

South Australia

Road Traffic (Miscellaneous) Variation Regulations 2009

under the *Road Traffic Act 1961*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Road Traffic (Miscellaneous) Variation Regulations 2009*.

2—Commencement

These regulations will come into operation on 1 July 2009.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Road Traffic (Miscellaneous) Regulations 1999*

4—Variation of regulation 17—Operation and testing of photographic detection devices referred to in regulation 14(1)(a) for offences committed at intersections, marked foot crossings or level crossings

- (1) Regulation 17(2)(i)—delete "after a person relocates the device with recording media in place" and substitute:

after a person relocates the device, or a portion of the device, with recording media in place to a location at which it is to be used to provide evidence of offences referred to in this regulation
- (2) Regulation 17(2)—after paragraph (i) insert:
 - (ia) after a person relocates the device, or a portion of the device, with recording media in place to a location at which it is to be used to provide evidence of offences referred to in regulation 18, that person must comply with regulation 18(1)(f);
- (3) Regulation 17(2)(j)—delete "this subregulation" and substitute:

these regulations

5—Insertion of regulation 18

After regulation 17 insert:

18—Operation and testing of photographic detection devices referred to in regulation 14(1)(a) for offences committed other than at intersections, marked foot crossings or level crossings

- (1) Where a photographic detection device referred to in regulation 14(1)(a) is used to provide evidence of speeding offences committed other than at an intersection, marked foot crossing or level crossing, the following provisions must be complied with:
 - (a) the induction loop vehicle detector (*induction loop*) must be installed under the surface of the road;
 - (b) the camera or cameras forming part of the device must be positioned and aimed, and the induction loop linked up, so that when vehicles are proceeding over that part of the road under which the induction loop is installed, a photograph or series of photographs may be taken of the vehicles from the front or from the rear;
 - (c) the device must be programmed and set to operate so that if a vehicle is detected by the device passing over the induction loop at a speed equal to or greater than a speed set on the device, at least 2 exposures are taken, or at least 2 electronic records are made, of that vehicle from the front or from the rear—

- (i) at least 1 of which is taken or made following a programmed delay after the first is taken or made; and
 - (ii) on at least 1 of which is recorded the speed of the vehicle as detected by the device; and
 - (iii) on each of which is recorded the date, time and code for the location at which the exposure or record is taken or made, together with the lane in which the vehicle is travelling;
- (d) subject to paragraph (e), once in every 7 days—
- (i) a test must be carried out (by reference to speeds not exceeding the speed-limit applying to drivers driving vehicles on the length of road under which the induction loop is installed) to ensure that the device detects vehicles passing over the induction loop and accurately indicates the speed of any vehicle so detected and the lane in which the vehicle is travelling; and
 - (ii) the device must be checked to ensure that the device—
 - (A) indicates the correct date, time and code for the location at which exposures or electronic records are taken or made by the device; and
 - (B) is set to operate in accordance with paragraph (c); and
 - (iii) if a fault is indicated by the test referred to in subparagraph (i), corrective action must be taken and the test must be repeated until no fault is indicated; and
 - (iv) if a fault is indicated by the check referred to in subparagraph (ii), corrective action must be taken until no fault is indicated;
- (e) if that part of the road surface under which the induction loop is installed has 2 or more lanes for vehicles travelling in the same direction, the test referred to in paragraph (d)(i) is not required to be carried out in relation to each such lane in the same 7 day period provided that, once in every 7 days, the test is carried out in relation to 1 of those lanes and the lane in relation to which the test is carried out is not the same as the lane in relation to which the previous test was carried out;

- (f) after a person relocates the device, or a portion of the device, with recording media in place to a location at which it is to be used to provide evidence of offences referred to in this regulation, that person must do the following:
 - (i) ensure that the induction loop is correctly installed as referred to in paragraph (a) and that each camera forming part of the device is correctly positioned and aimed as referred to in paragraph (b);
 - (ii) ensure that the test and check referred to in paragraph (d) are carried out and—
 - (A) if a fault is indicated by the test, take corrective action and repeat the test until no fault is indicated;
 - (B) if a fault is indicated by the check, take corrective action until no fault is indicated;
 - (g) after a person relocates the device, or a portion of the device, with recording media in place to a location at which it is to be used to provide evidence of offences referred to in regulation 17, the person must comply with regulation 17(2)(i);
 - (h) if—
 - (i) a test or check; or
 - (ii) in the case of a wet film camera—the film when developed; or
 - (iii) in the case of a digital or other electronic camera—any electronic record made by the camera,indicates a fault that has affected the proper operation of the device as required by these regulations, that part of the film affected by the fault, or those electronic records affected by the fault, (as the case may be), must be rejected for evidentiary purposes;
 - (i) the accuracy with which the device detects vehicle speeds must be tested on the day on which it is used (or on a day within the period of 6 days immediately preceding that day) with a view to the issuing of a certificate under section 175(3)(ba) of the Act.
- (2) Where a photographic detection device referred to in regulation 14(1)(a) is used to provide evidence of reckless or dangerous driving offences or registration offences committed other than at an intersection, marked foot crossing or level crossing, the provisions of subregulation (1) must be complied with.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 28 May 2009

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