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

ELEVENTH ASSEMBLY

**ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) (VALIDATION)
AMENDMENT BILL 2026**

**EXPLANATORY STATEMENT
and
HUMAN RIGHTS COMPATIBILITY STATEMENT
(*Human Rights Act 2004*, s 37)**

**Presented by
Tara Cheyne MLA
Minister for City and Government Services
September 2026**

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ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) (VALIDATION) AMENDMENT BILL 2026

This explanatory statement relates to the Road Transport (Safety and Traffic Management) (Validation) Amendment Bill 2026 (the **Bill**) as presented to the Legislative Assembly. It has been prepared to assist the reader of the Bill and to help inform debate. It does not form part of the Bill and has not been endorsed by the Legislative Assembly.

The statement must be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

The Bill **is not** a Significant Bill. Significant Bills are bills that have been assessed as likely to have significant engagement of human rights and require more detailed reasoning in relation to compatibility with the *Human Rights Act 2004*.

OVERVIEW OF THE BILL

The Bill addresses an administrative defect in the legislative framework for the seatbelt detection system under the *Road Transport (Safety and Traffic Management) Act 1999* (the **Act**).

When the legislative framework allowing the seatbelt detection system was established in 2025, a disallowable instrument should have been updated to include the seatbelt detection system as an approved traffic offence detection device, but the update was not made. The disallowable instrument that approved Acusensus Heads-Up JR-DD1 (**Acusensus**) devices for the mobile device detection system should also have approved Acusensus for the seatbelt detection system. While this was the express intention in developing the legislative framework, the update to the disallowable instrument was inadvertently overlooked.

All other legal and administrative requirements for the effective operation of the seatbelt detection system are in place. The camera devices are fit for purpose and comply with the testing and maintenance standards for traffic offence detection devices.

The Bill does not change the nature of seatbelt offences or the seatbelt detection system. Rather, the Bill validates actions taken on the false understanding that the disallowable instrument had been updated.

BACKGROUND

The legislative framework for the seatbelt offence detection system includes the Act, the *Road Transport (Safety and Traffic Management) Regulation 2017* (the **Regulation**), the *Road Transport (Road Rules) Regulation 2017* (the **Road Rules**) and associated legislative instruments.

The offences in the Road Rules which are enforced by the seatbelt detection system are:

- a. Wearing seatbelt and seating position – driver (section 264); and
- b. Driver to ensure passengers comply with seatbelt and seating position requirements (section 265A).

These offences were not new at the time the seatbelt detection system and supporting legislative framework were developed.

On 13 May 2025, the *Road Transport (Safety and Traffic Management) Amendment Bill 2025* (the **2025 Bill**) was introduced into the Legislative Assembly to establish the legislative framework for seatbelt detection. The intent of the 2025 Bill was to expand the existing mobile device detection cameras (MDDCs) to also detect seatbelts.

The MDDCs are Acusensus devices that have been approved for such use by disallowable instrument since 2023. The explanatory statement to the 2025 Bill explicitly states the existing Acusensus devices will be used for the seatbelt detection system. For example, the explanatory statement to the 2025 Bill states that it “will introduce the ability for the existing network of mobile device detection cameras to use traffic camera detected images of... seatbelts as evidence that the offence occurred.” The explanatory statement further confirms “[f]rom 3 November 2025, mobile device detection cameras will also detect seatbelts, which this Bill supports”.

The 2025 Bill was passed and the resulting *Road Transport (Safety and Traffic Management) Amendment Act 2025* commenced 3 November 2025 along with the commencement of operational enforcement.

Separate to the 2025 Bill, the *Road Transport (Road Rules) Amendment Regulation 2025* (the **Amendment Regulation**) was notified on 30 October 2025 ahead of its 3 November 2025 commencement. The Amendment Regulation made technical changes to the existing seatbelt offences to facilitate camera enforcement without changing the policy or penalties behind the offences. Again, the explanatory statement to the Amendment Regulation was clear that the existing Acusensus MDDCs would be expanded to enforce the seatbelt detection system.

