



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 2021-060

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	Waived
6. Processing time (in working days)	35
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

From: [REDACTED]
To: [CMTEDD FOI](#)
Subject: request
Date: Tuesday, 13 April 2021 3:14:25 PM

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Hi FOI team:

I wish to lodge an FOI request on behalf of [REDACTED]

The substance of my request is:

1. All notifications and explanatory correspondence between Access Canberra and its traffic camera computer systems provider regarding a "systems error" which occurred from February 2020 through to mid-March 2020.
2. All briefing material provided to Access Canberra senior executives regarding the above traffic camera "systems error".
2. All legal advice sought by Access Canberra in relation to the above traffic camera "systems error".





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 13 April 2021, in which you sought access to information regarding the Access Canberra traffic camera systems.

Specifically, you are seeking:

- "1. All notifications and explanatory correspondence between Access Canberra and its traffic camera computer systems provider regarding a "systems error" which occurred from February 2020 through to mid-March 2020.*
- 2. All briefing material provided to Access Canberra senior executives regarding the above traffic camera "systems error".*
- 3. All legal advice sought by Access Canberra in relation to the above traffic camera "systems error"."*

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 with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 3 June 2021.

Decision on access

Searches were completed for relevant documents and 10 documents were identified that fall within the scope of your request.

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

I have decided to grant partial access to 9 documents, and I have decided to refuse access to 1 document in full. I consider the information to be:

- information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act.
- contrary to the public interest information under schedule 1; specifically schedule 1.2 (Information subject to legal professional privilege)

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as **Attachment B** to this letter.

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below.

Statement of Reasons

In reaching my access decisions, I have taken the following into account:

- the Act;
- the content of the documents that fall within the scope of your request;
- the views of the relevant third party; and
- the *Human Rights Act 2004*.

Exemptions claimed

My reasons for deciding not to grant full access to the identified documents and components of these documents are as follows:

Contrary to the public interest information under schedule 1 of the Act

Document reference numbers 4 (in part), 6 (in full), 7 and 9 (in part) of the identified documents contains information exchanged between CMTEDD and the ACT Government Solicitor Office for the purposes of obtaining legal opinion. I consider the advice is subject to legal professional privilege as it was brought into existence for the dominant purpose of providing a legal opinion. I am satisfied that the communications were made in circumstances of confidentiality and were provided by an independent legal adviser satisfying the requirements to attract legal professional privilege. I have confirmed that privilege on these documents has not been waived. Accordingly, I am satisfied this information is contrary to the public interest pursuant to schedule 1 1.2 of the Act.

My reasons for deciding not to grant access to the remaining identified documents and components of these documents are as follows:

Public Interest

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interests lies. As part of this process, I must consider factors favouring disclosure and non-disclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when ‘used in a statute, the term [public interest] derives its content from “the subject matter and the scope and purpose” of the enactment in which it appears’. Section 17(1) of the Act sets out the test,

to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the 'public interest'.

Factors favouring disclosure in the public interest:

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
 - ii) *contribute to positive and informed debate on important issues or matters of public interest;*

Having considered the factors identified as relevant in this matter, I consider that release of the information, within the scope of the request, may contribute to positive and informed debate on a matter of public interest ensuring the recent camera-detection software error has been addressed and the ACT Community can be confident in the systems used by the ACT Government. I am satisfied that this factor favouring disclosure carries significant weight. However, this weight is to be balanced with the weight of factors favouring non-disclosure.

Factors favouring nondisclosure in the public interest:

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
 - (ii) *Prejudice the protection of an individual's right to privacy or other rights under the Human Rights Act 2004;*

Having reviewed the documents, I consider that the protection of an individual's right to privacy, especially in the course of dealings with the ACT Government is a significant factor as the parties involved have provided their personal information for the purposes of working with the ACT Government. This, in my opinion, outweighs the benefit which may be derived from releasing the personal information of the individual's involved in this matter.

Individuals are entitled to expect that the personal information they have supplied as part of this process will be dealt with in a manner that protects their privacy. Considering the type of information to be withheld from release, I am satisfied that the factors in favour of release can still be met while protecting the personal information of the individuals involved. I therefore weight the factor for non-disclosure more highly than the factor in favour of release in this instance. As a result, I have decided that release of this information (unique client ID's, Licence numbers, state, status start dates suspension information, mobile phone numbers, names, email addresses and contact information of individuals not employed by the ACT Public Service) could prejudice their right to privacy under the *Human Rights Act 2004*.

Having applied the test outlined in section 17 of the Act and deciding that release of personal information contained in the documents is not in the public interest to release, I

have chosen to redact this specific information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure that the intent of the Act is met and will provide you with access to the majority of the information held by CMTEDD within the scope of your request.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2018* processing charges are applicable for this request because the total number of pages to be released to you exceeds the charging threshold of 50 pages. However, the charges have been waived in accordance with section 107(2)(b) of the Act.

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 3 days after the date of my decision. Your personal contact details will not be published.

You may view CMTEDD disclosure log at <https://www.cmtedd.act.gov.au/functions/foi>.

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 CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, 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,

A handwritten signature in black ink, appearing to read 'A Friend', with a large, stylized circular flourish at the end.

Angela Friend
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

3 June 2021



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST						Reference NO.
Explanatory correspondence between Access Canberra and its traffic camera computer systems provider regarding a "systems error" which occurred from February 2020 through to mid-March 2020.						CMTEDDFOI2021-060
Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-5	Email (Agent reply)	19 Mar 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
2	6	Email (Xilum Date Error)	20 Mar 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
3	7-8	Email (Xilum Date Error Resolution)	23 Mar 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
4	9-19	Internal Minute	29 Oct 2020	Partial release	Schedule 1 s1.2 Legal Advice	Yes
5	20-24	Letter from Sensys Gatso and response from Access Canberra	20 Oct 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
6	25-32	Legal Advice	26 Oct 2020	Exempt	Schedule 1 s1.2 Legal Advice	No
7	33-59	Internal Minute (with attachments)	19 Nov 2020	Partial release	Schedule 1 s1.2 Legal Advice Sch 2 s2.2 (a)(ii)	Yes
8	60-64	Email (Gatso Copy of Leap Year Issue)	7 Dec 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
9	65-70	Ministerial Brief (Attachment A exempt – Ref 6 above)	22 Dec 2020	Partial release	Schedule 1 s1.2 Legal Advice	Yes
10	71-73	Email	10 Mar 2021	Partial release	Sch 2 s2.2 (a)(ii)	Yes
Total No of Docs						
10						

From: [Spasenoski, Tony](#)
To: [Navathe, Shruti](#)
Cc: [Webster, Jodi](#)
Subject: RE: Agent reply to URGENT - Xillium - Date issues [SEC=UNCLASSIFIED]
Date: Thursday, 19 March 2020 4:11:24 PM
Attachments: [image001.png](#)

Thanks will implement.

Tony

From: Navathe, Shruti
Sent: Thursday, 19 March 2020 3:56 PM
To: Spasenoski, Tony <Tony.Spasenoski@act.gov.au>
Cc: Webster, Jodi <Jodi.Webster@act.gov.au>
Subject: RE: Agent reply to URGENT - Xillium - Date issues [SEC=UNCLASSIFIED]

UNCLASSIFIED

Option 3.

Kind regards,

Shruti

From: Spasenoski, Tony <Tony.Spasenoski@act.gov.au>
Sent: Thursday, 19 March 2020 3:32 PM
To: Navathe, Shruti <Shruti.Navathe@act.gov.au>
Cc: Webster, Jodi <Jodi.Webster@act.gov.au>
Subject: RE: Agent reply to URGENT - Xillium - Date issues [SEC=UNCLASSIFIED]
Importance: High

Hi Shruti,

Following our conversation regarding the below can you confirm what option below you wish to undertake:

1. Withdraw every notice issued incorrectly (560 in total) and have rego carry out a data fix to update in the system and re issue with a new correct notice? This would require specific letters grouped by scenario, ie paid, TTP , outstanding.
2. Withdraw every infringement and issue appropriate refunds – re issue any that are within time manually. I think we would run out of time for most .
3. Withdraw only Infringements by exception when initiated by a client

The remaining 155 have been requested to be re loaded by Xilium as they are within date time to be reissued. However we haven't heard back from Gatso to see if and when this can be possible.

Jodi, Did you have any other suggestions?

My next action is to review the contract and get in touch with Gatso.

Let me know your preferred option. I am leaning towards option 3 based on the current work climate, COVID 19 etc.

Thanks Tony

From: Webster, Jodi

Sent: Thursday, 19 March 2020 1:59 PM

To: Spasenoski, Tony <Tony.Spasenoski@act.gov.au>

Subject: FW: Agent reply to URGENT - Xillium - Date issues [SEC=UNCLASSIFIED]

Tony

Following up on the Xilium leap year issue. We have issued 560 infringements with the incorrect date due to the Xilium database not recognising a leap year (29th February)

The problem has been fixed and all notices issued from the 12/03/20 have the correct date.

If Gatso can re-load the infringements dated 29/02/20 to 11/03/20 we would not be able to re-process as the database will not allow re-processing after 12 days.

Therefore the only ones that might be able to be re-issued would be 155 events with the offence dates of 08/03/20 to 10/03/20 and that is only if Gatso can load the images today.

I am waiting for a call back to see how long this process may take, I have advised them this is time critical issue.

The other problem facing us is do we withdraw **all** infringements because they were issued with the incorrect date details. The images taken of the offences have the correct date details, so the offence occurred and we have the evidence but the infringement notice is incorrect. Where do we stand legally ????

Some have been paid in full, transferred to TTP and others have sent in dispute applications. If we do a bulk withdrawal we will need to do refunds and DPX reversals for interstate licence holders.

Regards

Jodi Webster | Office Manager Infringement Office

Telephone: 02 6207 6000 | ACInfringements@act.gov.au

Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government

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



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From: Webster, Jodi

Sent: Wednesday, 18 March 2020 9:07 AM

To: Spasenoski, Tony <Tony.Spasenoski@act.gov.au>; Riesen, Jessica <Jessica.Riesen@act.gov.au>; Bilski, Marek <Marek.Bilski@act.gov.au>; Mirenda, Gregory <Gregory.Mirenda@act.gov.au>

Subject: FW: Agent reply to URGENT - Xillium - Date issues [SEC=UNCLASSIFIED]

Importance: High

I just called Gatso and said to hold off on the reload of the 560 until we discuss the issues. I am happy for them to re-load the 54 events for 12/03/20 and 71 events for 13/03/20 as they are the ones that I rejected, they can now be issued with the correct date. As for the ones dated 01/03/20 to 11/03/20 that have already been issued with the wrong date, I am unsure if this would work. Refer to my previous email for the issues I can see with that.

Regards

Jodi Webster | Office Manager Infringement Office

Telephone: 02 6207 6000 | ACInfringements@act.gov.au

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From: 2.2(a)(ii) <[REDACTED]@sensysgatso.com>

Sent: Wednesday, 18 March 2020 8:47 AM

To: Webster, Jodi <Jodi.Webster@act.gov.au>

Cc: Spasenoski, Tony <Tony.Spasenoski@act.gov.au>; Seddon, Christopher <Christopher.Seddon@act.gov.au>; Riesen, Jessica <Jessica.Riesen@act.gov.au>; Mirenda, Gregory <Gregory.Mirenda@act.gov.au>

Subject: Re: Agent reply to URGENT - Xillium - Date issues [SEC=UNCLASSIFIED]

Hi Jodi,

Our SW team confirmed that they can change the dates in Xilium for approved events from 01/03/2020 to 11/03/2022, but nothing else would change besides that. The date change

wouldn't trigger an export to Rego again.

Please confirm if this is fine with you?

Also, all 54 events for 12/03/2020 and 71 events for 13/03/2020 have been left as they were and introduced new events with another event number but the correct time, currently they are in the queue in the system to be processed.

Thank You,
Kind regards,

2.2(a)(ii)

Ticket: <https://support.sensysgatso.com/support/tickets/3054>

On Tue, 17 Mar at 11:12 , SGA Customer Support Australia

2. [REDACTED]@sensysgatso.com> wrote:

Hi Jodi,

Thanks for the notifications,

Yes, please process the events from 11/03/2020 to current,

Also, I'm working with our software team to get resolution in regards to re-processing events from 01/03/2020 to 11/03/2020, and also rejected events.

I will keep you updated.

Kind regards,

2.2(a)(ii)

Ticket: <https://support.sensysgatso.com/support/tickets/3054>

On Tue, 17 Mar at 9:58 , Jodi <jodi.webster@act.gov.au> wrote:

Good morning

I can see in Xilium that the events for 11/03/20 to current now have the correct date on them. I assume that we can start processing the backlog.

The events that have been processed and approved dated 01/03/20 to 11/03/20, a total of 560 have **not** been adjusted and are still showing the incorrect date. We were hoping that these events could be re-processed with the correct date details. Please advise if this possible.

I have rejected 54 events for 12/03/20 and 71 events for 13/03/20 to avoid the infringement notices from going out, are you able to retrieve them so they can be re-processed?

Regards

Jodi Webster | Office Manager Infringement Office

Telephone: 02 6207 6000 | ACInfringements@act.gov.au

**Access Canberra | Chief Minister Treasury and Economic Development
Directorate | ACT Government**

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



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From: [Spasenoski, Tony](#)
To: 2.2(a)(ii)
Cc: [Webster, Jodi](#)
Subject: Xilium Date Error [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]
Date: Friday, 20 March 2020 3:13:00 PM
Attachments: [image001.png](#)
Importance: High

Dear Mr [REDACTED],

I hope you are well.

