



ACT
Government


Chief Minister, Treasury and
Economic Development

Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2019-083

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	4
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A





Director General
Chief Minister, Treasury and Economic Development Directory
PO Box 158
CANBERRA ACT


Dear Director General or Delegate

I apologise for taking up public resources with this matter, however I am disheartened by the response I have received from a Delegate of the Road Transport Authority, Access Canberra Infringement Office.

I would like to please request all information relating to PARKING INFRINGEMENT NOTICE NUMBER 2747514742 (issued to me personally), including any form of material such as written notes, emails either printed or digital, as well as any photos and data holdings. I also request information/data in relation to whether the traffic lights, where my vehicle (registration number YH188X) was photographed in relation to the infringement, were flashing amber directly prior to my vehicle being photographed.

I am happy to be contacted by email at  or on mobile  to clarify any of the information above or otherwise.

Sincerely



3 April 2019




ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI2018-083



via email: 

Dear 

FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 8 April 2019, in which you state the following:

"I would like to please request all information relating to PARKING INFRINGEMENT NOTICE NUMBER 2747514742 (issued to me personally), including any form of material such as written notes, emails either printed or digital, as well as any photos and data holdings. I also request information/data in relation to whether the traffic lights, where my vehicle (registration number YH188X) was photographed in relation to the infringement, were flashing amber directly prior to my vehicle being photographed."

Authority

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Timeframes

In accordance of section 40 of the Act, CMTEDD was required to provide a decision on your access application by 9 May 2019.

Decision on access

Searches were completed for relevant documents and 3 documents and 1 video file have been identified that fall within the scope of your request.

I have included as **Attachment A** to this decision the schedule of the relevant documents and video file.

I have decided to grant full access to the relevant documents and video file. The documents and video file released to you is provided as **Attachment B** to this letter.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are not applicable for this request because as the documents and video file being be released to you is below the charging threshold.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the CMTEDD disclosure log three days after the date of my decision. Your personal contact details will not be published.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in the CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman

GPO Box 442

CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal

Level 4, 1 Moore St

GPO Box 370

Canberra City ACT 2601

Telephone: (02) 6207 1740

<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely,



Daniel Riley

Information Officer

Information Access Team

Chief Minister, Treasury and Economic Development Directorate

12 April 2019



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
[REDACTED]	I would like to please request all information relating to PARKING INFRINGEMENT NOTICE NUMBER 2747514742 (issued to me personally), including any form of material such as written notes, emails either printed or digital, as well as any photos and data holdings. I also request information/data in relation to whether the traffic lights, where my vehicle (registration number YH188X) was photographed in relation to the infringement, were flashing amber directly prior to my vehicle being photographed.	CMTEDDFOI2019-083

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-16	Infringement documents	12 Nov 2018	Full release	N/A	Yes
2	N/A	Video footage	8 Nov 2018	Full release	N/A	Yes
Total No of Docs						
2						



GATSO

RT3 T-Series			
Date:	08.11.2018	Speed limit:	80 km/h
Time:	07:18:21	Speed:	25 km/h
Device:	201404000551	Red time:	1.1 s
Operator:	0125	Interval:	0.000 s
Location:	1008, Hindmarsh Drive and Tuggeranong Parkway		

2

E

13032

1



GATSO

RT3 T-Series	08.11.2018	Speed limit:	80 km/h	Lane:	2
Date:	07:18:21	Speed:	25 km/h	Direction:	E
Time:	201404000551	Red time:	1.6 s	Incident:	13032
Device:	0125	Interval:	0.499 s	Image:	2
Operator:	1008, Hindmarsh Drive and Tuggeranong Parkway				
Location:					



Infringement Notice

Camera Detected Offence

Road Transport (General) Act 1999, Section 24



00000-FR



Infringement Details

Payment due by	25/12/2018
Penalty payable	\$474.00
Demerit points	3
Infringement notice number	274 751 4742
Date of service	27/11/2018

\$60.00 of this infringement penalty will be used to enhance services for ACT victims of crime.

