

[Act 1999 No 82]



New South Wales

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

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The objects of this Bill are:

- (a) to amend the *Road Transport (Safety and Traffic Management) Act 1999*:
    - (i) to provide for the Governor (rather than the Commissioner of Police) to approve the use of digital camera recording devices in connection with speed measuring devices, and
    - (ii) to enable persons authorised by the Road and Traffic Authority (*the Authority*) to certify that a digital camera recording device was operating correctly when it took a photograph that is being tendered in evidence in proceedings for a speeding offence, and
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- (iii) to increase from 84 hours to 168 hours the maximum period within which non-digital speed cameras and certain traffic light cameras must be inspected before a police officer may provide certificate evidence concerning the operation of the cameras, and
- (b) to make consequential amendments to the *Crimes Act 1900* and an amendment in the nature of statute law revision.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

**Clause 3** is a formal provision giving effect to the amendments to the *Road Transport (Safety and Traffic Management) Act 1999* set out in Schedule 1.

**Clause 4** is a formal provision giving effect to the amendments to the *Crimes Act 1900* set out in Schedule 2.

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

### **Approved digital camera recording devices**

**Schedule 1 [1]** amends section 45 of the Act to provide for the appropriate approval authority to approve a device as an approved camera recording device by order published in the Gazette. At present, only the Commissioner of Police may do so.

**Schedule 1 [2]** inserts 2 additional subsections in section 45. In particular:

Proposed section 45 (2) defines an ***approved digital camera recording device*** to be an approved camera recording device that is capable of recording images in the form of digitalised, electronic or computer-generated images.

Proposed section 45 (3) defines an ***appropriate approval authority***, in relation to the approval of a device as an approved camera recording device, to be the Governor in the case of a digital camera recording device and the Commissioner of Police for any other kind of camera recording device.

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**Schedule 1 [3]** amends section 46 of the Act to enable an appropriate officer, for the purposes of proceedings for an offence involving speeding measured by an approved speed measuring device, to certify certain matters concerning the device. At present, only a police officer may certify such matters. **Schedule 1 [4]** inserts a subsection (3) in section 46 that defines *appropriate officer* to mean:

- (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.

**Schedule 1 [6]** amends section 47 (2) to provide that, in any proceedings for a speeding offence recorded by a photograph, 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 is adduced to the contrary) that the photograph has not been altered since it was taken.

**Schedule 1 [9]** amends section 47 of the Act to facilitate the admission of photographs recorded by an approved digital camera recording device into evidence in proceedings for a speeding offence. In particular, it enables certificate evidence to be given in respect of the operation of a particular approved digital camera recording device by a person (or person belonging to a class of persons) authorised by the Authority to install and inspect such devices. At present, such certificate evidence may only be given by a police officer authorised by the Commissioner of Police. **Schedule 1 [5]** and **[7]** make consequential amendments to section 47.

**Schedule 1 [13]** makes an amendment to the definition of *approved camera recording device* in the Dictionary of the Act that is consequential on the amendment made by Schedule 1 [2].

**Schedule 1 [14]** inserts a definition of *approved digital camera recording device* in the Dictionary of the Act.

### **Inspection periods for certain approved camera recording and detection devices**

At present, section 47 (4) of the *Road Transport (Safety and Traffic Management) Act 1999* enables a police officer, for the purposes of proceedings for a speeding offence photographed by a speed camera, to certify that he or she inspected the camera within 84 hours of the time recorded on the photographs. Section 57 makes similar provision in respect of traffic light cameras.

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**Schedule 1 [8]** amends section 47 by increasing the inspection period for non-digital speed cameras to 168 hours. **Schedule 1 [10]** amends section 57 in a similar fashion for traffic light cameras.

**Savings and transitional matters**

**Schedule 1 [11]** and **[12]** makes provision for matters of a saving or transitional nature consequent on the enactment of Schedule 1 to the proposed Act.

**Schedule 2 Amendment of Crimes Act 1900**

**Schedule 2 [1]** makes an amendment in the nature of statute law revision to replace a reference to the *Traffic Act 1909* that will become outdated with the repeal of that Act by the *Road Transport Legislation Amendment Act 1999*.

**Schedule 2 [2]–[5]** makes amendments to section 414A of the *Crimes Act 1900* that are consequential on the amendments made by Schedule 1 or savings and transitional in nature.