

TASMANIA

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**VEHICLE AND TRAFFIC (OFFENCE DETECTION  
DEVICES) REGULATIONS 2023**  
**STATUTORY RULES 2023, No. 33**

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## **VEHICLE AND TRAFFIC (OFFENCE DETECTION DEVICES) REGULATIONS 2023**

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 19 June 2023.

B. BAKER  
Governor

By Her Excellency's Command,

MICHAEL DARREL JOSEPH FERGUSON  
Minister for Infrastructure and Transport

### **PART 1 – PRELIMINARY**

#### **1. Short title**

These regulations may be cited as the *Vehicle and Traffic (Offence Detection Devices) Regulations 2023*.

#### **2. Commencement**

These regulations take effect on the day on which the *Vehicle and Traffic Amendment*

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*(Driver Distraction and Speed Enforcement) Act  
2022* commences.

**3. Interpretation**

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

*Act* means the *Vehicle and Traffic Act 1999*;

*ANPR camera system* means a system including one or more photographic detection devices that employ automatic recognition of number plates to detect registration offences or the presence of a vehicle at a particular location and time;

*approved* means approved by the Transport Commission;

*average-speed camera system* means a system that employs photographic detection devices used for the purpose of determining the average speed at which a vehicle was travelling on the road between two detection points;

*device*, other than a portable device, means –

- (a) a radar speed analyser or laser speed analyser, used to detect a speeding offence; or
- (b) a photographic detection device that employs a radar speed analyser or laser speed analyser,

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used to detect one or more relevant offences; or

- (c) a photographic detection device that does not employ a radar speed analyser or laser speed analyser, used to detect one or more relevant offences;

***driver behaviour camera system*** means a system including one or more photographic detection devices used to detect one or more of the following offences:

- (a) a portable device offence;
- (b) a seatbelt offence;

***laser speed analyser*** means an apparatus that measures the speed of a moving vehicle by means of a laser;

***location code*** means a unique number, assigned by the department responsible for the administration of the Act or the department responsible for the administration of the *Police Offences Act 1935*, to a length of road, or a specific location on a length of road;

***operator's code*** means a unique number, assigned by the department responsible for the administration of the Act or the department responsible for the administration of the *Police Offences Act 1935*, to a person who is authorised to

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install or operate a photographic detection device;

***radar speed analyser*** means an apparatus that measures the speed of a moving vehicle by means of radar;

***relevant offence*** means one of the following offences:

- (a) a speeding offence;
  - (b) a red light offence;
  - (c) a portable device offence;
  - (d) a seatbelt offence;
  - (e) a registration offence.
- (2) Expressions that are defined in sections 56DA and 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 those sections.
- (3) Expressions that are used in the *Road Rules* and used in these regulations have, unless the contrary intention appears, the same meaning in these regulations as they have in those rules.
- (4) For the purposes of Parts 2, 3, and 4 of these regulations, a vehicle with a trailer is taken to be a single vehicle.

#### **4. Application of regulations**

For the avoidance of doubt –

- (a) these regulations do not apply in respect of a device that is used, or is being used, to detect an offence other than a relevant offence; and
- (b) a device that is used, or is being used, to detect an offence, other than a relevant offence, is not operating in accordance with these regulations at the time of being so used.

#### **5. Inspection of photographs**

- (1) In this regulation –

*relevant officer* means –

- (a) a police officer; or
  - (b) an authorised officer.
- (2) If a relevant offence is detected by means of a device, each of the following persons may inspect or obtain a 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;

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- (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) 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. Interference with devices**

A person must not interfere, in a manner that is intended to prevent the effective use of a device, with –

- (a) the device; or
- (b) a seal affixed to the device; or
- (c) any housing of the device, including a trailer or vehicle in which the device is placed or installed.

Penalty: Fine not exceeding 10 penalty units.

