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

**ROAD TRANSPORT (SAFETY AND TRAFFIC
MANAGEMENT) AMENDMENT REGULATION 2014
(No 2)
SL2014-11**

EXPLANATORY STATEMENT

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Simon Corbell MLA
Attorney-General**

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) AMENDMENT REGULATION 2014 (No 2)

Outline

This regulation amends the *Road Transport (Safety and Traffic Management) Regulation 2000*, and also makes a consequential amendment to the *Road Safety (Offences) Regulation 2005*.

The regulation makes three sets of amendments. The first set of amendments supports the introduction of electronic payments for parking in ACT Government ticket parking areas. The second set of amendments relates to the replacement of ageing fixed and mobile speed cameras with new camera models and speed measurement devices. Finally, a number of other minor and technical amendments are made.

E-payment for parking

New ticket machines installed in ACT Government car parks have the functionality to accept payment electronically via a smart phone application. This regulation amends the provisions regarding ticket parking in the *Road Transport (Safety and Traffic Management) Regulation 2000* to allow motorists to pay for parking in an ACT Government ticket area through a smart phone application approved by the road transport authority (an *approved e-payment method*). The amendments provide that motorists who use an approved e-payment method to pay for parking will not be required to display a valid parking ticket on their vehicle.

Replacement of cameras

The *Road Transport (Safety and Traffic Management) Act 1999* requires that traffic offence detection devices must be approved as an approved camera detection device prior to their use within the ACT.

This regulation approves a new fixed speed camera device (a Gatsometer Traffic camera (T-series) GT20 camera) and a new digital camera detection device (a VITRONIC PoliScan Speed M1 HP) for the purposes of the Act. Each of these new cameras incorporates a speed measuring device as part of their camera mechanism, which are approved by this regulation. A number of these cameras will be used from early July 2014, replacing older cameras which are no longer able to be used.

Other amendments

This regulation also makes a number of minor or technical amendments to the provisions regarding traffic offence detection devices.

Among the changes are amendments to the provisions relating to the codes required to be displayed on photographic or electronic images of vehicles taken by camera detection devices and removal of references to obsolete technology.

The regulation also amends the tolerance accuracy requirements relating to the testing of an approved police speedometer.

There are no human rights implications arising from the amendments made by this regulation.

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. This regulation will commence on the day after it is notified.

Clause 3 Legislation amended

This clause lists the legislation to be amended by the regulation. This regulation will amend the *Road Safety (Safety and Traffic Management) Regulation 2000*, and will also make a consequential amendment to the *Road Safety (Offences) Regulation 2005*.

Clause 4 Section 49A (4), note

This clause is consequential on the insertion of new section 49AA by clause 5. It amends the note to section 49A (4), which refers to provisions establishing exceptions to the provisions of section 49A (1), about requirements to correctly display a current parking ticket.

Clause 5 New section 49AA

This clause inserts new section 49AA. Section 49AA (1) provides that the offence in section 49A (1), of not displaying a parking ticket, does not apply to a driver if the driver is parked in a parking space in a ticket parking area, and the driver has paid for the parking space using an approved e-payment method. Section 49AA (2) inserts a signpost reference to the definition of approved e-payment method in new section 76AA, inserted by clause 8.

Clause 6 Section 49B (1), note 1

This clause is consequential on the amendment to section 81, about when a parking ticket expires, made by clause 9.

Clause 7 New section 49B (1A)

This clause inserts new section 49B (1A). The new section makes it an offence for a driver who has used an approved e-payment method to pay for a parking space to

leave their vehicle parked in the parking space after the e-payment parking period for which they have paid ends. The maximum penalty for the offence is 20 penalty units.

The new offence is consistent with the existing offences in section 49B (1) of allowing a vehicle to remain parked after the expiry of a parking ticket, and section 49B (2) of allowing a vehicle to remain parked for longer than the maximum period allowed for that parking space. The maximum penalty for the new offence is the same as the maximum penalty for these existing offences, to ensure consistency in the treatment of ticket parking offences.

Clause 8 New section 76AA

This clause inserts new section 76AA. New section 76AA (1) provides that the road transport authority may approve an e-payment method (an *approved e-payment method*) for a driver to pay for the use of a parking space in a ticket parking area.

