

SUBMISSION TO LEGALISE THE USE OF SURFBOARD RACKS FOR MOPEDS, MOTORBIKES AND SCOOTERS

1. AIM OF THIS SUBMISSION

Motorcycle, scooter and moped surfboard racks ('scooter surfboard racks') are specifically designed and engineered to transport surfboards up to 10 feet in length in a side mount position by a moped, scooter or motorbike.

Scooter surfboard racks are sold and used worldwide but current Queensland laws operate to make it illegal to carry surfboards in scooter surfboard racks.

This submission seeks to petition the Queensland government to change laws to re balance perceived road safety concerns against the overwhelming community benefits to legalise the use of scooter surfboard racks.



2. REASONS FOR THE URGENT MAKING OF THIS SUBMISSION

A story appearing on page 11 of the 14 May 2013 edition of the Noosa News (see Attachment 1) highlighted to the local Noosa community that Sunshine Coast police are preparing to crack down on the use of scooter surfboard racks notwithstanding there have been no reported incidents of injury arising from their use over many years.

3. BACKGROUND TO SCOOTER SURFBOARD RACKS

Scooter surfboard racks comprise a permanently fixed base plate which is mounted to the existing rear cargo carrier of a scooter. Two side mounted receivers extend from the base plate into which two (2) removable board hooks are attached by a push pin locking system. The surfboard is placed in the rack near its midpoint to balance the load and the board is held in place by elasticized cord. When not in use, the hooks are rotated in toward each other and locked in place by the push pin mechanism. In this configuration, the hooks do not protrude beyond the outer extremity of the rear vision mirrors and/or handlebars of the scooter.



Carrying a properly secured surfboard in scooter surfboard racks does not significantly alter the balance or performance of the scooter much in the same way that motorcycle panniers do not significantly alter the balance of a motorcycle.

The leading industry manufacturer is Carver Surf Racks which commenced operations in Oahu, Hawaii in 2003 and has been making and distributing surfboard racks worldwide for over 10

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years. Scooter surfboard racks are extremely popular in Hawaii, southern California, Bali and have been used in Queensland and NSW coastal communities for many years without incident.

4. CURRENT QUEENSLAND LAW

Police are quoted in the Noosa News article as taking a view that scooter surfboard racks contravene section 19 of Schedule 1 of the *Transport Operations (Road Use Management – Vehicle Standards and Safety) Regulation 2010* which provides:-

19 Protrusions

- (1) A thing fitted to a vehicle must be designed, built and fitted to the vehicle in a way that minimises the likelihood of injury to a person making contact with the vehicle.

That statutory provision would clearly apply to say an empty fishing rod holder being mounted to the bullbar of a 4WD vehicle which, if it hit a pedestrian head on, would likely cause significant injury. Accordingly, the law requires that fishing rod holders must be removed when not in use or adjusted so as to retract behind the profile of the bulbar.

The same style of argument holds little weight when compared to scooter surfboard racks because:-

- ☐ scooter surfboard racks are rear mounted;
- ☐ scooter surfboard racks are padded to protect the board and prevent or limit injury to any person coming into contact with them; and
- ☐ scooter surfboard racks contain no sharp edges.

When not in use, the push pin mechanism can easily be activated to remove or rotate the board hooks in toward each other. In this configuration, the base and receiver section does not extend beyond the width of the handlebars and/or side mirrors which forms the outer extremity of the scooter.



5. LENGTH OF A SURFBOARD CARRIED ON A SCOOTER

The Carver brand scooter surfboard rack is specifically designed and engineered to carry surfboards up to 10 feet in length which is competition length for a modern noseriding board.

The geometry of a scooter rack requires the board has to be placed in the rack near its midpoint to balance the load. This means that, because the rack is fixed near the rear of the scooter, approximately half of the surfboard must extend beyond the rear tyre. Even so, a scooter carrying a 10 foot surfboard has less vehicular footprint than a standard four wheel drive wagon:-

- ☐ length of 2004 Mitsubishi Pajero 4WD Wagon is approximately 4.8m;
- ☐ length of a scooter carrying a 10 foot surfboard in a surfboard rack has a total length of approximately 3.3 m.

