

2011

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

**ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) AMENDMENT
REGULATION 2011 (No 1)**

SUBORDINATE LAW SL2011-35

EXPLANATORY STATEMENT

Presented by
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Overview

This Regulation is made under section 24 of the *Road Transport (Safety and Traffic Management) Act 1999* (the Act), which provides for regulations about traffic offence detection devices, including average speed detection systems, commonly known as point to point camera systems.

These amendments prescribe various technical matters necessary for the operation of point to point camera systems in the ACT. The first point to point camera system in the ACT has been constructed on a stretch of Hindmarsh Drive over the crest of Red Hill between the intersection of Mugga Lane and Dalrymple Street at its eastern end, and near Tyagarah Street, O'Malley at its western end.

The matters that are required by law to be prescribed to support the operation of an average speed detection system include:

- the components that are used in the system itself (the automatic numberplate recognition cameras and the matching software), which must be prescribed as “approved”.
- the detection points, the shortest practicable distance between those points and the shortest practicable route;
- the average speed limit and the minimum time between the detection points.

Other matters that are prescribed relate to the codes that appear on images taken by the cameras, and maintenance and testing requirements for the cameras.

It is not considered that these amendments, which are technical or operational in nature, give rise to human rights issues. For a discussion of the human rights implications of point to point camera systems generally, readers are referred to the Explanatory Statement and Supplementary Explanatory Statement for the *Road Transport (Safety and Traffic Management) Amendment Act 2011*.¹

Financial implications

Funding for the construction and installation of the camera system was provided in the 2010-2011 Budget.

¹ http://www.legislation.act.gov.au/b/db_42144/RelatedMaterials/explanatory_statements.asp

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 explains when the regulation commences. The regulation will commence at the same time as the commencement of the recent amendments to the Act.

Clause 3 Legislation amended

This provision explains that the legislation amended by these amendments is the *Road Transport (Safety and Traffic Management) Regulation 2000*, which will be referred to as the Principal Regulation in this Explanatory Statement.

Clause 4 New section 103 (3)

This clause amends section 103 of the Principal Regulation. The effect of this amendment is to insert a definition of ‘approved average speed detection system’ into section 103. An approved system can be used to detect speeding offences in the ACT.

As required by section 24 (3) of the Act, an average speed detection system may only be prescribed as ‘approved’ if it has software installed on the camera components that deletes images stored on the cameras 14 days after the images were taken. The PIPS Technology Ltd ANPR cameras used in the system installed on Hindmarsh Drive have been programmed to delete images at the end of the 13th day after the images were taken.

Clause 5 New section 103B

This clause inserts new section 103B, which prescribes certain matters that must be prescribed for section 22AA and section 23B of the Act. These matters are the *detection points*, the *average speed limit*, the *shortest practicable distance* between the detection points, the *shortest practicable route* and the *minimum time* that a driver could take to drive a vehicle on the route within the speed limit. This information is expressed in table 103B.

It should be noted that there are two detection points for each route, one at the beginning and one at the end. There is an eastbound route and a westbound route for this section of Hindmarsh Drive, so there are four detection points in total. The geographic location of each of the detection points is expressed using the ACT Standard Grid Coordinates system, which is defined in the *Surveyor (Surveyor-General) Practice Directions 2010 (No.2) DI2010-267, schedule 2*.

Clause 6 New section 104A (1) (f)

This clause amends section 104A to insert new section (1) (f), which includes a reference to an approved average speed detection system in the list of devices that require major testing every 12 months. This is the statutory minimum requirement for testing. It does not preclude

routine testing, or other testing to ensure that the system continues to function to the manufacturer's specifications.

Clause 7 New section 104A (10)

This clause sets out the major testing requirements for an average speed detection system. The major testing must show that the system is operating in accordance with the manufacturer's specifications and that the time measurement between detection points is accurate within a tolerance of 2%.

Clause 8 Section 104B (1) (a) and (b)

This clause replaces paragraphs 104B (1) (a) and (b) to fix incorrect references to other provisions in the Principal Regulation. The errors are typographical in nature, of the kind sometimes referred to as a "printer's slip". They have not affected the ability of the Traffic Camera Office to carry out certification and sealing of traffic offence detection devices. The amendments are not related to average speed detection systems. The opportunity has been taken to correct these errors in this amendment regulation.

Clause 9 Section 108 heading

This clause amends the heading to section 108 to include a reference to *approved average speed detection system*. This amendment is consequential in nature.

Clause 10 Section 108 (1)

This amendment inserts a reference to *approved average speed detection system* in section 108 (1). That section explains that section 108 deals with the codes on images taken by traffic cameras.

Clause 11 New section 108 (3) (e)

This clause provides for a device code to be allocated to the automatic number plate recognition camera component of an average speed detection system. This code will be recorded on images taken by the camera, and helps to identify the camera that took the image.

Clause 12 Schedule 1, new part 1.3

This clause inserts a table that sets out the location codes that identify the places where images are taken by the cameras used in an average speed detection system. The location codes are recorded on the images as they are taken.