I am writing in regards to the recent issue with the leap year date not being accounted for in the Xilium software. As you are aware, the ACT Government has issued approximately 560 infringements with the incorrect date due to a Xilium programming error. This will most likely result in the withdrawal of many infringements, resulting in substantial revenue loss. In addition, my staff have had to spend many hours away from business as usual to assist in identifying and rectifying these issues.

Can you please advise me of how Gatso will ensure this issue will not occur again? Can you please confirm that the issue has been resolved at no cost to the Government?

Your sincerely,

Tony Spasenoski | Assistant Director – Transport Licensing and Infringements
P: (02) 6207 9729
E: <mailto:tony.spasenoski@act.gov.au>

Access Canberra | ACT Government
GPO Box 158, Canberra City ACT 2601



From: [Spasenoski, Tony](#)
To: [Navathe, Shruti](#)
Subject: FW: Xilium Date Error resolution [SEC=UNCLASSIFIED]
Date: Monday, 23 March 2020 4:14:31 PM

Hey,

FYI –

This is the explanation I got from Gatso regarding the Date error. I haven't responded.

Thanks Tony

From: 2.2(a)(ii)@sensysgatso.com]
Sent: Monday, 23 March 2020 3:51 PM
To: Spasenoski, Tony <Tony.Spasenoski@act.gov.au>
Cc: Webster, Jodi <Jodi.Webster@act.gov.au>; 2.2(a)(ii)@sensysgatso.com>;
Laundess, Daniel <Daniel.Laundess@act.gov.au>
Subject: Xilium Date Error resolution

Hi Tony,

2.2(a) has passed on your concerns around the DRCS date issue identified due to the Leap year in 2020.

I tried calling Friday and left a message.

The issue was caused by the way the dates are reported in the DRCS metadata, although the DRCS reported the correct dates, Xilium interpreted the same data as 2008, this is due to the way the DRCS systems counts its time and a specific offset required in Xilium to manage the irregular calculation method utilised by the DRCS.

We know that the next possible instance that may affect the system will occur in February 2022. Therefore we have made a note in our ticketing system to ensure we are prepared to manage the change and ensure there is minimal impact to the ACT program.

Ideally, we will have replaced the ageing DRCS systems by this date mitigating the issue completely.

If required, please feel free to call and discuss.

Kind Regards,

2.2(a)(ii)
General Manager - Maintenance & Support



2.2(a)(ii)

W www.sensysgatso.com

Sensys Gatso Australia Pty Ltd
Unit 8, 11-12 Phillip Court
Port Melbourne VIC 3207
Australia

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CMTEDD INTERNAL MINUTE



ACT
Government

Chief Minister, Treasury and
Economic Development

Date 29 October 2020 File No: _____

To Deputy Director-General, Access Canberra _____

From Derise Cubin , Executive Branch Manager, _____

Subject Systems error Leap Year Issue – Proposed client correspondence _____

- EGM .../.../...

Critical date and reason

1. As soon as practical

Recommendations

2. That you:
 - Approve the attached letter to be sent to all 593 recipients of the infringement notice letter which contained the incorrect offence date. ; and

APPROVED/NOT APPROVED/PLEASE DISCUSS

- Sign the attached letter for distribution.

SIGNED /PLEASE DISCUS

David Pryce..... / /

Background

3. Please refer to Attachment A for background information on the System Error Leap Year issue, this brief was reviewed and signed by you on 29 September 2020.

4. Schedule 1 1.2



5. The intention is for the letter to be sent to the entire 'cohort' of recipients, regardless of whether they have responded to the affected infringement notice or are yet to do so. The letter explains:

- the error.
- that the date-stamped image of the offence confirms the correct date of the offence.
- how to view the image relevant to the infringement notice.
- that notwithstanding the error, Access Canberra as the RTA considers the notices valid.
- the notices require a response, if not already done so; and
- contains an apology.

Issues

6. This letter may generate more complaints or enquiries from those in the community who have already paid the infringement and were not aware of the system error.
7. The Infringement team have, however, been thoroughly briefed on this matter and should the letter be sent a 'script' is being developed to enable staff to supply consistent and accurate information to callers. Staff have already received guidance in relation to ensuring a consistent approach in applying the withdrawal guidelines.
8. The additional matters noted by you in relation to Attachment A are still to be finalised. In particular a further updated analysis of all matters that are still outstanding, this will include a review of the offence speed range, driving history, driver licence sanction status (if applicable) and any representations made to the infringement team.

Consultation

9. Schedule 1 1.2



Work Health and Safety

10. Nil in connection with this Minute.

Financial

11. Nil in connection to this Minute.

Risks/ Sensitivities

12. Nil in connection to this Minute.

Media

13. The error has garnered media attention. An article appeared in the Canberra Times on 7 September 2020:
<https://www.canberratimes.com.au/story/6911296/leap-year-systems-error-serves-up-incorrect-speed-camera-notices/>
14. Media responses have been prepared in this issue. The distributed letters may generate media interest.

Derise Cubin

Action Officer: Kassandra Keppell

Phone: 6205 9876

CMTEDD INTERNAL MINUTE



ACT
Government

Chief Minister, Treasury and
Economic Development

Date 25 September 2020

File No: 20/71756

To Deputy Director-General- Access Canberra

From EBM Licensing and Registration Branch

Subject Systems error – Leap year infringements issue

- EGM- Access Canberra .../.../...

Critical date and reason

As soon as practical

Recommendations

1. That you:
 - Note the information contained in this brief;

NOTED/PLEASE DISCUSS

David Pryce..... 29/9/2020

Denise Cubin

- ① Need to expedite the formal Aso advice by no later than 7 Oct 2020.
- ② Please progress the letter to Seny's Aso ASAP preferably before 2 Oct 2020.
- ③ Please confirm current Withdrawal guideline advice on these matters (refer paras 16 & 24). Need clear guidance for our people.
- ④ Please provide further advice on all cases currently listed for Cant. We need to discuss further¹ with Aso.

Background

2. The Road Transport Authority ('the RTA') has delegated functions under the road transport legislation to Access Canberra, including operational functions for issuing infringement notices and managing the infringement notice management scheme. The Justice and Community Safety Directorate ('the JaCS') has policy responsibility for transport regulation.
3. On Friday 13 March 2020, the Access Canberra Infringement Review team identified that an error had occurred with one of the systems it uses to manage traffic camera infringements (Xilium) which affected infringement notices issued between 29 February 2020 and 11 March 2020 ('the relevant period').

Issues

4. The offences detected during the relevant period resulted in Rego.act (the Access Canberra database) issuing infringement notices to individuals with dates that did not correspond to the date of the offence ('the error').
5. The error arose because 'Xilium', the software interface between the traffic cameras and Rego.act, did not make provision for 2020 being a leap-year.
6. The date on infringement notices served during the relevant period were out by one day from when the offence was committed. However, the image which captured the offence was date stamped correctly.
7. 593 infringement notices were affected. A decision was made at the time to not withdraw and reissue the infringement notices. This decision was made on the basis that the primary evidence was correct (the photographic image). In hindsight the infringement notices should have been withdrawn and reissued at the time with the correct date of the offence.
8. Tables 1 & 2 at Attachment A provide a summary and breakdown of the current status of the infringement notices. Link 1 Attachment A provides a complete visualisation of the dataset.
9. The following data outlined in paragraphs 10 to 19 is correct as 23 September 2020.
10. 347 infringement notices have been paid, either in full, or partially through the driver entering an infringement payment plan.
11. 6 infringement notices have been disputed in court. 3 were listed for mention on 22 September 2020 and 3 are listed for mention on 10 November 2020. However, a person with a mention listed for 22 September 2020 elected to pay the infringement notice. The remaining 2 disputes listed for mention on 22 September 2020 will go to hearing on 13 April 2021.

*Lesson
need to
capture
lessons
learnt.

12. The outcomes of the court matters may have a bearing on how the remaining infringement notices are dealt with. ^{Schedule 1 1.2}

13. ^{Schedule 1 1.2}

This number includes the 6 infringement notices mentioned in paragraph 10.

Also Admin

14. 46 infringements have progressed to a status of 'sanction' in the Rego.act system. Under the road transport legislation this includes actions taken against a driver licence or registration that has the effect of suspending either a driver licence or a vehicle registration as a result on an infringement notice issued (but not paid). This category also includes interstate driver licence holders whose right to drive in the ACT has been suspended.

15. 58 infringements were withdrawn under the *Road Transport (General) Withdrawal of Infringement Notices Guidelines (2019) (No1)* ('the Guidelines') as:

- a. there were valid grounds for withdrawal of the speeding offence. For example, the infringement notice was issued to emergency vehicles or police vehicles (undertaking duties); or ✓
- b. insufficient information was available to issue an infringement. For example, the registration details could not be correctly identified, or the infringement notice was issued to a stolen vehicle. ✓

16. 44 infringements were withdrawn under the Guidelines on administrative grounds (incorrect date on infringement notice). (See paragraph 24). ||

17. Over 50% of the 593 infringement notices were issued to interstate drivers (Figure 1) Attachment A.

18. 75 of the 593 infringement notices would generally be considered unsuitable for withdrawal pursuant to Attachment A of the Guidelines (for being over 15km above the speed limit). 25 of the 75 were issued infringement notices for speeds over 30km above speed limit.

19. Of the 593 infringement notices Access Canberra can identify 95 drivers who have reoffended. This includes all traffic offences: speeding, school zones, mobile and speed cameras etc.

Consultation

20. Access Canberra has liaised with Sensys Gatso Australia Pty Ltd ('Gatso'), the Xilium provider regarding the error. Gatso has given strong assurances that that this issue will not occur again. A letter will be prepared for your signature seeking

written assurance from Gatso that the error will not occur again and what steps the company will take to assure this. ✓

21. Schedule 1 1.2



22. Access Canberra consulted JaCS on the timeframe within which a notice can be withdrawn and reissued.] - which is?

Financial

23. The total value of the 593 infringement notices if paid would be \$226,114.

Risks/ Sensitivities

24. An inconsistency of approach has resulted due to the 44 infringement notices withdrawn on administrative grounds based on the incorrect date appearing on the infringement notice (see paragraph 16). The withdrawals occurred because of inconsistent guidance given to the team on how to deal with infringement notices and may not align with Access Canberra's approach to the remaining infringement notices. *

25. If a court finds that the infringement notices are invalid due to the error, there is a reputational and legal risk to the RTA. However, there is also the option of legislative action to validate the relevant infringement notices.

Media

26. The error has garnered media attention. An article appeared in the Canberra Times on 7 September 2020:

<https://www.canberratimes.com.au/story/6911296/leap-year-systems-error-serves-up-incorrect-speed-camera-notices/>

27. Media responses have been prepared on this issue. The pending court matters may also generate media interest. Access Canberra will work with CMTEDD media to respond to additional media queries.

Derise Cubin

Action Officer: Shruti Navathe & Giuseppe Mangeruca

Phone: 62077077

Attachment A

Table 1: summary of leap year infringements

Infringement Status	No of Infringements	Penalty Amount	Admin Fee	Total Paid
On Hold	98	\$46,449	\$1,462	\$297
Paid	306	\$96,084	\$2,346	\$98,430
Sanctioned	46	\$25,404	\$1,564	\$1,245
TTP Plan	41	\$12,882	\$612	\$0
Withdrawn	102	\$45,295	\$238	\$0
Total	593	\$226,114	\$6,222	\$99,972

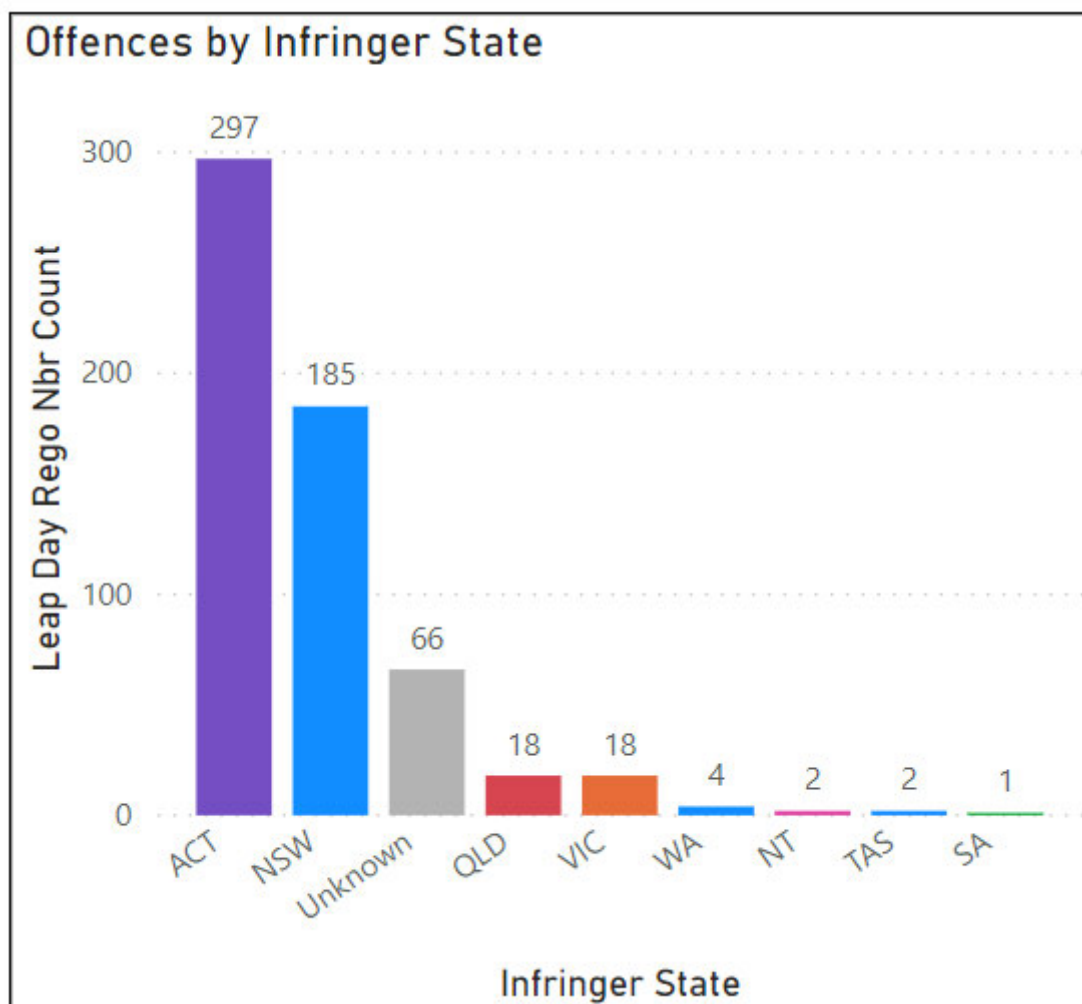
Table 2: breakdown of infringement notices on hold and withdrawn

