

FIRST PRINT

**MOTOR TRAFFIC (RADAR DETECTED OFFENCES)  
AMENDMENT BILL 1987**

NEW SOUTH WALES



**EXPLANATORY NOTE**

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

The Crimes (Radar Detected Offences) Amendment Bill 1987 is cognate with this Bill.

The object of this Bill is to enable the use, in proceedings for offences, of evidentiary certificates to prove the accuracy of radar speed measuring devices.

---

Clause 1 specifies the short title of the proposed Act.

Clause 2 specifies that the proposed Act will, with minor exceptions, commence on a day to be appointed by the Governor-in-Council.

Clause 3 is a formal provision that gives effect to the Schedule of amendments.

Schedule 1 (1) inserts a definition of "Approved radar speed measuring device" into section 2 of the Principal Act. An approved radar speed measuring device will be a device of a type approved by the Governor by order published in the Gazette.

Schedule 1 (2) amends section 3 of the Principal Act so as to enable regulations to be made with respect to approved radar speed measuring devices, including the testing of such devices.

*Motor Traffic (Radar Detected Offences) Amendment 1987*

---

Schedule 1 (3) inserts proposed section 4AB (Evidence as to approved radar speed measuring devices) into the Principal Act. The proposed section enables a certificate to be used as evidence that a device is an approved radar speed measuring device and that it has been tested and found to be accurate and operating properly. If such a certificate is tendered, evidence must be adduced to the contrary before further evidence of the accuracy or reliability of the device will be required.

---

**MOTOR TRAFFIC (RADAR DETECTED OFFENCES)  
AMENDMENT BILL 1987**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Act No. 5, 1909

SCHEDULE 1—AMENDMENTS TO THE MOTOR TRAFFIC ACT 1909

---



**MOTOR TRAFFIC (RADAR DETECTED OFFENCES)  
AMENDMENT BILL 1987**

NEW SOUTH WALES



No.           , 1987

---

---

**A BILL FOR**

An Act to amend the Motor Traffic Act 1909 with respect to evidence relating to, and the testing of, approved radar speed measuring devices.

---

---

---

See also Crimes (Radar Detected Offences) Amendment Bill 1987.

*Motor Traffic (Radar Detected Offences) Amendment 1987*

---

**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 "Motor Traffic (Radar Detected Offences) Amendment Act 1987".

**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 such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

**Amendment of Act No. 5, 1909**

**15 3.** The Motor Traffic Act 1909 is amended in the manner set forth in Schedule 1.

---

**SCHEDULE 1**

(Sec. 3)

**AMENDMENTS TO THE MOTOR TRAFFIC ACT 1909**

**20 (1) Section 2 (Interpretation)—**

Section 2 (1), definition of "Approved radar speed measuring device"—

Before the definition of "Breath analysing instrument", insert:

**25** "Approved radar speed measuring device" means a device of a type approved by the Governor by order published in the Gazette as being designed to measure the speed at which a motor vehicle is travelling.

*Motor Traffic (Radar Detected Offences) Amendment 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE MOTOR TRAFFIC ACT 1909—*continued*(2) Section 3 (**Regulations**)—

Section 3 (1) (p2)—

After section 3 (1) (p1), insert:

5 (p2) make provision with respect to approved radar speed measuring devices, including the testing of such devices;

(3) Section 4<sub>AB</sub>—After section 4<sub>A</sub>, insert:**Evidence as to approved radar speed measuring devices**

10 4<sub>AB</sub>. (1) In proceedings for any offence in which evidence is given of a measurement of speed obtained by the use of an approved radar speed measuring device, a certificate purporting to be signed by the officer in charge of the Police Radar Engineering Unit certifying that—

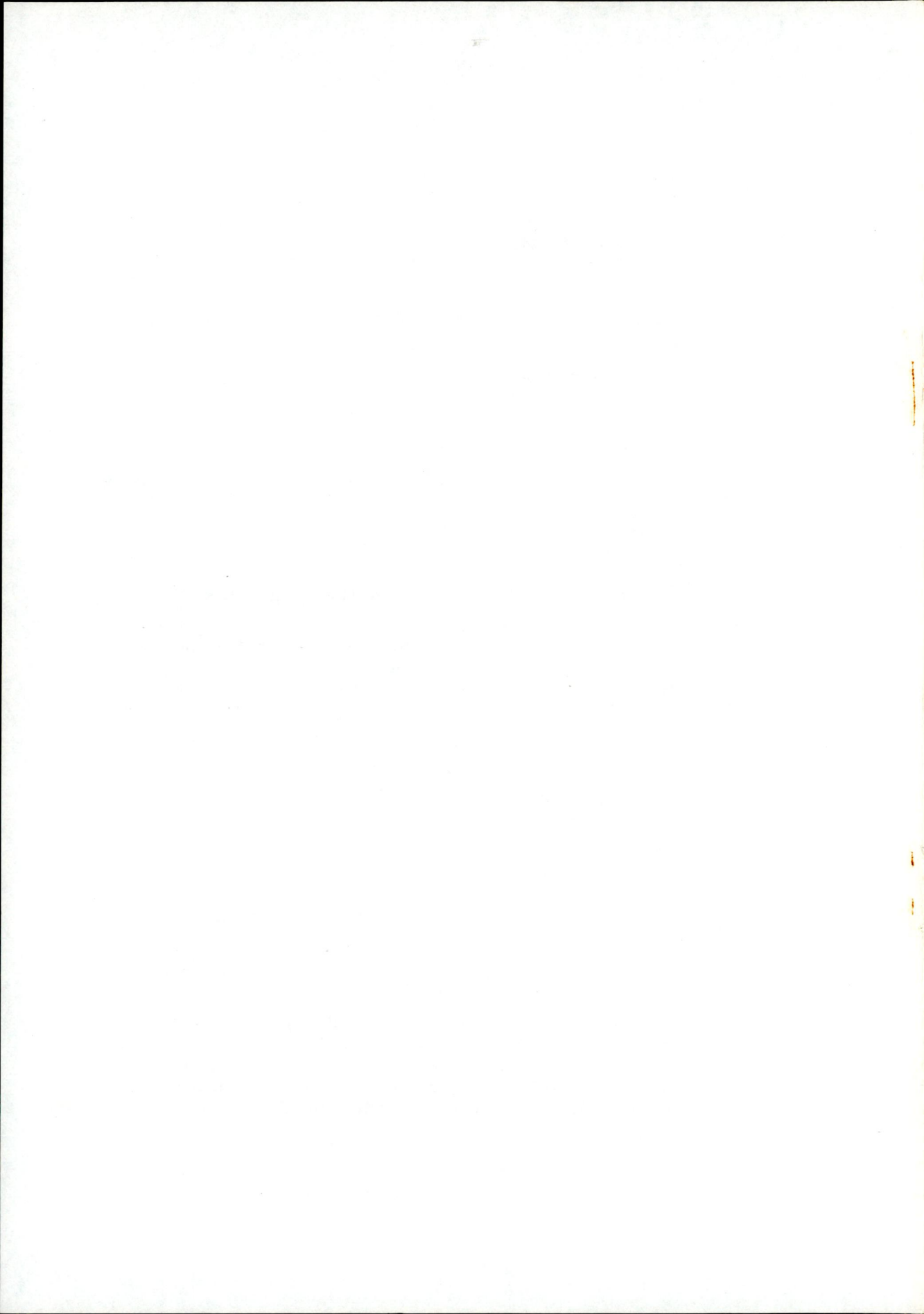
15 (a) the device is an approved radar speed measuring device within the meaning of the Act;

