

Our ref: C2025/00739

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

Dear Ms Barry

Thank you for the Standing Committee on Legal Affairs' provision of Scrutiny Report 7 of 17 June 2025. I am responding to the Committee's comments about the Road Transport (Safety and Traffic Management) Amendment Bill 2025 (the Bill), specifically in relation to the right to privacy under section 12 of the *Human Rights Act 2004*.

The Committee requested that the explanatory statement to the Bill provide more specific details about the privacy safeguards in the existing legislation and where to locate the existing infringement review process. The revised explanatory statement addressing this request is at Attachment A and a summary of the updates is below.

Privacy and data security safeguards in the legislation

While it is already an offence for a driver to fail to wear a seatbelt properly adjusted and fastened or to fail to ensure passengers are properly restrained and traffic offence detection cameras can capture images of drivers currently, the Bill expands the framework to allow images to be captured of both the driver and passengers. This supports the Traffic Camera Expansion (TCE) initiative to expand our existing mobile device detection cameras to detect seatbelts from 3 November 2025.

The Committee noted the explanatory statement to the Bill refers to various privacy safeguards in the Bill and other privacy and data security safeguards in existing legislation, but the nature of these and where each safeguard is located in the existing legislation is not clear. The revised explanatory statement provides further detail of the nature and location of these safeguards. Of particular relevance is the:

- a. *Information Privacy Act 2014* – in addition to setting out the Territory Privacy Principles, the Information Privacy Act specifically requires appropriate privacy protections for government contracts under section 21, which is relevant to the contracts with traffic camera detection device providers;
- b. *Road Transport (Safety and Traffic Management) Act 1999* – section 29 includes data security safeguards, such as to ensure data collected by traffic offence detection devices is protected to prevent loss, unauthorised access, or other misuse; and

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- c. *Road Transport (Safety and Traffic Management) Regulation 2017* – section 15 includes privacy safeguards to ensure images taken by traffic offence detection devices are encrypted, only show as much as necessary to demonstrate the offence took place and are destroyed as soon as possible if an offence isn't shown.

Infringement review process

The explanatory statement to the Bill analyses the limitation on the right to privacy relating to how a person with a medical exemption from wearing a seatbelt will be required to provide evidence of the exemption within 28 days. The 28-day timeframe is not included in the Bill itself but will be included in an upcoming amendment regulation. The explanatory statement states the 28-day timeframe aligns with timeframes under the existing infringement review process and in New South Wales.

The Committee provided comment that detail on where the existing infringement review process can be found should be included in the explanatory statement. This has now been included in the revised version, which refers to the Traffic and Parking Fines (Infringements) section of the Access Canberra website. The website contains the information and application forms for terms and processes referred to throughout the explanatory statement relating to traffic camera infringement notices. For example, the explanatory statement refers to applications for withdrawal and having 28 days to act before there is risk of escalation.

As there are future changes anticipated to the Access Canberra website as part of ongoing standard updates and the upcoming communications and awareness campaign relating to the TCE seatbelts initiative, the website URL was not included in the revised explanatory statement.

I thank the Committee for identifying ways the explanatory statement can be made more detailed to ensure transparency for the community in interpreting our legislation and government processes.

Yours sincerely



Chris Steel MLA
A/g Minister for City and Government Services

19 August 2025