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Queensland law restricts the permitted load that a scooter can carry to no more than 300mm behind the rear tyre as prescribed by section 33 *Transport Operations (Road Use Management – Mass, Dimensions and Loading) Regulation 2005* that relevantly states:-

Section 33 Limits on projections of loads motorbikes

- (1) This section applies only in relation to loads on motorbikes.
- (2) A person must not drive, park or stop a motorbike on a road if any load on the motorbike projects:-
 - (a) for a motorbike without a sidecar
 - (i) more than 150mm in front of the outer extremity of the motorbike's front wheel;
 - (ii) more than 300mm behind the outer extremity of the motorbike's back wheel; or
 - (iii) past the outer extremity of the motorbike on either side.

The law applying to a standard motor vehicle permits load protrusion at 1200mm from the rear of the vehicle (as opposed from the rear tyre) as prescribed by section 34(2) that relevantly states:-

Section 34 Limits on projection of loads motor vehicles other than motorbikes

- (2) A person must not drive, park or stop a motor vehicle on a road if any load on the vehicle projects:-
 - (a) for a motor vehicle without a trailer
 - (i) more than 1.2m in front of the motor vehicle's headlights; or
 - (ii) more than 1.2m behind the motor vehicle; or
 - (iii) more than 150mm past the outer extremity of the motor vehicle on either side

There is no parity in the application of the law between a situation where a standard vehicle, 4WD or ute has a surfboard extending four (4) feet from its rear and the identical situation where a scooter has a 10 foot surfboard extending four (4) feet from its rear.

The inequality is more acute in comparison to surfboard racks mounted on a pushbike which is excluded from application of the Regulations because it is defined as a '*vehicle propelled or designed to be propelled by human power*'. Cyclists carrying surfboards in surfboard racks are however, permitted to ride on the same roads as scooters, motorbikes and other vehicles and must do so because it is impractical to ride on a footpath shared with pedestrians. That represents a greater risk of personal injury to the cyclist who is more susceptible to being clipped by faster vehicular traffic overtaking them with a protruding surfboard.



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6. THE NOOSA EXPERIENCE

The iconic Noosa point breaks of First Point, Little Cove, National Tea Tree and Granite Bay have worldwide recognition in the surfing world and form an integral part of the Noosa brand. Surfing these points has however, come at a price in terms of the frustration of dealing with crowds and carparking at National Park and Little Cove. There is fierce competition for carparking at National Park during large surf it is not uncommon to see assaults, willful damage to vehicles and general road rage.

In August 2008 the Sunshine Coast Regional Council made sensible carparking upgrades to the retail precinct of Hasting Street by adding 25 scooter carparks to encourage the use of motorbikes and scooters as part of an integrated solution to alleviate the local carparking problem (see Attachment 2). That innovation be duplicated at National Park and produce a 'win/win' for the community by reducing carpark congestion and encouraging low carbon travel but this simple and innovative solution is stifled by narrow minded policy regulation which outlaws the use of surfboard racks on scooters.

Local speed limits in Noosa are 50-60km/hr and slower speeds naturally reduces the injury risk profile to pedestrians and the effects of any wind sheer on the rider. In addition, any concerns about wind sheer acting on a surfboard during transit by a scooter are minimized because generally, when winds are strong the surf will be poor and a person is unlikely to go surfing in any event.

If common sense prevails, Noosa and all coastal communities should be granted exemption status for scooters carrying surfboards of no greater than 10 feet in length.

7. CLOSING COMMENTARY

Scooter surfboard racks encourage low carbon footprint travel for surfing which is part of our Australian culture. That in turn, provides a innovative solution to carparking problems experienced on the Sunshine Coast and would produce a 'win/win' for all Queensland coastal communities.

The law does not balance the benefits of scooter surfboard racks against perceived safety concerns and goes too far.

This submission petitions the Queensland Government to grant unrestricted exemption status for scooters using surfboard racks. Alternately, if community safety requires further protection then additional safeguards could include:-

- (i) the hook section of the surfboard rack can be rotated in or removed completely when not in use which mirrors the fishing rod holder/bulbar scenario;
- (ii) any exemption should limited to private scooters and should not apply to hire use;
- (iii) when in use, the speed of the scooter carrying a surfboard should not exceed 60km/hr to reduce injury risk; and
- (iv) surfboards should be limited to no greater than 10ft in length which is the design limitation of the surfboard rack and the length of a modern competition noseriding surfboard used at Noosa.

Ride a moped? Know the rules

By GAIL FORRER

WHEN Senior Constable Gabrielle Zwaan-Ward of Sunshine Coast District Traffic pulled up a moped rider with his four-year-old daughter and surfboard in tow, she decided to speak out.

