



Australian Capital Territory

Motor Traffic Regulations Amendment

Subordinate Law 1999 No 22

The Australian Capital Territory Executive makes the following regulations under the *Motor Traffic Act 1936*.

Dated 29 September 1999.

BRENDAN SMYTH
Minister

GARY HUMPHRIES
Minister



Australian Capital Territory

Motor Traffic Regulations Amendment

Subordinate Law 1999 No 22

made under the

Motor Traffic Act 1936

CONTENTS

Regulation		Page
1	Commencement.....	1
2	Regulations amended	1
3	Insertion—	
	PART 4B—PARKING INFRINGEMENTS	
26C	Prescribed penalties	1
	PART 4C—INFRINGEMENT NOTICES	
26D	Infringement notice offences and penalties.....	1
26E	Administering authority	2
26F	Authorised persons for infringement notices	2
26G	Authorised persons for reminder notices	2
26H	Persons authorised for infringement notices etc to have unique number.....	2

Motor Traffic No 22, 1999

CONTENTS—continued

Section		Page
	26I	Period for service of certain infringement notices 2
	26J	Identifying particulars for vehicle for infringement notice offence involving a vehicle 3
	26K	Identifying particulars for animal for infringement notice offence involving an animal 3
	26L	Identifying particulars for authorised person for infringement notice offence..... 4
	26M	Person to whom administering authority may delegate 4
		PART 4D—DEMERIT POINTS
	26N	Demerit points..... 4
	26O	Demerit points—declared holiday periods..... 5
		PART 4E—TRAFFIC OFFENCE DETECTION DEVICES
	26P	Definitions for Pt 4E 5
	26Q	Approved traffic offence detection devices 6
	26R	Major testing of traffic offence detection devices..... 6
	26S	Maintenance of traffic offence detection devices 7
	26T	Use of traffic offence detection devices..... 7
	26U	Approved people—testing and sealing 8
	26V	Approved people—maintenance..... 9
	26W	Approved people—use..... 9
	26X	Meaning of codes on images..... 9
	26Y	Exemptions for people using traffic offence detection devices 9
	26Z	Modification of Pt 15 of the Act 10
4		Repeal..... 11
5		Schedule 1 11
6		Insertion of new Schedule—
		SCHEDULE 3
		LOCATION CODES FOR CAMERAS..... 13

1 Commencement

- (1) This regulation and regulation 2 commence on the day these regulations are notified in the *Gazette*.
- (2) The remaining provisions commence on the commencement of section 11 of the *Motor Traffic (Amendment) Act (No 2) 1999*.

2 Regulations amended

These regulations amend the *Motor Traffic Regulations 1934*.

3 Insertion

After Part IVA the following Parts are inserted:

“PART 4B—PARKING INFRINGEMENTS

“26C Prescribed penalties

For subsection 149 (1) of the Act, the amount mentioned in an item of Part 1 of Schedule 1 is the prescribed penalty for the parking infringement that is described in the item and a contravention of the provision of the Act mentioned in the item.

“PART 4C—INFRINGEMENT NOTICES

“26D Infringement notice offences and penalties

“(1) Each of the following offences is an offence to which Part 11A of the Act applies (an *infringement notice offence*):

- (a) an offence against the Act that is described in an item of Part 2 of Schedule 1 and is a contravention of the provision of the Act mentioned in the item;
- (b) an offence against these regulations that is described in an item of Part 3 of Schedule 1 and is a contravention of the provision of these regulations mentioned in the item;
- (c) an offence against the *Traffic Act 1937* that is described in an item of Part 4 of Schedule 1 and is a contravention of the provision of that Act mentioned in the item.

“(2) The penalty payable by an individual under an infringement notice for an infringement notice offence is the amount mentioned in the item of Part 2, 3 or 4 of Schedule 1 applying to the offence.

“(3) The penalty payable by a body corporate under an infringement notice for an infringement notice offence is 5 times the amount mentioned in the item of Part 2, 3 or 4 of Schedule 1 applying to the offence.

“(4) The cost of serving a reminder notice for an infringement notice offence is \$34.

