

Ms Chiaka Barry MLA
Chair
Standing Committee on Legal Affairs (Legislative Scrutiny Role)
ACT Legislative Assembly
Email: scrutiny@parliament.act.gov.au

Our ref: 26/006917

21 May 2026

Dear Ms Barry

Chiaka

I write in relation to comments made by the Standing Committee on Legal Affairs (Legislative Scrutiny Role) (the Committee) in Scrutiny Report 18, regarding the City and Environment Legislation Amendment Bill 2026 (the bill), particularly to clauses 12 and 13 of the bill.

I wish to advise that a revised explanatory statement has been drafted for the bill. The revised explanatory statement provides additional information in the notes for clauses 12 and 13. In addition to the information provided in the revised explanatory statement, please see below for my responses to the Committee's comments on the bill.

Clause 12—omission of *Heavy Vehicle National Law (ACT) Act 2013*, section 21

The Committee has requested an explanation of the impact that clause 12 of the bill has on an individual's rights in criminal proceedings.

This clause is a technical provision to tidy the statute book. This clause omits section 21 of the *Heavy Vehicle National Law (ACT) Act 2013 (HVNL ACT Act)* as it is no longer required.

The *Heavy Vehicle National Law (ACT) Act 2013* applies the *Heavy Vehicle National Law (HVNL)*, a model national law, in the ACT. The HVNL was passed by the Queensland Parliament and is set out in the schedule to the *Heavy Vehicle National Law Act 2012 (Qld)*.

This clause omits section 21 of the HVNL ACT Act as it contains a reference to section 14 of the HVNL, which no longer exists. Section 14 of the HVNL was removed from the Queensland legislation in 2016.

Section 21 of the HVNL ACT Act currently provides that the mistake of fact defence in the *Criminal Code 2022*, sections 35 and 36 does not apply to a person charged with an offence under the (former) section 14 of the HVNL ACT Act.

To clarify, the bill does not remove the mistake of fact defence for an offence under the HVNL ACT Act; rather it removes the prohibition on using the mistake of fact defence for a repealed section of the Act and thus has no practical effect and only serves to tidy the statute book.

The explanatory statement for the bill has been revised to better explain the effect of clause 12.

Clause 13—amendment to *Road Transport (Offences) Regulation 2005*, section 6(2)

The Committee also requested an explanation on how the amendment to section 6(2) of the *Road Transport (Offences) Regulation 2005* (the regulation) in clause 13 allows for technological advances in traffic offence detection.

Currently the wording of section 6(2)(b) of the regulation provides that a relevant offence must be detected by a ‘traffic offence detection device’.

Newer technologies now allow ACT Policing to issue infringement notices to drivers using dashboard camera or mobile phone footage as accepted evidence of traffic offences. These technologies are not classified as ‘traffic offence detection devices’ for the purposes of the regulation. Currently, where a corporate vehicle is detected by one of these newer technologies, the corporate multiplier cannot be applied due to the narrow wording of current section 6(2)(b) of the regulation, which limits detection to ‘traffic offence detection devices’.

Clause 13 of the bill omits the term ‘traffic offence detection device’ from section 6(2), thus removing the limitation in applying the corporate multiplier to newer technologies. The result is that section 6(2)(b) of the regulation will not exclude future technological advances in traffic offence detection for corporate vehicles.

The explanatory statement for the bill has been revised to better explain the effect of clause 13.

I trust this information is of assistance and I thank the Committee for its consideration of the bill.

Sincerely



Tara Cheyne MLA
Minister for City and Government Services