Details of offence

Offence Date & Time: 08/11/2018 07:18:21AM
Offence Description: Enter Intersection or Marked Foot Crossing When Traffic Light Red
Offence Location: HINDMARSH DRIVE/TUGGERANONG PARKWAY

Registration No: YHI88X ACT **Body Type:** STATION WAGON
Image Identification: 62745

Date this Notice Issued: 12/11/2018 **Authorised Person:** AP0124

You only have 28 days from the date of service of this notice to:

- A. Pay the Infringement Notice penalty;** (If the infringement notice is served on a corporation, before paying the infringement you should read the information on the reverse of this form to understand the implications).
- B. Apply for withdrawal of the infringement notice or submit an Infringement Notice Declaration;** (You must complete a declaration if you were not the person who committed the offence or the infringement notice is served on a corporation.) **IMPORTANT - Do not pay the infringement notice or send payment with declaration. A new infringement notice will be served on the nominated driver of the vehicle.**
- C. Dispute liability;**
- D. Apply for an Infringement Notice Management Plan;**
- E. Apply for a waiver of the Infringement Notice Penalty; or**
- F. Apply for an extension of time to take any of the actions above.**

See page 2 of this notice for further information.

Payment Options



Go to <http://www.act.gov.au/pay-infringement> and select **Pay traffic infringements online** then follow the on screen prompts to make payment by Visa or MasterCard.



Bill code: 343533

Login to your financial institutions online banking service and select BPAY then follow the on screen prompts. You will need to enter the Biller Code and the above Infringement Notice Number as the reference number.



Billpay code: 0286

Call **13 18 16** and follow the prompts. Enter the above Infringement Notice number as the reference number. Payment can be made with Visa or MasterCard. The National Relay Service is available for the hearing impaired on 13 36 77.



Send this notice and a cheque payable to the **Road Transport Authority** to: PO Box 582, Dickson, ACT 2602.



You can pay by cash, cheque, Eftpos, Visa or MasterCard at any Australia Post Office.



*286 2747514742

4088684-SEM-001505-XXXXXX-00000

You only have 28 days from the date of service of this notice to:

A. Pay the Infringement Notice penalty;

In a proceeding the responsible person for a registrable vehicle involved in an infringement notice offence is taken to be the individual in possession or control of the vehicle at the time of the offence unless the responsible person proves, on the balance of probabilities, that the person was not in possession or control of the vehicle at the time of the offence.

If you are not the person who committed the offence, under Part 3 of the *Road Transport (General) Act 1999*, you must take all reasonable steps to give the authority sufficient information to identify and locate the individual who was in possession or control of the vehicle at the time of the offence.

If a **corporation** fails to take all reasonable steps to assist the Road Transport Authority to identify and locate the individual who was in possession or control of the vehicle in relation to at least one previous demerit point offence then suspension of registration may apply based on Section 42 of the *Road Transport (General) Act 1999*.

An individual or corporation takes all reasonable steps if they give the administering authority an infringement notice declaration for the offence within the time required under division 3.2 (Infringement and Reminder Notices)(including any additional time allowed under that division) and the administering authority accepts the infringement notice declaration for this division and the person respond to any correspondence from the administering authority within 14 days.

B. Apply for withdrawal of the infringement notice or submit an Infringement Notice Declaration;

If you wish to apply for withdrawal of the infringement notice you must write to the **Chief Police Officer** via the online form www.act.gov.au/infringements, within 28 days after the date of service of the infringement notice (or any longer time allowed by the Chief Police Officer).

A Known User Declaration has been supplied with this infringement notice. For other types of Infringement Notice Declarations, please go to www.act.gov.au/infringements to download, or contact Access Canberra on **13 22 81**. For the declaration to be accepted under Division 3.3, (Infringement notice offences involving registrable vehicles – responsible person's liability), you must complete all the required fields.

DO NOT PAY THIS NOTICE IF AN INFRINGEMENT NOTICE DECLARATION IS TO BE PROCESSED. The demerit points as stated on the infringement notice will be incurred by you if you pay the infringement notice penalty.

You must complete and return any Infringement Notice Declaration associated with this notice to the **Chief Police Officer, PO Box 582, Dickson ACT 2602, (email) tco@act.gov.au, (ph) 02 6207 6000**, within 28 days after the date of service of this notice.

C. Dispute liability;

If you wish to dispute liability of the infringement notice you must write to the **Chief Police Officer** via the online form www.act.gov.au/infringements, within 28 days after the date of service of the infringement notice (or any longer time allowed by the Chief Police Officer).

