



Australian Capital Territory

Road Transport (Safety and Traffic Management) Regulations Amendment 2001

Subordinate Law 2001 No 32

The Australian Capital Territory Executive makes the following regulations under the *Road Transport (Safety and Traffic Management) Act 1999*.

Dated 30 August 2001.

BRENDAN SMYTH
Minister

MICHAEL MOORE
Minister



Australian Capital Territory

Road Transport (Safety and Traffic Management) Regulations Amendment 2001

Subordinate Law 2001 No 32

made under the

Road Transport (Safety and Traffic Management) Act 1999

Contents

	Page
1 Commencement	1
2 Regulations amended	1
3 Division 2.2.1, note 2, table	1
4 New regulation 23B	1
5 Regulation 57 (2)	2
6 Chapter 3, new heading	2

Contents

	Page	
7	Regulation 102, new definition of <i>approved police speedometer</i>	2
8	Regulation 102, definition of <i>digital camera detection device</i>	3
9	Regulation 102, new definition of <i>security checksum</i>	3
10	Regulation 102, definition of <i>testing authority</i> , paragraph (d)	3
11	Regulation 103 (2)	3
12	New regulation 103A	4
13	Regulation 104 (1) (d)	4
14	Regulation 104 (3) (b)	4
15	Regulation 104 (5)	4
16	Regulation 104 (5) and (6)	5
17	New regulation 104 (5)	5
18	Regulation 105	5
19	New regulations 107A to 107C	8
20	Regulation 108 (1)	9
21	Regulation 108 (9)	9
22	Regulation 108 (15)	10
23	Regulation 112	10
24	Regulation 125	12
25	Dictionary, definition of <i>camera detection device</i>	12
26	Dictionary, new definitions of approved police speedometer, indicated on, recording medium, security checksum and WORM disk	12

1 Commencement

These regulations commence on the day they are notified in the Gazette.

2 Regulations amended

These regulations amend the *Road Transport (Safety and Traffic Management) Regulations 2000*.

3 Division 2.2.1, note 2, table

after the reference to the Australian Road Rules, rule 248, insert
266 (3) (b) 23B

4 New regulation 23B

insert

23B ARR r 266 (3) (b)—wearing of seatbelts by passengers under 16 years old

- (1) For the Australian Road Rules, rule 266 (3) (b), all passengers in or on a motor vehicle (other than a bus or motor bike) who are at least 1 year old, but under 16 years old, must be restrained in an approved child restraint or wear a seatbelt unless they are exempt from wearing a seatbelt under a Territory law.

Note For the circumstances in which a person is exempt from wearing a seatbelt, see the Australian Road Rules, r 267 and reg (2) below.

- (2) A passenger mentioned in subregulation (1) is exempt from wearing a seatbelt if—
- (a) the motor vehicle is not required to be fitted with child restraint anchorages or seatbelts under the 2nd or 3rd edition ADR and the vehicle has not been fitted with a child restraint anchorage point or a seatbelt for a seating position that is available for the passenger; or

(b) the motor vehicle is registered in a State that does not have a law that substantially corresponds to subregulation (1); or

(c) the motor vehicle is a taxi.

Note 1 **Taxi** includes a private hire car and a restricted hire vehicle, see reg 33 (1), def of **taxi**.

Note 2 The defence of sudden or extraordinary emergency is also available, see the *Criminal Code*, s 10.3 (as applied by reg 115).

(3) In this regulation:

2nd edition ADR—see the *Road Transport (Vehicle Registration) Regulations 2000*, schedule 1, clause 14.

3rd edition ADR—see the *Road Transport (Vehicle Registration) Regulations 2000*, schedule 1, clause 15.

5 Regulation 57 (2)

substitute

(2) This regulation expires on 1 December 2002.

6 Chapter 3, new heading

before the heading to part 3.1, insert the following heading

Chapter 3 Parking

7 Regulation 102, new definition of **approved police speedometer**

insert

approved police speedometer means a speedometer approved under regulation 103A (Approval of police vehicle speedometers).

8 Regulation 102, definition of *digital camera detection device*

substitute

digital camera detection device means a camera detection device known as—

- (a) LaserCam 2000, which includes, as a component, a laser speed measuring device; or
- (b) LaserCam NT, which includes, as a component, a laser speed measuring device.

9 Regulation 102, new definition of *security checksum*

insert

security checksum, for an electronic file, means the number (whether numerals or numerals and letters) produced by the application of an algorithm to the contents of an electronic file or a copy of the file.

10 Regulation 102, definition of *testing authority*, paragraph (d)

substitute

- (d) Technical Services, Australian Federal Police, Canberra; or
- (e) for an approved police speedometer—an entity approved in writing by the chief police officer to test approved police speedometers.

Note An entity includes an individual, see *Legislation Act 2001*, dict, pt 1, def of *entity*.