“26E **Administering authority**

The administering authority for every infringement notice offence is the chief police officer.

“26F **Authorised persons for infringement notices**

A police officer may serve an infringement notice for any infringement notice offence.

“26G **Authorised persons for reminder notices**

A police officer may serve a reminder notice for any infringement notice offence.

“26H **Persons authorised for infringement notices etc to have unique number**

The administering authority for an infringement notice offence must give a unique number to each person who is authorised by the administering authority to serve infringement or reminder notices for the offence.

“26I **Period for service of certain infringement notices**

An infringement notice for a camera-detected offence may only be served under section 180E (Service of infringement notices on vehicle owners) of the Act within 28 days after the day the offence was committed.

“26J **Identifying particulars for vehicle for infringement notice offence involving a vehicle**

“(1) For paragraph 180F (1) (e) of the Act, the identifying particulars for a vehicle are the following:

- (a) any registration number;
- (b) body type;
- (c) the registration expiry date shown on any registration label;
- (d) if relevant to the offence—the number of passengers in the vehicle.

“(2) However, if there is not a numberplate or registration label on the vehicle and a vehicle or engine identification number for the vehicle is known, the vehicle or engine identification number may be stated instead of particulars mentioned in paragraph (1) (a) or (c).

“(3) For a camera-detected offence, paragraphs (1) (c) and (d) do not apply if it is not possible to decide those particulars from the image taken by the traffic offence detection device.

“26K Identifying particulars for animal for infringement notice offence involving an animal

For paragraph 180F (1) (f) of the Act, the identifying particulars for an animal are the following:

- (a) species;
- (b) breed;
- (c) colour;
- (d) sex;
- (e) age;
- (f) any identification or registration tags;
- (g) any collars;
- (h) any brands or tattoo;
- (i) any electronically coded implant;
- (j) any marks or scars;
- (k) any other noticeable distinguishing marks or features.

“26L Identifying particulars for authorised person for infringement notice offence

“(1) For paragraph 180F (1) (i) of the Act, the identifying particular for an authorised person who is a police officer is the service number of the police officer.

“(2) For paragraph 180F (1) (i) of the Act, the identifying particular for an authorised person who is authorised by the administering authority for an infringement notice offence to serve infringement or reminder notices for the offence is the unique number given to the person by the administering authority under regulation 26H.

“26M Person to whom administering authority may delegate

For subsection 180MT (1) of the Act, a person to whom the administering authority may delegate its powers under the Act is the registrar.

“PART 4D—DEMERIT POINTS

“26N Demerit points

“(1) For section 180NB of the Act, an offence is a prescribed offence if—

- (a) it is an offence against the Act that is described in an item of Part 2 of Schedule 1 and is a contravention of the provision of the Act mentioned in the item; and
- (b) the item mentions a number of demerit points.

“(2) For section 180NB of the Act, the prescribed number of demerit points for a prescribed offence is the number of demerit points mentioned in the item of Part 2 of Schedule 1 applying to the prescribed offence.

“(3) For subsection 180NB (1) of the Act, the prescribed number of demerit points for a corresponding offence is the number of demerit points mentioned in the item of Part 2 of Schedule 1 applying to the prescribed offence that corresponds to the corresponding offence.

“(4) This regulation has effect subject to regulation 26O.

“26O Demerit points—declared holiday periods

“(1) For section 180NB of the Act, the prescribed number of demerit points incurred for a prescribed offence that is committed, or alleged to have been committed, during a declared holiday period is—

- (a) if item 106, 108, 109, 110, 111, 112 or 113 of Part 2 of Schedule 1 applies to the offence—double the number of demerit points mentioned in the item; or
- (b) if any other item of Part 2 of Schedule 1 applies to the offence—1 more than the number mentioned.

“(2) The Minister may, by notice in the *Gazette*, declare that a stated period is a holiday period for this regulation.

“(3) A notice under subregulation (2) is a disallowable instrument for section 10 of the *Subordinate Laws Act 1989*.

