

FIRST PRINT

**CRIMES (PHOTOGRAPHIC EVIDENCE) AMENDMENT
BILL 1986**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Motor Traffic (Photographic Evidence) Amendment Bill 1986.

The object of this Bill is to facilitate the giving, at inquests or in indictable offence proceedings, of evidence consisting of photographs taken by means of a camera detection device used to record traffic light offences.

The proposed amendment of the Motor Traffic Act 1909 by the Motor Traffic (Photographic Evidence) Amendment Bill 1986 makes similar provision for such photographic evidence in prosecutions for traffic light offences.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on the commencement of the Motor Traffic (Photographic Evidence) Amendment Bill 1986.

Clause 3 inserts provisions into section 414A of the Principal Act (which provides for scientific and similar evidence). The proposed provisions deal with photographic evidence taken by a camera detection device designed to record traffic light offences in a similar way to that in which evidence relating to the concentration of alcohol in blood determined by a breath analysing instrument is already dealt with by that section. The proposed provisions state that, at an inquest or in proceedings for an indictable offence—

- (a) a photograph tendered as a photograph taken by an approved camera detection device (as defined in the Motor Traffic Act 1909) shall be deemed to have been so taken unless evidence is adduced to the contrary;
 - (b) the photograph shall be prima facie evidence of the matters indicated by the photograph;
 - (c) evidence as to the condition of the camera detection device shall not be necessary unless evidence to the contrary is adduced; and
 - (d) a certificate relating to an inspection of the camera detection device within 48 hours before the time the photograph was taken shall be tendered in evidence.
-

CRIMES (PHOTOGRAPHIC EVIDENCE) AMENDMENT BILL 1986

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
 2. Commencement
 3. Amendment of Act No. 40, 1900, sec. 414A (Scientific and similar evidence)
-

**CRIMES (PHOTOGRAPHIC EVIDENCE) AMENDMENT
BILL 1986**

NEW SOUTH WALES



No. , 1986

A BILL FOR

An Act to amend section 414A of the Crimes Act 1900 with respect to photographs taken by camera detection devices.

Crimes (Photographic Evidence) Amendment 1986

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

5 Short title

1. This Act may be cited as the "Crimes (Photographic Evidence) Amendment Act 1986".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this
10 Act.

(2) Except as provided by subsection (1), this Act shall commence on the commencement of the Motor Traffic (Photographic Evidence) Amendment Act 1986.

Amendment of Act No. 40, 1900, sec. 414A (Scientific and similar evidence)

15 3. The Crimes Act 1900 is amended by inserting after section 414A (4) the following subsections:

(5) At any inquest or where a person is charged before a Magistrate or before any Court with an indictable offence—

20 (a) a photograph tendered in evidence as a photograph taken by means of the operation, on a specified day, of an approved camera detection device (within the meaning of the Motor Traffic Act 1909) installed at a specified location for the purpose of recording any contravention of a traffic control light signal shall be deemed to have been so taken unless evidence is adduced to the contrary;

25 (b) a photograph deemed to have been so taken shall be prima facie evidence of the matters shown or recorded on the photograph; and

(c) evidence of the condition of the approved camera detection device shall not be required unless evidence that the device was not in proper condition has been adduced.

Crimes (Photographic Evidence) Amendment 1986

(6) If a photograph is tendered in evidence in proceedings referred to in subsection (5), a certificate purporting to be signed by a member of the police force certifying that—

- 5 (a) the member is authorised by the Commissioner of Police to install and inspect approved camera detection devices (within the meaning of the Motor Traffic Act 1909);
- 10 (b) on a day and at a time specified in the certificate (being within 48 hours before the time recorded on the photograph as the time at which the photograph was taken), the member carried out the inspection specified in the certificate on the approved camera detection device by means of which the photograph was taken; and
- 15 (c) upon that inspection, the approved camera detection device was found to be properly operating,
- shall be tendered in evidence in those proceedings and shall be prima facie evidence of the particulars certified in and by the certificate.

**CRIMES (PHOTOGRAPHIC EVIDENCE) AMENDMENT
ACT 1986 No. 162**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
 2. Commencement
 3. Amendment of Act No. 40, 1900, sec. 414A (Scientific and similar evidence)
-



CRIMES (PHOTOGRAPHIC EVIDENCE) AMENDMENT ACT 1986
No. 162

NEW SOUTH WALES



Act No. 162, 1986

An Act to amend section 414A of the Crimes Act 1900 with respect to photographs taken by camera detection devices. [Assented to 17 December 1986]

Crimes (Photographic Evidence) Amendment 1986

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

Short title

1. This Act may be cited as the "Crimes (Photographic Evidence) Amendment Act 1986".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on the commencement of the Motor Traffic (Photographic Evidence) Amendment Act 1986.

Amendment of Act No. 40, 1900, sec. 414A (Scientific and similar evidence)

3. The Crimes Act 1900 is amended by inserting after section 414A (4) the following subsections:

(5) At any inquest or where a person is charged before a Magistrate or before any Court with an indictable offence—

- (a) a photograph tendered in evidence as a photograph taken by means of the operation, on a specified day, of an approved camera detection device (within the meaning of the Motor Traffic Act 1909) installed at a specified location for the purpose of recording any contravention of a traffic control light signal shall be deemed to have been so taken unless evidence is adduced to the contrary;
- (b) a photograph deemed to have been so taken shall be prima facie evidence of the matters shown or recorded on the photograph; and
- (c) evidence of the condition of the approved camera detection device shall not be required unless evidence that the device was not in proper condition has been adduced.

Crimes (Photographic Evidence) Amendment 1986

(6) If a photograph is tendered in evidence in proceedings referred to in subsection (5), a certificate purporting to be signed by a member of the police force certifying that—

- (a) the member is authorised by the Commissioner of Police to install and inspect approved camera detection devices (within the meaning of the Motor Traffic Act 1909);
- (b) on a day and at a time specified in the certificate (being within 48 hours before the time recorded on the photograph as the time at which the photograph was taken), the member carried out the inspection specified in the certificate on the approved camera detection device by means of which the photograph was taken; and
- (c) upon that inspection, the approved camera detection device was found to be properly operating,

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



