

TASMANIA

**VEHICLE AND TRAFFIC (OFFENCE DETECTION
DEVICES) REGULATIONS 2022**
STATUTORY RULES 2022, No. 76

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VEHICLE AND TRAFFIC (OFFENCE DETECTION DEVICES) REGULATIONS 2022

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Vehicle and Traffic Act 1999*.

Dated 11 October 2022.

B. BAKER
Governor

By Her Excellency's Command,

MICHAEL DARREL JOSEPH FERGUSON
Minister for Infrastructure and Transport

1. Short title

These regulations may be cited as the *Vehicle and Traffic (Offence Detection Devices) Regulations 2022*.

2. Commencement

These regulations take effect on
16 October 2022.

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3. Interpretation

- (1) In these regulations, unless the contrary intention appears –

Act means the *Vehicle and Traffic Act 1999*;

approved means approved by the Transport Commission;

device means –

- (a) a device, other than a speedometer, for measuring the speed of a moving vehicle; or
- (b) a device for detecting a red light offence;

intersection means an intersection within the meaning of the *Road Rules*;

laser speed analyser means a device that measures the speed of a moving vehicle by means of a laser;

marked lane means a marked lane within the meaning of the *Road Rules*;

operate includes install;

radar speed analyser means a device that measures the speed of a moving vehicle by means of radar;

red traffic arrow means a red traffic arrow within the meaning of the *Road Rules*;

red traffic light means a red traffic light within the meaning of the *Road Rules*.

- (2) Expressions that are defined in section 56E of the Act and used in these regulations have, unless the contrary intention appears, the same meaning in these regulations as they have in that section.

4. Use and operation of photographic detection devices

- (1) Photographic detection devices may be used in accordance with this regulation to detect –
- (a) red light offences; or
 - (b) speeding offences; or
 - (c) offences involving the driving or use, at a particular time, of a vehicle on a public street or other road.
- (2) If a photographic detection device is used to detect red light offences, it must be so operated that, when an instrument forming part of the device registers a vehicle in a marked lane entering an intersection contrary to a red traffic light or red traffic arrow –
- (a) the device takes a set of photographs, or records data from which a set of photographs is capable of being derived; and
 - (b) each photograph in the set of photographs so taken or derived shows the following information:

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- (i) the serial number of the device;
 - (ii) the date and time when the photograph was taken or the data was recorded;
 - (iii) the operator's code for the person who installed the device or was operating it when the photograph was taken or the data was recorded;
 - (iv) the location code for the place where the photograph was taken or the data was recorded;
 - (v) the code for the marked lane in which the vehicle was travelling when the photograph was taken or the data was recorded.
- (3) If a photographic detection device is used to detect speeding offences, it must be so operated that, when an instrument forming part of the device registers a vehicle travelling at a speed equal to or greater than a speed set on the device –
 - (a) it takes a photograph of the vehicle or records data from which a photograph of the vehicle is capable of being derived; and
 - (b) the photograph so taken or derived shows the following information:

- (i) the serial number of the device;
- (ii) the date and time when the photograph was taken or the data was recorded;
- (iii) the operator's code for the person who installed the device or was operating it when the photograph was taken or the data was recorded;
- (iv) the location code for the place where the photograph was taken or the data was recorded;
- (v) the speed-limit applying to the length of road on which the vehicle was travelling when the photograph was taken or the data was recorded;
- (vi) the speed of the vehicle, as measured by the device, when the photograph was taken or the data was recorded;
- (vii) if the device is capable of detecting speeding offences in multiple marked lanes or is capable of detecting red light offences and speeding offences, the code for the marked lane in which the vehicle was travelling when the photograph was taken or the data was recorded.

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- (4) For the purposes of this regulation, a vehicle with a trailer is taken to be a single vehicle.

