

South Australia

Road Traffic (Miscellaneous) (Photographic Detection Devices) Amendment Regulations 2023

under the *Road Traffic Act 1961*

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- 1 Transitional provision
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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Road Traffic (Miscellaneous) (Photographic Detection Devices) Amendment Regulations 2023*.

2—Commencement

These regulations come into operation on 1 July 2023.

Part 2—Amendment of *Road Traffic (Miscellaneous) Regulations 2014*

3—Amendment of regulation 3—Interpretation

Regulation 3(1), definition of *recording media*, (a)—delete paragraph (a)

4—Amendment of regulation 28—Interpretation

Regulation 28—before its current contents (now to be designated as subregulation (2)) insert:

(1) In this Division—

check, in relation to a photographic detection device, means the examination (whether on site, from a remote location or both on site and from a remote location) of the device (or an electronic record made by the device, or photograph produced from such a record) to determine settings for the operation of the device—

- (a) displayed by, or able to be determined from, the device at the time of the check; or
- (b) displayed by the device at, or able to be determined from the device in relation to, an earlier point in time;

test, in relation to a photographic detection device, may include—

- (a) an examination of the device (or of an electronic record made by the device, or photograph produced from such a record); or
- (b) the operation or partial operation of the device (including wholly or partially in a test or virtual mode); or
- (c) the performance of observations or other actions external to the device; or
- (d) any combination of the above undertaken simultaneously or separately,

(whether on site, from a remote location or both on site and from a remote location).

5—Amendment of regulation 32—Operation and testing of photographic detection devices referred to in regulation 29(1)(a) for offences committed at intersections, marked foot crossings or level crossings

- (1) Regulation 32(2)(c)—delete "at least 2 exposures are taken, or at least 2 electronic records are made," and substitute:

at least 2 electronic records are made

- (2) Regulation 32(2)(c)(i)—delete "taken or" wherever occurring

- (3) Regulation 32(2)(c)(iii)—delete "the exposure or record is taken or made" and substitute:
- the record is made
- (4) Regulation 32(2)(d)—delete "at least 2 exposures are taken, or at least 2 electronic records are made," and substitute:
- at least 2 electronic records are made
- (5) Regulation 32(2)(d)(i)—delete "taken or"
- (6) Regulation 32(2)(d)(ii)—delete subparagraph (ii) and substitute:
- (ii) at least 1 of which is made following a programmed delay after the first is made; and
- (7) Regulation 32(2)(d)(iii)—delete "exposure or record is taken or made" and substitute:
- record is made
- (8) Regulation 32(2)(e)—delete "at least 2 exposures are taken, or at least 2 electronic records are made," and substitute:
- at least 2 electronic records are made
- (9) Regulation 32(2)(e)(i)—delete "taken or"
- (10) Regulation 32(2)(e)(ii)—delete subparagraph (ii) and substitute:
- (ii) at least 1 of which is made following a programmed delay after the first is made; and
- (11) Regulation 32(2)(e)(iv)—delete "exposure or record is taken or made" and substitute:
- record is made
- (12) Regulation 32(2)(f)(i), (ii), (iii) and (iv)—delete subparagraphs (i), (ii), (iii) and (iv) and substitute:
- (i) a test must be carried out (by reference to a speed not exceeding the speed limit applying to drivers driving vehicles through the intersection or crossing) to ensure that the device—
- (A) detects a vehicle passing over the induction loop and indicates the speed of the vehicle as detected by the device; and
- (B) correctly indicates the lane in which the vehicle is travelling; and
- (C) makes at least the number of electronic records of the detected vehicle, from the direction and with the recorded information, referred to in paragraph (c) or (e); and
- (ii) a check must be carried out 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) is set to make at least the number of electronic records, from the direction and with any speed set on the device or programmed delay, referred to in paragraph (c) or (e); and

