

(Reprint No. 1)

SOUTH AUSTRALIA

**ROAD TRAFFIC (PHOTOGRAPHIC DETECTION DEVICES)
REGULATIONS 1988**

*These regulations are reprinted pursuant to the Subordinate Legislation Act 1978 and incorporate all amendments in force as at **1 June 1999**.*

SUMMARY OF PROVISIONS

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REGULATIONS UNDER THE ROAD TRAFFIC ACT 1961

ROAD TRAFFIC (PHOTOGRAPHIC DETECTION DEVICES) REGULATIONS 1988

being

No. 111 of 1988: *Gaz.* 30 June 1988, p. 2068¹

as varied by

No. 88 of 1990: *Gaz.* 14 June 1990, p. 1616

No. 72 of 1993: *Gaz.* 29 April 1993, p. 1519²

No. 181 of 1993: *Gaz.* 5 August 1993, p. 763³

No. 35 of 1999: *Gaz.* 13 May 1999, p. 2602⁴

¹ Came into operation 1 July 1988: reg. 2.

² Came into operation 29 April 1993: reg. 2.

³ Came into operation 5 December 1993: reg. 2.

⁴ Came into operation 1 June 1999: reg. 2.

NOTE:

- Asterisks indicate repeal or deletion of text.
- For the legislative history of the regulations see Appendix.

Citation

1. These regulations may be cited as the *Road Traffic (Photographic Detection Devices) Regulations 1988*.

Commencement

2. These regulations will come into operation on 1 July, 1988.

Interpretation

3. In these regulations—

"**the Act**" means the *Road Traffic Act 1961*;

"**expiation notice**" means an expiation notice under the *Expiation of Offences Act 1996*;

"**expiation reminder notice**" means an expiation reminder notice under the *Expiation of Offences Act 1996*;

"**red light offence**" means an offence against section 75(1) of the Act involving non-compliance with the instructions set out in regulation 3.01(2)(c), (f) or (m) of the *Road Traffic Regulations 1996*;

"**speeding offence**" means an offence against section 20(4), 46(1), 48, 49(1)(a), 50(1) or 53(1) of the Act.

Photographic detection devices

4. For the purposes of section 79B of the Act—

(a) the following apparatuses are approved as photographic detection devices in relation to a red light offence:

- (i) a Gatso red light camera, manufactured by Gatsometer of Holland, linked to and used in conjunction with an induction loop vehicle detector;
- (ii) an Image Master TC1SH red light camera, manufactured by Image Applications Pty Ltd, linked to and used in conjunction with an induction loop vehicle detector;

(b) the following apparatus is approved as a photographic detection device in relation to a speeding offence:

a traffic speed analyser of which a camera forms part or to which a camera is linked, where the camera is designed to operate as part of or in conjunction with, and is used as part of or in conjunction with, the traffic speed analyser.

Notice for purposes of s. 79B(5)

5. For the purposes of section 79B(5) of the Act, the notice that is to accompany an expiation notice, an expiation reminder notice or a summons in respect of an offence against section 79B must be in the form set out in the schedule.

Notice for purposes of s. 79B(6)

6. For the purposes of section 79B(6) of the Act, the notice that is to accompany an expiation notice, an expiation reminder notice or a summons in respect of a prescribed offence must be in the form set out in the schedule.

Operation and testing of photographic detection device for red traffic light offences

7. Where a photographic detection device is used to provide evidence of red light offences committed at an intersection or junction, the following provisions must be complied with:

- (a) the camera must be positioned and aimed so that the vehicles to be photographed by the camera may be photographed from the rear when proceeding into the intersection or junction and the photographs also depict the traffic light at the intersection or junction towards which the vehicles are facing when proceeding towards the intersection or junction;
- (b) the induction loop vehicle detector must be installed under the road surface on the intersection or junction side of the stop line before which the vehicles must stop if the traffic light is showing a steady red signal;
- (c) the camera, the induction loop and the traffic light must be linked up and the camera programmed so that—
 - (i) when the traffic light changes to a steady red signal the induction loop is activated after a programmed delay; and
 - (ii) while the loop is activated the camera instantaneously takes an exposure of the vehicle first passing over the loop; and
 - (iii) as that vehicle or both that vehicle and other vehicles proceed over the intersection or junction and the traffic light continues to show a steady red signal the camera takes a second exposure or a series of subsequent exposures; and
 - (iv) the date, time and the code for the location at which each exposure is taken is recorded on the exposure; and
 - (v) when the traffic light changes from a steady red signal the loop is deactivated; and
 - (vi) the process referred to above is repeated in relation to each cycle of the traffic light;
- (d) each person who inserts a film magazine into the camera, or relocates the camera with a film magazine in place, must—
 - (i) ensure that the camera is correctly positioned and aimed; and
 - (ii) use the camera's testing mode (but by reference to green light cycles) to ensure that the camera and induction loop operate correctly as referred to in paragraph (c); and
 - (iii) if a fault is indicated, take corrective action and repeat the testing process until no fault is indicated by the camera in its testing mode;
- (e) the tests referred to in paragraph (d)(i) and (ii) must be repeated—
 - (i) whenever the camera is relocated to another intersection or junction prior to removal of the film magazine; and
 - (ii) immediately before the film magazine is removed from the camera;

- (f) if the tests or the film when developed indicate a fault that has affected the proper operation of the photographic detection device as required under this regulation, the film must be rejected for evidentiary purposes.

Operation and testing of photographic detection device for speeding offences

8. Where a photographic detection device is used to provide evidence of a speeding offence, the following provisions must be complied with:

- (a) the device must be programmed, positioned and set to operate so that—
- (i) when the device registers a vehicle as proceeding at a speed equal to or greater than a speed set on the device, an exposure is taken of that vehicle from the front or from the rear; and
 - (ii) the date, time and the code for the location at which the exposure is taken is recorded on the exposure, together with the speed of the vehicle as registered by the device;
- (b) after the device—
- (i) is set up at a given location; or
 - (ii) has a new film magazine inserted into the device at that location; or
 - (iii) is relocated,
- a check must be made to ensure that the device—
- (iv) correctly indicates on an electronic display the date, time and location code; and
 - (v) is set to operate in accordance with the provisions of paragraph (a);
- (c) the checks referred to in paragraph (b) must be repeated immediately before—
- (i) the device is removed from a given location; or
 - (ii) a film magazine is removed from the device;
- (d) if a check in accordance with paragraph (b) or (c), or a film or part of a film when developed, indicates a fault that has affected the proper operation of the device, any part of the film affected by the fault must be rejected for evidentiary purposes;
- (e) if a photograph produced from an exposure obtained in accordance with the provisions of paragraph (a) depicts the whole or part of more than one vehicle in the portion of the photograph specified by the device's manufacturer as the portion that should depict only the vehicle whose speed is being registered, that photograph must be rejected for evidentiary purposes;
- (f) the accuracy with which the device registers vehicle speeds must be tested on the day on which it is used (or on the day immediately preceding that day) with a view to the issuing of a certificate under section 175(3)(ba) of the Act.

Road Traffic (Photographic Detection Devices) Regulations 1988

SCHEDULE

Notices

1. *Reg. 5-notice for the purposes of section 79B(5)*

ROAD TRAFFIC ACT 1961

Section 79B(5)

NOTICE

IMPORTANT: IT IS IN YOUR OWN INTEREST TO READ THIS NOTICE

1. Defences Available to Registered Owner

Under section 79B of the *Road Traffic Act 1961*, as the registered owner of the vehicle to which the enclosed expiation notice, expiation reminder notice or summons refers, you will have a defence to the allegation made against you in that notice or summons if—

(a) you forward to the Commissioner of Police a statutory declaration stating that you were not driving the vehicle at the time of the speeding or traffic light offence referred to in the notice or summons and setting out the name and address of the person who was;

OR

(b) you do not know and could not by the exercise of reasonable diligence have ascertained the identity of the person who was driving the vehicle at the time of the speeding or traffic light offence, AND you forward to the Commissioner of Police a statutory declaration setting out the reasons why the identity of the driver is not known to you and the inquiries (if any) that you have made to identify the driver;

OR

(c) it is proved that your vehicle was not used in the commission of the speeding or traffic light offence referred to in the notice or summons.