11 Regulation 103 (2)

substitute

- (2) For the definition of *approved speed measuring device* in the dictionary to the Act, each laser speed measuring device, piezo strip speed measuring device, radar speed measuring device and approved police speedometer is approved.

12 New regulation 103A

insert

103A Approval of police vehicle speedometers

- (1) For the definition of *approved police speedometer*, the chief police officer may, in writing, approve a kind of speedometer that is fitted to a motor vehicle driven by a police officer for measuring the speed at which vehicles are being driven.
- (2) An approval is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

13 Regulation 104 (1) (d)

substitute

- (d) a radar speed measuring device;
(e) an approved police speedometer.

14 Regulation 104 (3) (b)

omit

plus or minus

15 Regulation 104 (5)

omit

subregulation (4)

substitute

subregulation (4) or (5)

16 Regulation 104 (5) and (6)

renumber as regulation 104 (6) and (7)

17 New regulation 104 (5)

- (5) The testing of an approved police speedometer must find out whether the device is accurate within a tolerance of 2%.

18 Regulation 105

substitute

105 Use of digital camera detection devices (MTR reg 26T)

- (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 shift of the operator 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 shift of the operator by carrying out the checks mentioned in paragraph (a).
- (2) However, after the operator of the device has carried out the operations mentioned in subregulation (1) (a) and (b), the device may operate unattended.

- (3) To remove any doubt, if the device is used at more than 1 place during a shift of the operator, the operator is not required to carry out the checks mentioned in subregulation (1) (a) each time the device is activated at a different place.
- (4) If the device is used by 2 or more operators who are working together during the shift, the tests mentioned in subregulation (1) (a) and (d) may be carried out by different operators.
- (5) In this regulation:

operator means a person approved to use a traffic offence detection device under regulation 107 (Approved people—use).

105A Use of laser speed measuring devices (MTR reg 26T)

- (1) 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 shift of the operator 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 shift of the operator by carrying out the checks mentioned in paragraph (a).
- (2) To remove any doubt, if the device is used at more than 1 place during a shift of the operator, the operator is not required to carry out the checks mentioned in subregulation (1) (a) each time the device is activated at a different place.

(3) If the device is used by 2 or more operators who are working together during the shift, the tests mentioned in subregulation (1) (a) and (d) may be carried out by different operators.

(4) In this regulation:

operator means a person approved to use a traffic offence detection device under regulation 107 (Approved people—use).

105B Use of radar speed measuring devices (MTR reg 26T)

(1) A radar speed measuring device must be used by an operator in accordance with the manufacturer's instructions for the device.

(2) The operator must test the device—

(a) at the beginning of each shift of the operator against an approved police speedometer; and

(b) at the end of each shift of the operator against the speedometer mentioned in paragraph (a); and

(c) if the operator's shift is longer than 9 hours—9 hours after the beginning of the shift against the speedometer mentioned in paragraph (a).

(3) After each test, the device must be found to be accurate within a tolerance of 2 km/h.

(4) To remove any doubt, if the device is used at more than 1 place during a shift of the operator, the operator is not required to carry out the checks mentioned in subregulation (2) (a) each time the device is activated at a different place.

(5) If the device is used by 2 or more operators who are working together during the shift, the tests mentioned in subregulation (2) may be carried out by different operators.

(6) In this regulation:

operator means a person approved to use a traffic offence detection device under regulation 107 (Approved people—use).

19 New regulations 107A to 107C

insert

107A Recording of digital camera detection device image files—Act, s 23 (2) (c) (ii)

An electronic file created by a digital camera detection device must be recorded on a magneto-optical write once read many disk (a *WORM disk*) attached directly to, or located with, the device.

107B Recording of traffic lights camera detection device image files—Act, s 23 (2) (c) (ii)

- (1) An electronic file created by a traffic lights camera detection device must be recorded on a WORM disk or another storage medium for electronic data (a *recording medium*).
- (2) The recording medium for a traffic lights camera detection device may be—
 - (a) attached directly to, or located with, the device; or
 - (b) at a place other than the place where the device is located.

Example for par (b)

If a motor vehicle goes through a red traffic light and an image of the vehicle is taken by a traffic lights camera detection device, the electronic file created by the device in relation to the offence is sent along a wire or optical fibre to a recording device in a building in another suburb and is stored at that building on a recording medium.

- (3) If the recording medium for a traffic lights camera detection device is at a place other than the place where the device is located—
 - (a) the device must produce a security checksum for each electronic file created by the device; and

- (b) the device must encrypt the security checksum and the file; and
 - (c) the security checksum and the encrypted file must be recorded as soon as practicable on a recording medium.
- (4) However, subregulation (3) does not prevent other security measures being taken in relation to a security checksum or an electronic file before it is recorded on the recording medium.

