



ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

No. 2399.

An Act to repeal the provisions of the Police Act, 1936, relating to the maintenance of foot police within police districts, to amend otherwise the provisions of the Police Act, 1936, and for other purposes.

[Assented to 27th October, 1938.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Police Act Amendment Act, 1938".

(2) The Police Act, 1936, as amended by this Act, may be cited as the "Police Act, 1936-1938".

(3) The Police Act, 1936 is hereinafter referred to as "the principal Act".

Provision as to payments for foot police during 1938.

2. (1) Notwithstanding the provisions of Part VI. of the principal Act, the amounts which otherwise would be payable in respect of the calendar year nineteen hundred and thirty-eight by police districts for the maintenance of foot police (which amounts are set forth in the table prepared pursuant to section 45 of the principal Act and published in the *Government Gazette* on the third day of March, nineteen hundred and thirty-eight), shall not be payable.

(2) If before the passing of this Act any such amount was paid by any municipal or district council, the Treasurer shall, without any further appropriation than this Act, refund from the general revenue any amount so paid.

Repeal of certain provisions of the principal Act.

3. Subsection (4) of section 43, sections 44 to 55 (both inclusive), and the first schedule of the principal Act are repealed.

4. The principal Act is amended by inserting therein after section 149 thereof the following sections :—

Amendment of principal Act—

149a. (1) Regulations may from time to time be made by the Governor to declare the offences to which this section shall apply, being offences—

Procedure on certain offences.

- (a) against any Act which is administered by municipal councils or district councils :
- (b) against any regulation made under any such Act :
- (c) against any by-law made under any Act by any municipal council or district council.

Any such regulations may describe any such offence either by reference to the Act, regulation, or by-law creating the offence or in any other way sufficient to identify the offence or class of offence.

(2) In every such regulation there shall in relation to every such offence be stated an amount (not exceeding ten shillings) which shall be payable as provided by this section with respect to that offence.

(3) If any report is made by a member of the police force with respect to the commission of any offence to which this section applies, that report shall be referred to the municipal council or district council of the area in which the offence is alleged to have been committed.

(4) If it is reported to any municipal or district council (whether on the report of a member of the police force or otherwise) that any person is alleged to have committed any offence to which this section applies, the council may give notice to such person to the effect that he may expiate the offence by the payment to the council of the amount fixed by regulation with respect to the offence. Any such notice may be given by post addressed to the last or usual place of abode or business of such person. The notice may require the said amount to be paid before any day specified in the notice.

(5) If in respect of such offence such person pays the amount as aforesaid to the council giving the notice, he shall not be liable to any proceedings in any court of summary jurisdiction for the same cause.

(6) After the making of a regulation under this section, it shall not (except as provided by this section) be lawful for any municipal council or district council to require or invite any person alleged to have committed

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any offence to pay any amount to the council with respect to the alleged offence.

(7) If, after any report is made by any member of the police force with regard to the commission of any offence to which this section applies, any payment is made to a municipal council or district council as provided by this section, the council shall pay to the Treasurer one-half of the amount so paid to the council and the amount paid to the Treasurer shall be by him paid into the general revenue. In every other case in which any payment is made to a municipal council or district council as provided by this section, the amount so paid shall be retained by the council as moneys of the council.

Payment of
certain fines.

149b. If any report is made by any member of the police force to any municipal council or district council with respect to the commission of any offence (whether an offence to which section 149a applies or not) and arising out of such report any proceedings are taken in any court and any fine is imposed upon the offender, and if under any Act it is provided that such fine is to be paid to any municipal council or district council, then, notwithstanding that Act, one-half of the fine shall be paid to the Treasurer and shall be by him paid into the general revenue.

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

W. DUGAN, Governor.