

2015

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

**ROAD TRANSPORT (SAFETY AND TRAFFIC
MANAGEMENT) AMENDMENT REGULATION 2015
(No 1)**

SL2015-29

EXPLANATORY STATEMENT

**Circulated by authority of
Shane Rattenbury MLA
Minister for Justice**

Road Transport (Safety and Traffic Management) Amendment Regulation 2015 (No 1)

Outline

The *Road Transport (Safety and Traffic Management) Amendment Regulation 2015 (No 1)* (the amending Regulation) amends the *Road Transport (Safety and Traffic Management) Regulation 2000* (the Regulation) by removing sections 108(4) to 108(6) and Schedule 1, to support the use of mobile road safety cameras on any road in the ACT.

The Regulation is made under section 24 of the *Road Transport (Safety and Traffic Management) Act 1999* (the Act), which provides for the making of regulations about traffic offence detection devices, more commonly known as speed or red-light cameras.

The Regulation sets out a number of requirements for the operation of these devices, including prescribed requirements for: their testing, sealing, maintenance and use; verification of files; and the meanings of codes used on images taken by these cameras, including location codes.

Section 108 of the Regulation defines the meaning of codes and other information indicated on an image of a vehicle taken by an approved camera detection device or approved average speed detection device.

Section 108(2) makes clear that it is not necessary for all codes mentioned in the section to be indicated on an image, but if they do appear they have the meaning given in the section.

Section 108(4) states the characters (whether numbers, letters or both) in the field immediately after 'Location' or 'Loc' is the code for the place where the image was taken (the location code).

Schedule 1 (Meaning of location codes on images) of the Regulation lists the location codes for the particular sections of road where cameras are used and to which those codes relate.

There is a requirement under section 14A of the *Road Transport (Offences) Regulation 2005*, for an infringement notice, including one for a camera detected offence, to include information about where the offence occurred. However, there is no requirement in the road transport legislation for the use of location codes or the inclusion of these codes in the Regulation.

Notwithstanding there is no such requirement, it has been past practice for the Regulation to include location codes for all fixed camera and mobile camera sites, and to limit the operation of the camera network to only the locations listed in Schedule 1. The practical effect of this approach has been that new camera sites or mobile camera locations have been required to be added to the Schedule by an amendment to the Regulation, before they are utilised as part of the ACT Road Safety Camera Program.

As a key action in the ACT's Road Safety Camera Strategy is the expansion of the mobile camera program to allow cameras to be used on any ACT road, it is important that the process for expansion of mobile camera sites be efficient. Amending the Regulation to add new location codes is neither efficient nor an existing requirement under the road transport legislation.

For this reason, the amending Regulation removes sections 108(4) to 108(6) and Schedule 1.

To enhance community information on the Road Safety Camera Program, details of all fixed camera locations and mobile camera sites will be provided on the road safety pages of the Justice and Community Safety Directorate's website. As new mobile camera locations are assessed as suitable, details will be included on the website.

It is expected that this will provide a more accessible and obvious location for this information than inclusion in a schedule to a regulation.

These minor amendments are considered to be consistent with human rights, and are not considered to engage any rights protected by the *Human Rights Act 2004*.

Notes on clauses

Clause 1 Name of regulation

This is a formal provision that sets out the name of the Regulation.

Clause 2 Commencement

This is a formal provision that provides for the commencement of the Regulation. The Regulation commences on the day after its notification.

Clause 3 Legislation amended

This clause lists the legislation to be amended by the Regulation. This Regulation will amend the *Road Transport (Safety and Traffic Management) Regulation 2000*.

Clause 4 Section 108 (4) to (6)

This clause repeals section 108 (4) to (6) which deals with the meaning of location codes.

Clause 5 Schedule 1

This clause repeals Schedule 1 which explains the meaning of location codes by reference to the section of road that relates to each location code. The repeal of Schedule 1 is consequential on the repeal of clause 108 (5).