

**ROAD TRANSPORT AMENDMENT (ELECTRONIC TRAFFIC INFRINGEMENT NOTICES TRIAL) BILL 2013**

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**Bill introduced on motion by Mr Stuart Ayres, on behalf of Mr Greg Smith, read a first time and printed.**

**Second Reading**

**Mr STUART AYRES** (Penrith—Parliamentary Secretary) [10.08 a.m.], on behalf of Mr Greg Smith: I move:

That this bill be now read a second time.

The Road Transport Amendment (Electronic Traffic Infringement Notices Trial) Bill 2013 amends the Road Transport Act 2013 to provide for a proof-of-concept trial by the NSW Police Force for the service of electronic traffic infringement notices—or TINs, as they are more commonly known in the field. The project will occur in five local area commands for four weeks to allow a systems testing and data matching process to occur. The project findings will be used by the NSW Police Force to determine whether a larger production trial followed by an independent evaluation should occur. To undertake this four-week project certain legislative amendments are required to enable a traffic infringement notice to be issued in this manner if agreed to by the offender. The bill, therefore, inserts a new section 196A after section 196 of the Road Transport Act 2013 to provide that a traffic infringement notice may be sent via electronic transmission by the NSW Police Force upon the consent of the person concerned.

The new section clarifies when the infringement notice will be deemed to have been served, provides for the voluntary provision of email addresses and mobile phone numbers, includes a sunset clause, and provides that children under the age of 16 will not be issued infringement notices electronically. The legislative amendments required for the project have been the subject of consultation with the Office of Liquor, Gaming and Racing; Roads and Maritime Services; Transport for NSW; the Department of Attorney General and Justice; and the Department of Finance and Services. Agreement has been reached to limit the amendments to the statutory provisions necessary for the proof of concept to be conducted. The NSW Police Force consulted agencies including the State Debt Recovery Office, the Police Association of NSW and other Australian law enforcement jurisdictions. Without the legislative amendments, police will be unable to issue electronic traffic infringement notices in the field.

In the five local area commands involved in the project police will issue electronic notices only with the consent of the individual concerned. Should the person refuse, infringement notices will be issued manually by police and sent by post, in line with current practice. For the duration of the project, 20 tablets have been supplied to police and will be returned to the manufacturer at the conclusion of the four-week trial. Pending the outcomes of the proof of concept, police will go to open market to determine which device best suits their needs. As the current communications supplier to the NSW Police Force, Telstra has supplied 20 individual 4G routers for the duration of the pilot. The provision of this infrastructure has been locked in for September 2013 and is unable to be deferred.

I now refer specifically to the provisions in the amendment bill. The bill inserts new section 196A into the Road Transport Act 2013 to establish a trial for the service of penalty notices

to email addresses or mobile phone numbers that are voluntarily provided by the person on whom the notice is to be served. The new section provides an additional means of service to that set out in section 196 of the Act. Section 196 currently provides that a penalty notice may be served personally or by post. The section has effect for two years unless otherwise prescribed, to allow for the proof of concept and any further production trial. If the project does not proceed the section may be repealed or lapse after two years.

The section applies to a police officer who will be taking part in the trial. As there are other "authorised officers" currently included under section 196, the scope of this amendment is limited only to officers of the NSW Police Force. The section provides that a police officer may serve an infringement notice by causing the infringement notice to be sent to an email address or mobile phone number, but only if the police officer has been authorised by the Commissioner of Police to serve infringement notices in that way for the purposes of the trial and the person who is being served with the infringement notice elected to have the infringement notice served on them in that way, and has voluntarily provided an email address or mobile phone number for the purposes of that service.

The new section also provides that a police officer is not to serve an electronic infringement notice on children under the age of 16 years. Electronic traffic infringement notices will be issued only to individuals who are of legal driving age. Juveniles under the age of 16 years who commit traffic offences are dealt with pursuant to the requirements of the Young Offenders Act 1997. The proposed amendment would have, if not qualified, captured a range of other offences beyond those which are usually dealt with under the Young Offenders Act 1997. For example, had this provision not been included, police would have been able to serve infringement notices electronically to young people who had committed offences under the Road Transport Act 2013, such as travelling on public transport without a valid ticket, or riding a bicycle without a fitted and fastened helmet, and riding a bicycle on a footpath.

Section 196A provides that an infringement notice will be taken to have been served on a person if it is sent to an email address or mobile phone number that is recorded by a police officer as having been provided by the person for the purposes of the new section. The section clarifies that the provision of email addresses and mobile phone numbers is voluntary. The need to obtain consent is consistent with recommendation 6.2 of the New South Wales Law Reform Commission's Report 132: Penalty Notices, which was tabled in Parliament on 29 March 2012. Recommendation 6.2 proposed an amendment to the Fines Act 1996 to allow agencies to serve penalty notices and subsequent notices—including reminder notices and enforcement notices—electronically where the penalty notice recipient has provided consent in advance.

The initiative of the police aligns with NSW 2021 and complements the goals of the New South Wales Government's ICT Strategy. It is also the first foray for the NSW Police Force into ways to support and promote both the State Government and the Commonwealth Government commitment to using cloud technology. By a limited proof of concept, we can test the security and applicability of this next stage in efficient and cost-effective ways of government agencies doing business. The application will be fully integrated with the NSW Police Force Computerised Operational Policing System [COPS] database.