Breakdown of leap year infringements	Number of offences
On Hold – awaiting, infringement notice not yet served	24
On Hold – infringement notice served	37
On Hold – reminder notice served	29
On Hold — awaiting decision on withdrawal *includes 6 matters in court	8
TOTAL On Hold	98
Withdrawn under the Guidelines	58
Withdrawn for Infringement Notice Date Error	44
TOTAL Withdrawn	102

Link 1: Power BI dashboard of leap year infringements data

<https://app.powerbi.com/groups/me/reports/30317e49-9fb0-4f3a-b846-1d16e1173b4b/ReportSection257c63697115b676e2e2?ctid=b46c1908-0334-4236-b978-585ee88e4199>

Figure 1: infringements by state





ACT
Government

Chief Minister, Treasury and
Economic Development

Address:

[Insert address]

[Insert address line 2]

[Insert suburb]

[Insert state] [Insert postcode]

Email: [Insert email if available]

Dear [Title] [Last name]

I am writing to you to clarify matters concerning an infringement notice you received for a camera-detected infringement notice offence, pursuant to section 24 of the *Road Transport (General) Act 1999* (**Road Transport General Act**).

Regrettably, as a result of a system error, the infringement notice issued to you incorrectly describes the date on which the offence occurred.

The incorrect date was printed on the notice due to a system error with a third-party system relied on by Access Canberra for the issuing of infringement notices. Importantly, the camera-detection system, which captured and generated a date-stamped photograph of the offence, was not affected by the system error. I confirm the photograph contains an accurate record of the date of the relevant offence and is relied upon by Access Canberra as evidence of the commission of an offence against the road transport legislation.

The system error affected infringement notices issued for camera-detected offences committed between 29 February 2020 and 16 March 2020.

Despite the date error contained within the infringement notice, Access Canberra considers that the notice is legally valid and enforceable.

If you haven't already done so, you can visit www.act.gov.au/infringements to view the photographic image of your camera-detected offence. To view the image, please enter your vehicle registration number and the image identification number, both of which can be found on the infringement notice.

Please note: The Road Transport General Act requires that a person who is served an infringement notice to respond to the notice within 28 days. The various ways in which you can respond to the infringement notice you received are outlined on the first page of the infringement notice. If you have already responded to the notice, through payment or other response, no further action is required from you.

If you have not yet responded to the infringement notice, you are encouraged to do so as a matter of urgency.

Several options are available to you:

If you wish to dispute, pay or seek a withdrawal of the infringement notice as per the grounds identified under the *Road Transport (General) Withdrawal of Infringement Notices Guidelines 2019 (No 1) (Withdrawal Guidelines)*, please contact Access Canberra via our website (www.accesscanberra.gov.au) and click on the 'Transport' and then 'Fines and Infringement' buttons for further information on next steps.

Please be advised that offences that are generally not suitable for withdrawal are outlined in the Withdrawal Guidelines, and include offences for exceeding the speed limit by greater than 15km/h. Access Canberra does not solely consider the infringement notice date error as sufficient grounds for withdrawal of the infringement notice-

If no action is taken to respond to the infringement notice, your driver licence or vehicle registration may be suspended.

Access Canberra apologises for the error that has occurred on this occasion. We are confident the system error has been addressed and the ACT community can continue to have confidence in the systems relied on to enforce the road transport legislation and ensure road transport safety.

If you have any questions about the matters raised in this letter, please contact the Access Canberra Infringement Review Team on 13 22 81 or via acinfringements@act.gov.au.

Yours sincerely



Derise Cubin
Executive Branch Manager
Access Canberra

January 2020



Sensys Gatso Australia
Unit 8, 11-12 Phillip Court
Port Melbourne VIC 3207

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F +61 3 9647 6471
www.sensysgatso.com
ABN: 086 166 494
ACN: 20 086 166 494

20 October 2020

David Pryce
Deputy Director-General
Access Canberra
Chief Minister Treasury and Economic Development Directorate
ACT Government
GPO Box 158, Canberra ACT 2601

ACOfficeoftheDDG@act.gov.au

LE-201020.01

Sensys Gatso Australia (SGA) response to ACT Government - Leap Year System Error

Dear David,

I acknowledge your letter dated 9 October, 2020 requesting that Sensys Gatso Australia provides written assurance that the system error experienced as a result of the leap year has been remediated and will not reoccur in the future. This letter is in response to that request.

We have provided a response below describing the:

- root cause,
- initial remediation undertaken to resolve
- permanent remediation actions as an assurance that recurrence will be avoided in future.

1. Root cause

On the 13th of March 2020 at 9:40AM, the SGA service desk received an urgent request from the Access Canberra Traffic Camera Compliance team to investigate devices at two sites for incorrect dates. The initial assumption from Access Canberra was that the DRCS camera system did not recognise the leap year - additional day, the 29/02/2020.

The request originated from the Access Canberra Infringement Office due to concerns that there were no infringements (in the queue to be processed) for the 29/02/2020 within the Xilium backoffice for two devices, which was considered to be highly unusual.

During the initial investigation, SGA remotely accessed the two devices in question to validate the assumptions. Following an analysis of the session data directly on the DRCS camera systems, it was found that sessions for the 29/02/2020 did exist. A thorough examination of the infringement evidence packages found that the metadata and the databar reflected the correct date for sessions on 29/02/2020 and had maintained their integrity and accuracy.

Upon excluding the DRCS camera systems as the root cause, further investigations were carried out on the Puls and Xilium back office platforms.

It was found that from 29/02/2020 and onwards, evidence files in Puls and Xilium were processed a day forward. The root cause was found to be in the method that the algorithms in Puls and Xilium parsed the timestamp from the DRCS camera system. This root cause is not present when Puls and Xilium process output from the other camera systems installed in ACT (including the Gatso T-Series).

In summary, this system error manifested itself in the Xilium back office processing function providing an erroneous output date on the infringement. At all times, the DRCS camera platform performed as per specification and in line with ACT requirements.

Further to the above summary, as part of a discussion with Ms Felicity Burns on 9 October, 2020, it was queried as to if this issue existed or was experienced in the previous leap year (February 2016). At that point in time, the Xilium back-office adjudication system was yet to be procured and not in production. This system error issue was not experienced at that time.

2. Initial remediation action taken

13/03/2020 9:40 - SGA received a request to investigate two devices for incorrect dates from the Access Canberra Traffic Camera Compliance team.

13/03/2020 9:46 - SGA level 1 support initiates investigation into the issue reported.

13/03/2020 12:55 - Access Canberra Infringement office reports that the problem is affecting all DRCS locations.

13/03/2020 13:10 - SGA level 1 support escalates issue to SGA level 2 support.

13/03/2020 13:15 - SGA level 2 support carries out investigation and rules out the DRCS camera system as the root cause. The issue is escalated to SGG level 3 support for a remediation and a recovery plan.

13/03/2020 22:29 - SGG level 3 support initiates investigation into Puls and Xilium platforms.

14/03/2020 22:29 - SGG level 3 requested additional evidence and log files from the SGA support team.

16/03/2020 13:19 - Further communication between SGA and SGG support teams on root cause analysis.

16/03/2020 14:08 - SGA level 2 provided more information to assist with root cause analysis.

16/03/2020 17:11 - SGA communicated updated progress on the investigation to Access Canberra.

17/03/2020 7:02 - SGG applied the agreed remediation to Puls and Xilium platforms (DRCS Parser settings) and reprocessed all affected infringements.

17/03/2020 9:58 - Access Canberra Infringement office confirms affected infringements have been fixed.

Further to the above, a permanent alert function has been established to notify ACT and SGA within 1 week of the next event which may cause an issue relating to a leap year of change event as a further prompt to ensure Puls and Xilium platforms are operating correctly and does not exhibit behaviours as described in the findings.

3. Permanent remediation

As described in the previous section, the following remediation items are currently in place :

1. Updated the DRCS Parser which resided in Puls and Xilium to add a day offset of -1 to any new events.
2. Established a permanent alert for the 24/02/2022 @ 10:00AM, a week before the next expected event.

As a further and permanent remediation, the upgrade of the existing Gatso DRCS camera platform to the Gatso T-Series platform will remove the root cause condition arising that lead to the system error. This project is currently underway and on track to be completed in December 2020. I would be pleased to give you a further update on project completion to confirm that the condition no longer exists and that the ACT government is able to be confident with the performance of the Xilium back-office adjudication system. In Attachment 1 of this letter, we have included correspondence from the Sensys Gatso Group product management team confirming that this error will not re-occur in future.

The Sensys Gatso Australia team has a long relationship with the ACT Government which we value. We share in the disappointment that this system error may have impacted upon the credibility of the traffic camera infringement scheme in the ACT. As described above, we are committed to ensuring this issue is not repeated.

I trust that the above response is to your understanding and acceptance would be pleased to discuss if you require any clarification. Please contact me if you have any queries.

Yours sincerely

For Sensys Gatso Australia Pty Ltd

2.2(a)(ii)



2.2(a)(ii)

Managing Director

Attachment 1 - Correspondence from Sensys Gatso Group product management

- | | |
|--------------------|---|
| .cc Felicity Burns | - Senior Director of Transport Licensing & Registrations, Access Canberra |
| .cc 2.2(a)(ii) | - Chief Technical Officer, Sensys Gatso Group, Netherlands |
| .cc 2.2(a)(ii) | - Technical Director, Sensys Gatso Australia |
| .cc 2.2(a)(ii) | - General Manager, Maintenance & Support, Sensys Gatso Australia |

Attachment 1 – Correspondence from Sensys Gatso Group product management

10/20/2020

Sensys Gatso Group Mail - Leap year issue with DRCS



2.2(a)(ii) >

Leap year issue with DRCS

2.2(a)(ii)

19 October 2020 at 18:56

I am writing you to confirm that we have identified the root cause of the problem where Xilium was not parsing the timestamp from DRCS evidence files correctly. This issue is related to the way the DRCS timestamp is embedded in the evidence files where due to a leap day misinterpretation the timestamp was parsed with an offset of one day.

We assure that this issue will not re-occur until at least the 28th of February 2022. Just in case that by that time there are still DRCS systems in operational use we have set up an alert to monitor the DRCS systems and make configuration changes if necessary. With the current planned upgrade of DRCS camera systems to T-Series camera systems in the ACT jurisdiction, this condition will no longer exist when the upgrade is completed.

Kind regards,

2.2(a)(ii)
Chief Technology Officer



Please consider the environment before printing!

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ACT
Government

Chief Minister, Treasury and
Economic Development

Objective ref:20/80245

2.2(a)(ii)

Managing Director
Sensys Gatso Australia Pty Ltd
Unit 8, 11-12 Phillip Court
PORT MELBOURNE VIC 3207

Via email: 2.2(a)(ii)

Dear Mr 2.

Thank you for your prompt response to my letter of 9 October 2020 about a leap year system error that impacted upon infringement notices in the ACT earlier this year.

I share your disappointment about this system error and the impact that this has caused to the credibility and reputation of the infringement scheme in the ACT. Your detailed response outlining the steps taken to rectify the root cause of the system error, and also your commitment to ensure that a similar issue will not be repeated is appreciated.

You have advised that Sensys Gatso Group will be taking further and permanent remediation action to remove the root cause of this issue. I understand this will include upgrading the existing Gatso DRCS camera platform to the Gastso T-Series platform in December 2020.

It would be appreciated if you could confirm in writing when this system upgrade process has been fully implemented to prevent a similar re-occurrence.

I acknowledge that Access Canberra and Sensys Gatso Australia have maintained a long standing and positive working relationship, which we hope will continue despite this unfortunate incident. I look forward to hearing further from you when the necessary upgrades have been implemented.

Should you wish to discuss this matter further, please do not hesitate to contact my office on (02)62059898.

