*
- American Society for Testing and Materials Standard ASTM F1447:2018, *Standard Specification for Helmets Used in Recreational Bicycling or Roller Skating*
- US Consumer Product Safety Commission (16 CFR Part 1203), *Safety Standard for Bicycle Helmets*.

While the Australian Government regulates the sale of bicycle helmets, states and territories regulate their use. The *Transport Operations (Road Use Management—Road Rules) Regulation 2009* (the Queensland Road Rules) requires bicycle riders and passengers, as well as persons travelling on particular other devices (such as e-scooters and other personal mobility devices) to wear an approved bicycle helmet.

Queensland has implemented administrative arrangements to approve the use of helmets that comply with the new standards listed under the *Consumer Goods (Bicycle Helmets) Safety Standard 2024* (Cth). The Amendment Regulation updates the Queensland Road Rules to reflect this. This will provide increased transparency and confidence to the community regarding bicycle helmets that are approved for use in Queensland.

The amendment requiring bicycle helmets to have a marking or label indicating compliance with a standard will support enforcement of the bicycle helmet rules. It will support authorities to more easily verify helmet compliance during roadside checks, improving enforcement of road safety laws. The amendment will also provide consistency with the requirements for motorbike helmets. While most of the standards already require the marking or label, the legislative amendment creates a clearer and more consistent requirement.

Experienced Driver Recognition Country

The Recognised Country Scheme, administered nationally by Austroads, provides for more streamlined conversion of car and motorbike licences from certain countries to Australian licences, in some cases without a road rules or practical driving test. Until recently, there were two categories under this scheme—Recognised Country and EDRC. The Recognised Country category covers countries with licensing systems deemed broadly equivalent to Australia's, while the EDRC arrangements sought to recognise a person's driving experience and age as a substitute for licensing measures aimed at building competency in novice drivers. To improve road safety, Austroads discontinued the EDRC category from 1 May 2025. The discontinuation supports a more consistent and rigorous approach to driver licensing, ensuring that all drivers meet the same high safety standards before being granted an Australian licence.

On 29 November 2025, Queensland ceased recognition of the EDRC category and removed the streamlined licence transfer arrangements for drivers from EDRCs. To reflect this, the Amendment Regulation removes reference to the EDRC category from Queensland legislation.

Practical driving tests

The *Transport Operations (Road Use Management – Driver Licensing) Regulation 2021* (Licensing Regulation) defined a practical driving test as a test conducted by the Department of Transport and Main Roads (TMR). With machinery of government changes, driving examiners have been transferred to the Department of Customer Services, Open Data and Small and Family Business. The Amendment Regulation makes amendments to reflect this machinery of government change and also support more efficient delivery of practical driving tests by allowing the tests to be conducted by other suitable persons. This is particularly significant for improving service delivery in rural and regional communities.

Achievement of policy objectives

Pilotage fees

To ensure revenue received from pilotage fees recovers service delivery and directly related costs, the *Transport Operations (Marine Safety) Regulation 2016* is amended to increase pilotage and related fees by 9%.

Bicycle helmets

The definition of ‘approved bicycle helmet’ in the Queensland Road Rules is updated to include reference to the new standards. New definitions of these standards are also inserted to support this. These definitions ensure that any updates or revisions to the standards are also captured. Section 5 of the Queensland Road Rules is also amended so that it is clear that if a bicycle helmet complied with one of the approved standards when it was manufactured, the helmet is considered to be compliant even if the standards are updated after manufacture such that the helmet may no longer be considered to be compliant with the updated standards.

A minor drafting correction to section 5 is also made to reflect that the UN ECE 22 standard is not in the form of a standard with a designation, unlike the Australian and joint Australian /New Zealand Standards. UN ECE 22 is removed from section 5(1) and added to new section 5(2) together with the other new standards. This amendment is not intended to have any substantive impact.

A further amendment is included to require a helmet to bear a label or mark indicating compliance with any of the listed standards. The label or mark does not need to expressly state that the helmet complies with a standard. A label or mark bearing only the name of the standard would be sufficient to indicate compliance with that standard.

Experienced driver recognition countries

The policy objective is achieved by removing provisions in the Licensing Regulation and the *Transport Operations (Passenger Transport) Regulation 2018* relating to EDRCs.

Practical driving tests

The policy objective is achieved by inserting a new substantive provision in the Licensing Regulation that defines practical driving test as a test conducted by the chief executive or another entity authorised by the chief executive. This means the chief executive of TMR will be able to authorise other suitable entities, such as the Department of Customer Services, Open Data and Small and Family Business and other government departments or agencies. There are currently no plans to authorise external providers to conduct practical driving tests.

Consistency with policy objectives of authorising law

In relation to the pilotage fees amendment, the Amendment Regulation is consistent with the objectives of the *Transport Operations (Marine Safety) Act 1994* including ensuring an appropriate balance between safety and costs for industry.

In relation to the road use and road safety amendments, the Amendment Regulation is consistent with the objectives of the *Transport Operations (Road Use Management) Act 1995*, which include to provide a scheme for managing the use of the State's roads that will improve road safety.

The Amendment Regulation is consistent with the overall objectives of the *Transport Operations (Passenger Transport) Act 1994*, which is to achieve the provision of the best possible public passenger transport at reasonable cost to the community and government, keeping government regulation to a minimum.

