

SOUTH AUSTRALIA

SUMMARY OFFENCES (GENERAL) REGULATIONS, 1990

SUMMARY OF PROVISIONS

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REGULATIONS UNDER THE SUMMARY OFFENCES ACT, 1953

Summary Offences (General) Regulations, 1990

being

No. 154 of 1990: *Gaz.* 19 July 1990, p. 379¹

as varied by

No. 251 of 1991: *Gaz.* 12 December 1991, p. 1873

No. 191 of 1992: *Gaz.* 24 September 1992, p. 1160²

No. 23 of 1996: *Gaz.* 15 February 1996, p. 1148³

¹ Came into operation 26 July 1990: reg. 2.

² Came into operation 24 January 1993: reg. 3.

³ Came into operation 3 March 1996: reg. 2.

2.

Citation

1. These regulations may be cited as the *Summary Offences (General) Regulations, 1990*.

Commencement

2. These regulations will come into operation on 26 July, 1990.

Revocation

3. The *Summary Offences Act Regulations, 1985* (see *Gazette*, 4 July, 1985, p. 53) as varied, are revoked.

Interpretation

4. In these regulations—

"the Act" means the *Summary Offences Act, 1953*.

Prescribed classes of graffiti implement: s. 48

4a. (1) The following classes of graffiti implement are prescribed for the purposes of section 48(4)(b) of the Act:

- (a) graffiti implements capable of spraying paint or a similar substance;
- (b) graffiti implements designed or modified to produce an indelible mark more than 15 mm wide.

(2) In this regulation—

"indelible mark" means a mark that is not readily removable by wiping or by use of water or detergent.

Exemptions: s. 49a

5. Pursuant to section 49a(5) of the Act—

(a) an organization formed for any religious, educational or other charitable or beneficial community purpose is exempt from compliance with section 49a;

(b) a person who deals in—

- (i) books;
- (ii) bottles, cans or scrap metal;
- (ia) tyres;

or

(iii) rags or cloth off-cuts or remnants,

is exempt from compliance with section 49a in relation to those goods.

3.

Electronic recording of an interview under s. 74D—Fees

5A. For the purposes of section 74D(6) of the Act, the fee for obtaining—

- (a) an audiotape of the soundtrack of a videotape recording of an interview with a suspect; or
- (b) a copy of an audiotape recording of an interview with a suspect,

is \$10.

Written record of authorization under s. 78: prescribed form

6. For the purposes of section 78(4) of the Act, a written record of an application for an authorization under section 78(3) must be made in the form set out in form 1 of the schedule.

Warrant under s. 83c: prescribed form

7. For the purposes of section 83c(3) of the Act, a warrant under that section must be in the form set out in form 2 of the schedule.

4.

SCHEDULE

Form 1

**APPLICATION FOR AN AUTHORIZATION PURSUANT TO SECTION 78 OF
THE SUMMARY OFFENCES ACT, 1953**

Application made by

of

.....

on at
(date) (time)

Name of person apprehended

Details of offence under investigation

.....

.....

Time and date of apprehension [s. 78(2)(a)]

.....

or

Time and date delivered into custody at police station [s. 78(3)]

.....

Grounds on which application made

.....

Determination

.....

.....

If the application is granted, details of terms and conditions

.....

.....

Dated this day of 19

Magistrate

c.c. Officer in Charge, Police Prosecution.

6.

APPENDIX

LEGISLATIVE HISTORY

Regulation 4a:	inserted by 191, 1992, reg. 3
Regulation 5:	varied by 251, 1991, reg. 2
Regulation 5A:	inserted by 23, 1996, reg. 3