107C Verification of traffic lights camera detection device image files—Act, s 23 (2) (c) (iii)

- (1) This regulation applies if an electronic file that contains an image of a vehicle taken by a traffic lights camera detection device is recorded on a recording medium that is at a place other than the place where the device is located.
- (2) Before the image of the vehicle is produced from the file, the accuracy of the file must be verified by using a computer to—
 - (a) recalculate the security checksum for the file; and
 - (b) confirm that the security checksum produced by the recalculation is identical to the checksum produced by the device for the file.

20 Regulation 108 (1)

insert

Note Information etc that is indicated on an image includes information etc accompanying or reasonably associated with the image (see the Act, dict, def of *indicated on*).

21 Regulation 108 (9)

substitute

- (9) The letter in the field immediately after ‘Direction’ or ‘Dir’ indicates—

- (a) for an image taken by a digital camera detection device—whether the general direction in which the vehicle was travelling was away from or towards the device, with ‘A’ indicating away from the device and ‘T’ indicating towards the device; or
- (b) for an image taken by a traffic lights camera detection device—the general direction in which the vehicle was travelling when the image was taken, with ‘N’ indicating north, ‘S’ indicating south, ‘E’ indicating east and ‘W’ indicating west.

Example for par (a)

‘Direction: A’ indicates that when the image was taken the vehicle was generally travelling away from the digital camera detection device that took the image.

Example for par (b)

‘Direction: N’ indicates that when the image was taken the vehicle was travelling in the general direction of north.

22 Regulation 108 (15)

substitute

- (15) The characters (whether numbers, letters or both) in the field immediately after ‘Disk’ is the code for the recording medium used to record the image of the vehicle.

Example

‘Disk: WD0022’ indicates that the code for the WORM disk used to record the image was WD0022.

23 Regulation 112

substitute

112 Disposal of impounded vehicles—Act, s 10J (NSW (Gen) cl 15)

- (1) This regulation applies to a vehicle impounded under the following provisions of the Act:

- (a) section 10AA (Impounding of vehicles used for menacing driving on court order before conviction etc);
 - (b) section 10A (Impounding or forfeiture of vehicles on conviction etc for certain offences);
 - (c) section 10B (Powers of police officers to seize and impound vehicles used in committing certain offences).
- (2) If a person has not applied to the chief police officer for the release of the vehicle at the end of the period of impoundment, the chief police officer must, by notice served on the registered operator of the vehicle and every person who has a registered interest in the vehicle, warn them that the vehicle may be offered for sale if the vehicle is not removed from the place of impoundment within 28 days after the day of service of the notice.
- (3) The vehicle may be offered for sale, by public auction or public tender, if the vehicle is not removed within 28 days after service of the notice or, if more than 1 notice is served under subsection (2), the later of the notices.
- (4) A person may apply to the chief police officer for payment to the person of the balance of the proceeds of sale of a vehicle within 1 year after the vehicle is sold in accordance with subregulation (3).
- (5) The balance of the proceeds of sale may be paid to the person if the person satisfies the chief police officer that—
- (a) the person was lawfully entitled to possession of the vehicle immediately before its sale; and
 - (b) there was a reasonable excuse for the person's failure to obtain release of the vehicle before it was sold.
- (6) In this regulation:
- balance of the proceeds of sale***, of a vehicle, means the proceeds of the sale of the vehicle less—

- (a) any fee or other amount payable under the *Road Transport (General) Act 1999* for the seizure, impounding and storage of the vehicle; and
- (b) the reasonable costs of or incidental to the sale.

112A Disposal of forfeited vehicles—Act, s 10J
(NSW (Gen) cl 15)

A vehicle that has been forfeited to the Territory under the Act, section 10A (Impounding or forfeiture of vehicles on conviction etc for certain offences) may be offered for sale by public auction or public tender.

24 Regulation 125

omit

(5) (a)

substitute

(6) (a)

25 Dictionary, definition of *camera detection device*

substitute

camera detection device—see the Act, section 23 (1) (Use of camera detection devices).

26 Dictionary, new definitions of *approved police speedometer, indicated on, recording medium, security checksum and WORM disk*

insert

approved police speedometer, for chapter 4 (Traffic offence detection devices)—see regulation 102 (Definitions for ch 4).

indicated on, an image of a vehicle taken by an approved camera detection device—see the Act, dictionary.

recording medium, for chapter 4 (Traffic offence detection devices)—see regulation 107B (1) (Recording of traffic lights camera detection device image files—Act, s 23 (2) (c) (ii)).

security checksum, for chapter 4 (Traffic offence detection devices)—see regulation 102 (Definitions for ch 4).

WORM disk, for chapter 4 (Traffic offence detection devices)—see regulation 107A (Recording of digital camera detection device image files—Act, s 23 (2) (c) (ii)).

Endnotes

Regulations amended

- 1 Republished as in force on 1 March 2001 (Republication No 1). See also SL 2000 Nos 21, 33 and 52; Act 2001 Nos 27, 29 and 44.

Notification

- 2 Notified in Gazette 2001 No S69 on 11 September 2001.