New section 76AA (2) provides that the road transport authority may not approve an e-payment method unless satisfied the system supporting the method is capable of providing the road transport authority with information about parking fees paid, keep a record of each transaction and give the person using the e-payment method an electronic receipt for the transaction.

New section 76AA (3) provides that an approval of an e-payment method is a notifiable instrument.

E-payment method is defined in new section 76AA (4) as a method for payment using an electronic device.

Clause 9 Section 81

Section 81 is concerned with the duration of parking tickets. This clause substitutes a new section 81. The heading for the substituted section reflects the introduction of e-payment as a method to pay for parking.

There has been no change to existing section 81, which has been renumbered as 81 (1). New section 81 (2) specifies the duration of an e-payment parking period, which begins when the parking period is initiated by a device in accordance with an approved e-payment method and ends when the period for which payment has been made using that method ends.

Clause 10 Section 102, definition of digital camera detection device, New paragraph (d)

This clause supports the introduction of a new model of mobile speed camera. This clause inserts a reference to a new device (a VITRONIC PoliScan Speed M1 HP that includes, as a component, a laser speed measuring device) into the definition of *digital camera detection device*. Each device listed in the definition of digital camera detection device is, by virtue of section 103 (1), approved as an *approved camera detection device* for the purposes of the *Road Transport (Safety and Traffic Management) Act 1999*.

**Clause 11 Section 102, definition of fixed camera detection device,
New paragraph (da)**

This clause inserts a reference to the Gatsometer Traffic Camera (T-Series) GT20 into the definition of *fixed camera detection device* in section 102. Under section 103 (1), all devices listed in this definition are approved as an *approved camera detection device* for the purposes of the *Road Transport (Safety and Traffic Management) Act 1999*.

**Clause 12 Section 102, definition of laser speed measuring device,
paragraphs (a) – (e)**

This clause substitutes the existing references to speed measuring devices in the definition of laser speed measuring device.

The clause inserts a reference to the Laser Technology Inc. LTI 20-20 SE, also known as the Laser Technology Inc. LTI 20/20 SE, in the definition of *laser speed measuring device* in section 102. This device is a handheld laser speed measuring device that will be used by ACT Policing to support its traffic enforcement efforts. The device will replace older models currently being used by ACT Policing. Section 103 (2) provides that each laser speed measuring device in the definition is approved as an *approved speed measuring device* for the purposes of the *Road Transport (Safety and Traffic Management) Act 1999*.

The clause also updates the references to the existing speed measuring devices in the definition to reflect that the Laser Technology Inc. LTI 20-20 series of measuring devices are also commonly referred to as the Laser Technology Inc. LTI 20/20 series. The amendment clarifies that each device, irrespective of which way the device is described, is an approved speed measuring device for the purposes of the *Road Transport (Safety and Traffic Management) Act 1999*.

The clause also inserts a reference to the VITRONIC PoliScan SPEED M1 HP into the definition. This device combines both the functions of a digital camera detection device (for which it has been approved under clause 10) and a laser speed measuring device. This clause approves this device as an approved speed measuring device for the purposes of the *Road Transport (Safety and Traffic Management) Act 1999*.

**Clause 13 Section 102, definition of radar speed measuring device,
New paragraph (aa)**

This clause inserts a reference to the Gatsometer RT3 tracking radar speed measuring device into the definition of laser speed measuring device. Section 103 (2) provides that each radar speed measuring device in the definition is an approved speed measuring device for the purpose of the *Road Transport (Safety and Traffic Management) Act 1999*.

Clause 14 Section 102, definition of *WORM disk*

This clause deletes the definition of WORM Disk from the definitions in section 102, and is consequential on the change to section 107A (1) made by clause 18.

Clause 15 Section 104A (7)

This clause amends the accuracy tolerance that an approved police speedometer must meet when tested in accordance with the provisions of 104A. This clause amends the accuracy tolerance requirement for police speedometers from 2 per cent to 2 kilometres per hour. This change reflects the manufacturer's specifications for the speedometers used by ACT Policing, which certifies that the speedometer is accurate to within 2 kilometres per hour of the vehicle speed.

