

LEGISLATIVE COUNCIL

Road Transport Amendment (Mobile Phone Detection) Bill 2019

First print

Proposed amendments

No. 1 Use of photographs

Page 3, Schedule 1.1. Insert after line 3—

[1] Section 126A

Insert after section 126—

126A Photographs taken by device approved for mobile phone use offences

- (1) This section applies to photographs taken by an approved traffic enforcement device that is approved for mobile phone use offences.
- (2) As soon as practicable after a photograph to which this section applies is taken, the photograph is to be assessed to determine whether it contains evidence of an offence.
- (3) A photograph that is assessed under subsection (2) must—
 - (a) if the photograph contains evidence of an offence—be submitted to an individual for confirmatory analysis, or
 - (b) be destroyed as soon as practicable after the assessment has been completed.
- (4) An individual to whom a photograph is submitted for confirmatory analysis must analyse the photograph and either—
 - (a) confirm that the photograph contains evidence of an offence, or
 - (b) destroy the photograph as soon as practicable after the analysis is completed.
- (5) A photograph to which this section applies that has not been confirmed as containing evidence of an offence under subsection (4)—
 - (a) must not be used for or in connection with the issue of a penalty notice for an offence, or
 - (b) is not admissible in proceedings for an offence (other than a serious indictable offence) against this Act, the statutory rules or another Act or law.
- (6) The Secretary must ensure that the following records are kept in relation to each photograph to which this section applies that is destroyed—
 - (a) the reason that the photograph was destroyed,

(b) the name of each person who accessed the photograph.

(7) In this section—

offence means an offence against this Act or the statutory rules.

No. 2 **Use of photographs**

Page 3, Schedule 1.1, proposed section 139B. Insert after line 16—

(4) A photograph to which this section applies may only be used for the purposes of law enforcement or road safety.