

Traffic Amendment Regulation (No. 1) 2016

Explanatory notes for SL 2016 No. 7

made under the

Transport Operations (Road Use Management) Act 1995

General Outline

Short title

Traffic Amendment Regulation (No. 1) 2016

Authorising law

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

Policy objectives and the reasons for them

With the introduction of tunnels to the road network in south-east Queensland, a safety risk has arisen involving the carriage of dangerous goods through tunnels. Dangerous goods include, for example, toxic gases, flammable liquids, corrosive substances and substances liable to spontaneously combust.

Because of this safety risk, on 1 October 2014, a new offence was created which prohibits the transportation of a 'placard load' through a tunnel where there is a *placard load prohibited sign*. A 'placard load' exists when a vehicle is carrying a quantity of dangerous goods that is equal to or above the threshold levels specified in Queensland legislation. In these circumstances, the vehicle must display a diamond-shaped warning sign known as a 'placard'.

To assist with the enforcement of this offence within the Legacy Way tunnel, the *Traffic Regulation 1962* is being amended to approve the use of a new dangerous goods vehicle detection camera system.

Achievement of policy objectives

The *Traffic Amendment Regulation (No. 1) 2016* will:

- approve a dangerous goods vehicle detection camera system for use in the Legacy Way tunnel;
- specify appropriate operating and testing procedures for that camera system;
- insert an evidentiary provision to support the camera system coding manual which is used in court proceedings to establish the exact location of the relevant camera; and
- insert *data block* provisions which provide explanations of the various markings and codes that appear on images taken by the system.

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*.

Inconsistency with policy objectives of other legislation

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

Benefits and costs of implementation

There will be minimal ongoing administrative costs associated with the processing of infringement notices issued for this camera-detected offence. These costs will be met from the revenue collected as a result of the payment of those infringement notices.

Consistency with fundamental legislative principles

The amendments are consistent with the fundamental legislative principles.

The evidentiary provisions to support the camera system coding manual, inserted by section 8, will provide an efficient means of providing evidence to a court of the location of the camera which captured an image of a vehicle displaying a placard whilst travelling through the tunnel. There are a number of cameras at different locations within the tunnel and the coding system manual will indicate the location that corresponds to a code that appears within the data block on the relevant image. The evidence will not be conclusive, meaning a defendant will be able to challenge that evidence if they wish to do so.

Consultation

Dangerous goods registered training organisations (RTOs), dangerous goods driver licence holders and key industry bodies, including the Queensland Trucking Association, were advised in writing of the new offence of carrying a placard load through a tunnel when it came into force on 1 October 2014. Further information on the offence was provided to those RTOs and licence holders when the Legacy Way tunnel became operational in June 2015.

As such, industry is aware of the prohibition on transporting placard loads of dangerous goods through tunnels and the signage at the Legacy Way tunnel has been in place since the tunnel first opened. The proposed amendments simply enhance the ability to enforce the existing prohibition.