



ANNO VICESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1974

No. 47 of 1974

An Act to amend the Police Offences Act, 1953-1973.

[Assented to 8th August, 1974]

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, 1974". Short title.

(2) The Police Offences Act, 1953-1973, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Police Offences Act, 1953-1974".

2. Section 64 of the principal Act is amended—

(a) by striking out from subsection (2) the passage "be payable as provided by this section by any person alleged to have committed that offence" and inserting in lieu thereof the passage "subject to this section, be payable for expiation of that offence";

(b) by striking out subsection (4) and inserting in lieu thereof the following subsections:—

(4) If a person authorized by a municipal or district council to exercise the powers conferred by this subsection believes or suspects that an offence to which this section applies has been committed, he may give a written notice to the effect that the offence may be expiated by the payment to the council of the appropriate expiation fee for the offence.

(4a) A person authorized to exercise the powers conferred by subsection (4) of this section may give a notice under that subsection in relation to an alleged offence notwithstanding that he, or some other authorized person, has previously given such a notice in relation to that same alleged offence.

Amendment of
principal Act,
s. 64—
Procedure
on certain
offences.

(4b) A notice under subsection (4) of this section—

(a) need not identify by name, address, or description the person alleged to have committed the offence;

and

(b) may be given—

(i) by sending the notice by post addressed to the place of residence or business of a person alleged to have committed the offence;

or

(ii) where the alleged offence involves a motor vehicle, by affixing or placing it on the vehicle.

(4c) The notice may require the appropriate expiation fee to be paid before any day, or within any period, specified in the notice.;

(c) by striking out subsection (5) and inserting in lieu thereof the following subsection:—

(5) If in respect of any such offence the appropriate expiation fee is paid to the council in accordance with the notice, the person alleged to have committed the offence shall not be liable to prosecution in any court for that offence.;

and

(d) by inserting after subsection (7) the following subsections:—

(8) Where at any time before the commencement of the Police Offences Act Amendment Act, 1974, a member of the police force, or an officer, employee or agent of a municipal or district council has given a notice to the effect that an offence may be expiated by the payment to a council of a certain fee, and that fee could have been lawfully required under this section for the expiation of the offence, then notwithstanding any irregularity in the notice or the manner in which it has been given—

(a) no action shall be maintained for recovery of moneys paid in expiation, or purported expiation, of the offence;

and

(b) no action shall lie against the council, or the person by whom the notice was given, for any offence—

(i) arising from the fact that the notice has been given in a manner that involves unlawful interference with a motor vehicle;

or

(ii) arising from any irregular or unlawful demand, requirement or invitation contained in the notice.

(9) In this section—

“appropriate expiation fee” in relation to an offence means the amount fixed by regulation under this section in relation to the offence or such lesser amount as may be fixed by resolution of a council in whose area the offence is alleged to have been committed.

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

M. L. OLIPHANT, Governor