THE CHIEF POLICE OFFICER MAY REFER A DISPUTE TO THE MAGISTRATES COURT. If the matter goes to Court, and the Court finds against you, you may be convicted of the offence and ordered to pay a penalty and costs, and be subject to other Court orders.

D. Apply for an Infringement Notice Management Plan;

If you wish to apply for Apply for an Infringement Notice Management Plan to pay the Infringement Penalty in instalments or to participate in an approved community work or social development program or add the Infringement Notice Penalty to an existing Infringement Notice

Management Plan contact the Infringement Plan Office on **(02) 6207 6000** or email rusipo@act.gov.au. You may apply for an infringement notice management plan by - telephoning **(02) 6207 6000** or application forms available at www.act.gov.au/accessCBR. You can also collect application forms from an Access Canberra Service Centre, phone Access Canberra on **13 22 81** for Service Centre locations and opening hours.

E. Apply for a waiver of the Infringement Notice Penalty;

To apply for a waiver you must be able to meet strict criteria, contact the Infringement Plan Office on **(02) 6207 6000** or email rusipo@act.gov.au to obtain more information.

F. Apply for an extension of time to take any of the actions above.

If you wish to apply for longer time to do any of the things mentioned under **A, B** or **C**, you must write to the **Chief Police Officer** via the online form www.act.gov.au/infringements, within 28 days after the date of service of the infringement notice. The Chief Police Officer will write to you about the outcome of your request.

If you wish to enquire about or apply for longer time to do any of the things mentioned under **D** or **E**, you must write to the **Infringement Plan Office, PO Box 582 Dickson ACT 2602**, email rusipo@act.gov.au The Road Transport Authority will write to you about the outcome of your application.

Viewing Offence Images

A copy of the image can be forwarded to the registered operator by email or post upon receipt of a request in writing to tco@act.gov.au or the **Chief Police Officer, PO Box 582 Dickson ACT 2602**. If the registered operator is a Corporation a letter of authority from the Corporation must be produced authorising the person to view the image.

Further Information About Infringement Notices

1. The infringement notice may be withdrawn at any time.
2. If you pay the infringement notice penalty within 28 days (or any further time allowed), or the infringement penalty is discharged in any of the ways mentioned above then,
 - i. your liability for the offence is discharged; and
 - ii. you will not be prosecuted for the offence; and
 - iii. you will not be taken to have been convicted of the offence.
3. If you do not take any of the infringement notice responses available to you within 28 days (or any further time allowed), a reminder notice will be served on you, and you may be prosecuted in court for the offence. **IF A REMINDER NOTICE IS ISSUED, THE PENALTY IS INCREASED BY THE AMOUNT PAYABLE FOR THE COST OF SERVING THE REMINDER NOTICE.**
4. If you fail to pay the penalty, discharge the penalty in any of the ways mentioned above, or dispute liability, the Road Transport Authority must, by notice served on you at least 10 days before taking such action do one of the following:
 - i. If you are the holder of an ACT driver licence, suspend your licence.
 - ii. If you are not the holder of a driver licence but the vehicle involved in the offence is registered in the ACT and you are a responsible person for the vehicle, then the Authority must suspend that vehicle's registration.
 - iii. In any other case the Authority must do one of the following; suspend your right to drive the vehicle involved in the offence; suspend your right to drive any vehicle; or suspend the right of everyone to drive the vehicle involved in the offence.

DO NOT MAKE PAYMENT AS A NEW PENALTY NOTICE WILL BE ISSUED TO THE PERSON YOU NOMINATE



ACT
Government

Road Transport Authority
PO Box 582
Dickson ACT 2602
Telephone: 13 22 81

Known User Infringement Notice Declaration

Statutory Declarations Act 1959

Please print your Full name and Address below. **This section must be completed by the person making the declaration.**

(Surname)	(Given Name/s)	
(Address)		(Postcode)
(Phone No.)	(Occupation)	
(Licence No.)	(State of issue)	(Date of Birth)

Make the following declaration under the *Statutory Declarations Act 1959*:

1. Declare that at the time of the offence as stated in infringement number
2. I was / was not in possession or control of the vehicle registered (Registration No.)
3. At the time of the offence, the person who was in possession or control of the vehicle was:

(Surname)	(Given Name/s)	
(Address)		(Postcode)
(Licence No.)	(State of issue)	(Date of Birth)

4. The following information explains the circumstances in which the person named above was in possession or control of the vehicle at the time of the offence. (if more space is required please attach the additional information to this document and tick here)

Provision of the information above will satisfy the requirement to take all reasonable steps to assist the administering authority as per Section 33 of the Road Transport (General) Act 1999. Should you not provide the requested information you may remain responsible for the infringement.

