

1999

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

**MOTOR TRAFFIC ACT 1936
MOTOR TRAFFIC REGULATIONS (AMENDMENT)**

Subordinate Law No. 22 of 1999

EXPLANATORY STATEMENT

Circulated by authority of

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Minister for Urban Services

AUSTRALIAN CAPITAL TERRITORY

MOTOR TRAFFIC REGULATIONS 1937

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EXPLANATORY STATEMENT

Clause 1 Commencement

This provides that regulations 1 and 2 commence on the day they are notified in the gazette, while the remaining provisions commence with the commencement of section 11 of the *Motor Traffic (Amendment) Act (No.2) 1999*. This allows radar speed measuring devices to continue to be used under the existing legislation until commencement of the new Act and these regulations.

Clause 2 cites the regulations as amendments to the *Motor Traffic Regulations 1937*.

Clause 3 inserts sections required as a result of the new arrangements for infringement notices provided in *Motor Traffic (Amendment) Act (No.2) 1999*. It also relocates the existing sections on demerit points.

26C (Prescribed penalties) explains how Part 1 of Schedule 1 itemises the prescribed penalties for parking infringements for the purposes subsection 149 (1) of the Principal Act. Parking infringements are not affected by the new arrangements for infringements provided in the new Part 11A.

PART 4C - INFRINGEMENT NOTICES

26D (Infringement notice offences and penalties) provides that items listed in Parts 2, 3, and 4 of Schedule 1 are offences for the new Part 11A, and specifies the penalties for a person and a body corporate. The cost of serving a reminder notice for an infringement notice offence is also specified.

26E (Administering authority) provides that the administering authority for every infringement notice offence is the Chief Police Officer.

26F (Authorised persons for infringement notices) provides that a police officer may serve an infringement notice for any infringement notice offence.

26G (Authorised person for reminder notice) provides that a police officer may serve a reminder notice for any infringement notice offence.

26H (Persons authorised for infringement notices etc to have unique number) provides that the administering authority must give a unique number to each person authorised to serve an infringement notice.

26I (Period for service of certain infringement notices) provides that an infringement notice for a camera detected offence must be served within 28 days after the day the offence was committed. This is to ensure that infringement notices are sent out as close to the event as possible, to ensure the maximum deterrence effect is achieved.

26J (Identifying particulars for vehicle for infringement notice offence involving a vehicle) sets out the requirements for identifying vehicles on infringement notices, as well as the specific provisions for notices for camera detected offences and for vehicles not having a number plate or registration label.

26K (Identifying particulars for animal for infringement notice offence involving an animal) provides the identifiers required, on infringement notices, for animals.

26L (Identifying particulars for authorised person for infringement notice offence) provides that the identifying particular for a police officer is the service number of the police officer. For an authorised person it is the number given to the person by the administering authority under regulation 26H.

26M (Person to whom the administering authority may delegate) provides that the administering authority may delegate his or her powers to the registrar.

PART 4D – DEMERIT POINTS

26N and **26O** represent the existing sections on demerit points, moved to their own Part 4D.

PART 4E - TRAFFIC OFFENCE DETECTION DEVICES

26P (Definitions for Part 4E) lists the various types of traffic offence detection devices approved by regulation. The list includes the existing radar and laser speed measuring devices used by the police, as well as the new digital camera detection devices. The section also specifies the testing authorities that may certify the accuracy and integrity of traffic offence detection devices.

26Q (Approved traffic offence detection devices) approves the digital camera detection device, as well as laser and radar speed detection devices, for the purposes of the definitions in section 180ZD of the Act.

26R (Major testing of traffic offence detection devices) provides the requirements for the major testing of devices, including the frequency of tests, the degree of accuracy to be achieved by the devices, and the sealing of devices following testing. The regulation also provides that devices may be tested and certified prior to commencement of this regulation, if they are tested and certified in accordance with the requirements of 26R. This means that laser and radar speed measuring devices used by the police do not need to be re-tested.

26S (Maintenance of traffic offence detection devices) provides that a traffic offence detection device must be maintained in accordance with manufacturers instructions by a person approved under the regulations.

26T (Use of traffic offence detection devices) provides the operating requirements for operators of the various traffic offence detection devices.

26U (Approved people - testing and sealing) provides the competency standards for people approved to test and seal traffic infringement detection devices. These are the people who may do the major testing of the devices.

26V (Approved people - maintenance) provides that maintenance will only be carried out by approved people including all police officers. People other than police officers may be approved by the registrar to maintain digital camera detection devices. Effectively, approved people will be the operators of the devices.

26W (Approved people - use) allows that all police officers may use traffic offence detection devices. The registrar may only approve persons to use camera detection devices if they have appropriate qualifications or experience for the purpose.

26X (Meaning of codes on images) provides that a code with the prefix 'SLS' is a code for the place where an image produced by a digital camera detection device was taken. The meanings of such codes are itemised at Schedule 3.

26Y (Exemptions for people using traffic offence detection devices) provides exemptions from certain parking provisions for operators of traffic offence detection devices. This is necessary as in some circumstances operators will be required to operate from vehicles parked in areas, such as road verges and medians, where parking is not normally permitted.

26Z (Modification of operation of Part 15 of the Act) is a temporary adjustment to the provisions of Part 15 of the Act (Transitional Provisions about Traffic Infringement Notices) to allow infringement notices currently issued by the police using handheld Autocite terminals to comply with the new infringement notice requirements. Reprogramming of the Autocite equipment has begun in the USA and will not be completed in time for the commencement of the Act due to the manufacturer's year 2000 compliance commitments.

The section ensures that anyone receiving an infringement notice from the police, whether issued on-the-spot or by mail, has the full 28 days from the 'date of service' of the notice in which to pay the penalty or dispute liability for the offence.

Clause 4 consequentially repeals section 32 (Prescribed offences, penalties and demerit points) and 33 (Demerit points – declared holiday periods).

Clause 5 simplifies the headings in Schedule 1 of the Principal Regulations. Schedule 1 is also amended to provide expanded descriptions of bicycle helmet offences.

Clause 6 inserts a new Schedule 3 (Location codes for cameras), explaining the meanings of location codes on images taken by digital camera detection devices.