"The child was standing in front of him, and holding onto the handlebars," she said.

"He also had a surfboard on the side.

"He said he had no idea it was illegal and didn't really see that it was an accident waiting to happen."

The scene she encountered was in Noosa, but the Senior Constable said despite the fact that moped riding with accessories was illegal, it was on the increase throughout the Sunshine Coast.

"There's a visible increase in mopeds getting around the Sunshine Coast (particularly Noosa) with surfboard racks to the side of the moped. Carrying a surfboard or having a surfboard rack attached is illegal," she said.

Here are the rules:

Licence requirements

● A MOPED is classified as a motorcycle with an engine capacity that does not exceed 50ml and has a manufacturer's top-rated speed of not more than 50 kmh.

● To ride a moped you need a Class C, RE or R Provisional or Open class Licence.

● If you carry a pillion, you must hold a class RE or R licence and have held it for at least 12 months. Fine: \$73.

A rider must wear a helmet

THE failure of a motorbike or moped rider to wear helmet is \$330 (three points).

Rules for carrying pillion passengers

A CHILD under eight years of age cannot be a pillion on motorbike (which includes moped). Fine: \$146.

Fine for illegal carrying of passengers on motorbikes (this includes mopeds): \$73. This is only if they have a car licence and are riding with a pillion. (They must have an RE or R licence and have held it for at least 12 months.)

Surfboards and surfboard racks not allowed

CARRYING a surfboard or surfboard rack is illegal. Fine: \$110.

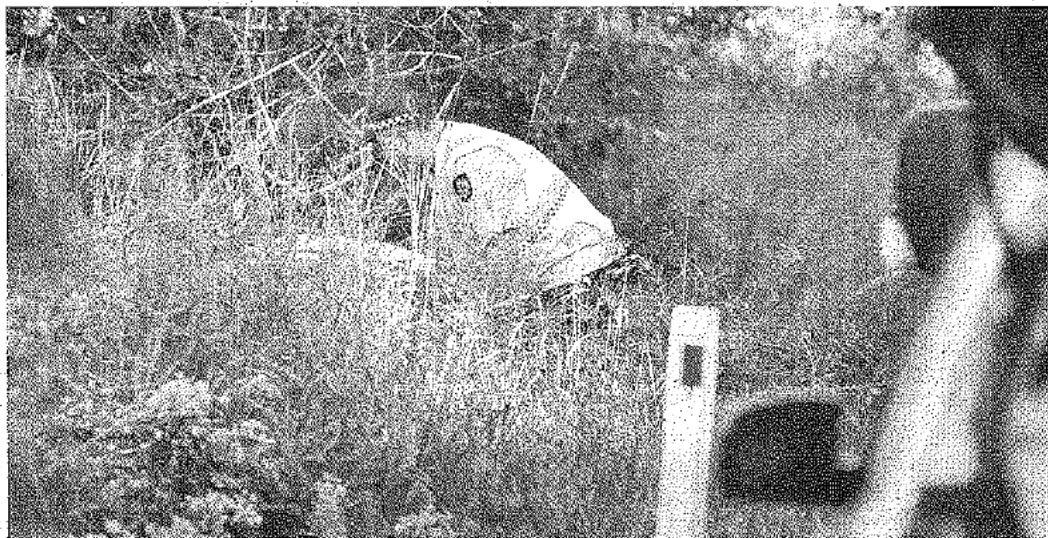
Under the Code of Practice - Vehicle Inspection Guidelines - an inspection may be failed if fairings and any attachments are not free of protrusions or fittings likely to cause injury to any person with whom the motorcycle, including motor tricycles, may come into contact.

Schedule 1, s19 of the Transport Operations (Road Use Management - Vehicle Standards and Safety) Regulation requires that a "thing fitted to a vehicle must be designed, built and fitted to the vehicle in a way that minimises the likelihood of injury to a person making contact with the vehicle" (includes attachments not free of protrusions).



PHOTO: CONTRIBUTED

Noosa hinterland morning drive ends in tragedy



ACCIDENT SCENE: A girl died when a car skidded across a road at Ridgewood, west of Cooroy.

PHOTO: GEOFF POTTER

A 15-YEAR-old girl was killed when the car in which she was a passenger skidded across a wet road, ploughed over an embankment and struck a tree near Cooroy early on Saturday.

It is believed the Commodore station wagon, driven by the teenager's 35-year-old mother, may have gone out of control on a bend on the Cooroy-Belli Creek Rd about 7.30am.