Inconsistency with policy objectives of other legislation

No inconsistency with the policy objectives of other legislation has been identified.

Benefits and costs of implementation

Pilotage fees

The pilotage fee amendments address fee shortfalls to achieve financial sustainability while maintaining safe and efficient pilotage services. This will result in the ongoing safe movement of shipping through Queensland ports, supported by sustainable pilotage service delivery, with increased levels of assurance, management of service delivery agreements and contracts.

The increase in pilotage fees reflect user-pays principles and will predominantly be charged to overseas ship operators rather than the local community. The fee increase represents a very small percentage of the costs of overall ship voyage costs.

Bicycle helmets

The amendments related to bicycle helmets are not expected to incur any significant additional costs. For the most part, the amendments ensure that the legislation reflects existing requirements already in place. There is one difference in regard to the requirement for a bicycle helmet to bear a suitable label. While the current Australian standard (AS/NZS 2063:2020 *Helmets for use on bicycles and wheeled recreational devices*) provides for the labelling requirement, the superseded version (AS/NZS 2063:2008) did not include this requirement.

This may impact riders who still use a bicycle helmet manufactured under the superseded version. However, given bicycle helmets have a limited lifespan (generally three to five years under normal use) it is anticipated that any impact will be minimal. The amendments will have a positive impact insofar as they support enforcement, thereby increasing the safety of bicycle riders and others required to wear bicycle helmets.

Experienced driver recognition countries

The amendments will not have any direct impacts because Queensland has already stopped recognising licences from EDRCs. The amendments simply remove redundant provisions.

Practical driving tests

The amendments are expected to reduce costs for the Queensland Government. TMR has previously incurred expenses to commute its employees to more isolated areas of Queensland where there are no permanently stationed driving test examiners. By enabling the chief executive to authorise additional persons and entities to be driving test examiners, these costs can be reduced or avoided.

It is not anticipated that the amendments will have any material impacts on the community. There will be no functional change to the way that practical driving tests are carried out. The amendments will only impact on the internal operations of the public service to support continued service delivery in rural and remote locations. Any person tasked with carrying out a practical driving test on behalf of TMR will be suitably trained and/or qualified.

Consistency with fundamental legislative principles

Legislation should be unambiguous and drafted in a sufficiently clear and precise way – Legislative Standards Act 1992, section 4(3)(k)

The amendment that prescribes new standards for the definition of ‘approved bicycle helmet’ raises the fundamental legislative principle that legislation should be unambiguous. Incorporating standards by reference may reduce clarity for users of the law if those standards are not readily accessible. In this case, the drafting clearly identifies and defines the new standards being adopted and these standards are publicly accessible. For these reasons, the amendment is considered to be consistent with section 4(3)(k) of the *Legislative Standards Act 1992*.

Legislation should allow the delegation of administrative power only in appropriate cases and to appropriate persons – Legislative Standards Act 1992, section 4(3)(c)

The amendment of the definition of ‘approved bicycle helmet’ may raise the fundamental legislative principle that the delegation of power should only be in appropriate cases to appropriate persons. Referring to external standards may be seen as delegating law-making power to external bodies with no parliamentary oversight. While the amendment raises this fundamental legislative principle, it is consistent with the principle as the standards are highly technical documents that are not appropriate for subordinate legislation. The standards are widely recognised and publicly accessible, so they can be scrutinised by Parliament.

The amendment to the definition of practical driving test also raises the fundamental legislative principle about appropriate delegation. The amendment will ultimately enable additional persons to undertake practical driving tests (through chief executive authorisation). However, it is noted

that the Amendment Regulation requires an entity to be suitable to conduct a practical driving test. The Queensland Government will also retain oversight of persons it has entered into arrangements with in order to maintain high standards for driving examiners. Any authorisation is likely to be limited in scope and supported by safeguards to ensure that practical driving tests are carried out by persons with adequate training.

Consultation

Pilotage fees

No public consultation was undertaken as most ships that will be impacted are foreign owned and operated, and pilotage fees only make up a small part of the overall fees, charges, chartering and operational costs such as crew wages, food and fuel.

In accordance with *The Queensland Government Better Regulation Policy* (the Better Regulation Policy), a summary Impact Analysis Statement (IAS) has been prepared. Further regulatory impact analysis is not required because the amendments reflect user-pays principles and will predominantly be charged to overseas ship operators rather than the local community.

Bicycle helmets

No external consultation was undertaken in relation to these amendments. Extensive consultation was undertaken by the ACCC before it recommended the implementation of a new safety standard for bicycle helmets. Most stakeholders supported the ACCC proposing a new safety standard. Following the implementation of that recommendation, the Australian Government encouraged states and territories to update road use laws in line with the new safety standard.

In accordance with the Better Regulation Policy, a summary IAS has been prepared. Further regulatory impact analysis is not required because the amendments reduce the burden of regulation and appear unlikely to result in significant adverse impacts.

Experienced driver recognition countries

The Royal Automobile Club of Queensland was consulted regarding these amendments and did not raise any concerns.

A summary IAS has been prepared in accordance with the Better Regulation Policy. No regulatory impact analysis is required because the amendments are machinery in nature and consequential to Austroads making changes to the Recognised Country Scheme.

Practical driving tests

No external consultation was undertaken.

A summary IAS has been prepared in accordance with the Better Regulation Policy. No regulatory impact analysis is required as the amendment relates to the internal management of the public sector and is machinery in nature.