Under section 23 of the Act, a traffic offence detection device is a device or system that detects or takes images of vehicles, drivers or passengers in contravention of the road transport legislation (excluding parking) and is approved under the Regulation by disallowable instrument. The Regulation states the mobile device detection system and seatbelt detection system may be approved as traffic offence detection devices.

Despite both the mobile device detection system and seatbelt detection system being enforced through the same Acusensus MDDC devices, the updated approval instrument to include both terms was not made. Instead, the Acusensus device was only formally approved for the purposes of the mobile device detection system.

All legislative and operational requirements other than the approval instrument have been met. The Acusensus technology is compliant with legislative, inspection, testing, maintenance and certification requirements.

For avoidance of doubt and to maintain the demonstrated intent of the legislation and overarching regulatory framework for the seatbelt detection system, the Bill will create a validating law to make all enforcement undertaken under the framework since 3 November 2025 prior to the seatbelt detection system being formally approved by disallowable instrument valid, as though the instrument had been done.

VALIDATING LAWS

A validating law cannot change the purpose or intended operation of the law. The validating law proposed in the Bill does not change the intended operation of the legislative framework for the seatbelt detection system; rather, it validates actions taken in good faith under that framework since 3 November 2025.

The fact that the disallowable instrument under the Regulation was not updated as intended is an administrative error which requires correction in order to retain the intent of the legislation. The validating law is necessary to ensure that the intent of the 2025 legislative reforms and regulatory framework are realised.

CONSULTATION ON THE PROPOSED APPROACH

City and Environment Directorate consulted with ACT Government Solicitor and Parliamentary Counsel's Office in developing the Bill.

CLIMATE IMPACT

The Bill does not present any emissions and adaptation impacts.

CONSISTENCY WITH HUMAN RIGHTS

The Bill does not impact on human rights as it serves to maintain the intent and operation of the existing legislation and regulatory framework.

The Bill does not criminalise behaviour that was previously not a criminal offence. Instead, the Bill corrects an administrative error where seatbelt detection system was not included in the required disallowable instrument despite the system being intended for and designed for that use.

The *Road Transport (Safety and Traffic Management) Amendment Act 2025* did not create a new criminal offence given the relevant seatbelt offences were already in place. Instead, these previous amendments authorised the use of MDDC images for another evidentiary purpose to detect whether a person was wearing a seatbelt correctly. Therefore, the validating law does not engage the right against retrospective criminal laws.

The explanatory statement to the 2025 Bill contained a detailed human rights analysis, including on the engagement of the right to privacy by use of the camera images for this additional purpose of seatbelt camera enforcement.

Rights engaged

Nil rights engaged by the Bill.

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) (VALIDATION)
AMENDMENT BILL 2026

Human Rights Act 2004 - Compatibility Statement

In accordance with section 37 of the *Human Rights Act 2004* I have examined the **ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) (VALIDATION) AMENDMENT BILL 2026**. In my opinion, having regard to the Bill and the outline of the policy considerations and justification of any limitations on rights outlined in this explanatory statement, the Bill as presented to the Legislative Assembly **is** consistent with the *Human Rights Act 2004*.

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Tara Cheyne MLA
Attorney-General

CLAUSE NOTES

Clause 1 Name of Act

This clause states that the name of the Act proposed by the Bill will be the *Road Transport (Safety and Traffic Management) (Validation) Amendment Act 2026*.

Clause 2 Commencement

This clause states that the Act will commence on the day after its notification day.

Clause 3 Legislation amended

This clause states that the legislation amended by the Act will be the *Road Transport (Safety and Traffic Management) Act 1999*.

Clause 4 New part 11

This clause inserts new part 11 to the *Road Transport (Safety and Traffic Management) Act 1999*, which contains the validation provisions comprising of two new sections:

New section 51 – Validation of Acusensus seatbelt detection system

This new section sets out the validating law so that all activities relating to the seatbelt detection system are taken to be valid as though the administrative defect had not been made.

New section 52 – Expiry – pt 11

This new section is the expiry provision which accompanies the validating law. The effect of validating laws continues to apply after the expiry.