



New South Wales

Road Transport (General) Amendment (Speed Measurement Devices) Regulation 2019

under the

Road Transport Act 2013

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport Act 2013*.

MELINDA PAVEY, MP
Minister for Roads, Maritime and Freight

Explanatory note

The object of this Regulation is to amend the testing methods that are required to be used by an inspection officer who provides a certificate concerning the reliability of speed measurement devices that are radar based or laser based, if that certificate is to be admissible as prima facie evidence in proceedings for a speeding offence in which evidence is given of a measurement of speed obtained from such a device.

A speed measurement device that is radar based and that is of a kind to which AS 2898.1—2003, *Radar speed detection—Functional requirements and definitions* applies is required to be tested for accuracy and functional requirements in accordance with that Standard or with the manufacturer's recommended calibration method. (At present, such a device must be tested in accordance with the Standard.)

A speed measurement device that is laser based and that is of a kind to which AS 4691.1—2003, *Laser-based speed detection devices—Definitions and device requirements* applies is required to be tested for accuracy and functional requirements in accordance with that Standard or with the manufacturer's recommended calibration method. (At present, such a device must be tested in accordance with the manufacturer's recommended calibration method as approved by the Commissioner of Police or (in the case only of a device that is used in conjunction with, or forms part of, a digital camera device) by Roads and Maritime Services.)

This Regulation is made under the *Road Transport Act 2013*, including sections 23 (the general statutory rule-making power) and 137 (which is about certificates concerning the reliability of speed measurement devices).

Road Transport (General) Amendment (Speed Measurement Devices) Regulation 2019

under the

Road Transport Act 2013

1 Name of Regulation

This Regulation is the *Road Transport (General) Amendment (Speed Measurement Devices) Regulation 2019*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

3 Amendment of Road Transport (General) Regulation 2013

Clause 35 Testing and security indicators for approved traffic enforcement devices

Omit clause 35 (1) (a). Insert instead:

- (a) an approved traffic enforcement device that is approved for speed measurement and is a radar based device of a kind to which the Australian Standard entitled AS 2898.1—2003, *Radar speed detection—Functional requirements and definitions* applies must be tested for accuracy and functional requirements:
 - (i) in accordance with that Standard, or
 - (ii) in accordance with the manufacturer's recommended calibration method, and
- (a1) an approved traffic enforcement device that is approved for speed measurement and is a laser based device of a kind to which the Australian Standard entitled AS 4691.1—2003, *Laser-based speed detection devices—Definitions and device requirements* applies must be tested for accuracy and functional requirements:
 - (i) in accordance with that Standard, or
 - (ii) in accordance with the manufacturer's recommended calibration method, and