

Passed by both Houses



New South Wales

Road Transport (Safety and Traffic Management) Amendment (Camera Devices) Bill 1999

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 1999*



New South Wales

Road Transport (Safety and Traffic Management) Amendment (Camera Devices) Bill 1999

Act No , 1999

An Act to amend the *Road Transport (Safety and Traffic Management) Act 1999* to make further provision in respect of the use and inspection of certain devices in connection with the recording of speeding and traffic light offences; to make consequential amendments and an amendment in the nature of statute law revision to the *Crimes Act 1900*; and for related purposes.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

Chairman of Committees of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Road Transport (Safety and Traffic Management) Amendment (Camera Devices) Act 1999*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Road Transport (Safety and Traffic Management) Act 1999 No 20

The *Road Transport (Safety and Traffic Management) Act 1999* is amended as set out in Schedule 1.

4 Amendment of Crimes Act 1900 No 40

The *Crimes Act 1900* is amended as set out in Schedule 2.

Schedule 1 Amendment of Road Transport (Safety and Traffic Management) Act 1999

(Section 3)

[1] Section 45 Approved camera recording devices

Omit “Commissioner of Police”.

Insert instead “appropriate approval authority”.

[2] Section 45 (2) and (3)

Insert at the end of section 45:

- (2) In this Act, *approved digital camera recording device* is an approved camera recording device that is capable of recording images in the form of digitalised, electronic or computer-generated images.
- (3) In this section, *appropriate approval authority*, in relation to the approval of a device as an approved camera recording device, means:
 - (a) if the device is only capable of taking photographs that are not in the form of digitalised, electronic or computer-generated images—the Commissioner of Police, or
 - (b) if the device is capable of taking photographs in the form of digitalised, electronic or computer-generated images—the Governor.

[3] Section 46 Certificates concerning use of approved speed measuring devices

Omit “a police officer” wherever occurring.

Insert instead “an appropriate officer”.

[4] Section 46 (3)

Insert after section 46 (2):

(3) In this section:

appropriate officer means:

- (a) in the case of an approved speed measuring device that is used in conjunction with, or forms part of, an approved digital camera recording device—a person (or person belonging to a class of persons) authorised by the Authority to install and inspect approved digital camera recording devices or approved speed recording devices (or both), or
- (b) in any other case—a police officer.

[5] Section 47 Photographic evidence of speeding offences

Omit “subsections (3) and (4)” from section 47 (2) (b).

Insert instead “subsections (3)–(5)”.

[6] Section 47 (2) (c)

Insert after section 47 (2) (b):

, and

- (c) evidence that a photograph taken by an approved digital camera recording device bears a security indicator of a kind prescribed by the regulations is evidence (unless evidence to the contrary is adduced) that the photograph has not been altered since it was taken.

[7] Section 47 (4)

Insert “taken by an approved camera recording device (other than an approved digital camera recording device)” after “photograph” where firstly occurring.

[8] Section 47 (4) (b)

Omit “84 hours”. Insert instead “168 hours”.

[9] Section 47 (5) and (6)

Insert after section 47 (4):

- (5) When the photograph tendered in evidence is taken by an approved digital camera recording device, a certificate purporting to be signed by an authorised person and certifying the following particulars is also to be tendered in evidence and is evidence (unless evidence to the contrary is adduced) of those particulars:
 - (a) that the person is an authorised person,
 - (b) that within 30 days (or such other period as may be prescribed by the regulations) before the time and day recorded on the photograph as the time at which and the day on which the photograph was taken, the person carried out the inspection specified in the certificate on the approved digital camera recording device that took the photograph,
 - (c) that on that inspection the approved digital camera recording device was found to be operating correctly.
- (6) In this section:
 - authorised person* means a person (or person belonging to a class of persons) authorised by the Authority to install and inspect approved digital camera recording devices.

[10] Section 57 Photographic evidence of traffic light offences

Omit “84 hours” from section 57 (3) (b). Insert instead “168 hours”.

[11] Schedule 2 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

Road Transport (Safety and Traffic Management) Amendment (Camera Devices) Act 1999

[12] Schedule 2

Insert after Part 2:

Part 3 Provisions consequent on enactment of Road Transport (Safety and Traffic Management) Amendment (Camera Devices) Act 1999

3 Definitions

In this Part:

amending Act means the *Road Transport (Safety and Traffic Management) Amendment (Camera Devices) Act 1999*.

4 Amendments not to apply to offences occurring before commencement of amendments

- (1) Proceedings for offences committed, or alleged to have been committed, before the commencement of Schedule 1 to the amending Act are to be determined as if the amending Act had not been enacted.
- (2) Accordingly, the law (including any relevant provision of this Act) that would have been applicable to the proceedings had the amending Act not been enacted continues to apply to the proceedings as if the amending Act had not been enacted.

[13] Dictionary

Omit “section 45” from the definition of *approved camera recording device*.

Insert instead “section 45 (1)”.

[14] Dictionary

Insert in appropriate alphabetical order:

approved digital camera recording device—see section 45 (2).

Schedule 2 Amendment of Crimes Act 1900

(Section 4)

[1] Section 414A Certificates to be evidence

Omit “*Traffic Act 1909*” from section 414A (1E) (a).

Insert instead “*Road Transport (Safety and Traffic Management) Act 1999*”.

[2] Section 414A (1E) (b)

Omit “on the day recorded on the photograph as the day on which the photograph was taken”.

Insert instead “on a day and at a time specified in the certificate (being within 168 hours before the time recorded on the photograph as the time at which the photograph was taken)”.

[3] Section 414A (1F)

Insert after section 414A (1E):

(1F) If a photograph taken by an approved digital camera recording device (within the meaning of the *Road Transport (Safety and Traffic Management) Act 1999*) is tendered in evidence in proceedings referred to in subsection (1D), a certificate purporting to be signed by an authorised person (within the meaning of section 47 of that Act) and certifying that:

- (a) the person is an authorised person, and
- (b) on a day and at a time specified in the certificate (being within 30 days or such other period as may be prescribed by the regulations referred to in section 47 (5) (b) of the *Road Transport (Safety and Traffic Management) Act 1999* before the time recorded on the photograph as the time at which the photograph was taken), the person carried out the inspection specified in the certificate on the approved camera recording device that took the photograph, and

(c) on that inspection the approved camera recording device was found to be operating correctly,

is to be tendered in evidence in those proceedings and is prima facie evidence of the particulars certified in and by the certificate.

[4] Section 414A (6) (b)

Omit “84 hours”. Insert instead “168 hours”.

[5] Eleventh Schedule Savings and transitional provisions

Insert in the Schedule (with appropriate Part and clause numbers):

Part Road Transport (Safety and Traffic Management) Amendment (Camera Devices) Act 1999

Application of amendments

- (1) Proceedings for offences committed, or alleged to have been committed, before the commencement of Schedule 2 to the *Road Transport (Safety and Traffic Management) Amendment (Camera Devices) Act 1999* are to be determined as if that Act had not been enacted.
- (2) Accordingly, the law (including any relevant provision of this Act) that would have been applicable to the proceedings had Schedule 2 to the *Road Transport (Safety and Traffic Management) Amendment (Camera Devices) Act 1999* not been enacted continues to apply to the proceedings as if that Act had not been enacted.