



Queensland

# Transport Legislation Amendment Regulation (No. 4) 2011

## Explanatory Notes for SL 2011 No. 212

made under the

*Transport Operations (Road Use Management) Act 1995*

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## General outline

### Short title

*Transport Legislation Amendment Regulation (No. 4) 2011.*

### Authorising law

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

## Policy objectives and the reasons for them

### Speed cameras

The amendments specify requirements for the calibration testing of speed cameras for the purpose of certifying that a camera was producing accurate results under section 120(2A) of the *Transport Operations (Road Use Management) Act 1995*.

The Queensland Police Service has been adhering to the requirements since speed cameras were introduced in 1997. The amendments will simply formalise those requirements in legislation. This will help maintain public confidence in the accuracy of speed cameras.

## **Motorised wheelchairs**

The amendments increase the maximum unladen mass of a motorised wheelchair under the *Transport Operations (Road Use Management—Road Rules) Regulation 2009* (the Queensland Road Rules) and the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010* (Vehicle Registration Regulation) from 110kg to 150kg.

Modern motorised wheelchairs often weigh more than 110kg. Therefore, it is necessary to amend the legislation to ensure that people can lawfully use modern motorised wheelchairs on paths (that is, footpaths, bicycle paths and shared paths) and that motorised wheelchairs remain eligible for an exemption from the payment of registration fees.

## **Achievement of policy objectives**

### **Speed cameras**

The regulation amends the *Traffic Regulation 1962* to prescribe that—

- the calibration testing of speed cameras must be undertaken by an approved testing entity;
- on finding that the device is measuring speed accurately, the testing entity must seal the device to prevent tampering; and
- the test results must be recorded in a report.

### **Motorised wheelchairs**

The regulation increases, from 110kg to 150kg, the maximum unladen mass of a motorised wheelchair that is allowed to be driven on a path under the Queensland Road Rules and that is eligible for a registration fee exemption under the Vehicle Registration Regulation.

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

The amendments are consistent with the policy objectives in section 3 of the *Transport Operations (Road Use Management) Act 1995* to—

- improve road safety;
- promote the effective and efficient movement of people, goods and services; and

- support a reasonable level of community access and mobility in support of government social justice objectives.

## **Benefits and costs of implementation**

### **Speed cameras**

The amendments will introduce mandatory calibration testing standards for testing entities. Previously, the Queensland Police Service voluntarily complied with such standards.

There are no additional costs from implementing the amendments as the Queensland Police Service already adheres to the calibration testing requirements contained in the amendments.

### **Motorised wheelchairs**

The amendments will not impose any additional costs on the government or the public.

## **Consistency with fundamental legislative principles**

The amendments are consistent with fundamental legislative principles.

## **Consultation**

Relevant Queensland government departments have been consulted and support the amendments.

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### ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Transport and Main Roads.