

Transport Legislation Amendment Regulation (No. 1) 2019

Explanatory notes for SL 2019 No. 239

made under the

Transport Operations (Road Use Management) Act 1995
Transport Planning and Coordination Act 1994

General Outline

Short title

Transport Legislation Amendment Regulation (No. 1) 2019

Authorising laws

Section 171 of the *Transport Operations (Road Use Management) Act 1995*
Section 38 of the *Transport Planning and Coordination Act 1994*

Policy objectives and the reasons for them

The policy objectives of the *Transport Legislation Amendment Regulation (No. 1) 2019* (the Amendment Regulation) are as set out below.

Blood sampling tubes

The *Transport Operations (Road Use Management) Act 1995* requires a person to provide a specimen of blood for a laboratory test in certain circumstances, such as when a driver has been arrested or detained for drink driving.

Currently, under the *Traffic Regulation 1962* (the Traffic Regulation), a health care professional who takes a blood specimen for such a test must place an identifying number on the specimen tube. The Queensland Police Service is proposing to purchase sampling tubes that are supplied with a label and pre-printed identifying number. Amendments to the Traffic Regulation will require a health care professional to place an identifying number on a specimen tube only if it does not have a supplied identifying number.

Speed camera systems

Speed cameras are used as part of the Camera Detected Offence Program (CDOP) to enforce speed limits on roads. A new speed camera system will be approved for use in the CDOP and a currently approved speed camera system which is no longer used will be removed from the Traffic Regulation.

Speed and redlight camera data blocks

When a speed or redlight camera detects an offence, information such as time, date and location of the offence is also captured for the image. This information is known as a data block. Currently, the Traffic Regulation provides that data block information about location refers to the location of the camera that took the image. To better reflect the location of the offence stated on a data block, the Traffic Regulation will be amended to refer to the location of a target vehicle. Future developments in camera technology will mean that lenses can target vehicles from further away. This change will enable police to use cameras to safely target vehicles from overpasses, side streets, service roads and on-ramps, consistent with the ‘anytime, anywhere’ approach to enforcement of the road rules.

Generally, approved speed camera systems use radar technology to calculate a vehicle’s speed. However, some speed camera systems also provide two images of the vehicle and record the time elapsed and distance travelled (or distance interval) between the images, to allow calculation of a vehicle’s speed. Updates to speed camera systems have enhanced the accuracy of how distance intervals are measured so they can now be measured in centimetres rather than metres. As a result, references to distance intervals in the Traffic Regulation will be updated.

Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010

Surcharges are currently payable for vehicle registration renewals of less than one year. The surcharges cover additional transaction and processing costs. Amendments to the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010* (the Registration Regulation) will clarify the application of surcharges to heavy vehicles, whether or not the vehicle has concessional registration. This amendment is of a technical nature and has no practical effect on the current application of surcharges.

Transport Planning and Coordination Regulation 2017

In September 2019, a provision of the *Transport Planning and Coordination Act 1994* (the TPC Act) was renumbered. Minor consequential amendments will be made to update references to that provision in the *Transport Planning and Coordination Regulation 2017* (the TPC Regulation).

Achievement of policy objectives

The Amendment Regulation will achieve the policy objectives by amending:

- section 178 of the Traffic Regulation to require an identifying number to be placed on a blood sampling tube if it does not have an identifying number;

- schedule 10 of the Traffic Regulation to omit the PoliScan Speed as an approved speed camera system and insert the LTI 20/20 TruCam II as an approved speed camera system;
- data block provisions for speed and redlight camera systems in schedules 12, 13, 14 and 15 of the Traffic Regulation to replace references to ‘system’s camera’ with references to ‘target vehicle’;
- data block provisions in schedules 13 and 14 of the Traffic Regulation to replace references to metres with centimetres;
- registration surcharge provisions in schedule 3, part 3 of the Registration Regulation to remove references to concessional registration from items 7(b), 8(b), 9(b) and 10(b); and
- section 11A of the TPC Regulation to replace references to section 28EI of the TPC Act with references to section 28EHA of the TPC Act and omit section 11A(2) as it is no longer required.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the main objective of the *Transport Operations (Road Use Management) Act 1995* which is to ensure the effective and efficient management of road use in the State.

The Amendment Regulation is also consistent with the main objective of the TPC Act to achieve overall transport effectiveness and efficiency through strategic planning and management of transport resources.

Inconsistency with policy objectives of other legislation

The regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The use of pre-printed labels on blood sampling tubes will reduce the risk of an incorrect identification number being written on the tube’s label.

The change from the location of the camera to the location of the target vehicle may allow a camera for a road or intersection to be installed in a way that causes less disturbance to existing infrastructure. It may also allow for easier enforcement in school zones, some of which are less than 150m long and present challenges for operators to set up a camera.

As the changes are largely technical in nature, their implementation will not incur any additional costs.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles.

Consultation

As the amendments to the regulations are minor or technical in nature, no public consultation was undertaken.

The Office of Best Practice Regulation in the Queensland Productivity Commission has advised that the amendments relating to the change from the location of a camera to the location of the target vehicle do not require further regulatory impact assessment under *The Queensland Government Guide to Better Regulation* (the Guidelines) on the basis that the proposal is unlikely to result in significant adverse impacts.

In accordance with the Guidelines, the Department of Transport and Main Roads applied a self-assessable exclusion from undertaking further regulatory impact analysis on the remaining amendments based on:

- for the blood sampling tubes, the approval of a new speed camera system and the change in how distance intervals are recorded; Category G – Regulatory proposals that are machinery in nature; and
- for the amendments to the Registration Regulation and the TPC Regulation; Category F – Regulatory proposals that correct technical errors or amend legislation to take account of current Queensland drafting practice.