

Legislative Council—No 76

As received from the House of Assembly and read a first time, 4 December 2018

South Australia

**Road Traffic (Evidentiary Provisions) Amendment
Bill 2018**

A BILL FOR

An Act to amend the *Road Traffic Act 1961*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Amendment provisions

Part 2—Amendment of *Road Traffic Act 1961*

- 3 Amendment of section 175—Evidence
-

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Road Traffic (Evidentiary Provisions) Amendment Act 2018*.

2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Road Traffic Act 1961*

3—Amendment of section 175—Evidence

- (1) Section 175(3)(ba)—after "specified traffic speed analyser" insert:

that is a photographic detection device

- (2) Section 175(3)(ba)(i)—after "in the case of " insert:

such

- (3) Section 175(3)—after paragraph (ba) insert:

(baa) a document produced by the prosecution and purporting to be signed by the Commissioner of Police, or by any other police officer of or above the rank of inspector, and purporting to certify that a specified traffic speed analyser that is not a photographic detection device had been tested on a specified day in accordance with—

- (i) the appropriate Australian Standard for testing the analyser as in force on the day of testing; or
- (ii) if there was no appropriate Australian Standard for testing the analyser in force on the day of testing—the manufacturer's specifications,

5

and was shown to be accurate to the extent indicated in the document, constitutes, in the absence of proof to the contrary, proof of the facts certified and that the traffic speed analyser was accurate to that extent on the day on which it was so tested and, for the purpose of measuring the speed of any motor vehicle, during the period of 1 year immediately following that day (whether or not the speed measured differed from the speed in relation to which the analyser was tested or the circumstances of the measurement differed in any other respect from the circumstances of the test);