

South Australia

Criminal Law Consolidation (General) (Serious Vehicle Offences) Amendment Regulations 2022

under the *Criminal Law Consolidation Act 1935*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Criminal Law Consolidation (General) (Serious Vehicle Offences) Amendment Regulations 2022*.

2—Commencement

These regulations come into operation immediately after section 7 of the *Criminal Law Consolidation (Driving at Extreme Speed) Amendment Act 2021* comes into operation.

Part 2—Amendment of *Criminal Law Consolidation (General) Regulations 2021*

3—Amendment of regulation 3—Interpretation

Regulation 3—after the definition of *Act* insert:

ILOL notice means a notice of immediate licence disqualification or suspension given under Part 3 Division 6 of the Act.

4—Insertion of regulation 6A

After regulation 6 insert:

6A—ILOL notices etc (sections 19AE and 19AF of the Act)

- (1) For the purposes of sections 19AE and 19AF of the Act, the particulars set out in Schedule 1 (other than clause 8) are prescribed.
- (2) For the purposes of section 19AF(10) of the Act, the information set out in Schedule 1 clause 8 is prescribed.
- (3) For the purposes of sections 19AE and 19AF of the Act, an ILOL notice must be given to a person—
 - (a) in writing served personally on the person; or
 - (b) if the person consents to receiving the ILOL notice by email—by email sent to an email address provided by the person for that purpose.

5—Insertion of Schedule 1

After regulation 15 insert:

Schedule 1—ILOL notices—prescribed particulars etc (sections 19AE and 19AF of Act)

1—Prescribed particulars (section 19AE(1a) of Act)

For the purposes of section 19AE(1a) of the Act, the particulars to be contained in a ILOL notice are as follows:

The name, residential address and date of birth of the person to whom the notice is given

The person's driver's licence number (if known)

The date and time of the alleged offence to which the notice relates

The notice number

The date and time of the giving of the notice

That the notice is given under section 19AE of the Act

That the notice is given as a result of the person being charged with an offence against section 19A(1) of the Act

That the person is disqualified from holding or obtaining a driver's licence, or the person's driver's licence is suspended, for the prescribed period as defined in section 19AE of the Act

That the disqualification or suspension comes into effect when the person is given the notice

That the person may apply to the court for an order removing the disqualification of the person from holding or obtaining a driver's licence or ending the suspension of the person's driver's licence.

2—Prescribed particulars (section 19AE(3) of Act)

For the purposes of section 19AE(3) of the Act, the particulars of an ILOL notice to be forwarded to the Registrar are as follows:

The name, residential address and date of birth of the person to whom the notice was given

The person's driver's licence number (if known)

The date and time of the alleged offence to which the notice relates

The notice number

The date and time of the giving of the notice

That the notice was given under section 19AE of the Act

That the notice was given as a result of the person being charged with an offence against section 19A(1) of the Act

Whether the notice replaced an ILOL notice issued under section 19AF(1)(a) of the Act in respect of the same alleged offence (and if so, the notice number of the previous notice).

3—Prescribed particulars (section 19AE(4) of the Act)

For the purposes of section 19AE(4) of the Act, the particulars of an ILOL notice to be given to a person by the Registrar are as follows:

The name, residential address and date of birth of the person to whom the notice was given

The person's driver's licence number

The date and time of the alleged offence to which the notice relates

The date and time of the notice was given

That the notice was given under section 19AE of the Act

That the notice was given as a result of the person being charged with an offence against section 19A(1) of the Act

The date and time of the issue of the notice

The date and time of the commencement of the disqualification or suspension

Whether the notice replaced an ILOL notice issued under section 19AF(1)(a) of the Act in respect of the same alleged offence.

4—Prescribed particulars (section 19AF(1a) of the Act)

For the purposes of section 19AF(1a) of the Act, the particulars to be contained in a ILOL notice are as follows:

The name, residential address and date of birth of the person to whom the notice was given

The person's driver's licence number (if known)

The date and time of the alleged offence to which the notice relates

The notice number

The date and time of the giving of the notice

That the notice is given as a result of the issuing police officer exercising powers under s19AF of the Act

That the giving of the notice is based on a reasonable belief that the person has committed an offence against section 19A(1) or 19ADA(1) of the Act

Whether the notice relates to an offence against section 19A(1) or 19ADA(1) of the Act

The rank, name and identification number of the police officer giving the notice

That the person is disqualified from holding or obtaining a driver's licence, or the person's driver's licence is suspended, for the prescribed period as defined by section 19AF of the Act

That the disqualification or suspension commences when the person is given the notice

In the case of a notice relating to an alleged offence against section 19ADA(1) of the Act—that the disqualification or suspension will end after 12 months

That the person may apply to the court for an order removing the disqualification of the person from holding or obtaining a driver's licence or ending the suspension of the person's driver's licence.

5—Prescribed particulars (section 19AF(3) of the Act)

For the purposes of section 19AF(3) of the Act, the particulars of an ILOL notice to be forwarded to the Registrar are as follows:

The name, residential address and date of birth of the person to whom the notice was given

The person's driver's licence number (if known)

The date and time of the alleged offence to which the notice relates

The notice number

The date and time of the notice was given

That the notice was given under section 19AF of the Act

Whether the notice relates to an alleged offence against section 19A(1) or 19ADA(1) of the Act

The date and time of the commencement of the disqualification or suspension.

6—Prescribed particulars (section 19AF(4) of the Act)

For the purposes of section 19AF(4) of the Act, the particulars of an ILOL notice to be given to a person by the Registrar are as follows:

The name, residential address and date of birth of the person to whom the notice was given

The person's driver's licence number

The date and time of the alleged offence to which the notice relates

The date and time of the giving of the notice

That the notice was given under section 19AF of the Act

Whether the notice relates to an alleged offence against section 19A(1) or 19ADA(1) of the Act

The date and time of the commencement of the disqualification or suspension

In the case of a notice relating to an alleged offence against section 19ADA(1) of the Act—that the period of disqualification or suspension will end after 12 months.

7—Prescribed particulars (section 19AF(9) of Act)

For the purposes of section 19AF(9) of the Act, the particulars of an order to be forwarded to the Registrar are as follows:

The name, residential address and date of birth of the person to whom the order relates

The notice number of the ILOL notice that the order relates to

The date on which the order was made

The terms of the order.

8—Prescribed information (section 19AF(10) of Act)

For the purposes of section 19AF(10) of the Act, the information to be contained in a notice of determination given to a person is as follows:

The person's name, residential address and date of birth

The date and time of the alleged offence to which the ILOL notice given to the person relates

Whether the ILOL notice related to an offence against section 19A(1) or 19ADA(1) of the Act

That a determination has been made that the person should not be charged with the alleged offence

The date and time of the making of the determination

A statement advising the person that the disqualification or suspension ended when the determination was made.

9—Prescribed particulars (section 19AF(11) of Act)

For the purposes of section 19AF(11) of the Act, the particulars of a determination to be forwarded to the Registrar are as follows:

The name, residential address and date of birth of the person to whom the determination relates

The date and time of the alleged offence to which the ILOL notice given to the person relates

Whether the ILOL notice related to an alleged offence against section 19A(1) or 19ADA(1) of the Act

The ILOL notice number

That a determination has been made that the person should not be charged with the alleged offence

The date and time of the making of the determination.

Editorial note—

As required by section 10AA(2) of the *Legislative Instruments Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 25 August 2022

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