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence the punishment for which is imprisonment for a term of 4 years under Section 11 of the *Statutory Declarations Act 1959*. I believe the statements in this declaration are true in every particular.

Signature (For corporations, position in company)

Declared before a person Authorised under the *Statutory Declarations Act 1959*

Declared at (Location) on (Date)

Before me (Witness name) Signature (Witness Appointment)

Address of witness

Note: Chapter 2 of the Criminal Code applies to all offences against Section 5A of the *Statutory Declarations Act 1959*. **Warning:** It is an offence under the *Road Transport (General) Act 1999 ACT* to falsely name another person in a declaration. The maximum penalty for such an offence is \$55,000 for an individual or \$275,000 for body corporate.

STATUTORY DECLARATIONS

A statutory declaration under the *Statutory Declarations Regulations 1993* may be made before:

Part 1 Members of Certain Professions

- Chiropractor
- Dentist
- Legal practitioner
- Medical practitioner
- Nurse
- Patent attorney
- Pharmacist
- Physiotherapist
- Psychologist
- Optometrist
- Trade Mark attorney
- Veterinary surgeon

Part 2 Other Persons

- Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public
- Australian Consular Officer, or Australian Diplomatic Officer (within the meaning of the *Consular Fees Act 1955*)
- Bailiff
- Bank officer with 5 or more years of continuous service
- Building society officer with 5 or more years of continuous service
- Chief executive officer of a Commonwealth Court
- Clerk of a Court
- Commissioner for Affidavits
- Commissioner for Declarations
- Credit union officer with 5 or more years of continuous service
- Employee of the Australian Trade Commission who is:
 - (a) in a country or place outside Australia; and
 - (b) authorised under paragraph 3 (d) of the *Consular Fees Act 1955*; and
 - (c) exercising his or her function in that place
- Employee of the Commonwealth who is:
 - (a) in a country or place outside Australia; and
 - (b) authorised under paragraph 3 (d) of the *Consular Fees Act 1955*; and
 - (c) exercising his or her function in that place
- Fellow of the National Tax Accountants' Association
- Finance company officer with 5 or more years of continuous service
- Holder of a statutory office not specified in another item in this part
- Judge of a Court
- Justice of the Peace
- Magistrate
- Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*
- Master of a Court
- Member of the Association of Taxation and Management Accountants
- Member of the Australian Defence force who is:
 - (a) an officer; or
 - (b) a non-commissioned officer within the meaning of the *Defence Force Discipline Act 1982* with 5 or more years of continuous service; or
 - (c) warrant officer within the meaning of that Act
- Member of Chartered Secretaries Australia
- Member of Engineers Australia, other than at the grade of student
- Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants
- Member of:
 - (a) the Parliament of the Commonwealth; or
 - (b) the Parliament of a State; or
 - (c) a Territory legislature; or
 - (d) a local government authority of a State or Territory
- Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*
- Notary public
- Permanent employee of:
 - (a) the Commonwealth or of a Commonwealth authority; or
 - (b) a State or Territory or of a State or Territory authority; or
 - (c) a local government authority;with 5 or more years of continuous service who is not specified in another item in this Part
- Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public
- Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made
- Police Officer
- Registrar, or Deputy registrar, of a court
- Senior Executive Service Officer of the Commonwealth, or of a State or Territory, or of a Commonwealth, State or Territory authority
- Sheriff
- Sheriff's officer
- Teacher employed on a full-time basis at a school or tertiary education institution

From: [REDACTED]
To: [TrafficCameraOffice](#)
Subject: Infringement notice number: 274 751 4742
Date: Thursday, 22 November 2018 12:21:32 PM