“PART 4E—TRAFFIC OFFENCE DETECTION DEVICES

“26P Definitions for Pt 4E

In this Part—

digital camera detection device means the camera detection device known as LaserCam 2000.

laser speed measuring device means a speed measuring device known as—

- (a) Laser Technology Inc. LTI 20-20 Marksman; or
- (b) Laser Technology Inc. LTI 20-20 Ultralyte.

radar speed measuring device means a speed measuring device known as—

- (a) Applied Concepts Inc. Stalker Dual; or
- (b) AWA Slant Radar Model 449; or
- (c) Kustom Signals KR-10SP; or
- (d) Kustom Signals KR-11; or
- (e) Kustom Signals, Inc. Silver Eagle; or
- (f) Fairey Slant Radar Model 456.

testing authority means—

- (a) a department of electrical or electronic engineering at a university in Australia; or
- (b) the Division of Applied Physics, Commonwealth Scientific and Industrial Research Organisation; or
- (c) the Support Services Division, British Aerospace Australia Limited.

“26Q Approved traffic offence detection devices

“(1) For the definition of *approved camera detection device* in section 180ZD of the Act, the digital camera detection device is approved.

“(2) For the definition of *approved speed measuring device* in section 180ZD of the Act, each laser speed measuring device and radar speed measuring device is approved.

“26R Major testing of traffic offence detection devices

“(1) A digital camera detection device, laser speed measuring device and radar speed measuring device must be tested in accordance with this regulation at least once in every 12 months.

“(2) The test must be carried out by a person approved under regulation 26U.

“(3) The testing of a digital camera detection device or laser speed measuring device must find out whether the device—

- (a) is operating in accordance with the manufacturer’s specifications; and
- (b) is accurate within a tolerance of plus or minus 2 kilometres per hour.

“(4) The testing of a radar speed measuring device must find out whether the device is operating in accordance with Australian Standard 2898.1-2.

“(5) If the test establishes the matters mentioned in subregulation (3) or (4), the person who carried out the test must—

- (a) sign a certificate to that effect; and
- (b) if a seal on the device has been damaged or removed—seal the device.

“(6) A test mentioned in this regulation may be carried out before the commencement of this regulation, and a certificate mentioned in paragraph (5) (a) may be signed for such a test before the commencement.

“26S Maintenance of traffic offence detection devices

A traffic offence detection device must be maintained in accordance with the manufacturer’s instructions by a person who is approved under regulation 26V.

“26T Use of traffic offence detection devices

“(1) A digital camera detection device must be used by an operator by doing the following operations in accordance with the manufacturer’s instructions for the device:

- (a) testing the laser speed measuring component of the device at the beginning of each continuous period of use by carrying out the following checks:
 - (i) an instrument confidence check;

- (ii) a calibration verification check;
- (iii) a scope alignment check;
- (b) activating the device;
- (c) operating the device;
- (d) testing the laser speed measuring component of the device at the end of each continuous period of use by carrying out the checks mentioned in paragraph (a).

“(2) However, after the operator of a digital camera detection device has carried out the operations mentioned in paragraphs (1) (a) and (b), the device may operate unattended.

“(3) A laser speed measuring device must be used by an operator by doing the following operations in accordance with the manufacturer’s instructions for the device:

- (a) testing the device at the beginning of each continuous period of use by carrying out the following checks:
 - (i) an instrument confidence check;
 - (ii) a calibration verification check;
 - (iii) a scope alignment check;
- (b) activating the device;
- (c) operating the device;
- (d) testing the device at the end of each continuous period of use by carrying out the checks mentioned in paragraph (a).

“(4) A radar speed measuring device must be used as follows:

- (a) at the beginning of each continuous period of use by an operator, the device must be tested by the operator against a motor vehicle’s accurate speedometer and must be found to be accurate within a tolerance of 2 kilometres per hour;
- (b) at the end of each continuous period of use by an operator and, if the period is longer than 9 hours, also after 9 hours, the device must be tested by the operator against the same speedometer and must be found to be accurate within a tolerance of 2 kilometres per hour;
- (c) the device must also be used in accordance with the manufacturer’s instructions.

“(5) In this regulation—

operator means a person approved to use a traffic offence detection device under regulation 26W.

