

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 the day on which the *Road Traffic (Average Speed) Amendment Act 2012* comes into operation.

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### 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)—after the definition of *approved courier* insert:

*average speed*, in relation to a vehicle travelling between 2 average speed camera locations, means the average speed of the vehicle between those locations calculated in accordance with section 175A(4)(b)(ii) of the Act;

*average speed camera*—see regulation 19AB(3)(a);

*average speed camera location* has the same meaning as in section 175A of the Act;

*average speed camera location offence* means—

- (a) an offence against rule 132(2) (Keeping to the left of a dividing line) or rule 150(1) (Driving on or across a continuous white edge line) of the *Australian Road Rules*; or
- (b) an offence against regulation 44(1) of these regulations constituted of a contravention of or failure to comply with regulation 19AD of these regulations (Evasive action in relation to average speed camera); or
- (c) an offence against section 164A(1) of the *Road Traffic Act 1961* constituted of a contravention of or failure to comply with section 110 of the Act (Driving on sealed surface);

(2) Regulation 4(1)—after the definition of *speeding offence* insert:

*stub line*—see regulation 19AB;

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

(1) Regulation 13B—after paragraph (da) insert:

- (db) REDFLEXpoint-to-point camera system manufactured by Redflex Traffic Systems Pty Ltd, linked to and used in conjunction with an induction loop vehicle detector;

(2) Regulation 13B(ea)—delete "a" first occurring

(3) Regulation 13B(eb)—delete "a" first occurring

## 6—Substitution of regulation 13C

Regulation 13C—delete the regulation and substitute:

### 13C—Interpretation

For the purposes of this Part—

- (a) 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), (b) or (e) 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; and
- (b) an average speed camera location is, in relation to 2 average speed camera locations whose location and shortest distance from each other along a particular route are specified in a notice under section 175A(3) of the Act—
  - (i) a *start location* if it is the first of the locations that is reached by a vehicle travelling along that route in the general direction of travel specified in the notice; and
  - (ii) an *end location* if it is the second of the locations reached by such a vehicle.

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

- (1) Regulation 14(1)(b)—after subparagraph (ii) insert:
  - (iii) a REDFLEXpoint-to-point camera system manufactured by Redflex Traffic Systems Pty Ltd, linked to and used in conjunction with an induction loop vehicle detector;
- (2) Regulation 14(1)—after paragraph (d) insert:
  - (e) in relation to a reckless or dangerous driving offence, a registration offence, a speeding offence or an average speed camera location offence—a system incorporating—
    - (i) a module comprising a REDFLEXpoint-to-point camera system manufactured by Redflex Traffic Systems Pty Ltd, linked to and used in conjunction with an induction loop vehicle detector (or more than 1 such module) situated at an average speed camera location; and
    - (ii) such a module (or more than 1 such module) situated at another average speed camera location,that are linked to and used in conjunction with each other for the purpose of enabling the average speed of vehicles travelling between the 2 locations to be calculated from electronic records of the vehicles made at each location by those modules.

## **8—Variation of regulation 15—Prescribed offences for the purposes of section 79B**

- (1) Regulation 15(2)—after paragraph (a) insert:
  - (ab) section 164A(1) of the Act constituted of a contravention of or failure to comply with section 110 of the Act (Driving on sealed surface);
- (2) Regulation 15(2)—after paragraph (g) insert:
  - (ga) rule 132(2) of the *Australian Road Rules* (Keeping to the left of a dividing line);
  - (gb) rule 150(1) of the *Australian Road Rules* (Driving on or across a continuous white edge line);
- (3) Regulation 15(2)(j)—delete paragraph (j) and substitute:
  - (j) regulation 44(1) of these regulations constituted of a contravention of or failure to comply with—
    - (i) regulation 19AD of these regulations (Evasive action in relation to average speed camera); or
    - (ii) regulation 19B(1) of these regulations (Heavy vehicles and minimum allowable travel time);

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

- (1) Regulation 18(1)—delete "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," and substitute:

Where a photographic detection device referred to in regulation 14(1)(a) or (b)(iii) is used to provide evidence of speeding offences committed other than at an intersection, marked foot crossing or level crossing (not being evidence of the average speed of vehicles between 2 average speed camera locations),
- (2) Regulation 18(2)—delete "regulation 14(1)(a)" and substitute:

regulation 14(1)(a) or (b)(iii)