- (iii) if a fault is indicated by a 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 a check referred to in subparagraph (ii), corrective action must be taken until no fault is indicated;
- (13) Regulation 32(2)(g)(i), (ii), (iii) and (iv)—delete subparagraphs (i), (ii), (iii) and (iv) and substitute:
- (i) a test must be carried out to ensure that the device—
 - (A) detects a vehicle passing over the induction loop; and
 - (B) correctly indicates the lane in which the vehicle is travelling; and
 - (C) makes at least the number of electronic records of the detected vehicle, from the direction and with the recorded information, referred to in paragraph (d) or (e); and
 - (ii) a check must be carried out 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) is set to make at least the number of electronic records, from the direction and with any programmed delay, referred to in paragraph (d) or (e); and
 - (iii) if a fault is indicated by a 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 a check referred to in subparagraph (ii), corrective action must be taken until no fault is indicated;
- (14) Regulation 32(2)(i)—delete paragraph (i) and substitute:
- (i) if—
 - (i) a test or check; or
 - (ii) an electronic record referred to in paragraph (c), (d) or (e) made by the device,

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

6—Amendment of regulation 33—Operation and testing of photographic detection devices referred to in regulation 29(1)(a) or (b)(iii) for offences committed other than at intersections, marked foot crossings or level crossings

- (1) Regulation 33(1)(c)—delete "at least 2 exposures are taken, or at least 2 electronic records are made," and substitute:
 - at least 2 electronic records are made
- (2) Regulation 33(1)(c)(i)—delete "taken or" wherever occurring

- (3) Regulation 33(1)(c)(iii)—delete "the exposure or record is taken or made" and substitute:
- the record is made
- (4) Regulation 33(1)(d)(i), (ii), (iii) and (iv)—delete subparagraphs (i), (ii), (iii) and (iv) and substitute:
- (i) a test must be carried out (by reference to a speed 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—
 - (A) detects a vehicle passing over the induction loop and indicates the speed of the vehicle as detected by the device; and
 - (B) correctly indicates the lane in which the vehicle is travelling; and
 - (C) makes at least the number of electronic records of the detected vehicle, from a direction and with the recorded information, referred to in paragraph (c); and
 - (ii) a check must be carried out 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) is set to make at least the number of electronic records, from a direction and with any speed set on the device or programmed delay, referred to in paragraph (c); and
 - (iii) if a fault is indicated by a 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 a check referred to in subparagraph (ii), corrective action must be taken until no fault is indicated;
- (5) Regulation 33(1)(f)—delete paragraph (f) and substitute:
- (f) if—
 - (i) a test or check; or
 - (ii) an electronic record referred to in paragraph (c) made by the device,indicates a fault that has affected the proper operation of the device as required by these regulations, any electronic record affected by the fault must be rejected for evidentiary purposes;

7—Amendment of regulation 34—Operation and testing of photographic detection devices referred to in regulation 29(1)(b)(i) or (ii) for offences committed other than at intersections, marked foot crossings or level crossings

- (1) Regulation 34(1)(g)—delete paragraph (g) and substitute:
- (g) subject to paragraph (h), once in every 28 days—
 - (i) a test must be carried out (by reference to a speed 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 a vehicle of any number of axles) to ensure that the device—
 - (A) detects a vehicle passing over the induction loop and indicates the speed of the vehicle as detected by the device; and
 - (B) if a piezo strip forms part of the device—detects the vehicle passing over the piezo strip and correctly indicates the number of axles of the vehicle so detected; and
 - (C) correctly indicates the lane in which the vehicle is travelling; and
 - (D) correctly notes the speed limit (if any) indicated by the VLSL referred to in paragraph (d); and
 - (E) makes at least the number of electronic records of the detected vehicle, with the recorded information, referred to in paragraph (f)(i); and
 - (F) makes a video recording of a kind referred to in paragraph (f)(ii)(A); and
 - (G) makes an electronic record containing a still image in accordance with paragraph (f)(ii)(B); and
 - (ii) a check must be carried out 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) is set to make at least the number of electronic records, with any speed set on the device or programmed delay, referred to in paragraph (f) (other than paragraph (f)(ii)); and
 - (iii) if a fault is indicated by a 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 a check referred to in subparagraph (ii), corrective action must be taken until no fault is indicated;
- (2) Regulation 34(1)(i)—delete "the part of those electronic records" and substitute:
any electronic record

8—Amendment of regulation 35—Operation and testing of photographic detection devices referred to in regulation 29(1)(c)