Yours sincerely

David Pryce
Deputy Director-General
Access Canberra

23 October 2020

CMTEDD INTERNAL MINUTE



ACT
Government

Chief Minister, Treasury and
Economic Development

Date 19 November 2020

File No: 20/9153

To Deputy Director-General, Access Canberra

CC David Snowden, Executive Group Manager, Regulatory Compliance

From Derise Cubin, Executive Branch Manager, Licensing & Registrations

Subject Infringement Notice Leap Year Issue - Further Details & proposed handling going forward

Critical date and reason

1. As soon as practical

Recommendations

2. That you:

- **Note** the information in this brief pertaining to remaining active leap day infringement notices.

~~NOTED/PLEASE DISCUSS~~

- **Agree** to resume all remaining infringement notices to their active status; and

~~AGREED/NOT AGREED/PLEASE DISCUSS~~

- **Agree** to one of the proposed options for the ongoing management and handling of the leap day offences:

- **Option A** - Uphold all remaining notices (*preferred approach for road safety*).

~~AGREED/NOT AGREED/PLEASE DISCUSS~~

- **Option B** - Withdraw all remaining notices, based on the administrative date error (*not preferred*).

~~AGREED/NOT AGREED/PLEASE DISCUSS~~

- **Option C** - Exercise general discretionary power (*option considers public interest*) to withdraw a select number of the remaining active leap day infringements based on the proposed criteria. (see Attachment F for full tier criteria breakdown).

~~AGREED/NOT AGREED/PLEASE DISCUSS~~

David Pryce.....

23/11/2020

Subject to
• Communications
Strategy - letters
• Evidence re
any withdrawn
requests
• A review of all
notices currently
listed for prosecution
• This matter being oversight
at Senior Director level
• Updated brief to all directors.

Background

1. On 29 September 2020, you were briefed on the leap day infringement issue, relating to a system error (Objective File No: 20/71756 at [Attachment A](#)). This brief advised that there were 593 infringement notices which were affected by the leap day issue. You requested further advice on all the remaining infringement notice matters.
2. As of 27 October 2020, 318 infringement notices have been paid, 43 have entered a payment plan, and 109 have been withdrawn for various reasons. Please note that this indicates that since the briefing on 29 September 2020 an additional 12 infringements have been paid in full, and 2 have been entered a payment plan.
3. As of 27 October 2020, this leaves 123 infringement notices still considered active.
4. 3 infringement notices are currently being disputed through the Courts; 1 matter listed for court was paid prior to the hearing.
 - a. 1 matter was listed for mention on 22 September 2020 and is scheduled for hearing on 13 April 2021.
 - b. 2 matters were listed for mention on 10 November 2020 and are scheduled for hearing on 19 March 2021 and 15 July 2021.
5. The legal advice from GSO regarding the validity of the leap day infringements with the incorrect offence date is included as [Attachment B](#).
6. [Schedule 1 1.2](#)

 The excel spreadsheet at [Attachment C](#) provides further details and breakdown of the 123 remaining infringements, and the driving history of the offender (where this is currently available). These details are accurate as at 27 October 2020, and are subject to change, for reasons including payment of infringements, and transfer of infringements to another operator who was responsible for the vehicle at the time of the leap day offence.
7. It should be noted that the complexity with providing this level of detail relating to individual offender driving records has resulted in the information being sought from each driver's home jurisdiction, in addition to ACT information on offences committed within the ACT. Currently, only NSW (the majority of interstate offenders) has provided the driving history of leap day offenders, QLD, NT, and VIC remain outstanding as at the date of this brief.
8. It should also be noted that due to the date error in the notice, there have been a significant number of Statutory Declarations completed by the nominated operator of the vehicle, transferring responsibility for the leap day offence to another party. This is likely to be due to confusion about when the offence occurred and is particularly evident with hire car operators. The data provided

within this brief is accurate for the initial identified offender's driving record as at 27 October 2020 but may change as the responsible person for the vehicle at the correct offence date/time is identified.

9. Access Canberra has delegated authority to apply a general discretion in section 36 of the *Road Transport (General) Act 1999* (the RT General Act) to withdraw an infringement notice. The *Road Transport (General) Withdrawal of Infringement Notice Guidelines 2019* (the *Withdrawal Guidelines*) issued under section 38 of the RT General Act provides guidance on circumstances in which the discretion under section 36 could be applied. This may include the circumstances the in which notice was issued, the level of risk posed to other road users, the seriousness of the offence, and the extent the applicant was aware the conduct was contrary to law. The withdrawal guidelines also list offences that are generally considered unsuitable for withdrawal as a result of the offence being a serious offence. This includes offences considered unsuitable for withdrawal where the speed exceeded the limit by >15km/h.
10. A list of grounds available for consideration is at Attachment E.

Issues

11. Please refer to Attachment D for a breakdown of the remaining 123 leap day offences: namely
 - a. **what** the offences are;
 - b. **who** the offenders are;
 - c. **sanctions** resulting from the offence/s; and
 - d. the **status** of the 123 infringement notices
 - i. including **disputed** matters scheduled for hearing in early 2021.
12. There are three identified options to addresses the remaining 123 leap day infringement notices.

Option 1 (current and preferred approach)

13. That Access Canberra on behalf of the administering authority uphold all remaining 123 notices. Any application received from the offender seeking a withdrawal for a leap day offence will be considered in accordance with the *Withdrawal Guidelines*, although the ground for a withdrawal for administrative error will not be considered. ✓
14. Schedule 1 1.2  ✓
15. This option is the preferred option due to the possible impact any withdrawal of the leap day offences may have on the broader road safety efforts. ✓
16. This is the preferred option of the TCCS Road Safety Policy team. ✓

Option 2 (least preferred)

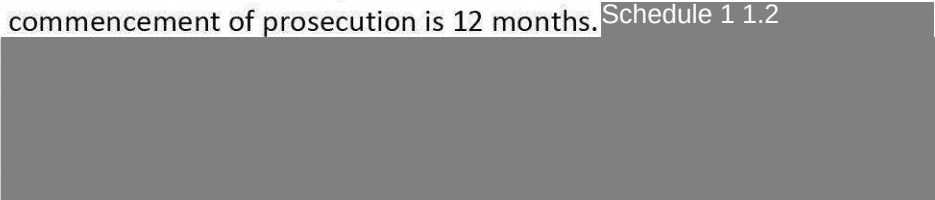
17. That Access Canberra on behalf of the administering authority applies its discretion and withdraws all 123 remaining active leap day infringements because of the date error. Schedule 1 1.2
Schedule 1 1.2
 - a. the broader risk to road safety posed by the offender's behavior (such as repeat, or high-risk offenders);
 - b. the seriousness of the offence;
 - c. the driving history of the offender (pre or post the leap day offence/s); nor
 - d. the legislative intent designed to promote improved road safety outcomes for all road users and deter offences against the road rules.
18. This option has the highest expected impact on broader road safety efforts.
19. TCCS are not supportive of this option.
20. If option 2 were agreed, it is likely that offenders who have already accepted liability for the offence and paid their infringement penalty will make representation to have their infringement refunded.

Option 3

21. This option provides an avenue for Access Canberra on behalf of the administering authority to consider the public interest test of each offence relating to the leap day error. It would involve rigorous and thorough examination and analysis of each offence, and the driving history of offenders, without explicit representation being made to Access Canberra for a review of the notice.
22. This option exercises the general discretion to withdraw an infringement as per section 36 of the RT General Act.
23. To progress this option the Infringement Team will need to consider each individual offence giving regards to the risk to road safety posed by the offenders behaviour, the seriousness of the offence, and the driving history offender (pre and/or post the leap day offence). A tiered table has been prepared for consideration of possible criteria to be applied to each offence and offender before taking action to withdraw or list a matter for court. The tiered table, accompanied by a thorough explanation of what would and wouldn't be considered in each tier, is at Attachment F.
24. The tiers progress from **Tier 1** (most preferred) to **Tier 5** (least preferred). The tiers are explicit about the criteria that would or would not be considered for withdrawal to ensure there is no misunderstanding or inconsistent application of the criteria by the Infringement team.
25. Currently the rego.act system does allow an offence to remain on a driver's record if an infringement notice is withdrawn. This is because withdrawing the infringement notice has the effect of the offence having never occurred.

26. It is recommended that should **Option 3** be pursued that any withdrawal undertaken with the use of the general discretionary powers in relation to this offence is still reflected on the offender's driving record for future reference. Should then the offender seek to remove the offence from their history at a later date (such as to provide evidence that another person was responsible for the vehicle during the time of the offence) the Infringement team can, through manual efforts, reissue the notice to the responsible person and remove it from the previous driver's record. This is the common practice for parking offences.
27. The rego.act developers can quickly develop a specific withdrawal reason, which would identify leap day withdrawals, using the general discretionary powers. This would also assist the Infringement Team to easily identify a leap day offence in the future when considering a driving history.
28. It is considered paramount that **Option 3** be administered by senior review officers within the Infringement Team only. Where both ASO5 and ASO6 officers review each infringement and then make a recommendation to the SOGC to withdraw or uphold an infringement before taking action on an infringement or listing the matter for court. Currently, this is effort the team can absorb, however this may need to be reviewed at a later date as it is not possible to handle these notices in simple administrative way, as they require ongoing manual interventions.

Consultation

29. The Road Safety Policy Team at Transport Canberra and City Services (TCCS) have been consulted in the development of this brief – Ms Alison Kemp, Senior Director (Technical) Road Safety and Transport Regulation (14 November 2020 x75891) provided the following comments:
- a. TCCS recommend seeking input from ACT Policing on this matter, as it is their position that the Chief Police Officer is the administering authority for these offences.
 - b. Whilst the timeframe for issuing an infringement notice for a camera-detected offence is 28 days from the offence, the timeframe for commencement of prosecution is 12 months. ^{Schedule 1 1.2}

 - c. There is no requirement that camera-detected offences can only be the subject of an infringement notice. In order to proceed with a prosecution in this instance, TCCS recommend that the infringement notice would need to be withdrawn or the person must not have taken any action in response to the notice, or failed to comply with an infringement notice management plan.
 - d. TCCS are concerned about the road safety messaging any withdrawal of these notices sends, especially if the decision to withdraw was based on

the how far the offence was over the speed limit. The ACT Governments commitment to a Vision Zero, mean no deaths or serious injury on the ACT road network. Any level of speeding presents a road safety risk for the driver, and other road users and the ACT Road Safety Action Plan 2020-2023 seeks to encourage safe behavior and reduce the number of people speeding on ACT roads.

- e. Numerous studies have shown that perceived 'low level' speeding contributes to a significant percentage of road casualties and fatalities. Speeding at 5km/h above the speed limit increases both the likelihood of a crash occurring, and the severity of driver and pedestrian injuries in a crash. For car occupants in a crash with an impact speed of 80 km/h, the likelihood of death is 20 times what it would have been at an impact speed of 30 km/h. Setting of appropriate speed limits is critical to improving road safety and exceeding the speed limit by any amount poses a high risk to the community.
- f. TCCS note that the general discretion for Access Canberra to withdraw an infringement notice does not require consideration of a person's good driving record to exercise the discretion. This consideration is only required when the offender applies for withdrawal on the grounds of their good driving record.
- g. Exercising this general discretion will have the effect on the offence that it never occurred. And the offence will no longer appear on the offending driver's history. This means they could be considered for withdrawal on the grounds of good driving record in the future.

Work Health and Safety

- 30. Nil in connection to this Minute.

Financial

- 31. Nil in connection to this Minute.

Risks/ Sensitivities

- 32. It should be noted that all options for handling the leap day infringement notices carry a risk for the agency to be criticized for overall inconsistent handling of the 593 affected infringements.
- 33. **Option 2** carries the highest reputational risk for the agency.

Media

- 34. The leap date error has garnered media attention, it is possible that media attention will continue as matters are listed for court. An article appeared in the Canberra Times on 7 September 2020:
<https://www.canberratimes.com.au/story/6911296/leap-year-systems-error-serves-up-incorrect-speed-camera-notices/>

35. Media responses have been prepared on this issue. The pending court matters may also generate media interest. Access Canberra will work with CMTEDD media to respond to additional media queries.

Derise Cubin

Executive Branch Manager, Licensing & Registrations

Action Officer: Felicity Burns

Phone: x59373

CMTEDD INTERNAL MINUTE



ACT
Government

Chief Minister, Treasury and
Economic Development

Date 25 September 2020

File No: 20/71756

To Deputy Director-General- Access Canberra

From EBM Licensing and Registration Branch

Subject Systems error – Leap year infringements issue

- EGM- Access Canberra .../.../...

Critical date and reason

As soon as practical

Recommendations

1. That you:
 - Note the information contained in this brief;

NOTED/PLEASE DISCUSS

David Pryce..... 29/9/2020

Denise Cubin

- ① Need to expedite the formal Aso advice by no later than 7 Oct 2020.
- ② Please progress the letter to Seny's Cato Aso. Preferably before 2 Oct 2020.
- ③ Please confirm current Withdrawal guideline advice on these matters (refer paras 16 & 24). Need clear guidance for our people.
- ④ Please provide further advice on all cases currently listed for Cant. We need to discuss further¹ with Aso.

Background

2. The Road Transport Authority ('the RTA') has delegated functions under the road transport legislation to Access Canberra, including operational functions for issuing infringement notices and managing the infringement notice management scheme. The Justice and Community Safety Directorate ('the JaCS') has policy responsibility for transport regulation.
3. On Friday 13 March 2020, the Access Canberra Infringement Review team identified that an error had occurred with one of the systems it uses to manage traffic camera infringements (Xilium) which affected infringement notices issued between 29 February 2020 and 11 March 2020 ('the relevant period').