(b) on a day specified in the certificate (being within the prescribed time before the alleged time of the offence) the device was tested in accordance with the regulations and sealed by an officer of the Police Radar Engineering Unit; and  
20

(c) on that day the device was accurate and operating properly,

is admissible and shall be prima facie evidence of the particulars certified in and by the certificate.

25 (2) If a certificate which is so admissible is tendered in proceedings for an offence, evidence of the accuracy or reliability of the approved radar speed measuring device shall not be required in those proceedings unless evidence that the device was not accurate or not reliable has been adduced.





**MOTOR TRAFFIC (RADAR DETECTED OFFENCES)  
AMENDMENT ACT 1987 No. 31**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Act No. 5, 1909

SCHEDULE 1—AMENDMENTS TO THE MOTOR TRAFFIC ACT 1909

---

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05/12/2010 BY 60322  
UCBAW/STP

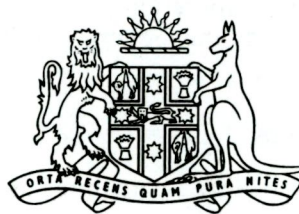
2010 RELEASE UNDER E.O. 13526

2010 RELEASE UNDER E.O. 13526

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 05/12/2010 BY 60322  
UCBAW/STP

**MOTOR TRAFFIC (RADAR DETECTED OFFENCES) AMENDMENT  
ACT 1987 No. 31**

NEW SOUTH WALES



**Act No. 31, 1987**

An Act to amend the Motor Traffic Act 1909 with respect to evidence relating to, and the testing of, approved radar speed measuring devices.  
[Assented to 15 May 1987]

---

See also Crimes (Radar Detected Offences) Amendment Act 1987.

*Motor Traffic (Radar Detected Offences) Amendment 1987*

---

**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 "Motor Traffic (Radar Detected Offences) Amendment Act 1987".

**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 such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

**Amendment of Act No. 5, 1909**

3. The Motor Traffic Act 1909 is amended in the manner set forth in Schedule 1.

---

SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE MOTOR TRAFFIC ACT 1909

(1) Section 2 (**Interpretation**)—

Section 2 (1), definition of "Approved radar speed measuring device"—

Before the definition of "Breath analysing instrument", insert:

"Approved radar speed measuring device" means a device of a type approved by the Governor by order published in the Gazette as being designed to measure the speed at which a motor vehicle is travelling.

*Motor Traffic (Radar Detected Offences) Amendment 1987*

---

SCHEDULE 1—*continued*

AMENDMENTS TO THE MOTOR TRAFFIC ACT 1909—*continued*

(2) Section 3 (**Regulations**)—

Section 3 (1) (p2)—

After section 3 (1) (p1), insert:

(p2) make provision with respect to approved radar speed measuring devices, including the testing of such devices;

(3) Section 4AB—

After section 4A, insert:

**Evidence as to approved radar speed measuring devices**

4AB. (1) In proceedings for any offence in which evidence is given of a measurement of speed obtained by the use of an approved radar speed measuring device, a certificate purporting to be signed by the officer in charge of the Police Radar Engineering Unit certifying that—

- (a) the device is an approved radar speed measuring device within the meaning of the Act;
- (b) on a day specified in the certificate (being within the prescribed time before the alleged time of the offence) the device was tested in accordance with the regulations and sealed by an officer of the Police Radar Engineering Unit; and
- (c) on that day the device was accurate and operating properly,

is admissible and shall be prima facie evidence of the particulars certified in and by the certificate.

*Motor Traffic (Radar Detected Offences) Amendment 1987*

---

SCHEDULE 1—*continued*

AMENDMENTS TO THE MOTOR TRAFFIC ACT 1909—*continued*

(2) If a certificate which is so admissible is tendered in proceedings for an offence, evidence of the accuracy or reliability of the approved radar speed measuring device shall not be required in those proceedings unless evidence that the device was not accurate or not reliable has been adduced.

