

South Australia

Statutes Amendment (Use of Devices in Vehicles) Act 2022

An Act to amend the *Motor Vehicles Act 1959* and the *Road Traffic Act 1961*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement

Part 2—Amendment of *Motor Vehicles Act 1959*

- 3 Amendment of section 5—Interpretation
- 4 Amendment of Schedule 1—Evidence obtained by photographic detection device

Part 3—Amendment of *Road Traffic Act 1961*

- 5 Amendment of section 5—Interpretation
 - 6 Amendment of section 79B—Provisions applying where certain offences are detected by photographic detection devices
 - 7 Insertion of section 175B
175B Evidence relating to use of devices in or on vehicles
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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Statutes Amendment (Use of Devices in Vehicles) Act 2022*.

2—Commencement

This Act comes into operation on a day to be fixed by proclamation.

Part 2—Amendment of *Motor Vehicles Act 1959*

3—Amendment of section 5—Interpretation

Section 5(1)—after the definition of *semi-trailer* insert:

series of photographs includes a film, video or other continuous visual recording;

4—Amendment of Schedule 1—Evidence obtained by photographic detection device

- (1) Schedule 1, clause 4(a)(i)—delete "each of the photographs was produced from an exposure taken, or electronic record" and substitute:

series of photographs was produced from exposures taken, or electronic records
- (2) Schedule 1, clause 4(a)—delete "will be accepted as proof, in the absence of proof to the contrary, of the date, time and location at which the exposure was taken or the electronic record" and substitute:

or series of photographs will be accepted as proof, in the absence of proof to the contrary, of the date, time and location at which the exposures were taken or the electronic records were

Part 3—Amendment of *Road Traffic Act 1961*

5—Amendment of section 5—Interpretation

Section 5(1)—after the definition of *semi-trailer* insert:

series of photographs includes a film, video or other continuous visual recording;

6—Amendment of section 79B—Provisions applying where certain offences are detected by photographic detection devices

- (1) Section 79B(10)(a)(i)—delete "each of the photographs was produced from an exposure taken, or electronic record" and substitute:

series of photographs was produced from exposures taken, or electronic records
- (2) Section 79B(10)(a)—delete "will be accepted as proof, in the absence of proof to the contrary, of the date, time and location at which the exposure was taken or the electronic record" and substitute:

or series of photographs will be accepted as proof, in the absence of proof to the contrary, of the date, time and location at which the exposures were taken or the electronic records were

7—Insertion of section 175B

After section 175A insert:

175B—Evidence relating to use of devices in or on vehicles

- (1) This section applies to the following:
 - (a) a device use offence;
 - (b) an offence against section 79B constituted of being the owner of a vehicle that appears from evidence obtained through the operation of a prescribed photographic detection device to have been involved in the commission of a device use offence.

- (2) Evidentiary provisions—
- (a) relating to evidence obtained through the operation of a prescribed photographic detection device; and
 - (b) facilitating proof of the commission of an offence to which this section applies,
- (including presumptions that may be rebutted by the defendant), may be prescribed by regulation or rule under this section.
- (3) Nothing in this section derogates from any other power under this Act to prescribe evidentiary provisions to facilitate proof of offences.
- (4) In this section—
- device use offence*** means a prescribed offence within the meaning of section 79B relating to the use of a device in or on a vehicle that is prescribed by the regulations as a device use offence for the purposes of this section;
- prescribed photographic detection device*** means a photographic detection device prescribed by the regulations for the purposes of this section.