The project commences on 2 September 2013 and will run for four weeks across five locations: the Hunter Valley, Rose Bay, Sutherland, Moree and Goulburn. Utilising both urban and regional local area commands will ensure that the efficacy of the cloud technology

will be tested in remote sites. It is anticipated that the project will return significant time savings for frontline police by eliminating unnecessary data duplication and entry requirements. The State Debt Recovery Office has estimated that \$1.2 million could be saved each year by eliminating the manual handling of traffic infringement notices. The NSW Police Force Highway Patrol has estimated that approximately an hour per day per police officer will be saved through the service of traffic infringement notices electronically. This equates to around 240,000 hours a year, and will allow more time working on the frontline rather than undertaking administrative tasks.

I will now describe the process of the trial. Police will first seek a person's consent to send the traffic infringement notice via email or text message, not both, or, should the person prefer, by Australia Post. This transaction will be recorded on the in-car video, which will be available for review in the event that there is a problem or complaint about the conversation. As the pilot is testing the efficacy of electronic transmission as a means of serving infringement notices, personal service will not be provided. The application contains a number of fields which the police populate with all necessary data in connection with one or multiple offences. These include the person's proof of identity—his or her drivers licence details—the location, date and time of the offence, vehicle registration number and the offences that are alleged to have been committed.

The location field uses global positioning system [GPS] technology and a map to pinpoint the exact spot the offence occurred. For the purpose of the proof of concept, all traffic infringement notices will be issued electronically, including exceed speed limit by less than 10 kilometres an hour; exceed speed limit by more than 10 kilometres an hour and less than 20 kilometres an hour; exceed speed limit by more than 20 kilometres an hour; failure to stop at a red light; use hand-held mobile phone when not permitted; driver not wear seatbelt correctly fitted or fastened; use unregistered vehicle; use uninsured vehicle; and not carry licence. If consent is given, a PDF of the infringement notice will be sent to the person via email or text message, which they will then be able to download and print or pay via a hyperlink to the State Debt Recovery Office site. The electronic infringement notice will contain the same information as that found on the existing paper-based notice.

However, unlike its paper counterpart, the electronic infringement notice will have the capacity for multiple infringements to be entered on the one notice, effectively reducing the amount of paperwork required. If the person receiving the notice chooses to pay one and challenge another in court, he or she will be able to do so via the unique penalty numbers. As with current practice, the electronic infringement notice will provide a number of payment options for the person concerned.

If a person wishes to have one or all of the offences determined by the court he or she will be required to complete and submit the court election form provided on the website of the State Debt Recovery Office. If a person is submitting the request electronically the online court election form requires the person to enter the penalty notice number for the matter he or she wants dealt with. It is anticipated that additional paperwork and administration will be eliminated as a police officer will not be required to re-enter the data from his or her notebook onto the computerised operational policing system. Upon return to the station, the data will automatically upload to the computerised operational policing system database. If a person declines to provide a mobile number or email address the officer will issue the infringement notice manually and send it by post, which is in line with the current practice.

In the event that a person fails to provide a bona fide email address or phone number he or she will be dealt with via follow-up procedures of the State Debt Recovery Office. It issues reminder notices 28 days after the initial notice has been issued. These reminder notices are mailed to the person's residential address as shown on his or her drivers licence. If a police officer believes that the email address or mobile phone number provided is false he or she may choose to proceed with the manual paper notice. Avoidance of service in terms of electronic penalty notices will not differ from the current process when difficulties may occur with a person not receiving a paper fine. In the event that an electronic infringement notice is issued to an email address or mobile phone number that belongs to a person other than the intended recipient, a disclaimer will be provided on the infringement notice with instructions requesting that person to contact police and quote the infringement notice advice that the notice was sent in error.

A link will be provided that will take the person to the "Contact Us" page on the NSW Police Force website and from there the person will be able to select the area he or she wishes to contact, such as the Customer Assistance Unit, and the person can then proceed to enter all necessary details. The person may wish to provide additional details such as his or her name, email and contact number. However, it is not compulsory to do so. A number is also available for the Police Assistance Line and those staff have been advised how to record and deal with issues relating to the project. People who contact the police may be spoken to by a project team member to determine the issues that will be incorporated into the findings of the pilot. On notification of an error, police will mail an infringement notice to the correct recipient. If a tablet is lost, police have the capability to remotely locate, lock and wipe contents from the device. This is more secure than the current process for missing notebooks.

Accountability mechanisms have been put into the infringement notice application to ensure that all the required fields have been entered and checked prior to sending. This will mitigate any instances of an error occurring. The evaluation of the proof concept focuses on the testing of the software with no capability to determine broader issues such as the level of productivity savings to be achieved through the elimination of manual handling and data application or the suitability of hand-held devices. These issues will be part of the larger evaluation if the project proceeds to a production trial. These are straightforward amendments that serve a good purpose. They enable the NSW Police Force to test a technological response in a highly technological society where electronic communications are fast replacing more traditional methods. I commend the bill to the House.

**Debate adjourned on motion by Mr Ryan Park and set down as an order of the day for a future day.**