

Lie Detectors Act 1983 No 62

[1983-62]



New South Wales

Status Information

Currency of version

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Authorisation

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Lie Detectors Act 1983 No 62



New South Wales

An Act with respect to the use of certain devices commonly referred to as lie detectors.

1 Name of Act

This Act may be cited as the *Lie Detectors Act 1983*.

2 Commencement

- (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 in respect thereof and as may be notified by proclamation published in the Gazette.

3 Act binds Crown

This Act binds the Crown, not only in right of New South Wales but also, so far as the legislative power of Parliament permits, the Crown in all its other capacities.

4 Definitions

In this Act, except in so far as the context or subject-matter otherwise indicates or requires:

employment means employment:

- (a) under a contract of service,
- (b) under a contract for services, or
- (c) as an agent remunerated wholly or partly by commission.

output, in relation to an instrument or apparatus, includes a reproduction of, extract from, summary of, or paraphrase of, output from the instrument or apparatus.

prohibited purpose means any purpose connected with:

- (a) matters relating to employment, including:
 - (i) an application for, or offer of, employment,

- (ii) honesty and other matters related to character,
 - (iii) terms of employment,
 - (iv) promotion, increments and other employment-related benefits,
 - (v) transfer of employment,
 - (vi) training in or for employment, or
 - (vii) continuation of employment,
- (b) consideration of the acceptance of risk under a proposal for a contract of, or policy of, insurance,
 - (c) consideration of a claim under a policy of insurance,
 - (d) payment of compensation for loss or damage, whether under a policy of insurance or otherwise,
 - (e) an application for any form of financial accommodation, or
 - (f) establishing whether or not a person is guilty of an act or omission that is punishable by a fine or imprisonment.

5 Offences

- (1) A person is guilty of an offence against this Act if, for any prohibited purpose:
 - (a) the person uses an instrument or apparatus to measure or monitor:
 - (i) physiological reactions of the body of another person, or
 - (ii) elements of stress, tonal variation or vibration in the voice of another person,
 - (b) the person uses the output from an instrument or apparatus so used by the person or another person, or
 - (c) the person uses an analysis of, or opinion as to the effect of, any such output.
- (2) A person is guilty of an offence against this Act if, for any prohibited purpose, the person requests or requires another person to undergo an examination based on the use of an instrument or apparatus to measure or monitor:
 - (a) physiological reactions of the body of that other person, or
 - (b) elements of stress, tonal variation or vibration in the voice of that other person.

6 Output etc not admissible in evidence

- (1) Subject to subsection (2), anything that is, or purports to be:

(a) output from an instrument or apparatus when used in the commission of an offence against this Act referred to in section 5, or

(b) an analysis of, or opinion as to the effect of, any such output,

is inadmissible as evidence before any court or any person or body of persons authorised by law or by consent of parties to receive and examine evidence.

(2) Subsection (1) does not operate to prohibit the production or admission in evidence, for the purpose of proving the commission of an offence against this Act, of any output, analysis or opinion alleged to have been used in the commission of the offence.

(3) The court before which proceedings for an offence against this Act are brought may, at any stage of the proceedings and from time to time, make an order forbidding publication of evidence that, but for subsection (2), would be inadmissible in those proceedings, or of any report of, or report of the substance or purport of, that evidence.

(4) A person who contravenes an order made under subsection (3) is guilty of an offence against this Act.

7 Penalties

(1) A person guilty of an offence against this Act is liable:

(a) in the case of a corporation—to a penalty not exceeding 50 penalty units for a first offence and not exceeding 100 penalty units for a second or subsequent offence, or

(b) in any other case—to a penalty not exceeding 10 penalty units for a first offence and not exceeding 20 penalty units for a second or subsequent offence.

(2) Proceedings for an offence against this Act may be taken before the Local Court.

(3) The court by which a person is convicted of an offence against this Act may, by its conviction, order that:

(a) any instrument or apparatus,

(b) any written or recorded output from an instrument or apparatus, or

(c) any written or recorded analysis of, or opinion as to the effect of, output from an instrument or apparatus,

used in the commission of the offence and described in the order be forfeited to the Crown and delivered, within a period specified in the order by the person who has possession of the device, output, analysis or opinion to a person so specified to be dealt with as the Minister thinks fit.