Regarding infringement notice number: 274 751 4742

I am the registered owner and was driving the vehicle with registration number THI88X at the time the infringement was issued. That set of traffic lights were flashing the orange light when I approached them. I stopped my car at the stop line for around a minute (I was the first car at the line) and checked for any approaching traffic coming from the opposite direction of Hindmarsh Drive and the off-ramp from Tuggeranong Parkway. When I saw no traffic, I proceeded along Hindmarsh drive and under the Tuggeranong Parkway overpass. As soon as I entered the intersection the lights changed to red which is obviously when the red light camera was activated. The same thing happened with flashing orange lights when I then approached the Hindmarsh Drive and Melrose Drive intersection.

I request that the logs of the traffic lights be please be reviewed for evidence that the traffic lights flashed orange right before 7.18am on 8 November 2018.

I therefore request withdrawal of the infringement notice as I did not enter the intersection when the traffic light was red.

Sincerely

[REDACTED]



AFP
AUSTRALIAN FEDERAL POLICE



Dear [REDACTED]

RE: INFRINGEMENT NOTICE NUMBER 274 751 4742

Thank you for your correspondence concerning the above Traffic Infringement Notice.

The infringement notice was issued Enter Intersection or Marked Foot Crossing When Traffic Light Red

Your request has been processed as an Application for a Withdrawal of an Infringement under Section 34 of the *Road Transport (General) Act 1999*.

I have taken everything you have raised into consideration and assessed your application in accordance with the *Road Transport (General) Withdrawal of Infringement Notices Guidelines 2012*. Unfortunately there are no provisions within the Guidelines to withdraw this infringement on the grounds you have stated.

As the infringement notice cannot be withdrawn, please ensure you exercise an option available to you by **18 March 2019**.

Failure to exercise an option by the revised due date will result in a reminder notice being generated. The penalty amount will be increased by the cost of serving the reminder notice.

You may pay the prescribed penalty amount of **\$474.00** and the matter will be considered finalised. Please refer to the information on the Traffic Infringement Notice regarding payment details.

If you are having difficulties making payment you may be eligible to enter into an Infringement Management Plan or Work Development Program. For further information, please contact the Infringement Plan Office on (02) 6207 8754.

Alternatively you may dispute liability for the offence in accordance to Section 51 of the *Road Transport (General) Act 1999*. To do this you must notify this office in writing. If you dispute liability and the infringement notice is not withdrawn the matter will be referred to the ACT Magistrates Court for determination.

You have the right to apply for an internal review of this decision. Applications must be addressed to the Manager and can be sent to TCOReview@act.gov.au or to the below address. Applications for an internal review must be made within 28 days of the date of this letter. Please be aware that enforcement action will continue while any appeal is undertaken.

If you are dissatisfied with the outcome of the internal review, you have the right to apply to the ACT Civil and Administrative Tribunal (ACAT) for a review of the decision of the internal review. An application to the ACAT regarding the subject of this letter can only be made following an internal review.

Applications to the ACAT must be made within 28 days of the date of receipt of the decision of the internal review (please note an application fee may apply). Applications should be sent to:

ACT Civil and Administrative Tribunal
Level 4,
1 Moore Street
CANBERRA ACT 2600

You are also entitled to make an application under the *Freedom of Information Act 1989* if you seek documentation held in relation to the decision-making process about your application. A freedom of information application can be sent to:

Freedom of Information Officer, Policy Support
Chief Minister, Treasury and Economic Development Directorate
PO Box 158
CANBERRA ACT 2601

If you have any questions about this letter please phone the Traffic Camera Review Office on (02) 6207 8256.

Yours sincerely,

B Elliston
Delegate of the Chief Police Officer
18 February 2019

From: [REDACTED]
To: [CMTEDD, TCO Review](#)
Subject: Fwd: Infringement notice number: 274 751 4742
Date: Thursday, 21 February 2019 6:16:38 PM

Regarding infringement notice number: 274 751 4742

Attention: TCOReview@act.gov.au

I received a letter by mail today from a delegate of the ACT Chief Police Officer regarding infringement notice number 274 751 4742.

I respectfully request review of the decision that. If there are no provisions within the guidelines to withdraw the infringement on the ground I have stated then I request that discretion is made to withdraw the infringement on the basis that I did not enter the intersection when the light was red.

