

How to Challenge Speeding Fines

Note: this is for South Australia only. You will need to check the equivalent Acts and Rules for your state and adjust accordingly.

These instructions are to be followed before the court hearing

1. Check the fine

- Check the **offence/code** on the expiation notice.
- Check the **date**.
- Check the **time**.
- Check the **location**.
- Check the **speed limit**.
- Check the **speed alleged**.
- Check the **vehicle registration**.
- Make sure all of these details match.

2. Find out what type of camera/device was used

Write down exactly what was used:

- Fixed speed camera
- Mobile speed camera
- Point-to-point/average speed camera
- Radar
- Laser/LIDAR
- Other detection device

3. Check the photographs

Look carefully at the photographs.

- Can I clearly see my vehicle?
- Can I clearly see the registration number?
- What speed does the evidence show?
- What was the speed limit?
- Is the date correct?
- Is the time correct?
- Is the location correct?
- Is another vehicle in the photograph?
- Is another vehicle travelling in the same direction? Under the current *Road Traffic (Miscellaneous) Regulations 2014*, **regulation 35(1)(e)** says that where a photograph from a device covered by **reg 29(1)(c)** depicts more than one vehicle **in the specified part of the photograph**, and the vehicles are travelling in the recorded direction, **the photograph must be rejected for evidentiary purposes**.
- Could the other vehicle have been the vehicle detected?
- Does the evidence clearly show which vehicle was detected?

Question is: Can prosecution prove that the speed measurement relates to your vehicle?

ELECT TO BE PROSECUTED

Always say “There is NO PLEA” do not say “not guilty”

4. Tell the Magistrate about your internet

You want a Pre-Trial Hearing

Advise/suggest that your internet has been very unreliable so all documents must be provided by post.

Then tell the Magistrate that you require the Prosecution to provide **Form 71H** (which is the hard-copy Evidentiary Material Brief) under section **?** and **75.1** of the joint criminal rule **2022**

5. Ask for the evidence you need to check

Once you receive the brief, check:

- The photograph/s
- The camera/device used
- The speed recorded
- The speed limit
- The location
- The date and time
- How the vehicle was identified
- Calibration/testing material
- Any/all certificates
- Police officer statements
- Any/all other material the prosecution is relying on

SAPOL specifically says that material such as detection-device calibration certificates and body-worn video may become available through normal pre-trial disclosure after electing prosecution.

If Magistrates decide that it's not required then send these questions to the Prosecution, obviously adjusted to your matter and taking out whatever is not relevant.

REQUEST ALL EVIDENCE THE PROSECUTION INTENDS TO RELY UPON FOR THIS HEARING

I request the following evidence and documents relating to the speed detection device and the alleged offence:

1. Speed detection device

- The make, model and identification/serial number of the device used.
- The type of device used, for example radar, laser/LIDAR, fixed camera, mobile camera or point-to-point system.

2. Photographs and electronic records

- All photographs relating to the alleged offence, in the highest available quality.

- The original electronic record/s, where available.
- The recorded speed, date, time, location, lane and direction of travel.

3. Identification of my vehicle

- The evidence relied upon to identify my vehicle as the vehicle whose speed was recorded.
- If more than one vehicle appears in the relevant part of the photograph, the evidence relied upon to identify which vehicle was detected.

4. Accuracy testing

- The certificate or other record showing that the speed detection device was tested for accuracy.
- The date on which the device was tested.
- The result of the accuracy test.
- The applicable testing requirements used for that device.

5. Testing and operational checks

- Records of any/all testing or checks required to be carried out on the device on the day it was used and the device's current calibration certificate.
- Records showing that the device was operating correctly when the alleged speed was recorded.

6. Photograph showing more than one vehicle in the relevant detection area travelling in the same direction

- The evidence relied upon to establish that the photograph is admissible and that the recorded speed relates to my vehicle.

7. Maintenance, repair or adjustment

- Any/all maintenance, repair or adjustment records relating to the device which may have affected its operation or accuracy around the date of the alleged offence.

8. Officer evidence

- The statement of the police officer who operated, checked or relied upon the device.
- Any/all evidence relied upon concerning how the device was operated and how the recorded speed was obtained.

9. Device requirements

- The relevant requirements applicable to the particular device used, including its approved device type and any/all testing requirements relied upon by the prosecution.

10. Other prosecution evidence

- Copies of any/all other documents, statements, photographs, electronic records or other evidence that the prosecution intends to rely upon to prove the alleged offence.

This process has worked for others but that is no guarantee it will work for you in your situation.