

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

NEW SOUTH WALES



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CRIMES (PHOTOGRAPHIC EVIDENCE) AMENDMENT ACT 1986
No. 162

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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.

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(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.
