



ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

No. 39 of 1981

An Act to amend the Police Offences Act, 1953-1980.

[Assented to 19 March 1981]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Police Offences Act Amendment Act, 1981". Short titles.

(2) The Police Offences Act, 1953-1980, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Police Offences Act, 1953-1981".

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. The following heading and section are inserted after section 63 of the principal Act: Insertion of heading and new s. 64.

Expiation of Traffic Offences

64. (1) In this section—

"prescribed expiation fee", in relation to a prescribed offence, means the expiation fee fixed by regulation for that offence:

"prescribed offence" means an offence under the Road Traffic Act, 1961-1980, or the Motor Vehicles Act, 1959-1980, designated by regulation as a prescribed offence for the purposes of this section:

"traffic infringement notice" means a notice given under subsection (2).

(2) If a member of the police force believes on reasonable grounds that a person has committed a prescribed offence, or a number of prescribed offences arising out of the same incident, he may, subject to this section, give that person a written notice to the effect that the offence, or each offence specified in the notice, may be expiated by payment of the

Expiation of prescribed traffic offences.

prescribed expiation fee, or fees, to the Commissioner of Police within the period of twenty-eight days from the day on which the notice is issued.

(3) For the purposes of this section, two or more offences arise out of the same incident if they are committed contemporaneously, or in succession, one following immediately upon another.

(4) A traffic infringement notice—

(a) must be in a form approved by the Minister;

(b) may relate to no more than three offences;

(c) may not be given to a person who was under the age of sixteen years at the time of the commission of the offence, or offences;

(d) need not, where a vehicle is involved in the commission of the offence, or offences, and is found unattended, identify the person alleged to have committed the offence, or offences;

and

(e) may be given to a person personally, or by post addressed to his last known place of residence or business, or, where a vehicle is involved in the commission of the offence, or offences, and is found unattended, by affixing or placing the notice on that vehicle.

(5) Where a traffic infringement notice has been given to a person in respect of an offence, or a number of offences, no further such notice may be given to him in respect of any other offences arising out of the same incident.

(6) Where the offence, or each of the offences, to which a traffic infringement notice relates is expiated in accordance with the terms of the notice, no person shall, subject to subsection (10), be prosecuted in any court for that offence, or those offences, or for any other prescribed offence arising out of the same incident.

(7) Where a traffic infringement notice relates to more than one offence, none of those offences shall be regarded as having been expiated unless the total amount of the expiation fees specified in the notice is paid within the specified period.

(8) The Commissioner of Police may withdraw a traffic infringement notice if he believes that the notice was improperly given.

(9) The withdrawal of a traffic infringement notice under subsection (8) may be effected notwithstanding the payment of an expiation fee under the notice, or the expiry of the period for payment under the notice.

(10) Notwithstanding that the offence, or offences, to which a traffic infringement notice relates have been expiated, the Commissioner of Police may decide that the recipient of the notice is to be prosecuted for that offence, those offences, or any one or more of them, or for any other prescribed offence arising out of the same incident, and for that purpose may withdraw the notice.

(11) The Commissioner of Police shall not exercise his powers under subsection (10) except within the period of sixty days from the day on which the traffic infringement notice was issued.

(12) The withdrawal of a traffic infringement notice under subsection (8) or (10) shall be effected by giving written notice, personally or by post, to the recipient of the notice.

(13) Upon withdrawing a traffic infringement notice, the Commissioner of Police shall refund any expiation fees paid under the notice.

(14) Where a traffic infringement notice is withdrawn, a prosecution for an offence to which the notice related may be commenced, but in any such prosecution, the fact that the defendant paid an expiation fee shall not be admissible in evidence against him.

(15) The payment of an expiation fee by a person shall not be regarded by a court in any civil proceedings against that person as constituting an admission, or as establishing, or tending to establish, any civil liability.

(16) All moneys received by way of expiation fees under this section shall be paid into the General Revenue of the State.

(17) The Commissioner of Police may delegate to the Deputy Commissioner of Police, or to any commissioned officer of the police force, any of his powers, functions or duties under this section.

(18) A delegation under subsection (17) is revocable at will and does not prevent the exercise or performance of any power, function or duty by the Commissioner of Police.

(19) The Governor may make such regulations as are necessary or expedient for the purposes of this section.

(20) The expiation fee fixed by regulation in relation to an offence may vary according to—

(a) any circumstances of or surrounding the offence;

or

(b) any other factor,

specified in the regulations.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

K. D. SEAMAN, Governor