5. Inspection of photographs

- (1) In this regulation –

relevant officer means –

- (a) a police officer; or
 - (b) an authorised officer.
- (2) If a red light offence or speeding offence is detected by means of a photographic detection device, each of the following persons may inspect or obtain the photograph taken, or derived from data recorded, by the device in evidence of the offence:
- (a) the person charged with the offence;
 - (b) the person who was the registered operator of the photographed vehicle at the time of the offence;
 - (c) a person who satisfies a relevant officer, by means of a statutory declaration, that he or she was driving the photographed vehicle at the time of the offence.
- (3) A person specified in subregulation (2) may purchase a copy of the photograph on payment of a fee of 10 fee units.
- (4) For the purposes of this regulation –

- (a) a photograph may be inspected or obtained at the Tasmania Police Headquarters in Hobart, Launceston or Burnie between 9 a.m. and 4:30 p.m. on any day that is not a Saturday, a Sunday, a bank holiday or a public holiday in the part of the State in which the station is located; and
- (b) an application to obtain a copy of a photograph is to be made by contacting Information Services, Tasmania Police, Hobart by post or email.

6. Use of radar and laser speed analysers

Radar speed analysers or laser speed analysers may be used to detect speeding offences.

7. Testing of photographic detection devices

- (1) A person who installs a photographic detection device at any location must, as soon as practicable after completing the installation, test the device to ensure that it is operating correctly.
- (2) A person who operates a photographic detection device at any location must, as soon as practicable after the device becomes operational at that location, test the device to ensure that it is operating correctly.
- (3) A photographic detection device is taken to be operating correctly for the purposes of this

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regulation if it is capable of being operated in accordance with –

- (a) regulation 4(2) to detect red light offences; or
- (b) regulation 4(3) to detect speeding offences; or
- (c) regulation 4(2) or (3) if a photograph taken, or derived from data recorded, by the device is to be used as evidence of the driving or use of a vehicle on a public street or other road at a particular time.

8. Testing of radar and laser speed analysers

- (1) A device must not be used for the purpose of detecting a speeding offence unless –
 - (a) it has been tested for accuracy within the 12 months immediately preceding the date of operation; and
 - (b) if it has been repaired, altered or adjusted since it was last used for that purpose, it has been retested; and
 - (c) it is sealed in such a manner as to prevent interference with its speed-computing circuitry without breaking the seal.
- (2) For subregulation (1)(b), a device is not to be taken as having been repaired, altered or adjusted unless the repair, alteration or

adjustment required the seal of the device to be broken.

9. Testing requirements for devices

A test of a device under these regulations, other than a test under regulation 7, is to be performed by an employee of –

- (a) a school, or department, of electrical engineering, communications engineering or electronics engineering at a registered higher education provider within the meaning of the *Tertiary Education Quality and Standards Agency Act 2011* of the Commonwealth; or
- (b) an organisation accredited by the National Association of Testing Authorities, Australia, to conduct the calibration of speed measuring devices; or
- (c) an organisation approved by the Commissioner of Police for the testing of speed measuring devices.

10. Proof of testing

In any proceedings for an offence –

- (a) it is not necessary to prove the testing of a device other than the testing last preceding the date on which the offence is alleged to have been committed; and

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- (b) evidence that a device operated for the purposes of these regulations bears a number corresponding to the number of a device referred to in a certificate in an approved form is evidence and, in the absence of evidence to the contrary, proof that the first-mentioned device is identical to the one referred to in the certificate.

11. Test certificates

- (1) In any proceedings, a certificate in an approved form (a *test certificate*) is evidence and, in the absence of evidence to the contrary, proof of the matters set out in the certificate.
- (2) The Transport Commission is to ensure that an example of an approved form of a test certificate is published on a website operated by or on behalf of the Department.

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 12 October 2022.

These regulations are administered in the Department of State Growth.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations –

- (a) provide for the use of devices in the detection of traffic offences; and
- (b) are made consequentially on the repeal of the *Vehicle and Traffic (Offence Detection Devices) Regulations 2012* under section 11 of the *Subordinate Legislation Act 1992*.