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**7. Proof of testing**

(1) In this regulation –

*test certificate* means a certificate in an approved form, in respect of the testing of a device under regulation 10, 11, 15, 17, 20 or 23.

(2) In any proceedings for an offence –

- (a) it is not necessary to prove the onsite testing of a device in accordance with regulation 10, 11, 15, 17, 20 or 23, other than the onsite testing last preceding the date on which the offence is alleged to have been committed; and
- (b) it is not necessary to prove the calibration testing of a device in accordance with regulation 11 other than the calibration testing last preceding the date on which the offence is alleged to have been committed; and
- (c) a test certificate is evidence and, in the absence of evidence to the contrary, proof of the matters set out in the certificate; and
- (d) 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 test certificate is evidence and, in the absence of evidence to the contrary, proof that the first-

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mentioned device is identical to the one referred to in the certificate.

- (3) The Transport Commission is to ensure that a copy of each approved form of a test certificate is published on a website maintained by or on behalf of the Department.

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## **PART 2 – DETECTION OF SPEEDING OFFENCES**

### ***Division 1 – General***

#### **8. Devices used to detect speeding offences**

- (1) The following devices may be used to detect speeding offences at a given time and particular location:
  - (a) a radar speed analyser;
  - (b) a laser speed analyser;
  - (c) a photographic detection device that employs a radar speed analyser or laser speed analyser for the purposes of detecting speeding offences;
  - (d) a device that forms part of an average-speed camera system that also employs a radar speed analyser or laser speed analyser that is calibrated to detect speeding offences;
  - (e) a device that is used to detect red light offences, seatbelt offences, portable device offences or registration offences that also employs a radar speed analyser or laser speed analyser that is calibrated to detect speeding offences.
- (2) An average-speed camera system may be used to detect a speeding offence that is committed between two detection points.

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***Division 2 – Speed measuring devices***

**9. Operation of certain speed measuring devices**

If a device specified in regulation 8(1)(c), (d) or (e) is used to detect a speeding offence, it must be operated so 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) the device 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 on which and time at which 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;

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- (v) the speed-limit applying to a driver for 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 both 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.

**10. Onsite testing of certain speed measuring devices**

- (1) A person who installs a device specified in regulation 8(1)(c), (d) or (e) 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 device specified in regulation 8(1)(c), (d) or (e) at any location must, as soon as practicable before commencing to operate the device at that location, test the device to ensure that it is operating correctly.

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- (3) A device is taken to be operating correctly for the purposes of this regulation if it is capable of being operated in accordance with regulation 9.

**11. Calibration testing of radar, and laser, speed analysers**

- (1) A device specified in regulation 8(1) must not be used to detect a speeding offence unless –
  - (a) the radar speed analyser or laser speed analyser component of the device has been tested for accuracy within the 12 months immediately preceding the date of use; and
  - (b) if that component 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 the purposes of subregulation (1)(b), a component of 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.
- (3) A test, retest or sealing of a device under subregulation (1) is to be performed by an employee of –

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- (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, or the Transport Commission, for the testing of speed measuring devices.

***Division 3 – Average-speed camera systems***

**12. Operation of average-speed camera system**

If an average-speed camera system is used to detect speeding offences, it must be operated so that, when an instrument or computer forming part of the system registers that a vehicle has travelled between two detection points at an average speed equal to or greater than a speed set on the system –

- (a) the system creates a digital incident file containing at least one photograph of the vehicle, or data from which a photograph of the vehicle is capable of being

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derived, taken at each of the relevant detection points; and

- (b) each photograph so taken or derived, and included in the digital incident file, shows the following information:
  - (i) the serial number of the device;
  - (ii) the date on which and time at which 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 detection point where the photograph was taken or the data was recorded;
  - (v) the speed-limit, or average speed-limit as calculated under regulation 14, applying to a driver for the length of road between the detection points on which the vehicle was travelling when the photograph was taken or the data was recorded;
  - (vi) if the system is capable of detecting speeding offences in multiple marked lanes, the code for the marked lane in which the

vehicle was travelling when the photograph was taken or the data was recorded.

