

Is that speed camera tested



[Breedon v Kongras \(1996\) 16 WAR 66](#) is often wrongly cited by OPCA theorists in application to the testing of speed cameras.

The case centred around prosecution under the *Fisheries Act 1905 (WA)*, regarding measurements of Western Rock Lobsters taken with a sheridan gauge, compliant with s 10 of the *National Measurement Act 1960 (Cth)* not speed cameras.

The following cases examine this contention:

[Moran v Police \[2010\] SASC 269:](#)

*“The appellant’s next complaint was that the speed device and the method of testing it by the police did not comply with s 10 of the National Measurement Act 1960 (Cth). Section of that Act operates only when it is necessary to ascertain whether or not a measurement of a physical quantity has been made in the terms of Australian legal units of measurement. It does not in its terms set out a method of determining whether an Australian legal unit has been measured correctly in a particular instance. Nor does it displace the common presumption of the accuracy of scientific instruments where the scientific instrument is notoriously accurate; see *Jenkins v WMC Resources Ltd (1999) 21 WAR 393*. Speedometers fall within the category of scientific instruments to which the presumption of accuracy applies; see Gray J in [Pinkerton v Police \[2006\] SASC 341](#), [Redman v Klun \(1979\) 20 SASR 343](#) at 344 – 345.”*

<https://freemandelusion.com/wp-content/uploads/2018/07/moran-v-police-2010-sasc-269.pdf>

[Best v Police \[2015\] SASC 190:](#)

“The certificates are therefore admissible if they satisfy the criteria prescribed by s 175(3)(ba) of the RTA as regards Certificate of Accuracy of Traffic Speed Analyser and s 175(3)(b) regards Certificate of Accuracy of Speedometer. There is no requirement that the certificates must satisfy the criteria required by the National Measurement Act.

This Court has on many occasions considered and rejected very similar if not identical arguments to that contended by Mr Best regarding alleged non-compliance with the National Measurement Act. (See [Moran v Police \[2010\] SASC 269](#); [Anastasiou v Police \[2013\] SASC 112](#); [Kuipers-Lloyd v Police \[2013\] SASC 137](#) and [Millington v Police \[2015\] SASC 52](#))

I agree with the reasons of Peek J in [Police v Young \(2012\) 114 SASR 567](#) in deciding that the National Measurement Act does not exclude the operation of the State law and does not govern the operation of speed cameras in this State.”

<https://freemandelusion.com/wp-content/uploads/2018/07/best-v-police-2015-sasc-190.pdf>

[Police v Young \(2012\) 114 SASR 567:](#)

<https://freemandelusion.com/wp-content/uploads/2018/07/police-v-young-2012-sasc-210.pdf>

The following paper by ***[Patrick Street LL B, Dip Crim](#)*** written 23 April 2014 details several key arguments regarding speeding charges in Victoria, and the outcomes in the Victorian courts, including:

- 1. Statutory Definition of Evidence of Speed
- 2. Proof of testing, sealing and use of speed measuring device
- 3. Defence of honest and reasonable mistake – defence of necessity
- 4. National Measurement Act 1960 (Cth)

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[Robert R. Sudy](#) (author) Website: **[Freeman Delusion: The Organised Pseudolegal Commercial Argument in Australia](#)** Email: **robertsudy@freemandelusion.com** * Like the page on **[Facebook](#)** Public group **[Australian Pseudolaw](#)** * Follow me on **[Twitter](#)** * Subscribe on **[YouTube](#)**.

