

South Australia

Summary Offences (Vehicle Immobilisation Devices) Amendment Act 2003

An Act to amend the *Summary Offences Act 1953*.

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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 *Summary Offences (Vehicle Immobilisation Devices) Amendment Act 2003*.

2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

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

Part 2—Amendment of *Summary Offences Act 1953*

4—Amendment of section 4—Interpretation

Section 4(1)—after the definition of *the Commissioner* insert:

major offence means—

- (a) an offence attracting a penalty or maximum penalty of life imprisonment or imprisonment for at least seven years; or
- (b) an offence against section 86A(1) of the *Criminal Law Consolidation Act 1935*;

5—Amendment of section 74B—Road blocks

- (1) Section 74B(1), definition of *major offence*—delete the definition
- (2) Section 74B(2)(b)—delete "custody" and substitute:
detention

6—Insertion of section 74BAA

After section 74B insert:

74BAA—Vehicle immobilisation devices

- (1) If an authorised police officer believes on reasonable grounds that—
 - (a) —
 - (i) the driver of a motor vehicle has disobeyed, or is likely to disobey, a request or signal to stop given under this or any other Act; or
 - (ii) the use of a vehicle immobilisation device would significantly improve the prospects of apprehending a person—
 - (A) suspected of having committed a major offence; or
 - (B) who has escaped from lawful detention; and
 - (b) a vehicle immobilisation device can be used without undue risk to occupants of the vehicle or persons in the vicinity of the vehicle,
the officer may use a vehicle immobilisation device.
- (2) The Governor may, by regulation made on the recommendation of the Minister, declare a device of a specified kind to be a vehicle immobilisation device.

- (3) The Minister must not recommend that a device be declared a vehicle immobilisation device unless satisfied that—
- (a) the device has been adequately tested in the State or in conditions similar to those found in the State; and
 - (b) the device can, at an appropriate range of speeds, immobilise a target motor vehicle without undue risk to occupants of the vehicle or persons in the vicinity of the vehicle.

- (4) In this section—

authorised police officer means a police officer authorised by the Commissioner for the purposes of this section;

vehicle immobilisation device means a device declared by regulation to be a vehicle immobilisation device for the purposes of this section.