**13. Calculation of average speed of vehicle between detection points**

For the purposes of section 56DA(3)(a) of the Act, the average speed of the vehicle between two detection points on a road is to be calculated using the following formula and expressed in kilometres per hour, rounded down to the next whole number:

$$\frac{D \times 3.6}{T}$$

where –

***D*** is the shortest practicable distance between two detection points on the road, expressed in metres and rounded down to the next whole number;

***T*** is the time that elapsed between the vehicle passing the two detection points, expressed in seconds and rounded up to the next whole number.

**14. Calculation of average speed-limit of section of road between detection points**

- (1) For the purposes of section 56DA(3)(b)(ii) of the Act, if more than one speed-limit applies to a

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driver on a length of road between two detection points, the average speed-limit between those detection points is to be calculated using the following formula and expressed in kilometres per hour, rounded up to the next whole number:

$$\frac{BP}{AS}$$

where –

**AS** is the sum of “D” divided by “S” that is calculated for each speed-limited part of “BP”;

**BP** is the total shortest practicable distance, between two detection points on the road, expressed in metres and rounded down to the next whole number;

**D** for a speed-limited part of the length of road, is the shortest practicable distance between the start and end of the part of the road on which that limit applies, expressed in metres and rounded down to the next whole number;

**S** for a speed-limited part of the length of the road, is the speed-limit applying to a driver for that part of the road, expressed in kilometres per hour;

**speed-limited part**, of a length of road between two detection points, is a part of

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the road on which a particular speed-limit applies to a driver.

- (2) If it is not practicable to calculate the average speed-limit in accordance with subregulation (1), then the highest speed-limit applying to a driver for any section of the road is to be taken as the speed-limit for the entire length of road between the detection points.

**15. Onsite testing of average-speed camera system**

- (1) A person who installs, alters or operates an average-speed camera system, or an apparatus or component forming part of an average-speed camera system, must test the system to ensure that it is operating correctly as soon as practicable after the following actions take place:
- (a) the person installs the system, apparatus or component at a location;
  - (b) the person commences operating the system at that location;
  - (c) the software used by the system to calculate average speed, or to detect the presence of a vehicle, is changed or updated;
  - (d) the person repairs or replaces any apparatus or component that forms part of the system.

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- (2) An average-speed camera system is taken to be operating correctly for the purposes of this regulation if it is capable of –
  - (a) being operated in accordance with regulation 12; and
  - (b) providing evidence that the photographic detection device at each detection point at which the system operates is synchronised with each other such device.

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**PART 3 – DETECTION OF RED LIGHT OFFENCES**

**16. Operation of devices to detect red light offences**

- (1) A photographic detection device may be used to detect red light offences.
- (2) If a photographic detection device is used to detect red light offences, it must be operated so 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:
    - (i) the serial number of the device;
    - (ii) the date on which and time at which 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;

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- (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.

**17. Onsite testing of devices used to detect red light offences**

- (1) A person who installs or operates a device for the purposes of detecting a red light offence must test the device to ensure that it is operating correctly as soon as practicable after the following actions take place:
  - (a) the person installs the device at a location;
  - (b) the person commences operating the device at that location;
  - (c) the device, or any apparatus or component that forms part of the device, is moved, altered, repaired or replaced.
- (2) A photographic detection device used to detect red light offences is taken to be operating correctly for the purposes of this regulation if it is capable of being operated in accordance with regulation 16.

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- (3) For the purposes of testing whether a device is capable of registering a vehicle entering an intersection contrary to a red traffic light or red traffic arrow, a person who installs or operates a device may test the device by reference to a green traffic light or green traffic arrow.