“26U **Approved people—testing and sealing**

The following people are approved to test and seal traffic offence detection devices:

- (a) for a laser speed measuring device or digital camera detection device—a person employed by a testing authority if the person in charge of the testing authority is satisfied the person is competent to carry out testing and sealing in accordance with the manufacturer’s specifications;
- (b) for a radar speed measuring device—a person employed by a testing authority if the person in charge of the testing authority is satisfied the person is competent to carry out testing in accordance with Australian Standard 2898.1-2.

“26V **Approved people—maintenance**

“(1) Each police officer is approved to maintain any traffic offence detection device.

“(2) The registrar may approve a person who is not a police officer to maintain digital camera detection devices.

“(3) The registrar may only approve a person under subregulation (2) if the registrar is satisfied that the person has appropriate qualifications to maintain, or experience in the maintenance of, digital camera detection devices.

“26W **Approved people—use**

“(1) Each police officer is approved to use any traffic offence detection device.

“(2) The registrar may approve a person who is not a police officer to use digital camera detection devices.

“(3) The registrar may only approve a person under subregulation (2) if the registrar is satisfied that the person has appropriate qualifications to operate, or experience in the operation of, digital camera detection devices.

“26X Meaning of codes on images

“(1) On an image produced by a digital camera detection device, the code—

SLS, (or *site location speed*) as a prefix, means that the code immediately following is the code for the place where the image was taken.

“(2) On an image produced by a digital camera detection device, the code following the prefix SLS has the meaning set out in Schedule 3.

“26Y Exemptions for people using traffic offence detection devices

“(1) This regulation applies to a person who is approved to use traffic offence detection devices.

“(2) The following provisions of the Act do not apply to the person in respect of a vehicle being used by the person in the course of his or her duty as a person approved to use traffic offence detection devices if, in the circumstances, the person is taking reasonable care and it is reasonable that the provision should not apply:

- (a) subsection 151 (1) (which is about stopping or parking a vehicle other than on the carriageway of a public street);
- (b) subsection 151 (2) (which is about stopping or parking a vehicle other than on the left side of a carriageway);
- (c) subsection 151 (3) (which is about stopping or parking a vehicle on a one-way street or in a loading area);
- (d) subsection 152 (1) (which is about parking a vehicle on a street contrary to a no parking sign);
- (e) subsection 152 (3) (which is about parking a vehicle on a street for longer than the time limit on a parking sign);
- (f) subsection 155 (1) (which is about parking a vehicle in a public place contrary to a no parking sign);
- (g) subsection 155 (3) (which is about parking a vehicle in a public place for longer than the time limit on a parking sign);
- (h) paragraph 158 (1) (ea) (which is about stopping or parking a vehicle on a traffic island or median strip);
- (i) paragraph 158 (2) (c) (which is about stopping or parking a vehicle on a kerbed street other than on the carriageway or a parking area).

“26Z Modification of Pt 15 of the Act

“(1) Part 15 of the Act is modified by inserting the following section after section 227:

‘227A Service of infringement notices etc

‘(1) Despite paragraph 180F (1) (b), an infringement notice served under section 180D may state the date of issue of the notice instead of the date of service of the notice.

‘(2) If an infringement notice states the date of issue of the notice—

- (a) the notice must be served on the person to whom it is addressed, or posted by prepaid post to the person to whom it is addressed, on the date of issue; and
- (b) sections 180G to 180MF (inclusive) apply in relation to the notice as if a reference to 28 days after the day the notice is served on the person were a reference to 35 days after the date of issue.

‘(3) Despite paragraph 180F (1) (d), an infringement notice served under section 180D need not state the law or the provisions of the law contravened by the person to whom the notice is addressed.’

“(2) This regulation ceases to have effect on 1 December 1999.”.

4 Repeal

Regulations 32 and 33 are repealed.