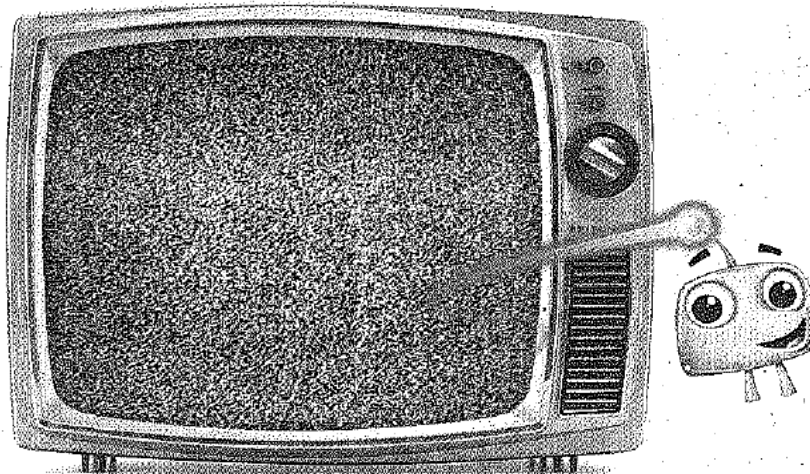
It headed towards the right-hand side of the road before skidding back onto the left-hand lane and over the embankment. A six-year-old girl also in the vehicle is believed to have suffered head injuries.

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Australian Government

The final countdown to digital-only TV has begun!



Brisbane and surrounding areas switch on 28 May 2013*

The analog TV switch off is happening on **28 May 2013*** - and there's no turning back. After this date you won't see anything if you're not ready for digital-only TV.

What do I have to do?

Remember, to keep watching free-to-air TV shows, you'll need either:

- one set-top box or a digital TV recorder for each analog TV you use; or
- a new TV with a built-in digital tuner.

Most importantly, you do not have to buy a new TV if you do not want to.

Most antennas and cabling should work after the digital switchover. However, if you have any concerns about your reception, you may consider asking an endorsed Antenna Installer to check your antenna and cabling.

If you have any other questions, or to find your nearest endorsed Antenna Installer, visit our website or call the Digital Ready Information Line.

Don't put it off any longer. Get ready for digital TV today.

*Please note: switch off may occur earlier in some towns. Residents in these towns will be informed about the switchover dates. See the website for more information.

For help or more information on how to get digital ready in your area:

1800 20 10 13

www.australia.gov.au/digitalready

It's time to get

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Authorised by the Australian Government, Capital Hill, Canberra

Noosa News

28th Aug 2008

Saving fuel & emissions on a scooter

Michael Hughes one of the increasing number of scooter riders saving on fuel in Noosa.

Sunshine Coast Regional Council has just replaced several car parks on Hastings Street with 25 new scooter parks, while up to 10 new scooter parks have been put in place at Noosa Junction.



It's a head turner and a conversation starter. It saves loads of petrol money and its owner can almost always find a place to park it.

No wonder Michael Hughes loves his powder-blue 1963 Vespa.

"I like it because it's stylish," he said.

His vintage, two-wheeler transports him from Noosa Outlook to work at Snack eatery in Noosa Junction each day.

It costs him \$9 to fill the tank, which he said lasted for about two weeks.

Mr Hughes is part of a growing scooter movement across Noosa and the Sunshine Coast.

Sunshine Coast Regional Council has just replaced several car parks on Hastings Street with 25 new scooter parks, while up to 10 new scooter parks have been put in place at Noosa Junction.

Integrated transport planning leader Nigel Walker said the new parks were part of council's scooter strategy.

"Promoting scooter use is integral to maintaining a sustainable balance," he said.

"Scooters have less parking requirements, less greenhouse-gas emissions, less wear and tear on road networks."

He said if the new scooter parks were well used, the council would look at rolling out more of them. "It's a supply and demand issue," he said.

"We didn't want to put in 70 scooter parks if they don't get used.

"We'll encourage the use and, as the parking fills, then maybe we can take more space away from cars."

One car park can be converted into four scooter parks. Mr Walker said car users would need to accept scooters on the road, particularly as they grew in popularity.

“People often don’t feel they want to share that road space,” he said.

“The more we provide for them and make them attractive, car drivers will come to accept it.”

Mr Hughes said he was “all for” council’s scooter strategy, but scooter riders needed to be educated about safe riding practices before they hit the road.