Issues

4. The offences detected during the relevant period resulted in Rego.act (the Access Canberra database) issuing infringement notices to individuals with dates that did not correspond to the date of the offence ('the error').
5. The error arose because 'Xilium', the software interface between the traffic cameras and Rego.act, did not make provision for 2020 being a leap-year.
6. The date on infringement notices served during the relevant period were out by one day from when the offence was committed. However, the image which captured the offence was date stamped correctly.
7. 593 infringement notices were affected. A decision was made at the time to not withdraw and reissue the infringement notices. This decision was made on the basis that the primary evidence was correct (the photographic image). In hindsight the infringement notices should have been withdrawn and reissued at the time with the correct date of the offence.
8. Tables 1 & 2 at Attachment A provide a summary and breakdown of the current status of the infringement notices. Link 1 Attachment A provides a complete visualisation of the dataset.
9. The following data outlined in paragraphs 10 to 19 is correct as 23 September 2020.
10. 347 infringement notices have been paid, either in full, or partially through the driver entering an infringement payment plan.
11. 6 infringement notices have been disputed in court. 3 were listed for mention on 22 September 2020 and 3 are listed for mention on 10 November 2020. However, a person with a mention listed for 22 September 2020 elected to pay the infringement notice. The remaining 2 disputes listed for mention on 22 September 2020 will go to hearing on 13 April 2021.

*Lesson
need to
capture
lessons
learnt.

12. The outcomes of the court matters may have a bearing on how the remaining infringement notices are dealt with. ^{Schedule 1 1.2}

13 ^{Schedule 1 1.2}

14. 46 infringements have progressed to a status of 'sanction' in the Rego.act system. Under the road transport legislation this includes actions taken against a driver licence or registration that has the effect of suspending either a driver licence or a vehicle registration as a result on an infringement notice issued (but not paid). This category also includes interstate driver licence holders whose right to drive in the ACT has been suspended.

15. 58 infringements were withdrawn under the *Road Transport (General) Withdrawal of Infringement Notices Guidelines (2019) (No1)* ('the Guidelines') as:

- a. there were valid grounds for withdrawal of the speeding offence. For example, the infringement notice was issued to emergency vehicles or police vehicles (undertaking duties); or ✓
- b. insufficient information was available to issue an infringement. For example, the registration details could not be correctly identified, or the infringement notice was issued to a stolen vehicle. ✓

16. 44 infringements were withdrawn under the Guidelines on administrative grounds (incorrect date on infringement notice). (See paragraph 24). ||

17. Over 50% of the 593 infringement notices were issued to interstate drivers (Figure 1) Attachment A.

18. 75 of the 593 infringement notices would generally be considered unsuitable for withdrawal pursuant to Attachment A of the Guidelines (for being over 15km above the speed limit). 25 of the 75 were issued infringement notices for speeds over 30km above speed limit.

19. Of the 593 infringement notices Access Canberra can identify 95 drivers who have reoffended. This includes all traffic offences: speeding, school zones, mobile and speed cameras etc.

Consultation

20. Access Canberra has liaised with Sensys Gatso Australia Pty Ltd ('Gatso'), the Xilium provider regarding the error. Gatso has given strong assurances that that this issue will not occur again. A letter will be prepared for your signature seeking

written assurance from Gatso that the error will not occur again and what steps the company will take to assure this. ✓

21 Schedule 1 1.2



22. Access Canberra consulted JaCS on the timeframe within which a notice can be withdrawn and reissued.] - which is?

Financial

23. The total value of the 593 infringement notices if paid would be \$226,114.

Risks/ Sensitivities

24. An inconsistency of approach has resulted due to the 44 infringement notices withdrawn on administrative grounds based on the incorrect date appearing on the infringement notice (see paragraph 16). The withdrawals occurred because of inconsistent guidance given to the team on how to deal with infringement notices and may not align with Access Canberra's approach to the remaining infringement notices. *

25. If a court finds that the infringement notices are invalid due to the error, there is a reputational and legal risk to the RTA. However, there is also the option of legislative action to validate the relevant infringement notices.

Media

26. The error has garnered media attention. An article appeared in the Canberra Times on 7 September 2020:

<https://www.canberratimes.com.au/story/6911296/leap-year-systems-error-serves-up-incorrect-speed-camera-notices/>

27. Media responses have been prepared on this issue. The pending court matters may also generate media interest. Access Canberra will work with CMTEDD media to respond to additional media queries.

Derise Cubin

Action Officer: Shruti Navathe & Giuseppe Mangeruca

Phone: 62077077

Attachment A

Table 1: summary of leap year infringements

Infringement Status	No of Infringements	Penalty Amount	Admin Fee	Total Paid
On Hold	98	\$46,449	\$1,462	\$297
Paid	306	\$96,084	\$2,346	\$98,430
Sanctioned	46	\$25,404	\$1,564	\$1,245
TTP Plan	41	\$12,882	\$612	\$0
Withdrawn	102	\$45,295	\$238	\$0
Total	593	\$226,114	\$6,222	\$99,972

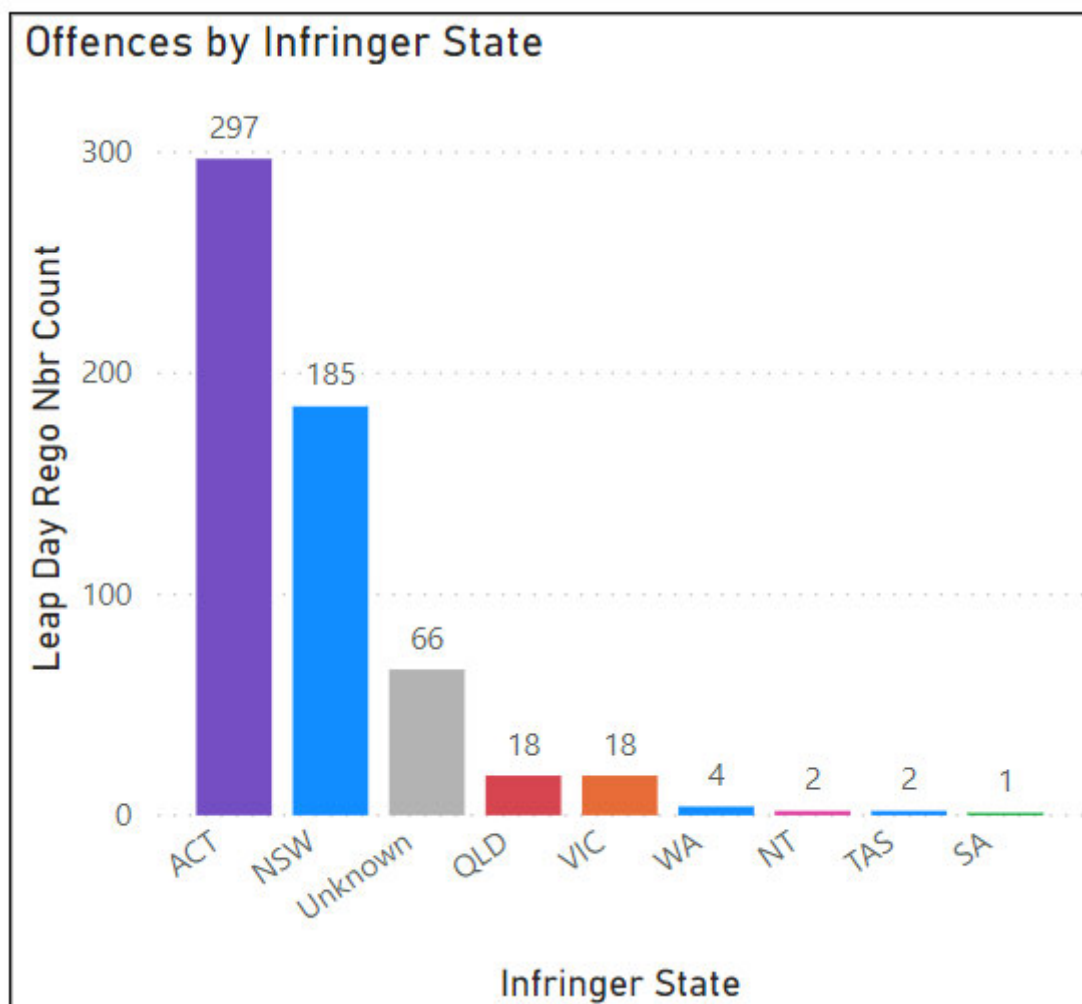
Table 2: breakdown of infringement notices on hold and withdrawn

Breakdown of leap year infringements	Number of offences
On Hold – awaiting, infringement notice not yet served	24
On Hold – infringement notice served	37
On Hold – reminder notice served	29
On Hold — awaiting decision on withdrawal *includes 6 matters in court	8
TOTAL On Hold	98
Withdrawn under the Guidelines	58
Withdrawn for Infringement Notice Date Error	44
TOTAL Withdrawn	102

Link 1: Power BI dashboard of leap year infringements data

<https://app.powerbi.com/groups/me/reports/30317e49-9fb0-4f3a-b846-1d16e1173b4b/ReportSection257c63697115b676e2e2?ctid=b46c1908-0334-4236-b978-585ee88e4199>

Figure 1: infringements by state



UNIQUE CLIENT NUMBER	OFFENSE DATE	UNIQUE CLIENT ID	REPEAT OFFENDER	GOOD RECORD - INTERSTATE	GOOD RECORD - INTRASTATE	DETERMINED AFTER THE LEAD YEAR OFFENSE	DETERMINED BEFORE THE LEAD YEAR OFFENSE	LICENCE NUMBER	LICENCE STATE	LICENCE STATUS	LICENCE STATUS START DATE	SUSPENSION TYPE	SUSPENSION SUBTYPE	SUSPENSION CAUSE	SUSPENSION START DATE	SUSPENSION END DATE	SUSPENSION APPLIED DATE	OFFENSE DESCRIPTION	SPEED LIMIT	DETECTED SPEED	KMH OVER THE SPEED LIMIT
2.2(a)(i)	27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit - 25 But < 30 km/hr	80	103	23
	27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	92	12
	27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	98	18
	27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	94	14
	27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	90	10
	27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	90	10
	27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	92	12
	27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	106	26
	27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	183	103
	27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	90	10
	27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	96	16
	27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	94	14
	27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	90	10
	27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	106	26
	27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	180	100
	27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	97	17
	27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	96	16
	27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	94	14
	27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	90	10
	27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	106	26
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	180	100	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	97	17	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	96	16	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	94	14	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	90	10	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	106	26	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	180	100	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	97	17	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	96	16	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	94	14	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	90	10	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	106	26	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	180	100	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	97	17	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	96	16	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	94	14	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	90	10	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	106	26	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	180	100	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	97	17	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	96	16	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	94	14	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	90	10	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	106	26	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	180	100	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	97	17	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	96	16	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	94	14	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	90	10	
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27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	180	100	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	97	17	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	96	16	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	94	14	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	90	10	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	106	26	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	180	100	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	97	17	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	96	16	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	94	14	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	90	10	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	106	26	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	180	100	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	97	17	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	96	16	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	94	14	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	90	10	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	106	26	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	180	100	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	97	17	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	96	16	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	94	14	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	90	10	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	106	26	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	180	100	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	97	17	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	96	16	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	94	14	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	90	10	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	106	26	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	180	100	
27001540	05/03/2020	YES	YES	YES	YES	YES											20 Non-School Zone Exceeded Speed Limit By > 15 km/hr	80	97	17	
27001540	05/03/2020	YES	YES	YES																	

What are the 123 active infringement offences?

1. **104** infringements were for exceeding the speed limit by ≤ 15 km/h – and are considered low risk offences, and are generally suitable for withdrawal under the *Withdrawal Guidelines* if the offender has not committed an offence under Road Transport Legislation, excluding parking offences, in the 5 years prior (in any jurisdiction).
 - a) Representations have been made for 14 infringements in this category.
2. **9** infringement notices were for exceeding the speed limit by >15 but ≤ 30 km/h,
 - a) Representation has been made for 1 infringement in this category.
3. **4** infringement notices were for exceeding the speed limit by >30 but ≤ 45 km/h;
 - a) None of these offenders have contacted Access Canberra about the notice.
4. **6** infringement notices were for exceeding the speed limit by >45 km/h.
 - a) None of these offenders have contacted Access Canberra about the notice.
5. **108** infringement notices have had no representations made to Access Canberra (review, dispute, payment, etc.).
 - a) 90 for offences <15 km/h
 - b) 8 for offences >15 km/h but ≤ 30 km/h
 - c) 4 for offences <30 km/h but ≤ 45 km/h
 - d) 6 for offences >45 km/h

Who are the 109 offenders responsible for the 123 notices?