5 Schedule 1

(1) The heading to Schedule 1 is omitted and the following heading substituted:

“SCHEDULE 1

(See regs 26C, 26D,
26N, 26O)

**PARKING INFRINGEMENTS AND INFRINGEMENT NOTICE
OFFENCES”.**

(2) The heading to Part I of Schedule 1 is omitted and the following heading substituted:

**“PART 1—MOTOR TRAFFIC ACT 1936—PARKING INFRINGEMENTS AND
PENALTIES”.**

(3) The heading to Part II of Schedule 1 is omitted and the following heading substituted:

Motor Traffic No 22, 1999

“PART 2—MOTOR TRAFFIC ACT 1936—INFRINGEMENT NOTICE OFFENCES,
PENALTIES AND DEMERIT POINTS”.

(4) The heading to Part III of Schedule 1 is omitted and the following heading substituted:

“PART 3—MOTOR TRAFFIC REGULATIONS 1934—INFRINGEMENT NOTICE
OFFENCES AND PENALTIES”.

(5) The heading to Part IV of Schedule 1 is omitted and the following heading substituted:

“PART 4—TRAFFIC ACT 1937—INFRINGEMENT NOTICE OFFENCES AND
PENALTIES”.

(6) Schedule 1 is amended by omitting items 1, 2 and 3 from Part 4 and substituting the following items:

1	subsection 6C (1)	person at least 18 years old riding bicycle without wearing an appropriately adjusted approved helmet	43
2	subsection 6C (2)	cyclist at least 18 years old carrying passenger under 14 years old not wearing an appropriately adjusted approved helmet	43
3	subsection 6C (3)	passenger at least 18 years old on bicycle not wearing an appropriately adjusted approved helmet	43

6 Insertion of new Schedule

After Schedule 2 the following Schedule is inserted:

SCHEDULE 3
LOCATION CODES FOR CAMERAS

(See reg 26X)

code	place where image was taken
SLS 0001	Adelaide Avenue between Hopetoun Circuit and Kent Street
SLS 0002	Antill Street between Northbourne Avenue and Federal Highway
SLS 0003	Athllon Drive between Beasley Street and Sulwood Drive
SLS 0004	Belconnen Way between Barry Drive and Coulter Drive
SLS 0005	Bowen Drive between Brisbane Avenue and Kings Avenue
SLS 0006	Coppins Crossing Road between Uriarra Road and William Hovell Drive
SLS 0007	Drakeford Drive between Sulwood Drive and Athllon Drive
SLS 0008	Erindale Drive between Sulwood Drive and Sternberg Crescent
SLS 0009	Florey Drive between Southern Cross Drive and Ginninderra Drive
SLS 0010	Ginninderra Drive between Tillyard Drive and Kingsford Smith Drive
SLS 0011	Ginninderra Drive between Ellenborough Street and Tucker Street
SLS 0012	Gungahlin Drive between Wells Station Drive and Gundaroo Drive
SLS 0013	Hindmarsh Drive between Dalrymple Street and Jerrabomberra Avenue
SLS 0014	Hindmarsh Drive between Athllon Drive and Melrose Drive
SLS 0015	Kingsford Smith Drive between Kuringa Drive and Spalding Street
SLS 0016	Lady Denman Drive between Cotter Road and Barrenjoey Drive
SLS 0017	Long Gully Road between Erindale Drive and Mugga Lane
SLS 0018	Melrose Drive between Athllon Drive and Hindmarsh Drive
SLS 0019	Monaro Highway between Canberra Avenue and Hindmarsh Drive
SLS 0020	Monaro Highway between Hindmarsh Drive and Isabella Drive
SLS 0021	Mugga Lane between Narrabundah Lane and Long Gully Road
SLS 0022	Northbourne Avenue between Macarthur Avenue and Antill Street
SLS 0023	Parkes Way between Clunies Ross Street and Glenloch Interchange
SLS 0024	Tuggeranong Parkway between Lakeside Interchange and Cotter Road
SLS 0025	Tuggeranong Parkway between Hindmarsh Drive and Cotter Road
SLS 0026	Tuggeranong Parkway between Hindmarsh Drive and Sulwood Drive
SLS 0027	Yamba Drive between Mawson Drive and Beasley Street

Endnotes

Regulations amended

- 1 Republished as in force on 22 May 1998. See also SL 1998 Nos 27 and 28; 1999 Nos 13 and 16.

Notification

- 2 Notified in the *Gazette* on 5 October 1999.