

South Australia

Road Traffic (Miscellaneous) Variation Regulations 2013

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 2013*.

2—Commencement

These regulations will come into operation on 1 November 2013.

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 4—Interpretation

- (1) Regulation 4(1)—before the definition of *reckless or dangerous driving offence* insert:

prescribed part, of a photographic detection device, means—

- (a) a closed-circuit television camera; or
- (b) an induction loop vehicle detector; or
- (c) a piezoelectric traffic sensor; or
- (d) a Variable Speed Limit Sign,

that forms part of the device;

- (2) Regulation 4(1)—after the definition of *Transport Department* insert:

Variable Speed Limit Sign means a variable illuminated message device that displays or is designed to display a speed limit sign.

- (3) Regulation 4(2)—delete "*stop line, traffic lights and twin red lights*" and substitute:

speed limit sign, stop line, traffic lights, twin red lights and variable illuminated message device

- (4) Regulation 4—after subregulation (2) insert:

(2a) In these regulations, a reference to a prescribed part of a photographic detection device—

- (a) includes a reference to more than 1 such prescribed part; and
- (b) if more than 1 such prescribed part forms part of a photographic detection device, is a reference to any such part.

5—Variation of regulation 13B—Apparatus approved as traffic speed analysers

Regulation 13B—after paragraph (e) insert:

- (ea) a REDFLEXred-speed HDX system manufactured by Redflex Traffic Systems Pty Ltd, linked to and used in conjunction with an induction loop vehicle detector, a Variable Speed Limit Sign and a closed-circuit television camera;
- (eb) a REDFLEXred-speed HDX system manufactured by Redflex Traffic Systems Pty Ltd, linked to and used in conjunction with an induction loop vehicle detector, a piezoelectric traffic sensor, a Variable Speed Limit Sign and a closed-circuit television camera;

6—Insertion of regulation 13C

Part 3, Division 1—before regulation 14 insert:

13C—Interpretation

For the purposes of this Part, a requirement in this Part relating to the installation or setting up of a photographic detection device of a kind referred to in regulation 14(1)(a) or (b) to provide evidence of offences will be taken to also apply to the removal of such a device (or portion of such a device) with recording media in place to a new location from another location at which it was previously being used to provide evidence of offences.

7—Variation of regulation 14—Apparatus approved as photographic detection devices

- (1) Regulation 14(1)—after paragraph (a) insert:
 - (b) in relation to a reckless or dangerous driving offence, a registration offence or a speeding offence (other than a speeding offence arising out of the same incident as a red light offence)—
 - (i) a REDFLEXred-speed HDX system manufactured by Redflex Traffic Systems Pty Ltd, linked to and used in conjunction with an induction loop vehicle detector, a Variable Speed Limit Sign and a closed-circuit television camera;
 - (ii) a REDFLEXred-speed HDX system manufactured by Redflex Traffic Systems Pty Ltd, linked to and used in conjunction with an induction loop vehicle detector, a piezoelectric traffic sensor, a Variable Speed Limit Sign and a closed-circuit television camera;
- (2) Regulation 14(1)(c)(ii)—delete "in paragraph (a)" and substitute:

in paragraph (a) or (b)
- (3) Regulation 14(1)(d)(i)—after "incorporating" insert:

1 or more of each of
- (4) Regulation 14(1)(d)(i)(D)—delete "together with an induction loop vehicle detector; or" and substitute:

(or more than 1 such camera) together with a TIRTL (The Infra-Red Traffic Logger) manufactured by CEOS Industrial Pty Ltd or an induction loop vehicle detector;
- (5) Regulation 14(1)(d)(iii)—after "incorporating" insert:

1 or more of each of

8—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

Regulation 17(2)(i) and (ia)—delete paragraphs (i) and (ia)

9—Variation of regulation 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) Regulation 18(1)(b)—delete "are proceeding over" and substitute:
proceed over or continue past
- (2) Regulation 18(1)(f) and (g)—delete paragraphs (f) and (g)