1. **6** organisations are responsible for 6 leap day infringement notices (all for speeds <15 km/h), with the responsible person yet to be notified to Access Canberra.
 - a) 1 organisation has contacted Access Canberra about the offence.
 - b) 5 organisations have not contacted Access Canberra about the offence.
2. **103** individual offenders are responsible for 117 active infringement notices.
 - a) 13 have contacted Access Canberra, relating to 14 offences.
 - b) 90 of these offenders (responsible for 103 offences) have not contacted Access Canberra.
3. Of the 103 individual offenders, **40** ACT Licence holders are responsible for 42 offences.
 - a) 34 offences are <15 km/h
 - b) 6 offences are >15 km/h but ≤ 30 km/h
 - c) 1 offence is >30 km/h but ≤ 45 km/h and
 - d) 1 offence is >45 km/h
4. **NB: 2** repeat ACT offenders committed more than one leap day offence during the leap day period, totaling 4 offences:
 - a) Two offenders with 2 offences
 - I. 1x >15 km/h but ≤ 30 km/h & 1x <45 km/h
 - II. 2x ≤ 15 km/h

5. Of the 40 ACT offenders, 7 meet the criteria for withdrawal of the infringement on the grounds of good driving record in the ACT. This means the offender has no other relevant offences in any jurisdiction in the last 5 years, AND the leap day offence was for <15kms.
 - a) Notably, 4 of the 7 ACT offenders who meet the criteria have reoffended at least once since the leap day offence in the ACT and/or another jurisdiction¹.
6. The remaining 33 infringements - 40 ACT offenders do not meet the criteria for withdrawal on the grounds of good driving record. This means the offender has had relevant offences in a jurisdiction in the last 5 years, OR the leap day offence was for >15kms.
7. Of the 103 individual offenders, **63** interstate licence holders are responsible for 75 offences:
 - b) 64 offences are <15km/h
 - c) 3 offences are >15km/h but <=30km/h
 - d) 3 offences are >30km/h but <=45km/h; and
 - e) 5 offences are >45km/h
8. **NB: 7** repeat interstate offenders committed more than one leap day offence during the leap day period, totaling 19 offences:
 - a) 1 offender with 4 offences
 - III. 2x >15km/h but <=30km/h & 2x <15km/h
 - b) 3 offenders with 3 offences each
 - I. 3x >30km/h but <45km/h
 - II. 1x <=15km/h, & 1x >30km/h but <=45km/h, & 1x <45km/h
 - III. 1x >15km/h but <=30km/h & 2x <15km/h
 - c) 3 offenders with 2 offences each
 - I. 2x <=15km/h
 - II. 2x <=15km/h
 - III. 2x <=15km/h
9. Of the 63 interstate offenders, 40 currently meet the criteria for withdrawal of the infringement on the grounds of good driving record. This means they have not committed a relevant offence within the ACT² in the 5 years leading to the leap day offence AND their leap day offence was for <15km/h.
 - a) 7 of the 40 offenders who meet the criteria have reoffended in the ACT at least once since the leap day offence³.
10. Of the remaining 23 interstate offenders, 19 had relevant offences within the ACT in the 5 years leading to the leap day offence⁴; AND 17 interstate offenders have reoffended in the ACT⁵ since the leap day period (totaling 19 infringements in the ACT, 2 reoffended twice in the ACT since the leap day offence).

¹ The details of the offences committed after the leap day offence are still being extracted for analysis regarding the date and severity of the offence.

² Interstate information on offences committed outside of the ACT is still being sought from home jurisdictions.

³ The details of the offences committed after the leap day offence are still being extracted for analysis regarding the date and severity of the offence.

⁴ The details of the offences committed in the 5 years prior to the leap day issues are still being extracted for analysis regarding the date and severity of the offence.

Suspensions, demerit points and sanctions resulting from leap day offences

11. No ACT offender has had their driver licence suspended for an accumulation of demerit points, where the leap year offence was solely responsible for the suspension. This means some offenders currently have a demerit point suspended licence, due to several infringements in the lead up to and after their leap day offence.
12. 1 ACT offender will progress to a demerit point suspension if the infringement notice is paid. This offence accrues 3 demerit points, as it was for exceeding the limit by >15km/h but <=30km/h.
13. 2 ACT offenders were suspended for demerit points accrued prior to their leap day offence (these offenders are referred to ACT Policing via the RAPID system). The two offenders account for two leap day offences, both have been placed into a payment plan.
 - a) One offender's leap day offence was >15km/h. This offender has four offences post leap day (<15km/h & 1 >15km/h but <=30km/h).
14. One offender's leap day offence was >15km/h but <= 30km/h. This offender has one offence post leap day (>15km/h but <=30km/h). Due to current efforts to seek information about interstate offender driving histories, it is not currently possible to determine if sanctions would be applied to any or all interstate offenders who have not yet taken action on their infringement notices.

What is the current status of infringements?

15. The Access Canberra Infringement Team placed all 123 active infringements on hold in September 2020 and has paused any review of leap day offences since, while the team awaited legal advice and confirmation of handling processes.
16. There are currently 3 leap day offences being disputed, all on the grounds of the leap day error. (NB these 3 are included in the count of 15 as having made representations to AC)
17. Hearing: 19 March 2021
 - a. Leap day offence is considered low risk (<=15km/h) – interstate offender, with no prior or subsequent offences in the ACT incurred since the leap day offence.
18. Hearing: 13 April 2021
 - a. Leap day offence is considered low risk (<=15km/h) – interstate offender, with multiple low range (<15km/h) speeding offences in the ACT (2015, 2016, 2017). The offender has reoffended twice in the ACT since the leap day offence (1x <15km/h, & 1x >15km/h but <30km/h).
19. Hearing: 15 July 2021
 - a. Leap day offence is considered low risk (<=15km/h) – interstate offender, with no prior or subsequent offences in the ACT incurred since the leap day offence.
20. Of the 123 remaining active infringements notices, 108 have not made any representation to Access Canberra, meaning 15 have. Initial investigation reveals that 6 of these would currently result in a withdrawal of the infringement as the offender meets the criteria for good driving record. Other applications are for waiver, medical, enquiry or withdrawal regarding the incorrect date, or the driver doesn't have a prior good driving record:
 - a. 1 interstate (NSW) offender with an offence <15km/h is seeking withdrawal on medical grounds. Initial investigation suggests the application does not meet the grounds for medical events as per the *Withdrawal Guidelines* and would not be

approved. This offender has not had any previous offences in the past 5yrs and would be eligible for withdrawal on grounds of good driving record.

- b. **1** interstate (NSW) offender with an offence <15km/h is seeking a waiver of the infringement notice penalty amount. Initial investigation suggests the application does not meet the grounds for wavier as per the *Withdrawal Guidelines* and would not be approved. It is proposed that this offender will be offered a payment plan as the offender does not meet the requirement for a good driving record withdrawal due to a previous speeding offence of <15km/h in 2018.
 - c. **1** ACT offender with an offence <15km/h has requested withdrawal due to the leap year error. Next steps on this notice will be dependent on any decision arising from this brief. This offender would be eligible for withdrawal under the grounds of good driving record.
 - d. **1** interstate (VIC) hire car company with an offence <15km/h is seeking clarification on the leap year error.
 - e. **4** ACT offenders seek withdrawal for prior good driving record. An initial investigation of these requests suggests:
 - i. **2** would be approved due to the leap day offences being <15km/h AND both offenders having a good driving record.
 - ii. **2** would be refused.
 - **1** due to seriousness of the leap day offence being >=15km/h but <=30km/h.
 - **1** due to the offender having a second leap day offence. Both offences are <15km/h.
 - f. **4** interstate offenders seek withdrawal for prior good driving record. An initial investigation of these requests suggests:
 - iii. All **4** would be approved as the licence holders have no prior offences in the ACT⁵, AND each of the leap day offences were <15km/h.
21. Beyond the initial review for the purpose of this brief, no formal review by the Infringement Team has been conducted on these requests. To mitigate the risk of any further inconsistent decision making, infringements remain on hold until there is agreement to this brief, or the team is otherwise directed. Scripts are currently being developed for the team so there is consistent advice provided to those making representation to Access Canberra.

⁵ Interstate information on offences committed outside of the ACT is still being sought from home jurisdictions.

ATTACHMENT E – the guidelines

The grounds outlined in the *Withdrawal Guidelines* are:

- a. **Administrative or technical reasons** – where the administrative or technical reasons are outside the control of the applicant and contributed either wholly or materially to the circumstances in which the applicant was issued with an infringement notice. For example: a faulty or malfunctioning machine or device, a permit, licence or other document issued by the authority contained an error arising from actions of the applicant and this error contributed to the circumstances in which the applicant was issued with an infringement notice, an administrative error in the content of the infringement notice (pls refer to legal advice at Attachment B), an administrative error in the issuing of the infringement notice, or the responsible person is a business or company and the business or company has been deregistered or is in liquidation.
- b. **Insufficient evidence** – the authority considered there is insufficient evidence to establish the commission of the offence, or the involvement of the applicant in the offence.
- c. **Defence or exemption applies** – where the authority forms the view that there is evidence available that establish that another defence or exemption applied. For example applicant provides evidence: they sold the vehicle prior to the date of offence, or the vehicle was stolen at the time of the offence.
- d. **Exceptional circumstances** – the applicant must produce evidence by a statement detailing the exceptional circumstances and alternative options available to the applicant, the risks posed to other road users and any other relevant circumstances. Examples of exceptional circumstances are:
 - Emergency situation or similar, as opposed to a diagnosed condition or late for an appointment. Supporting evidence for a medical emergency situation includes a statement from a registered health practitioner, hospital records, police report, or similar.
 - Unexpected trauma to them as a driver, a passenger or other road user
 - Unforeseen or unpreventable circumstances, such as a medical emergency.
- e. **Child** – if the notice is issued to a child who is under 14 years.
- f. **Deceased or moved overseas permanently**
- g. **Prior good driving record** – good driving record is no offence committed under the road transport legislation, excluding parking offences (or a corresponding law of another jurisdiction) in the previous five year period. The authority can take into account the circumstances the notice was issued, including the level of risk posed by the applicant's behaviour to other members of the community, the seriousness of the offence, and the extent to which the applicant ought reasonably to have been aware that the conduct was contrary to law.

Option 3 – Tiers to be considered for future handling of leap day offences

ATTACHMENT F

	SINGLE leap day offence <15km/h AND no offence in the last 5 years	Multiple offences <15km/h		Multiple LEAP DAY offences			LEAP DAY all <30km/h	LEAP DAY all >30km/h	TOTAL possible for withdrawal
		PRIOR driving record all <15km/h	LEAP DAY all <15km/h	<15kms	>15km/h but <30km/h	>30 km/h			
Tier 1	7 ACT 8 (NSW) 20 possible from other jurisdictions (TOTAL= 15-35 max)								15-35 MAXIMUM
Tier 2	7 ACT 8 (NSW) 20 possible from other jurisdictions (TOTAL= 15-35 max)	1 ACT 0 NSW 3 possible from another jurisdiction (TOTAL= 1-4 max*)	1 ACT 0 NSW 3 possible from another jurisdiction *same as previous column						16-38 MAXIMUM
Tier 3	7 ACT 8 (NSW) 20 possible from other jurisdictions (TOTAL= 15-35 max)	1 ACT 0 NSW 3 possible from another jurisdiction (TOTAL= 1-4 max*)	1 ACT 0 NSW 3 possible from another jurisdiction *same as previous column	0 ACT 0 NSW 3 possible from another jurisdiction (TOTAL= 0-3 max)					16-42 MAXIMUM
Tier 4	7 ACT 8 (NSW) 20 possible from other jurisdictions (TOTAL= 15-20 max)						2 ACT 0 NSW 0 from other jurisdictions (TOTAL= 2)		17-20 MAXIMUM
Tier 5	7 ACT 8 (NSW) 20 possible from other jurisdictions (TOTAL= 15-20 max)	1 ACT 0 NSW 3 possible from another jurisdiction (TOTAL= 1-4 max*)	1 ACT 0 NSW 3 possible from another jurisdiction *same as previous column				2 ACT 0 NSW 0 from other jurisdictions (TOTAL= 2)		18-23 MAXIMUM

Option 3 – Tiers to be considered for future handling of leap day offences

ATTACHMENT F

1. Due to the unique nature of the leap day error, it is considered paramount that this considered work be undertaken at the senior review officer level in the Access Canberra Infringement Office (ASO5) and that there is a second review and recommendation made by the Manager (ASO6) before any action is authorised by the Assistant Director for the team (SOGC) to withdraw an infringement or list the matter for court. This is considered the most appropriate way to ensure a) adequate governance, b) consistent analysis of matters, and c) prevent inconsistent application within a large diverse team with a high work volume.
2. Ensuring the review of leap day offences is managed at the senior review level will also prevent any disclosure of details pertaining to the exercising of discretionary withdrawal powers and the governance framework supporting the Tiers proposed for consideration. If the Tier criteria were made publicly available to any applicant, it is considered extremely likely that there would be a targeted effort to meet the criteria to have the notice withdrawn, for instance – by means of statutory declarations into the name of another person, who would meet the criteria and then have no record of the offence on their driving history as a result of the use of the discretionary powers.
3. It is noted that this is additional work for the team to absorb, however much of the analysis is already underway, and could be absorbed by the senior officers within the next few weeks. Due to the nature of the infringement notice system process, efforts will need to be made within the team to ensure reviews of infringements seeking a review have an offence date within the leap day period for a significant period of time, as each matter moves through the sanction stages, or is transferred to another operator (receiving a new infringement notice identification number and requiring a new driving history analysis).
4. As it is not possible to identify these infringements in a simple administrative way within the Rego.ACT system, implementation of this approach will require manual intervention and catches throughout the review process undertaken by the Infringement Team. This additional work is currently considered suitable for absorption within the team, however, may need to be reviewed at a later date to address complexities not foreseen at this time.
5. No Tiers within **Option 3** allow for the withdrawal of an infringement notice for a leap day offence which was for speeding >30km/h or if the offender's driving record indicated offences greater than 15km/h in the previous 5-year period.
6. It is recommended that **Option 3** also include review and analysis of the infringement notices already withdrawn by the team relating to the administrative error. This will allow the team to target retraining needs within the team. This analysis would then inform a review of processes for withdrawing an infringement due to administrative error and improve consistent handling of similar infringements, allow for faster identification and correction of the reason for the administrative error, identify the extent of an administrative error sooner, and allow for infringement notices to be withdrawn and reissued within the required timeframes.
7. Current information on an offenders prior good driving record, and any subsequent reoffending of the offender is based on the current offender identified as the responsible operator for the offence. However, they may not have been the person responsible, and could in the future change to someone with higher range offences in the history or multiple high range offences within the leap day period.