I explained in the email below that if someone checked a log of the traffic lights they would find that the lights were flashing orange for some time prior to me entering the intersection and they stopped flashing after I had entered the intersection. They went directly from flashing orange - straight to red. I know this to be the case.

If the Traffic Camera Review Office is unwilling to check, could you please tell me which agency it is that is responsible for monitoring traffic lights within the ACT so that I can contact them and request information that will prove what I have explained above?

My telephone number is [REDACTED] if anyone wishes to speak to me directly.

Sincerely

[REDACTED]

----- Forwarded message -----

From: [REDACTED]
Date: Thu, Nov 22, 2018 at 12:21 PM
Subject: Infringement notice number: 274 751 4742
To: TrafficCameraOffice <tco@act.gov.au>

Regarding infringement notice number: 274 751 4742

I am the registered owner and was driving the vehicle with registration number TH188X at the time the infringement was issued. That set of traffic lights were flashing the orange light when I approached them. I stopped my car at the stop line for around a minute (I was the first car at the line) and checked for any approaching traffic coming from the opposite direction of Hindmarsh Drive and the off-ramp from Tuggeranong Parkway. When I saw no traffic, I proceeded along Hindmarsh drive and under the Tuggeranong Parkway overpass. As soon as I entered the intersection the lights changed to red which is obviously when the red light camera was activated. The same thing happened with flashing orange lights when I then approached the Hindmarsh Drive and Melrose Drive intersection.

I request that the logs of the traffic lights be please be reviewed for evidence that the traffic lights flashed orange right before 7.18am on 8 November 2018.

I therefore request withdrawal of the infringement notice as I did not enter the intersection when the traffic light was red.

Sincerely

A solid grey rectangular box used to redact the sender's name and signature.

From: [Access Canberra Infringements](#)
To: [REDACTED]
Subject: RE: PARKING INFRINGEMENT NOTICE NUMBER 2747514742
Date: Tuesday, 2 April 2019 12:05:00 PM
Attachments: [REDACTED]
[image001.png](#)

Dear [REDACTED]

Please see the attached letter in relation to parking infringement notice number 2747514742.

Kind Regards,

Jessica Riesen | Manager | Infringements | Licensing and Registrations Division
Delegate of the Road Transport Authority

02 6207 7099 | jessica.riesen@act.gov.au

Chief Minister, Treasury and Economic Development Directorate | **ACT Government**
GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR

cid:image004.png@01D3AFF2.FEECBAF0





ACT
Government

Chief Minister, Treasury and
Economic Development

[REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED]

RE: PARKING INFRINGEMENT NOTICE NUMBER 2747514742

I refer to your recent correspondence in relation to above parking infringement notice.

Your correspondence has been dealt with as a review of the decision not to withdraw the Traffic Infringement Notice, this review is based on the information you provided in your initial request for withdrawal, information provided in your request for a review and also all of the circumstances surrounding the issuing of the Traffic Infringement Notice.

I am an authorised delegate for the provisions of section 35 (1) (b) of the Road Transport General Act 1999 to review this decision.

Section 38 of the Road Transport (General) Act 1999 states that the Minister may issue guidelines for the withdrawal of infringement notices. It also states that the administering authority must comply with the guidelines.

I have reviewed your request and am unable to withdraw the infringement based on the grounds on which you rely upon. You state the lights were flashing orange when you approached them. I can advise that you entered and proceeded through the intersection after the traffic light was red. Amber lights stay amber for 5 seconds before turning to red in an 80km/h speed zone. This provides reasonable time for a motorist to stop.

The images show you proceeding towards the intersection whilst the lights were red, without attempting to stop. In addition, your offence of "enter intersection or marked foot crossing when traffic light red" is considered a serious offence due to the risks posed to all road users.

I am satisfied that the Access Canberra Infringement Office has given appropriate consideration to all the information you have provided when considering your request for withdrawal of the infringement notice.

I now have an obligation under the *Road Transport (General) Act 1999* to inform you of your options in this matter. Please ensure you have exercised one of the following options by **22 July 2019**.

