

**CASE NOTES**

**The Police v. Pitman [2011] Magistrates' Court (at Dandenong)  
5 September 2011**

- *Extract from article in the Herald-Sun on 6 September 2011 by Paul Tatnell & Mark Buttler*

**“Schoolgirl Erin McKernan sinks EastLink speed camera fine”**

**THE State Government has sought a briefing on possible legal ramifications for speeding fines after a policewoman beat one of Melbourne's most hated speed cameras.**

Rosebud Senior Constable Faye Pitman used the evidence of a 16-year-old work experience student to raise enough doubt that she had been travelling at the clocked speed of 106 km/h along the notorious EastLink stretch.

The EastLink cameras have angered scores of drivers who claim they have been unfairly fined. But until yesterday no one managed to have an infringement overturned.

Sen-Constable Pitman, a 20-year police officer, was in tears after the charge was dismissed.

The crucial evidence came from high school student Erin McKernan, who was in the police car at the time on work experience. Ms McKernan, now 18, told the court she looked at the car's speedometer just before reaching the Dandenong bypass, where the camera was mounted. She said the marked police car had been travelling at 95-96 km/h. Sen-Constable Pitman said she had been doing 98km/h.

Magistrate Gerard Bryant threw out the case, despite prosecutor Rob Taylor's argument that tests on the speed camera showed it was accurate and that evidence from Sen-Constable Pitman was "slight and unconvincing".

Police Association secretary Greg Davies said the decision to dismiss the fine could open avenues for other drivers.

Legal experts agreed the surprise victory could open the floodgates. Prosecutors have not ruled out an appeal, but the *Herald Sun* believes it is unlikely.

Police Minister Peter Ryan was on the back foot last night.

"In light of today's ruling, I have sought a briefing from Victoria Police and the Department of Justice as to how this decision relates to the current legislative framework," he said.

Legal experts and police officers said the case would be a launching pad for others. "This could open Pandora's Box for everyone else," one officer said.

A colleague said Sen-Constable Pitman was regarded as a careful driver who did not speed. "She's like Driving Miss Daisy - that's why everyone's been on her side."