Option 3 – Tiers to be considered for future handling of leap day offences

ATTACHMENT F

8. Any action taken by the Infringement Team to withdraw a leap day offence using the criteria in **Option 3** will be made based on the point in time information available to the senior review officers at the time of each individual decision being made.
9. The Infringement Team will maintain thorough records, tracking the progression of all leap day affected notices, which will include a register of all decisions made on the notices, the actions taken and the reasons and criteria used to justify the decision.

Tier 1

Exercise general discretionary powers to withdraw a leap day infringement notice, as depicted *in the Withdrawal Guideline* with framework for considerations for withdrawal of a notice for prior good driving record. Discretionary power limited to:

- a) the level of risk posed to other road users by the behaviour – considering the driving history of the offender.
- b) the seriousness of the leap day offence – that being the offence speed exceeded the limit by <15km/h;
- c) the extent the offender was aware the conduct was contrary to law – that also being a consideration of the driving history of the offender.

This Tier excludes:

- all repeat leap day offenders, of any speed range (even if all are low range).
- any offender with any speeding offence in the 5 years up to the leap day offence/s; and
- consideration of any reoffending after the leap day offence.

TOTAL offences in Tier 1

- *32 ACT licence holders have a single leap day offence <15km/h. Of those:*
 - o *7 have a good record as defined by the Withdrawal Guidelines.*
- *53 interstate licence holders have an offence <15km/h. Of those:*
 - *8 NSW offenders have a good record both in the ACT and in NSW.*
 - *20 other interstate offenders have a good record in the ACT, with their jurisdictional records yet to be received by Access Canberra.*

Tier 2

Includes all Tier 1 discretionary withdrawal criteria. PLUS, an extension of considerations to also allow withdrawal of repeat leap day offences where the offender had only multiple low range leap day offences (all <15km/h). This Tier would also allow withdrawal of low range leap day offences where an offender had a prior driving record identifying only low range offences in the 5 years leading up to the leap day offence.

This Tier excludes:

- any repeat leap day offenders who had both low and high range leap day offences.
- those offenders with prior offences which were not low range offences; and
- consideration of any reoffending after the leap day offence.

TOTAL offences in Tier 2

- *ALL Tier 1 offence totals.*
- *1 additional ACT repeat offender falls under this tier – with 2 leap day offences <15km/h; and*
- *3 additional interstate repeat offenders fall under this tier. All 3 have 2 leap day offences <15km/h. Of these 3 repeat offenders:*
 - *none are from NSW; and*
 - *only 1 returns a good driving record in the ACT, however complete interstate jurisdictional data is still being obtained.*

Tier 3

Includes all Tier 1 and Tier 2 discretionary withdrawal criteria. PLUS, an extension of considerations to also allow withdrawal for only low range leap day offences for repeat leap day offenders who had both low (<15km/h) and higher range (>15km/h) leap day offences. Meaning that those offenders with both low and higher range offences would have their higher speed offences within the leap day period upheld.

This Tier excludes:

- leap day offenders with no low range leap day offences.
- those offenders with prior offences which were not low range offences; and
- consideration of any reoffending after the leap day offence

NB: by only withdrawing low range offences, several repeat offenders who had both low and higher range offences within the leap day period will be experiencing firsthand the use of the discretionary powers allowed by the *Withdrawal Guidelines*.

TOTAL offences in Tier 3

- *ALL Tier 1 offence totals.*
- *ALL Tier 2 offence totals.*
- *No additional ACT repeat offenders fall under this tier; and*
- *3 additional interstate repeat offender falls under this tier:*
 - *1 offender had 4 leap day offences: 2 offences <15km/h and 2 offences >15km/h but <=30km/h. This offender is not from NSW and complete interstate jurisdictional data is still being obtained.*
 - *1 offender has 3 leap day offence: 1 offence <15km/h, 1 offence >30km/h but <45m/h, & 1 offence >45km/h*
 - *1 offender has 3 leap day offences: 2 offences <15km/h, 1 offence, 1 offence >15km/h but <30km/h*

Tier 4

Includes all Tier 1 discretionary withdrawal criteria. PLUS, an extension of considerations to also allow for withdrawal of leap day offences which are >15km/h but <30km/h, IF the offenders have a prior good driving record AND have not reoffended since the leap day offence.

This Tier excludes:

- considerations provided for in Tier 2
- considerations provided for in Tier 3
- repeat leap day offenders, who have any leap day offences >30km/h.

TOTAL offences in Tier 4

- *ALL Tier 1 identified offence totals; and*
- *2 additional ACT offenders fall under this tier. Each with 1 offence >15km/h but <=30km/h.*
- *No additional interstate offenders fall under this tier*

Option 3 – Tiers to be considered for future handling of leap day offences

ATTACHMENT F

Tier 5

Includes all Tier 1, Tier 2, and Tier 4 withdrawal criteria. PLUS, an extension of considerations to also allow for withdrawal of repeat leap day offences, where all leap day offences were <30km/h. Unlike Tier 2 criteria, this would allow withdrawal of repeat leap day offences which were for offences <15km/h and >15km/h but <30km/h, IF the offender has a prior good driving record AND has not reoffended since the leap day offence.

This Tier excludes:

- considerations provided for in Tier 3
- repeat offenders who have any leap day offences >30km/h

TOTAL offences in Tier 5

- *ALL Tier 1 identified offence totals.*
- *No ACT offender falls under this tier; and*
- *No interstate offender falls under this tier.*



2.2(a)(ii)

Managing Director
Sensys Gatso Australia Pty Ltd
Unit 8, 11-12 Phillip Court
PORT MELBOURNE VIC 3207

Via email: 2.2(a)(ii)

Dear 2.2(a)(ii)

I am writing to raise concerns about a system error that caused incorrectly dated infringement notices being issued by Access Canberra between 29 February 2020 and 13 March 2020 adversely impacting upon the credibility of the traffic camera infringement scheme in the ACT.

By way of background, I am advised that 593 infringement notices were incorrectly dated issued because Xilium, the software provided under contract by Sensys Gatso Pty Ltd, did not make provision for the 2020 leap year. As a result of this system error, infringement notices were issued to individuals with incorrect dates that did not correspond to traffic camera captured offence date.

I understand that Access Canberra first notified you of a leap day issue within Xilium on Friday, 13 March 2020. While I acknowledge that Sensys Gatso Pty Ltd were responsive in the management of this error, once it had been identified, I remain deeply concerned that such an issue occurred in the first place. This system error has impacted upon the credibility of the traffic camera infringement scheme in the ACT, and raises potential consequences for the enforceability of all notices affected by the date issue.

In responding to this issue, Access Canberra has expended significant resources to manage the repercussions including media interest, and is also now required to manage legal and reputational risk because of the issue.

Given the importance of maintaining the utmost integrity in the operation of the infringement scheme in the ACT, I request that Sensys Gatso Pty Ltd provides written assurance that this error will not re-occur in future. I would also appreciate a more detailed explanation of the actions taken by Sensys Gatso Pty Ltd to remediate future risk. A written response addressing these issues should be provided by 21 October 2020.



My contact officer in the first instance for this matter is Ms Felicity Burns, Senior Director of Transport Licensing & Registrations, Access Canberra, on (02) 6205 9373 or via email Felicity.Burns@act.gov.au.

Yours sincerely

David Pryce
Deputy Director-General
Access Canberra

 9 October 2020

From: 2.2(a)(ii)
To: [Laundess, Daniel](#)
Cc: 2.2(a)(ii)
Subject: Re: Gatso Copy of Leap Year Issue Detailed Report - Period 13032020 to 31032020.xls
Date: Monday, 7 December 2020 5:39:07 PM
Attachments: [image001.png](#)

CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Daniel,

Please find a summary response below regarding the issue raised :

On the 17th March, 2020, SGG Engineers successfully implemented a permanent fix to the Xilium system that resolved the DRCS Leap Year Issue. The permanent fix addressed the incorrect date in the metadata in Xilium for incidents generated by Gatso DRCS cameras systems. As per previous correspondence, this issue was only observed on incidents from the Gatso DRCS camera systems once processed by Xilium and, in all instances, the date on the incident images produced by the camera was correct, with the error being created by how Xilium reads the date from the metadata of the incident file.

As part of the remediation actions at the time, it was decided to rectify as many incidents prior to 17th March, 2020 as possible (back to the 13th March, 2020). Unfortunately, during the manual re-processing of the incidents generated by the DRCS camera systems between when the inconsistency was identified (13th March) and when the fix was implemented (17th March), a number of incidents were not updated with the correct date. This was a result of human error caused by the creation of an incomplete list of affected incidents to be manually re-processed.

The discrepancy occurred due to a time delay between the creation of the affected incident list and the subsequent manual re-processing of the affected incidents. The list of affected incidents to be manually re-processed was originally generated by the SGG Engineers in the Netherlands (NL) at 09.00 CET 16th March (19:00 AEDT on the 16th March). The Engineers then proceeded to work on the permanent fix of the issue until it was tested and deployed to the Production environment at 21.00 CET 16th March (07:00 AEDT on the 17th March). Once the permanent fix had been deployed, the Engineers then worked through the list of affected events (generated at 19:00 AEDT on the 16th March) and manually re-processed (updated the dates in Xilium) to match the correct dates as recorded in the incident image.

Our investigation showed that the missed incidents were all created in Xilium between 19:00 AEDT on the 16th March and 07:00 AEDT on the 17th of March. This "missed incidents window" was the period of time that the SGG Engineers were testing and deploying the permanent fix. Unfortunately, due to human error, the list of the affected incidents originally generated was not updated after the permanent fix was deployed, so any incidents created in Xilium during the "missed incidents window" were not corrected.

Please Note: The missed incidents include an incident captured on the 12th March, 2020 at site 1028. It has a recorded "Creation Date" in Xilium of the 16th March, 2020 so fell into the "missed incidents window". This incident was delayed in its transfer from the camera into Xilium.

SGA would like to reiterate that as per our previous correspondence on the Leap Year Issue, the fix that was tested and deployed on 17th March, 2020 is a permanent fix to this observed issue with the Gatso DRCS camera systems. In all instances the date on the incident images produced by the DRCS camera systems is correct, the error was created by how Xilium reads the date from the metadata of the incident file.

Please advise if you require any further information or for this summary to be provided in a formal correspondence.

Kind Regards,

2.2(a)(ii)

General Manager - Maintenance & Support



2.2(a)(ii)

www.sensysgatso.com

Sensys Gatso Australia Pty Ltd

Unit 8, 11-12 Phillip Court

Port Melbourne VIC 3207

Australia

Please drive extra carefully now!

Drive extra carefully and prevent casualties. For yourself and society.

Stay out of the hospital. Every bed counts now.

#drivesafe #staysafe #corona #covid19 #makingtrafficsafer #sensysgatso

<https://www.sensysgatso.com/info/drivesafe>

On Thu, Dec 3, 2020 at 3:34 PM 2.2(a)(ii) > wrote:

Hi Daniel,

I will get the team to investigate and provide feedback as soon as possible.

Kind Regards,

2.2(a)(ii)

General Manager - Maintenance & Support



2.2(a)(ii)

2.2(a)(ii)

www.sensysgatso.com

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<https://www.sensysgatso.com/info/drivesafe>

On Thu, Dec 3, 2020 at 3:28 PM Laundess, Daniel <Daniel.Laundess@act.gov.au> wrote:

OFFICIAL

2.2(a)(ii)

Thanks for the chat.

Please find attached the spread sheet we discussed. The infringements in Red are those my team identified as having an offence date on the image data bar different to that recorded in the meta data for the offence. For all intents it appears to be a recurrence of the leap day issue that was resolved a few days earlier. Of interest is that not all offences at each of the locations is incorrect on the day.

The team checked all offences from 13 March to 31 March and only found the 30 offences on 17(16) March.

I'd appreciate if you could have your team have a look and see if they can determine if anything occurred on your side.