## **10—Variation of regulation 18A—Operation and testing of photographic detection devices referred to in regulation 14(1)(b)(i) or (ii) for offences committed other than at intersections, marked foot crossings or level crossings**

- (1) Regulation 18A(1)—delete "regulation 14(1)(b)" and substitute:

regulation 14(1)(b)(i) or (ii)
- (2) Regulation 18A(2)—delete "regulation 14(1)(b)" and substitute:

regulation 14(1)(b)(i) or (ii)

## 11—Substitution of regulation 19AA

Regulation 19AA—delete the regulation and substitute:

### **19AA—Operation and testing of average speed cameras**

- (1) Where a photographic detection device that is an average speed camera is used to provide evidence of speeding offences (being evidence of the average speed of vehicles between 2 average speed camera locations), 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 at a given location must be positioned and aimed, and the induction loop linked up with the other parts of the device, so that when vehicles approach or pass the stub line at the average speed camera location, 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—
    - (i) if a vehicle is detected by the device passing over the induction loop at or near a start location, at least 1 electronic record containing a photograph of that vehicle on which is recorded the date, time and code for the location is made from the front or from the rear before the whole of the vehicle passes the stub line at that location; and
    - (ii) if a vehicle is detected by the device passing over the induction loop at or near an end location, at least 1 electronic record containing a photograph of that vehicle on which is recorded the date, time and code for the location is made from the front or from the rear when or after any part of the vehicle reaches the stub line at that location;
  - (d) when the device is set up at a given start location and end location, the device must be checked (either on-site or from a remote location) to ensure—
    - (i) that—
      - (A) the correct date; and
      - (B) the correct time (being Australian Central Standard Time or Australian Central Daylight Time determined with the accuracy specified in regulation 19AB(1)(c)); and
      - (C) the correct codes for the start and end locations,are set on the device; and

- (ii) that the device is set to operate in accordance with paragraph (c),  
and thereafter the same checks must be carried out—
  - (iii) in the case of the check to ensure that the correct date and time are set on the device—at least once in relation to each day (either on the day or else subsequently by reference to records created on the day by the device); and
  - (iv) in every other case—once in every 28 days,  
and if a fault is indicated by a check referred to above, corrective action must be taken until no fault is indicated;
- (e) if—
- (i) a check; or
  - (ii) any electronic record made by the device,  
indicates a fault that has affected the proper operation of the device as required by these regulations, those electronic records affected by the fault must be rejected for evidentiary purposes.
- (2) Where a photographic detection device that is an average speed camera is used to provide evidence of reckless or dangerous driving offences, registration offences or average speed camera location offences, the provisions of subregulation (1) must be complied with.

## **12—Insertion of Part 3 Division 3A**

After Part 3 Division 3 insert:

### **Division 3A—Special provisions relating to average speed cameras**

#### **19AB—Average speed evidence (section 175A of Act)— identification of average speed cameras, average speed camera locations etc**

- (1) For the purposes of section 175A of the Act—
- (a) a notice under section 175A(3) of the Act must identify an average speed camera location by specifying—
    - (i) the road on which vehicles will be photographed by the average speed camera; and
    - (ii) the place on that road at which vehicles will be photographed, identified by reference to—
      - (A) a stub line at that place; and
      - (B) the approximate coordinates of the point at which that stub line meets the centre of the road; and

- (iii) whether the average speed camera location is a start location or end location; and
    - (iv) the general direction of travel (for example, north bound) of vehicles moving between the 2 average speed camera locations for which this is the start or end location; and
  - (b) the shortest distance between 2 average speed camera locations along a route specified in a notice under section 175A(3) must be measured between the stub line at the start location and the stub line at the end location; and
  - (c) the time taken for a vehicle to travel between 2 average speed camera locations must be determined by reference to the total period elapsed between—
    - (i) a time before which the whole of the vehicle passes the stub line at the start location; and
    - (ii) a time at or after which any part of the vehicle reaches the stub line at the end location,where the time at each location is determined according to Australian Central Standard Time, or according to Australian Central Daylight Time, with an accuracy equal to or better than plus or minus 1 second.
- (2) A notice under section 175A(3) of the Act may, for the purposes of identifying an average speed camera location, include a reference to—
  - (a) a nearby landmark or other feature; or
  - (b) the approximate distance along the road between the location and a specified town or intersection (or, if the location is at an intersection, by reference to that intersection),but such a notice will not be regarded as defective on the basis of anything included or not included under this subregulation.
- (3) For the purposes of the definitions in section 175A(10) of the Act—
  - (a) a photographic detection device of a kind referred to in regulation 14(1)(e) is an ***average speed camera***;
  - (b) a ***prescribed road law speeding offence*** means—
    - (i) a speeding offence; or
    - (ii) a reckless or dangerous driving offence comprised of driving a vehicle at a speed which is dangerous to the public.
- (4) In this regulation—

