

South Australia



**STATUTES AMENDMENT AND REPEAL
(COMMON EXPIATION SCHEME) ACT 1996**

No. 34 of 1996

SUMMARY OF PROVISIONS

1. **Short title**
2. **Commencement**
3. **Repeal**
4. **Amendment of Acts**
5. **Transitional provision**

SCHEDULE



ANNO QUADRAGESIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1996

No. 34 of 1996

An Act to repeal the Expiation of Offences Act 1987, and to amend various other Acts that make provision for the expiation of offences.

[Assented to 2 May 1996]

The Parliament of South Australia enacts as follows:

Short title

1. This Act may be cited as the *Statutes Amendment and Repeal (Common Expiation Scheme) Act 1996*.

Commencement

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

Repeal

3. The *Expiation of Offences Act 1987* is repealed.

Amendment of Acts

4. The Acts specified in the schedule are amended in the manner indicated in the schedule.

Transitional provision

5. An Act repealed or amended by this Act will continue to apply (as in force immediately prior to the repeal or amendment coming into operation) to an expiation notice issued under the repealed or amended Act.

SCHEDULE**1. Acts Interpretation Act 1915**

Section 28A Strike out "may be imposed under the *Expiation of Offences Act 1987*" wherever it occurs.

2. Adelaide Festival Centre Trust Act 1971

Section 35(2) After paragraph (e) insert the following:

 (f) fix expiation fees for alleged offences against the regulations.

Section 35(4) Strike out this subsection.

Section 36 Strike out this section.

3. Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986

Section 42 After the penalty provision insert:

 Expiation fee: \$100.

Section 43 After the penalty provision insert:

 Expiation fee: \$100.

Section 54(1) After the penalty provision insert:

 Expiation fee: \$100.

Section 54(2) After the penalty provision insert:

 Expiation fee: \$100.

Section 78(2)(c) Strike out this paragraph and substitute the following:

 (c) fixing expiation fees for alleged offences against the regulations;.

Section 78(4) Strike out this subsection.

4. Art Gallery Act 1939

Section 23(1) After paragraph (h) insert:

 (ha) fixing expiation fees for alleged offences against the regulations;.

Section 23(3) Strike out this subsection.

5. Australian Formula One Grand Prix Act 1984

Section 30(1) After paragraph (h) insert:

(i) fix expiation fees for alleged offences against the regulations.

Section 30(4) Strike out this subsection.

6. Botanic Gardens and State Herbarium Act 1978

Section 27(2)(ge) Strike out this paragraph and substitute:

(ge) fix expiation fees for alleged offences against the regulations;.

7. Building Work Contractors Act 1995

Section 19(6) After the penalty provision insert:
Expiation fee: \$80.

Section 19(7) After the penalty provision insert:
Expiation fee: \$80.

Section 19(8) After the penalty provision insert:
Expiation fee: \$80.

Section 31(2) After the penalty provision insert:
Expiation fee: \$160.

Section 49 After the penalty provision insert:
Expiation fee: \$80.

Section 50(1) After the penalty provision insert:
Expiation fee: \$80.

Section 51(1) After the penalty provision insert:
Expiation fee: \$80.

8. Carrick Hill Trust Act 1985

Section 23(2) After paragraph (f) insert:

(g) fix expiation fees, not exceeding \$75, for alleged offences against the regulations.

Section 23(4) Strike out this subsection.

9. Construction Industry Long Service Leave Act 1987

Section 19(1) After the penalty provision insert:

Expiation fee: \$100.

Section 27(5) After the penalty provision insert:

Expiation fee: \$250.

Section 45 This section is repealed and the following section is substituted:

Expiation fees

45. Any amount paid to or recovered by the Board for the expiation of offences against this Act must be credited to the Construction Industry Fund or the Electrical and Metal Trades Fund.

Section 46(2) After paragraph (c) insert:

(d) fix expiation fees for alleged offences against the regulations.

10. Consumer Credit Act 1972

Section 40(5) After the penalty provision insert:

Expiation fee: \$75.

Section 40(10) After the penalty provision insert:

Expiation fee: \$75.

Section 41(4) After the penalty provision insert:

Expiation fee: \$75.

Section 41(7) After the penalty provision insert:

Expiation fee: \$75.

11. Consumer Transactions Act 1972

Section 20(2) After the penalty provision insert:

Expiation fee: \$75.

Section 20(6) After the penalty provision insert:

Expiation fee: \$75.

12. Controlled Substances Act 1984

Section 45A(2) Strike out "stating that the offence may be expiated by payment to the Commissioner of Police of the prescribed expiation fee before the expiration of 60 days from the date of the notice" and substitute "under the *Expiation of Offences Act 1995*".

Section 45A(3)-(6) Strike out these subsections and substitute:

(3) Expiation fees (which may vary according to any factor) may be fixed by regulation for the purposes of this section.

13. Conveyancers Act 1994

Section 67(2) After paragraph (e) insert:

(f) fix expiation fees, not exceeding a division 7 fee, for alleged offences against the regulations.