Failure to exercise an option by the revised due date will result in a reminder notice being generated. The penalty amount will be increased by the cost of serving the reminder notice. This fee is currently \$34.00.

You may pay the prescribed penalty amount of **\$474.00** prior to **22 July 2019** and the matter will be considered finalised. Please refer to the information on the Parking Infringement Notice regarding payment details.

If you are having difficulty making payment you may be eligible to enter an Infringement Notice Management Plan. For infringement payment plans visit the Access Canberra website at: https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/1271. If you would like to apply for a community work or social development plan please phone Access Canberra Infringement Office on (02) 6207 6000.

Alternatively you may dispute liability for the offence in accordance to Section 51 of the *Road Transport (General) Act 1999*. To do this you must notify this office in writing by **22 July 2019**, stating that you dispute liability for the Parking Infringement Notice and provide the grounds you rely on. If you dispute liability the matter will be referred to the ACT Magistrates Court for determination.

Or you may request additional time to pay this penalty. To do this you must notify the Authority in writing requesting an extension of time to pay the penalty notice, no later than **27 July 2019**.

If you are dissatisfied with the outcome of the internal review, you have the right to apply to the ACT Civil and Administrative Tribunal (ACAT) for a review of the decision of the internal review. An application to the ACAT regarding the subject of this letter can only be made following an internal review.

Applications to the ACAT must be made within 28 days of the date of receipt of the decision of the internal review (please note an application fee may apply). Applications should be sent to:

ACT Civil and Administrative Tribunal
Level 4,
1 Moore Street
CANBERRA ACT 2600

You are also entitled to make an application under the Freedom of Information Act 2016 if you seek documentation held in relation to the decision-making process about your application. A freedom of information application can be sent to:

Director General
Chief Minister, Treasury and Economic Development Directory
PO Box 158
CANBERRA ACT

If you have any questions about this letter please phone the Access Canberra Infringement Office on (02) 6207 6000.

Yours sincerely,

Jessica Riesen
Review Officer
Delegate of the Road Transport Authority
Access Canberra Infringement Office

2 April 2019

From: [REDACTED]
To: [Access Canberra Infringements](#)
Subject: Re: PARKING INFRINGEMENT NOTICE NUMBER 2747514742
Date: Wednesday, 3 April 2019 2:03:08 PM
Attachments: [image001.png](#)

Good afternoon Ms Reisen/team

I am disheartened and somewhat offended by the insinuation that I am a negligent driver. I take great care to ensure the safety of my family and others on the road, and always follow the road rules. I did stop at flashing yellow lights. I waited at the stop line and checked whether there were any vehicles or pedestrians from all directions before proceeding forwards. As I explained previously, the lights turned red after I had entered the intersection. I did not proceed towards the intersection, as you noted "without attempting to stop".

Could you please provide me with advice as to how I can apply to obtain information from the authority that manages the traffic light system? Also, I would be grateful if you could please tell me how fast I was recorded as travelling at the time, as what you have claimed is that I essentially 'ran' a red light by saying I was "proceeding towards the intersection whilst the lights were red, without attempting to stop". It is no the case and I request to obtain the information on which you are basing this falsity.

It am frankly quite incredulous because I was actually pulled over by an ACT Police Officer some time ago, who claimed I had come down the exit side road from Tuggeranong Parkway onto Hindmarsh Drive and run a red light as I turned right. In fact I had turned right onto Hindmarsh Drive from Badimara Street, as that is the way I always go to work from my house. I explained to the Officer his mistake and he himself was unsure whether what he claimed is what he saw. I do not know what eventuated with the infringement as I explained in response to it that I was willing to take the matter directly to court because of the false allegation.

As you may understand, this is the second occasion I have essentially been told I am a liar. I do not appreciate it.

Sincerely

[REDACTED]

On Tue, Apr 2, 2019 at 12:05 PM Access Canberra Infringements
<acinfringements@act.gov.au> wrote:

Dear [REDACTED]

Please see the attached letter in relation to parking infringement notice number 2747514742.

Kind Regards,

Jessica Riesen | Manager | Infringements | Licensing and Registrations Division
Delegate of the Road Transport Authority

02 6207 7099 | jessica.riesen@act.gov.au

Chief Minister, Treasury and Economic Development Directorate | **ACT Government**

GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR



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