10—Insertion of regulation 18A

After regulation 18 insert:

18A—Operation and testing of photographic detection devices referred to in regulation 14(1)(b) 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)(b) 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) if a piezoelectric traffic sensor (*piezo strip*) forms part of the device, the piezo strip must be installed under the surface of the road together with the induction loop;
 - (c) the camera or cameras forming part of the device (other than a closed-circuit television camera) must be positioned and aimed, and the induction loop and the piezo strip (if any) linked up with the other parts of the device, so that when vehicles proceed over or continue past the part of the road under the surface of which the induction loop and the piezo strip (if any) is (or are) installed, a photograph or series of photographs may be taken of the vehicles;
 - (d) the Variable Speed Limit Sign (*VSLs*) must be—
 - (i) installed so that a speed limit sign displayed by the VSLs applies for the purposes of the *Australian Road Rules* (whether some or all of the time) to the length of road under the surface of which the induction loop and the piezo strip (if any) is (or are) installed; and
 - (ii) linked up with the other parts of the device so that the speed limit (if any) indicated by the VSLs, and any changes in that speed limit, may be noted by, and used for the purposes of the operation of, the device;

- (e) the closed-circuit television camera must be positioned and aimed, and linked up with the other parts of the device, so that a video recording directed at the speed limit (if any) indicated by the VSLs referred to in paragraph (d) may be made;
- (f) the device must be programmed and set to operate so that if a vehicle is detected by the device passing over the induction loop and the piezo strip (if any) at a speed equal to or greater than a speed set on the device (being a speed set for all vehicles or for vehicles of a class, whether determined according to the number of axles of a vehicle or otherwise, that includes the detected vehicle)—
 - (i) at least 2 electronic records are made of the vehicle—
 - (A) at least 1 of which is made following a programmed delay after the first is made; and
 - (B) on at least 1 of which is recorded—
 - the speed of the vehicle as detected by the device; and
 - the speed limit (if any) indicated at that time by the VSLs referred to in paragraph (d) as noted by the device and the period for which that noted speed limit has remained constant; and
 - (C) on each of which is recorded the date, time and code for the location at which the record is made, together with the lane in which the vehicle is travelling; and
 - (ii) the following additional electronic records are made:
 - (A) a record containing a portion of the video recording referred to in paragraph (e), being a portion of that recording for a programmed period preceding the detection of the vehicle, on which is recorded the date and start and end times for the video recording;
 - (B) a record containing a still image taken from that portion of video recording, on which is recorded the information referred to in paragraph (f)(i)(C);
- (g) subject to paragraph (h), once in every 28 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 the surface of which the induction loop and the piezo strip (if any) is (or are) installed, and by reference to vehicles of any number of axles) to ensure that the device detects vehicles passing over the induction loop and the piezo strip (if any) and—
 - (A) accurately indicates the speed and (if a piezo strip forms part of the device) number of axles of any vehicle so detected and the lane in which the vehicle is travelling; and
 - (B) makes the video recording and still image referred to in paragraph (f)(ii); 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 electronic records are made by the device; and
 - (B) correctly notes the speed limit (if any) indicated by the VSLs referred to in paragraph (d); and
 - (C) is set to operate in accordance with paragraph (f); 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;
- (h) if that part of the road surface under which the induction loop and the piezo strip (if any) is (or are) installed has 2 or more lanes for vehicles travelling in the same direction, the test referred to in paragraph (g)(i) is not required to be carried out in relation to each such lane in the same 28 day period provided that, once in every 28 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;
- (i) if—
 - (i) a test or check; or
 - (ii) any electronic record referred to in paragraph (f) made by the device,

indicates a fault that has affected the proper operation of the device as required by these regulations, the part of those electronic records affected by the fault must be rejected for evidentiary purposes;

- (j) 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 27 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)(b) 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's Deputy

with the advice and consent of the Executive Council
on 31 October 2013

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