Where the registered owner of the vehicle is a body corporate, the body corporate will have a defence if—

(a) an officer of the body corporate acting with the authority of the body corporate forwards to the Commissioner of Police a statutory declaration stating the name and address of the person who was driving the vehicle at the time of the speeding or traffic light offence referred to in the notice or summons;

OR

(b) the vehicle was not being driven by an officer or employee of the body corporate in the course of his or her duty at the time of the speeding or traffic light offence and the body corporate does not know and could not by the exercise of reasonable diligence have ascertained who was driving at that time, AND an officer of the body corporate acting with the authority of the body corporate forwards to the Commissioner of Police a statutory declaration stating the reasons why the identity of the driver is not known and the inquiries (if any) that have been made to identify the driver;

OR

(c) it is proved that the vehicle was not used in the commission of the speeding or traffic light offence referred to in the notice or summons.

2. Withdrawal of Allegation

If you believe that you have a defence to the allegation, you may bring it to the attention of the Commissioner of Police for consideration. The evidence in support of your defence must be provided by statutory declaration and forwarded to the EXPIATION NOTICE BRANCH, G.P.O. BOX 2029, ADELAIDE 5001 **before the due date for payment specified in the enclosed expiation notice or expiation reminder notice or, if the enclosed document is a summons, within 21 days after the date of issue of the summons.** On considering the evidence the Commissioner may withdraw the notice or summons.

3. Viewing of Photographic Evidence

The allegation is based on photographic evidence. You may—

- (a) apply in writing to the Commissioner of Police for a copy of the photograph concerned. Your application should be addressed to the EXPIATION NOTICE BRANCH, G.P.O. Box 2029, ADELAIDE 5001 and should include the address to which you want the photograph sent. (If no address is included the photograph will be sent to the recorded address of the registered owner of the vehicle).
- (b) view the photograph by making an appointment with the EXPIATION NOTICE BRANCH, TELEPHONE NO: 8207 5950.

WARNING: Under the *Oaths Act 1936* it is an offence to knowingly make a statutory declaration that is untrue in a material particular. The maximum penalty is 4 years imprisonment.

Road Traffic (Photographic Detection Devices) Regulations 1988

2. *Reg. 6-notice for the purposes of section 79B(6)*

ROAD TRAFFIC ACT 1961

Section 79B(6)

NOTICE

IMPORTANT: IT IS IN YOUR OWN INTEREST TO READ THIS NOTICE

Viewing of Photographic Evidence

The allegation in the expiation notice, expiation reminder notice or summons that accompanies this notice is based on photographic evidence:

You may:

- (a) apply in writing to the Commissioner of Police for a copy of the photograph concerned. Your application should be addressed to the EXPIATION NOTICE BRANCH, G.P.O. BOX 2029, ADELAIDE 5001 and should include the address to which you want the photograph sent. (If no address is included, the photograph will be sent to the recorded address of the registered owner of the vehicle).
- (b) view the photograph by making an appointment with the EXPIATION NOTICE BRANCH, TELEPHONE NO: 8207 5950.

APPENDIX

LEGISLATIVE HISTORY

Regulation 3:	definition of "expiation notice" inserted by 72, 1993, reg. 3; substituted by 35, 1999, reg. 3(a) definition of "expiation reminder notice" inserted by 35, 1999, reg. 3(a) definition of "red light offence" varied by 35, 1999, reg. 3(b) definition of "speeding offence" inserted by 88, 1990, reg. 2; varied by 35, 1999, reg. 3(c)
Regulation 4:	substituted by 88, 1990, reg. 3; varied by 181, 1993, reg. 3
Regulation 5:	varied by 35, 1999, reg. 4
Regulation 6:	varied by 35, 1999, reg. 5
Regulation 8:	inserted by 88, 1990, reg. 4; varied by 72, 1993, reg. 4; substituted by 35, 1999, reg. 6
Schedule:	substituted by 72, 1993, reg. 5
Notice 1	
Clause 1:	varied by 35, 1999, reg. 7(a)
Clause 2:	substituted by 35, 1999, reg. 7(b)
Clause 3:	varied by 35, 1999, reg. 7(c), (d)
Notice 2:	varied by 35, 1999, reg. 7(e)-(g)