14. Criminal Injuries Compensation Act 1978

Section 13(2) After "Subject to" insert "subsection (2a) and".

Section 13(2) After this subsection insert:

(2a) A levy is not imposed on a person convicted of an offence if the person has paid the levy under an expiation notice issued for the same offence.

Section 13(5)(b) Strike out "both the expiation fee and the levy have" and substitute "the levy has".

15. Fair Trading Act 1987

Section 89 This section is repealed.

Section 97(3) After paragraph (d) insert:

(e) fix expiation fees for alleged offences against the regulations.

16. Fisheries Act 1982

Section 40(1) After the penalty provision insert:

Expiation fee: Division 11 fee.

Section 40(2) After the penalty provision insert:

Expiation fee: Division 11 fee.

Section 45(1) After the penalty provision insert:

Expiation fee: Division 9 fee.

Section 45(2) After the penalty provision insert:

Expiation fee: Division 9 fee.

- Section 48G(1) After the penalty provision insert:
Expiation fee: Division 9 fee.
- Section 48G(2) After the penalty provision insert:
Expiation fee: Division 9 fee.
- Section 48G(8) After the penalty provision insert:
Expiation fee: Division 9 fee.
- Section 49(1) After the penalty provision insert:
Expiation fee: Division 7 fee.
- Section 49(6) After the penalty provision insert:
Expiation fee: Division 7 fee.
- Section 50(1) After the penalty provision insert:
Expiation fee: Division 7 fee.
- Section 50(4) After the penalty provision insert:
Expiation fee: Division 7 fee.
- Section 54(2) After the penalty provision insert:
Expiation fee: Division 7 fee.
- Section 54(6) After the penalty provision insert:
Expiation fee: Division 11 fee.
- Division 8 of Part 4 This Division is repealed.
(ss. 58A—58D)
- Section 59(4) After the penalty provision insert:
Expiation fee: Division 7 fee.
- Section 60(2) After the penalty provision insert:
Expiation fee: Division 11 fee.
- Section 72(2)(ab) Strike out this paragraph and substitute:

(ab) fix expiation fees for alleged offences against the regulations;.

17. The Flinders University of South Australia Act 1966

- Section 20(4) After paragraph (o) insert:
- (oa) to fix expiation fees, not exceeding a division 10 fee, for alleged offences against the by-laws;.
- Section 20(14) Strike out this subsection.

18. Harbors and Navigation Act 1993

- Section 47(3) After the penalty provision insert:
- Expiation fee: Division 9 fee.
- Section 47(4) After the penalty provision insert:
- Expiation fee: Division 9 fee.
- Section 55(2) After the penalty provision insert:
- Expiation fee:
- (a) if the vessel is registered but not marked in accordance with the regulations—division 11 fee;
- (b) if the vessel is neither registered nor marked in accordance with the regulations—division 10 fee.
- Section 65(2) After the penalty provision insert:
- Expiation fee:
- (a) if 1 or 2 items of equipment are involved—division 11 fee;
- (b) if 3 or 4 items of equipment are involved—division 10 fee;
- (c) if more than 4 items of equipment are involved—division 9 fee.
- Section 75(3) After the penalty provision insert:
- Expiation fee: Division 11 fee.
- Section 86 This section is repealed.
- Section 91 After subsection (7) insert:
- (8) The regulations may fix expiation fees for alleged offences against the regulations.

19. Institute of Medical and Veterinary Science Act 1982

- Section 26(1) After paragraph (n) insert:
- (o) to fix expiation fees for alleged offences against the by-laws.
- Section 26(5) Strike out this subsection.

20. Land Agents Act 1994

Section 65(2) After paragraph (f) insert:

- (g) fix expiation fees, not exceeding a division 7 fee, for alleged offences against the regulations.

21. Land and Business (Sale and Conveyancing) Act 1994

Section 20 After the penalty provision insert:

Expiation fee: Division 10 fee.

Section 21(2) After the penalty provision insert:

Expiation fee: Division 10 fee.

Section 41(2) After paragraph (b) insert:

- (c) fix expiation fees, not exceeding a division 7 fee for alleged offences against the regulations.

22. Libraries Act 1982

Section 43(2) After paragraph (e) insert:

- (f) fix expiation fees, not exceeding a division 9 fee, for alleged offences against the regulations.

Section 43(4) Strike out this subsection.

23. Local Government Act 1934

Section 748a(1) After the penalty provision insert:

Expiation fee: \$50.

Section 782(1) After the penalty provision insert:

Expiation fee: \$25.

Section 789b After "principal offence" insert "and the expiation fee that is fixed for the principal offence applies in relation to an offence against this section".