***coordinates*** means coordinates expressed in terms of either the Geocentric Datum of Australia 1994 or the World Geodetic System 1984;

*dividing line, marked lane* and *median strip* have the same respective meanings as in the *Australian Road Rules*;

*short white line* means a straight white line approximately 100 millimetres wide and 400 millimetres long;

*stub line* means a short white line, or series of short white lines, marked in a straight line on the sealed surface of 1 or both sides of a two-way road at right angles to a boundary of the road, with each short white line positioned—

- (a) if a side of the road has 1 or more marked lanes for vehicles travelling in the same direction—
  - (i) at or near the centre of each lane; or
  - (ii) at or near the left-hand side and at or near the right-hand side of each lane; or
- (b) if a side of the road has no marked lanes for vehicles travelling in the same direction—
  - (i) at or near the centre of the sealed portion of that side of the road; or
  - (ii) at or near the left-hand side and at or near the right-hand side of the sealed portion of that side of the road,

and includes the whole of the straight line formed by the short white line or series of short white lines as well as the extension of that straight line—

- (c) to each boundary of the road; or
- (d) where the short white line or lines is or are marked on 1 side of the road only, to the boundary on that side of the road and to the centre of the road;

*two-way road* means a road divided by a dividing line or median strip into 2 sides, 1 of which is for vehicles travelling in 1 direction and the other of which is for vehicles travelling in the opposite direction.

### **19AC—Expiation fee for certain offences at average speed camera locations**

Despite regulation 45 and Schedule 9, the expiation fee for—

- (a) an alleged offence constituted of a contravention of or failure to comply with—
  - (i) rule 132(2) of the *Australian Road Rules* (Keeping to the left of a dividing line); or
  - (ii) rule 150(1) of the *Australian Road Rules* (Driving on or across a continuous white edge line); or



- (b) an alleged offence against section 164A(1) of the *Road Traffic Act 1961* constituted of a contravention of or failure to comply with section 110 of the Act (Driving on sealed surface),

is \$824 if the contravention or failure to comply takes place within 100 metres of a stub line at an average speed camera location.

#### **19AD—Evasive action in relation to average speed camera**

The driver of a vehicle must not take any action, other than a contravention referred to in regulation 19AC, that is designed to avoid an electronic record being made of the vehicle through the operation of an average speed camera as the vehicle is driven towards, through or away from an average speed camera location.

### **13—Variation of Schedule 4—Notice**

Schedule 4, Notice, examples under the heading "Statutory Declarations"—delete "Similarly, in relation to an offence against section 79B of the *Road Traffic Act 1961*, if you are nominating another person as the driver of the vehicle at the relevant time you would need to provide that person's name and address or if you do not know the identity of the driver you would need to specify that fact and outline why the driver's identity is not known and what enquiries you have made to ascertain the driver's identity." and substitute:

Similarly, in relation to an offence against section 79B of the *Road Traffic Act 1961*, if you are nominating another person as the driver of the vehicle at the relevant time you would need to provide that person's name and address or if you do not know the identity of the driver you would need to specify that fact and outline why the driver's identity is not known and what enquiries you have made to ascertain the driver's identity. If the allegation of an offence against section 79B, or an allegation of a speeding or reckless or dangerous driving offence, is based on evidence of the average speed of the vehicle between 2 locations you would need to provide this information in relation to each person who drove the vehicle during that time (if there was more than 1) and in the case of an offence against section 79B state whether or not you were 1 of those persons.

### **14—Variation of Schedule 9—Expiation fees**

Schedule 9, Part 7, items relating to regulation 44(1)—before sub-item relating to regulation 19B(1) insert:

r 19AD	<i>Evasive action in relation to average speed camera</i>	\$824
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#### **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 19 December 2013

No 310 of 2013

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