This change also aligns the accuracy tolerance requirements for police speedometers with the accuracy tolerance requirements for other speed measuring devices, which are required to be accurate within a tolerance of 2 kilometres per hour for measuring speeds of 100km/h or under.

Clause 16 New section 105 (3A)

This clause is consequential on the introduction of the new VITRONIC PoliScan SPEED M1 HP digital camera detection device. Currently, section 105 imposes certain obligations on the operator of a digital camera detection device located in a vehicle (a mobile speed camera). These obligations include conducting certain operations, including a calibration verification check and a scope alignment check. Imposing an obligation to undertake these checks separately is not necessary for the new VITRONIC PoliScan SPEED M1 HP devices, as those checks are automatically performed by the device when the operator conducts an instrument confidence check.

This clause inserts a new section (3A) that provides that the operations in subsections (3) (a) (ii) and (iii) do not apply to an operator of a VITRONIC PoliScan SPEED M1 HP device. There has been no change to the obligations on operators of other digital camera detection devices.

Clause 17 Section 107A (1)

Section 107A prescribes how electronic files (images) created by camera detection devices must be stored and secured. Section 107A (1) provides that an electronic file created by a camera detection device must be recorded on a WORM disk or other storage medium for electronic data. This clause removes the obligation in 107(A) (1) for these files to be stored on a WORM disk. WORM disks are an obsolete technology and are no longer used by the road transport authority for the storage of camera images. More appropriate technologies, such as hard drives, are now used to store these images, with appropriate safeguards applied as appropriate to ensure the security of the data.

Clause 18 Section 108 (10)

Section 108 defines the meaning of codes and other information displayed on images of vehicles taken by an approved camera detection device (such as a red light camera) or approved speed camera system (such as a fixed speed camera). Section 108 (10) defines the meaning of codes used to describe the lane in which the vehicle was travelling when the image was taken. Existing section 108 (10) refers to the characters ‘L1’, ‘L2’ etc as the code for which lane the vehicle was travelling in. This clause adds the codes ‘1’, ‘2’ etc to the characters that can be displayed to indicate the lane a vehicle was travelling in. This change reflects current road transport authority technology which can display either ‘L1’ or ‘1’ on images taken by camera detection devices or speed camera systems.

Clause 19 Section 108 (12)

Section 108 defines the meaning of codes and other information displayed on images of vehicles taken by an approved camera detection device (such as a red light camera) or approved speed camera system (such as a fixed speed camera). Section 108 (12) defines the numbers that appear on the camera image immediately after the characters ‘Speed Li’ as the speed limit applying to the driver for the vehicle for the length of road where the driver was driving when the image was taken. This clause amends section 108 (12) so that it will read “‘Speed Li’, which may be described as ‘Speed Limit’, “. This change will allow the road transport authority to make the camera images more user friendly by displaying ‘Speed Limit’ instead of the less readily understood ‘Speed Li’.

Clause 20 Section 108 (12), example

This clause is consequential on clause 19. It amends the example in section 108 (12) to refer to the new term ‘Speed Limit’ as well as the existing ‘Speed Li’.

Clause 21 Section 108 (15), example

This clause is consequential on clause 18. It amends the example in section 108 (15) to remove the reference to WORM disk.

Clause 22 Dictionary, new definition of *approved e-payment method*

This clause is consequential on clause 8. It adds a reference to the definition of *approved e-payment method* in section 76AA.

Clause 23 Dictionary, definition of *WORM disk*

This clause is consequential on clause 17. It removes the definition of WORM disk currently in the dictionary.

**Clause 24 Road Transport (Offences) Regulation 2005, schedule 1,
part 1.13, new item 31A**

This clause is a consequential amendment to the *Road Transport (Offences) Regulation 2005* arising from the creation by clause 7 of the new offence of parking after the e-payment parking period for which has been paid for ends.

This clause inserts a short description of the new offence into schedule 1, part 1.13 of the *Road Transport (Offences) Regulation 2005*. Part 1.13 provides a short description of the offences in the *Road Transport (Safety and Traffic Management) Regulation 2000*. This short description can be used in an information summons or warrant notice, order or other document, to sufficiently state the offence. The Schedule also provides the offence penalty and infringement penalty of the offence.