

**House of Assembly—No 105**

As laid on the table and read a first time, 7 April 2011

South Australia

**Expiation of Offences (Speeding Offences)  
Amendment Bill 2011**

A BILL FOR

An Act to amend the *Expiation of Offences Act 1996*.

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**The Parliament of South Australia enacts as follows:**

## Part 1—Preliminary

### 1—Short title

This Act may be cited as the *Expiation of Offences (Speeding Offences) Amendment Act 2011*.

### 5 2—Commencement

This Act will come into operation 3 months after the date of its assent.

### 3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

## 10 Part 2—Amendment of *Expiation of Offences Act 1996*

### 4—Amendment of section 4—Interpretation

Section 4—after subsection (2) insert:

- (3) In this Act, *speeding offence* and *traffic speed analyser* have the same respective meanings as in the *Road Traffic Act 1961*.

### 15 5—Amendment of section 6—Expiation notices

Section 6—after subsection (1) insert:

- (1a) An expiation notice relating to an alleged speeding offence detected by a police officer operating a traffic speed analyser must—
  - (a) set out full particulars of the alleged offence sufficient to enable the alleged offender to make an informed decision as to whether to expiate the alleged offence, elect to be prosecuted for it or apply for a review of the notice; and

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- (b) specify the distance recorded by the distance measurement function of the traffic speed analyser; and
- (c) enable the alleged offender to indicate on the notice whether he or she was shown the information recorded by the traffic speed analyser (including the speed at which the offender's vehicle was allegedly travelling when the record was made) and whether the alleged offender agreed with the information so recorded.

**6—Amendment of section 8A—Review of notices**

- (1) Section 8A(1)—after "trifling" insert:

or that no offence was in fact committed

- (2) Section 8A(2)—delete "The" and substitute:

Subject to this section, the

- (3) Section 8A—after subsection (2) insert:

(2a) If the expiation notice that is the subject of an application for a review under this section relates to an alleged speeding offence detected by a police officer operating a traffic speed analyser, the issuing authority must convene a panel of 3 persons to conduct the review, being a panel consisting of—

- (a) a justice of the peace; and
- (b) a police officer with extensive expertise in the enforcement of laws related to the driving of vehicles; and
- (c) a person with technical expertise in the detection of speeding offences.

(2b) An application for a review of an expiation notice relating to an alleged speeding offence of a kind referred to in subsection (2a) must be accompanied by a fee of \$50.

- (4) Section 8A(4)—delete "by the issuing authority before it" and substitute:

before the issuing authority

- (5) Section 8A(5)—delete subsection (5) and substitute:

(5) If the person or panel that conducts a review of an expiation notice under this section is satisfied that the offence is trifling or that no offence was in fact committed, the issuing authority must—

- (a) by notice in writing given personally or by post to the alleged offender, withdraw the notice in respect of that offence; and
- (b) if the expiation notice related to an alleged speeding offence detected by a police officer operating a traffic speed analyser, refund the alleged offender the amount of any fee paid on the application for the review of the notice.

**7—Amendment of section 18B—Certain decisions not reviewable by a court**

Section 18B—after its present contents (now to be designated as subsection (1))  
insert:

- (2) Subsection (1)(b) does not apply to a review of an expiation notice relating to an alleged speeding offence detected by a police officer operating a traffic speed analyser.

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