Cheers

Daniel Laundess | Manager

Phone: 62075770 | Email: daniel.laundess@act.gov.au

Chief Minister Treasury and Economic Development Directorate

ACT Government | Email www.act.gov.au/accesscbr



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AMENDMENT NUMBER	OFFENCE DATE	UNIQUE CLIENT ID	REPEAT OFFENDER	GOOD RECORD - ACT	GOOD RECORD - INTERSTATE	OFFENCE AFTER THE LEAP YEAR OFFENCE	OFFENCE BEFORE THE LEAP YEAR OFFENCE	LEARNCE NUMBER	LEARNCE STATUS	LEARNCE STATUS	LEARNCE STATUS	LEARNCE STATUS	START DATE	SUSPENSION TYPE	SUSPENSION START/TYPE	CAUSE	SUSPENSION/RESTART DATE	SUSPENSION END DATE	SUSPENSION APPLIED DATE	OFFENCE DESCRIPTION	SPEED LIMIT	DETECTED SPEED	90% OVER THE SPEED LIMIT	# IF STATUS		
10000000000000000000	1/1/2010	2.2(a)(ii)	YES	NO	NO	NO	NO	2.2(a)(ii)												10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	91	11	SANCTIONED		
10000000000000000000	1/1/2010		YES	NO	NO	NO	NO		NO												10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	125	55	ONCE	
10000000000000000000	1/1/2010		YES	NO	NO	NO	NO		NO												10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	141	81	ONCE	
10000000000000000000	1/1/2010		YES	NO	NO	NO	NO		NO												10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	158	98	ONCE	
10000000000000000000	1/1/2010		YES	NO	NO	NO	NO		NO												10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	177	117	ONCE	
10000000000000000000	1/1/2010		YES	NO	NO	NO	NO		NO													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	194	134	ONCE
10000000000000000000	1/1/2010		YES	NO	NO	NO	NO		NO													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	211	151	ONCE
10000000000000000000	1/1/2010		YES	NO	NO	NO	NO		NO													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	228	168	ONCE
10000000000000000000	1/1/2010		YES	NO	NO	NO	NO		NO													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	245	185	ONCE
10000000000000000000	1/1/2010		YES	NO	NO	NO	NO		NO													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	262	202	ONCE
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	279	219	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	296	236	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	313	253	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	330	270	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	347	287	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	364	304	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	381	321	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	398	338	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	415	355	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	432	372	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	449	389	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	466	406	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	483	423	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	500	440	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	517	457	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	534	474	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	551	491	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	568	508	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	585	525	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	602	542	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	619	559	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	636	576	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	653	593	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	670	610	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	687	627	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	704	644	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	721	661	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	738	678	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	755	695	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	772	712	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	789	729	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	806	746	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	823	763	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	840	780	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	857	797	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	874	814	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	891	831	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	908	848	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	925	865	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	942	882	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	959	899	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	976	916	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	993	933	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	1010	950	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	1027	967	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	1044	984	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	1061	1001	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	1078	1018	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	1095	1035	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	1112	1052	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	1129	1069	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	1146	1086	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	1163	1103	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	1180	1120	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	1197	1137	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	1214	1154	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	1231	1171	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES	YES	YES													10 Non-scheduled zone assessed against limit by v/s. 15km/h	80	1248	1188	ONCE		
10000000000000000000	1/1/2010		YES	NO	YES																					

Chief Minister, Treasury and Economic Development Directorate**To:** Attorney-General

Tracking No.: 20/85880

Date: 22/12/2020**CC:** Minister for Transport
Minister for Business and Better Regulation**From:** David Snowden, Executive Group Manager, Access Canberra**Subject:** Fixed speed camera software system – Leap year Infringement date error**Critical Date:** NA**Critical Reason:** For information**Recommendations**

That you:

1. Note the information contained in this brief relating to a fixed speed camera software issue leading to infringement notices being generated with the wrong offence date and matters have been referred to the Magistrates Court.

Noted / Please Discuss

Shane Rattenbury MLA/...../.....

Minister's Office Feedback

Background

1. This issue is being brought to your attention so that you have visibility of matters that have been referred to the Magistrates Court.
2. The Road Transport Authority ('the RTA') has delegated functions under the road transport legislation to Access Canberra, including operational functions for issuing infringement notices and managing the infringement notice management scheme.
3. Transport Canberra and City Services (TCCS) Directorate has policy responsibility for transport regulation.
4. On Friday 13 March 2020, the Access Canberra Infringement Review team identified that an error had occurred with one of the systems used to issue traffic camera infringement notices (the Xilium system) which affected infringement notices issued between 29 February 2020 and 11 March 2020.
5. The software error led to infringement notices being generated with the wrong offence date (due to not recognising the leap year date of 29 February).
6. On 3 December 2020, Access Canberra identified further infringement notices with the same error, issued for offences between 11 and 16 March 2020, extending the timeframe involving this system error. Access Canberra is determining how these additional offences were not detected in March 2020 when the error originally occurred.

Issues

7. All offences relating to the affected infringement notices were correctly and appropriately detected by the traffic camera system on the day the offence was committed. The captured photographic offence image (primary evidence) was time and date stamped correctly.
8. However, this system error resulted in Rego.act ('the Access Canberra database') issuing infringement notices for the offence with a date that did not correspond to the date of the offence ('the error'). The date in this notice reflected the day *after* the offence occurred.
9. The error arose because 'Xilium', the software interface between the fixed speed camera-detection system and Rego.act did not make provision for 29 February 2020 being a leap day.
10. A total of 593 infringement notices issued between 29 February and 11 March were originally identified as affected by the error. The 30 recently identified infringement notices for offences issued between 11 -16 March now brings the overall total of affected infringement notices to 623. A decision was made by the Access Canberra Infringement team at the time to not withdraw and reissue the infringement notices. This decision was made on the basis that the primary evidence was correct (the photographic image) and an understanding that the timeframe had passed in which the infringement notices could be withdrawn and reissued. The decision to not withdraw

notices on the basis of the timeframe was unfortunately incorrect. Upon review Access Canberra has determined that the infringement notices could have been withdrawn and reissued with the correct date of the offence.

11. The date error in the infringement notices has caused confusion for some recipients of the notice.
12. The following data outlined in paragraphs 9 to 19 is correct as 9 December 2020 and relates to the original 593 infringement notice data set .
13. To date:
 - a. a total of 361 infringement notices have been paid in full or by the offender entering an infringement payment management plan.
 - b. 109 notices have been withdrawn for a range of reasons pursuant to the *Road Transport (General) Withdrawal of Infringement Notices Guidelines 2019 (No 1)*. **(Withdrawal Guidelines)**.
 - c. 123 infringement notices are yet to be resolved. This total includes the 4 matters currently scheduled for Court, with the remaining 119 infringement notices still requiring an action by the offender. An action to address the infringement notice includes making a payment, seeking a withdrawal of the notice or lodging a dispute in relation to liability of the offence.
14. Access Canberra is writing to each of these offenders to outline its position that the infringement notices remain valid and to prompt an action from those offenders that have so far failed to respond or act in response to the infringement notice. The letter will also advise that any requests for withdrawal or dispute under the Withdrawal Guidelines will be considered although a request for a withdrawal solely on the basis of the date administrative error will not be applied as sufficient grounds for withdrawal.

15 Schedule 1 1.2

16

17. In relation to the outstanding infringement notices, if no action is taken to resolve the infringement notice (pay, dispute or seek a withdrawal) then these matters will progress to further sanctions such as driver licence or vehicle registration suspension.
18. Twenty (20) infringement notices for offences committed by 18 offenders (1 repeat offender with 3 offences) will shortly progress to suspension.

19. Under the road transport legislation 'suspension' includes actions taken against a driver licence or vehicle registration that has the effect of suspending either a driver licence or a vehicle registration as a result of the offender not taking action to resolve the infringement notice issued.
20. In the first instance if an offence is committed by a motorist who holds an ACT licence, their driver licence is suspended until they take action to resolve the notice. Motorists will be advised in writing by Access Canberra that their driver licence is suspended. If the offender doesn't have an ACT driver licence, then the registration of the vehicle used in the offence is suspended (if it is an ACT registered vehicle). This could also include interstate driver licence holders whose right to drive in the ACT has been suspended, if they do not have a vehicle registered in the ACT.
21. Following a review by Access Canberra, 19 of the 123 remaining active infringement notices are considered unsuitable for withdrawal pursuant to the Withdrawal Guidelines for being over 15km above the speed limit.
 - a. 10 of the 123 infringement notices were issued for speeds over 30km above speed limit.
 - b. This includes 6 for being over the speed limit by more than 45km/h, including one offence where the individual was 103 kms over the speed limit in an 80km zone.
22. Further analysis of the affected infringement notices has identified an additional 30 infringement notices impacted by the leap day error. Of these 30 infringements, 1 offence was captured on 13 March 2020 and the remaining 29 offences were captured on 16 March 2020.
23. Based on recent enquires it appears that this information was inadvertently missed by the vendor as they were concentrating on the relevant period.
24. Access Canberra has now checked all infringements for the month of March 2020 and confirmed there are no further affected infringement notices.
25. Of the additional 30 infringement notices:
 - a. 7 infringement notices are still to be resolved,
 - b. 18 infringement notices have been paid,
 - c. 3 offenders are on payment plans, and
 - d. 1 has been withdrawn.
26. As a result of the leap year date error, a total of 623 infringement notices were impacted.
27. Four of the affected infringement notices have been disputed and proceeded to court. These matters are scheduled for hearings on 19 March 2021, 13 April 2021 (2 matters)

and 15 July 2021. Access Canberra is engaging with the Office of the Director of Public Prosecutions to support these prosecutions.

Financial Implications

28. The total value of the 623 infringement notices if paid is \$238,112

Consultation

Internal

29. Nil

Cross Directorate

30. Access Canberra consulted Alison Kemp in the Road Safety Policy team TCCS Directorate on the issue.

31. Access Canberra has engaged with ACTGS both via its internal legal team and with Avinesh Chand, Practice Leader- Regulation and Revenue.

External

32. Access Canberra has engaged with Sensys Gatso Australia Pty Ltd ('Gatso'), the Xilium system provider regarding the error.

33. On 9 October 2020, Access Canberra sent a letter seeking written assurance from Gatso that the date error will not occur again and what steps the company will take to assure this.

34. Gatso responded on 20 October 2020 with strong assurances that that this issue will not occur again.

Work Health and Safety

35. Nil

Benefits/Sensitivities

36. Notwithstanding the date error and the possible impact if the Court determines the Infringement notice to be invalid, Access Canberra has chosen to maintain its position as the primary evidence identified that an offence has been committed.

37. This is important to consider in the context of the ACT Governments commitment to Vision Zero, which mean no deaths or serious injury on the ACT road network.

38. Any level of speeding presents a road safety risk for the driver, and other road users and the ACT Road Safety Action Plan 2020-2023 seeks to encourage safe behaviour and reduce the number of people speeding on ACT roads.

39. The error impacts on the reputation and confidence in the speed camera detection system. Being transparent about the error and continuing to support the infringement notices seeks to ensure on-going confidence of the system and to support road safety outcomes.

Communications, media and engagement implications

40. The error has garnered media attention. An article appeared in the Canberra Times on 7 September 2020: <https://www.canberratimes.com.au/story/6911296/leap-year-systems-error-serves-up-incorrect-speed-camera-notices/>
41. Media responses have previously been prepared on this issue. The pending court matters may also generate media interest. Access Canberra will work with CMTEDD media to respond to additional media queries.

Signatory Name: David Snowden

Phone: 59898

Action Officer: Derise Cubin

Phone: 53732

Attachment A – ACT Government Solicitor Advice

From: 2.2(a)
To: [AC - Office of the DDG](#)
Cc: [Cubin, Derise](#); [Burns, Felicity](#); 2.2(a)(ii)
Subject: Re: Correspondence from David Pryce
Date: Wednesday, 10 March 2021 12:09:44 PM
Attachments: [image001.png](#)

CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hello David, David (and Lauren),

I am writing to you in response to the forwarded email below and the attached letter of correspondence therein.

I can confirm that the upgrade of the previously installed Gatso DRCS camera systems to newly installed Gatso T-Series camera systems is complete. The last Gatso DRCS camera system was removed from operation on 10/12/2020. From 18/12/2020, all of the previous Gatso DRCS site locations have Gatso T-Series camera systems in operation.

This removes the root cause of the system error experienced with the Sensys Gatso Puls and Xilium back-office in 2020. The root cause was defined as the method that the algorithms in Puls and Xilium parsed the timestamp from the DRCS camera system. This root cause is not present when Puls and Xilium process output from the other camera systems installed in ACT (including the Gatso T-Series).

As a further level of risk mitigation, and as promised, Sensys Gatso has also established a permanent alert for the week prior to the next expected leap year date event occurring (based on Gatso DRCS date standards). The alert is currently set to next occur on the 24/02/2022 @ 10:00AM. At that time, Sensys Gatso will also conduct additional reviews to ensure there will not be a re-occurrence of the previous issue experienced.

As a courtesy, I have also copied 2.2(a)(ii) who has taken over as Sensys Gatso Group Chief Technology Officer (from 2.2(a)(ii)).

I trust that the above response is to your understanding and acceptance and I would be pleased to discuss if you require any clarification. Please contact me if you have any queries.

Regards,

2.2(a)(ii)
Managing Director



2.2(a)(ii)

2.2(a)(ii)

W www.sensysgatso.com

Sensys Gatso Australia
[Unit 8, 11-12 Phillip Court](#)
[Port Melbourne VIC 3207](#)
[Australia](#)

Please drive extra carefully now!

Drive extra carefully and prevent casualties. For yourself and society.
Stay out of the hospital. Every bed counts now.

#drivesafe #staysafe #corona #covid19 #makingtrafficsafer #sensysgatso

<https://www.sensysgatso.com/info/drivesafe>

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On Fri, 23 Oct 2020 at 09:26, AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au> wrote:

OFFICIAL

Dear 2.2(a)(ii)

Please find attached a response to your correspondence on 20 October 2020, from David Pryce, Deputy Director-General, Access Canberra.

Kind regards

Lauren

Executive Assistant

David Pryce - Deputy Director-General, Access Canberra
David Snowden – Executive Group Manager, Regulatory Compliance, Access Canberra

Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government

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



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