

2008

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT)
AMENDMENT REGULATION 2008 (No 1)**

SUBORDINATE LAW SL2008-40

EXPLANATORY STATEMENT

Presented by
Mr John Hargreaves MLA
Minister for Territory and Municipal Services

**ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT)
AMENDMENT REGULATION 2008 (No 1)**

OVERVIEW

This regulation amends section 28 of the *Road Transport (Safety and Traffic Management) Regulation 2000*, which deals with reporting crashes to a police officer. The regulations are made under section 33 of the *Road Transport (Safety and Traffic Management) Act 1999*.

The amendment replaces section 28 with a new section that incorporates the substance of the former section 28 and includes new provisions to allow drivers of vehicles involved in crashes to discharge their reporting obligation if they provide particulars of the crash over the internet using the new crash reporting website that has been developed in collaboration between Canberra Connect and ACT Policing.

The new crash reporting website will make it easier for drivers to report accidents to the police within the required time frame. It will also make it easier for the police and ACT road safety managers to analyse crash data to identify new and emerging road safety issues on the ACT road network.

People can continue to report crashes at police stations, if they wish.

CLAUSE NOTES

Part 1 Preliminary

Clause 1 Name of Regulation

This clause is a formal provision to set out the name of the regulation.

Clause 2 Commencement

This clause is a formal provision that sets the commencement of the regulation. The amending regulation will commence on a date to be fixed or determined by the commencement notice. This arrangement will allow the new provisions about the crash reporting website to come into force at the same time as that website becomes operational, which is expected to occur later this year.

Part 2 Road Transport (Safety and Traffic Management) Regulation 2000

Clause 3 Legislation amended - pt 2

This clause explains that the amendments in this part of the regulation apply to the *Road Transport (Safety and Traffic Management) Regulation 2000*.

Clause 4 Section 28

This clause replaces current section 28 with a new section 28.

New subsection 28(1) provides for crash reporting using the new crash reporting website. This subsection makes it clear that if a driver reports a crash using the new

website, the driver is taken to have reported the crash “to a police officer” for the purposes of Rule 287 (3) of the Australian Road Rules. Rule 287 (3) requires that the driver of a motor vehicle involved in a crash must give the required particulars about a crash to a police officer within the required time. For information, Rule 287 (4) makes it clear that the required time means as soon as possible, but, except in exceptional circumstances, within 24 hours of the crash.

The effect of new section 28(1) is to make it clear that a driver who uses the new crash reporting website has discharged his or her obligation to report a crash to a police officer. It does not prevent drivers from reporting a crash to a police officer in person, for example if the driver does not have Internet access.

New sections 28 (2) and (3) reflect the content of current subsections 28 (1) and (2), and deal with the circumstances in which crashes must be reported and the particulars that must be provided in crash reports.

New section 28 (4) defines the term “crash reporting website”. As the definition explains, this website is operated by the territory for the purpose of receiving information about crashes. The note to section 28 (4) explains how the crash reporting website can be accessed. This note will be amended as needed to ensure that it remains current and that readers of the legislation are directed to the appropriate websites.