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Part 4 – Detection of Portable Device Offences and Seatbelt Offences

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**PART 4 – DETECTION OF PORTABLE DEVICE  
OFFENCES AND SEATBELT OFFENCES**

**18. Operation of driver behaviour camera systems**

- (1) A driver behaviour camera system may be used to detect portable device offences or seatbelt offences.
- (2) If a driver behaviour camera system is used to detect portable device offences or seatbelt offences, or both, it must be operated so that, when an instrument or computer forming part of the system registers that the driver of a vehicle may have committed an offence –
  - (a) the system creates a digital incident file containing a photograph of the vehicle or data from which a photograph of the vehicle is capable of being derived; and
  - (b) the photograph so taken or derived, and included in the digital incident file, shows the following information:
    - (i) the serial number of the system;
    - (ii) the date on which and time at which the photograph was taken or the data was recorded;
    - (iii) the operator's code for the person who installed the system or was operating it when the photograph

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was taken or the data was recorded;

- (iv) the location code for the place where the photograph was taken or the data was recorded.

**19. Use of other devices to detect portable device and seatbelt offences**

A photograph taken by a photographic detection device that was operating in accordance with these regulations may be used as evidence of a portable device offence or seatbelt offence if the photograph displays the information specified in regulation 18(2)(b).

**20. Testing of driver behaviour camera systems**

- (1) A person who installs, alters or operates a driver behaviour camera system must test the system to ensure that it is operating correctly as soon as practicable after the following actions take place:
  - (a) the person installs the system at a location;
  - (b) the person commences operating the system at that location;
  - (c) the software used by the system to detect portable device offences, seatbelt offences or the presence of a vehicle is changed or updated;

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- (d) the person repairs or replaces any apparatus or component that forms part of the system.
- (2) A driver behaviour camera system is taken to be operating correctly for the purposes of this regulation if it is capable of being operated in accordance with regulation 18.

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**PART 5 – DETECTION OF REGISTRATION  
OFFENCES**

**21. Operation of ANPR camera systems**

- (1) An ANPR camera system may be used to detect registration offences, or offences involving the driving or use, at a particular time, of a vehicle on a public street or other road.
- (2) If an ANPR camera system is used to detect registration offences in accordance with these regulations, it must be operated so that, when an instrument or computer forming part of the system registers that a vehicle has been used to commit a registration offence –
  - (a) the system creates a digital incident file containing a photograph of the vehicle or data from which a photograph of the vehicle is capable of being derived; and
  - (b) the photograph so taken or derived, and included in the digital incident file, shows the following information:
    - (i) the serial number of the device used to capture the photograph;
    - (ii) the date on which and time at which the photograph was taken or the data was recorded;
    - (iii) the operator’s code for the person who installed the system or was operating it when the photograph

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was taken or the data was recorded;

- (iv) the location code for the place where the photograph was taken or the data was recorded.

**22. Use of other devices to detect registration offences**

A photograph taken by a photographic detection device that was operating in accordance with these regulations may be used as evidence of a registration offence, or an offence involving the driving or use, at a particular time, of a vehicle on a public street or other road, if the photograph displays the information required by regulation 21(b).

**23. Testing of ANPR camera systems**

- (1) A person who installs, alters or operates an ANPR camera system, to be used for the purposes of detecting a registration offence in accordance with these regulations, must test the system to ensure that it is operating correctly as soon as practicable after the following actions take place:
  - (a) the person installs the system at a location;
  - (b) the person commences operating the system at that location;

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- (c) the software used by the system to detect registration offences, or the presence of a vehicle, is changed or updated;
  - (d) the person repairs or replaces any device or component that forms part of the system.
- (2) An ANPR camera system is taken to be operating correctly for the purposes of this regulation if it is capable of being operated in accordance with regulation 21.

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

Notified in the *Gazette* on 23 June 2023.

These regulations are administered in the Department of State Growth.

**EXPLANATORY NOTE**

*(This note is not part of the regulations)*

These regulations provide for the use of certain devices in the detection of traffic offences, and the testing of those devices.