

TASMANIA

**VEHICLE AND TRAFFIC AMENDMENT
(OFFENCE DETECTION DEVICES) BILL
2004**

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**VEHICLE AND TRAFFIC AMENDMENT
(OFFENCE DETECTION DEVICES) BILL
2004**

*(Brought in by the Minister for Infrastructure, Energy and
Resources, the Honourable Bryan Alexander Green)*

A BILL FOR

An Act to amend the *Vehicle and Traffic Act 1999*

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

Short title

1. This Act may be cited as the *Vehicle and Traffic Amendment (Offence Detection Devices) Act 2004*.

Commencement

2. This Act commences on the day on which this Act receives the Royal Assent.

Principal Act

3. In this Act, the *Vehicle and Traffic Act 1999** is referred to as the Principal Act.

*No. 70 of 1999

Section 56E amended (Facilitation of proof)**4.** Section 56E of the Principal Act is amended as follows:

- (a) by inserting the following definition before the definition of “offence” in subsection (1):

“information” includes information in the form of symbols and images;

- (b) by omitting “place” from paragraph (c) of the definition of “offence” in subsection (1) and substituting “location”;

- (c) by inserting the following definitions after the definition of “offence” in subsection (1):

“photograph” includes a set of photographs;

“shown”, in relation to a photograph, means –

- (a) shown in the photograph; or
- (b) shown as information that, by any process, has been appended to or combined with the photograph;
- (d) by omitting the definition of “recorded” from subsection (1);
- (e) by omitting subsection (2) and substituting the following subsection:

(2) In any proceedings for an offence –

- (a) the production of a photograph taken, or derived from data recorded, by a photographic detection device at or in respect of

a particular time and location is evidence of what the photograph shows and, in particular –

- (i) for a red light offence involving a red traffic light, is evidence that, at the time shown, the driver of the photographed vehicle had entered the intersection shown contrary to a red traffic light; and
- (ii) for a red light offence involving a red traffic arrow, is evidence that, at the time shown, the driver of the photographed vehicle had entered the intersection shown contrary to a red traffic arrow; and
- (iii) for a speeding offence, is evidence that, at the time and location shown, the speed of the photographed vehicle was the speed shown; and
- (iv) for an offence in which the presence or use of a vehicle on a public street (or a particular public street) at a particular time and location is relevant or in issue, is evidence that, at the time and location shown, the photographed vehicle was present or being used as

- shown on the public street
shown; and
- (b) the production of a certificate
purportedly signed by a police
officer –
- (i) stating that a specified
photograph was taken, or
derived from data recorded,
by a photographic detection
device at a specified time
and location; and
- (ii) explaining the meaning or
significance of any of the
information shown –
- is evidence that –
- (iii) the photograph was so taken
or derived; and
- (iv) the information has that
meaning or significance; and
- (c) the production of a certificate
signed by a police officer or other
person and stating that, at a
specified time –
- (i) a specified device was a
photographic detection
device for the purposes of
this Act; and
- (ii) he or she was authorised
under section 56F to install
or operate, or install and
operate, the specified device;
and

(iii) he or she tested the specified device, in accordance with the regulations, at the location where it was installed or being operated; and

(iv) he or she found the specified device to be operating correctly at that location –

is evidence of the matters set out in the certificate; and

(d) the production of a certificate in the prescribed form purporting to be signed by a person having the prescribed qualifications and specifying the time when a specified photographic detection device was tested is evidence of the matters set out in the certificate.

(f) by omitting subsection (3).