- (1) Regulation 35(1)(a)(i)—delete "takes an exposure, or makes an electronic record," and substitute:
makes an electronic record
- (2) Regulation 35(1)(a)(ii)—delete "the exposure is taken, or"
- (3) Regulation 35(1)(a)(ii)—delete "exposure or"
- (4) Regulation 35(1)(b), (c), (d) and (e)—delete paragraphs (b), (c), (d) and (e) and substitute:
 - (b) after the device is set up at a given location, or recording media is inserted into the device at that location or the device is relocated with recording media in place—
 - (i) a test must be carried out to ensure that when the device detects a vehicle on the length of road in relation to which the device is intended to operate it displays an electronic record of the detected vehicle from the front or from the rear on which is recorded—
 - (A) the date, time and code for the location at which the record is made (as set on the device); and
 - (B) the speed and direction of travel of the vehicle as registered by the device,whether or not that record is thereafter retained by the device; and
 - (ii) a check must be carried out 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) has a speed set on the device in accordance with paragraph (a);
 - (c) the test referred to in paragraph (b)(i) and the check referred to in paragraph (b)(ii)(A) must be repeated before the device is removed from a given location;
 - (d) if—
 - (i) a test or check; or
 - (ii) an electronic record made by the device,

indicates a fault that has affected the proper operation of the device as required by this regulation, any electronic record affected by the fault must be rejected for evidentiary purposes;

- (e) if a photograph produced from an electronic record obtained in accordance with the provisions of paragraph (a) depicts the whole or part of more than 1 vehicle—
 - (i) in the portion of the photograph in which the vehicle whose speed is being registered by the device should be depicted, being the portion that is both—
 - (A) between 2 yellow lines; and
 - (B) within a green ellipse, indicated on the photograph; and
 - (ii) travelling in the direction recorded on the electronic record as the direction of travel of the vehicle whose speed is being registered,

that photograph must be rejected for evidentiary purposes;

9—Amendment of regulation 36—Operation and testing of average speed cameras

- (1) Regulation 36(1)(c), (d) and (e)—delete paragraphs (c), (d) and (e) and substitute:
 - (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 of the 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 of the 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) once in every 28 days—
 - (i) a test must be carried out (whether or not by reference to the same vehicle) to ensure that the device—
 - (A) detects a vehicle passing over the induction loop at the start location, and detects a vehicle passing over the induction loop at the end location; and
 - (B) makes at least the number of electronic records of a detected vehicle, with the recorded information, from a direction and at the locations, referred to in paragraph (c); and

- (ii) a check must be carried out to ensure that—
 - (A) the correct codes for the start and end locations are set on the device; and
 - (B) the device is set to make at least the number of electronic records from a direction, and at the locations, referred to in paragraph (c);
- (e) 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), a check must be carried out to ensure that—
 - (i) the correct date; and
 - (ii) the correct time (being Australian Central Standard Time or Australian Central Daylight Time determined with the accuracy specified in regulation 38(1)(c)),are set on the device;
- (f) if a fault is indicated by a test referred to in paragraph (d)(i), corrective action must be taken and the test must be repeated until no fault is indicated;
- (g) if a fault is indicated by a check referred to in paragraph (d)(ii) or (e), corrective action must be taken until no fault is indicated;
- (h) if—
 - (i) a test or check; or
 - (ii) an electronic record made by the device,indicates a fault that has affected the proper operation of the device as required by these regulations, any electronic record affected by the fault must be rejected for evidentiary purposes.

10—Amendment of regulation 37—Operation and testing of Safe-T-Cam photographic detection devices

- (1) Regulation 37(c)—delete "a person must make a check" and substitute:
a check must be carried out
- (2) Regulation 37(d)—delete "those electronic records" and substitute:
any electronic record

Schedule 1—Transitional provision

1—Transitional provision

- (1) Where, for the purposes of a provision of Division 4 of the principal regulations as amended by these regulations, specified tests or checks are required to be carried out in relation to the use of a photographic detection device once in every 28 days, then for the purposes of determining that period of 28 days the last such tests or checks will be taken to have occurred—
 - (a) if no such tests or checks have been carried out since the commencement of these regulations—when the most recent tests or checks before that commencement for the purposes of the corresponding provision of the principal regulations as in force at that time were carried out; or
 - (b) in any other case—when the most recent tests or checks for the purposes of the provision of the principal regulations as in force after that commencement were carried out.
- (2) In this regulation—

principal regulations means the *Road Traffic (Miscellaneous) Regulations 2014*.

Editorial note—

As required by section 10AA(2) of the *Legislative Instruments 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 26 May 2023

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