Section 789d This section is repealed and the following section is substituted:

Owner of vehicle may name driver

789d. (1) An expiation notice or expiation reminder notice given under the *Expiation of Offences Act 1996* to the owner of a vehicle for an alleged offence against this Act arising out of the use of the vehicle must be accompanied by a notice inviting the owner, if he or she was not the driver at the time of the alleged offence, to provide the council, within the period specified in the notice, with a statutory declaration—

(a) setting out the name and address of the driver; or

(b) if he or she had transferred ownership of the vehicle to another prior to the time of the alleged offence and has complied with the *Motor Vehicles Act 1959* in respect of the transfer—setting out details of the transfer (including the name and address of the transferee).

(2) Before proceedings are commenced against the owner of a vehicle for an offence against this Act arising out of the use of the vehicle, the complainant must send the owner a notice—

(a) setting out particulars of the alleged offence; and

(b) inviting the owner, if he or she was not the driver at the time of the offence, to provide the complainant, within 21 days of the date of the notice, with a statutory declaration setting out the matters referred to in subsection (1).

(3) Subsection (2) does not apply to—

(a) proceedings commenced where an owner has elected under the *Expiation of Offences Act 1996* to be prosecuted for the offence; or

(b) proceedings commenced against an owner of a vehicle who has been named in a statutory declaration under this section as the driver of the vehicle.

(4) Subject to subsection (5), in proceedings against the owner of a vehicle for an offence against this Act, it is a defence to prove—

(a) that, in consequence of some unlawful act, the vehicle was not in the possession or control of the owner at the time of the alleged offence; or

(b) that the owner provided the complainant with a statutory declaration in accordance with an invitation under this section.

(5) The defence in subsection (4)(b) does not apply if it is proved that the owner made the declaration knowing it to be false in a material particular.

(6) If—

(a) an expiation notice is given to a person named as the alleged driver in a statutory declaration under this section; or

(b) proceedings are commenced against a person named as the alleged driver in such a statutory declaration,

the notice or summons, as the case may be, must be accompanied by a notice setting out particulars of the statutory declaration that named the person as the alleged driver.

(7) In proceedings against a person named in a statutory declaration under this section for the offence to which the declaration relates, it will be presumed, in the absence of proof to the contrary, that the person was the driver of the vehicle at the time at which the alleged offence was committed.

(8) In proceedings against the owner or driver of a vehicle for an offence against this Act, an allegation in the complaint that a notice was given under this section on a specified day will be accepted as proof, in the absence of proof to the contrary, of the facts alleged.

Section 794a This section is repealed and the following section is substituted:

Expiation fees may be fixed

794a. (1) Expiation fees may be fixed by regulation for alleged offences against the regulations.

(2) Expiation fees may be fixed for alleged offences against by-laws by—

(a) by-laws; or

(b) the council,

but an expiation fee fixed by the council cannot exceed 25% of the maximum fine for the offence to which it relates.

Section 794c Strike out this section.

24. Motor Vehicles Act 1959

Section 5 After subsection (5) insert:

(6) A person who is granted an order for relief under the *Expiation of Offences Act 1996* in respect of an expiation notice for an offence that attracts demerit points under this Act will, for the purposes of this Act, be taken to have expiated that offence on the day on which the order is granted.

Section 93(3a) Strike out "a traffic infringement notice" and substitute "an expiation notice".

Section 93(3b) Strike out "a traffic infringement notice" and substitute "an expiation notice".

Section 98b After subsection (1) insert:

(1a) Demerit points are not incurred on the conviction of a person for an offence if the person has already incurred demerit points for that offence by virtue of being granted an order for relief under the *Expiation of Offences Act 1996* in respect of an expiation notice for that offence.

Section 145(1) After paragraph (m) insert:

(n) fixing expiation fees, not exceeding \$300, for alleged offences against the Act or regulations;.

25. National Parks and Wildlife Act 1972

Section 80(2)(z) Strike out this paragraph and substitute:

(z) fix expiation fees for alleged offences against the regulations.

26. Occupational Health, Safety and Welfare Act 1986

Section 60A This section is repealed.

Schedule 1 After clause 32 insert:

33. Expiation fees for alleged offences against the regulations.

27. Plumbers, Gas Fitters and Electricians Act 1995

Section 33 After the penalty provision insert:

Expiation fee: Division 10 fee.

Section 44(2) After paragraph (d) insert:

(e) fix expiation fees, not exceeding a division 7 fee, for alleged offences against the regulations.

28. Private Parking Areas Act 1986

Section 9(2)(c) Striking out "or penalty imposed" and substitute ", penalty or expiation fee recovered".

Section 9(2)(d) Strike out this paragraph.

Section 9(3) and (4) Strike out these subsections.

Section 15(2) After paragraph (b) insert:

(c) fixing expiation fees for alleged offences against the Act or regulations.

29. Residential Tenancies Act 1995

Section 48(1) After the penalty provision insert:

Expiation fee: \$75.

Section 48(2) After the penalty provision insert:

Expiation fee: \$75.

Section 48(4) After the penalty provision insert:

Expiation fee: \$75.

Section 49 After the penalty provision insert:

Expiation fee: \$75.

Section 58(1) After the penalty provision insert:

Expiation fee: \$75.

Section 62(1) After the penalty provision insert:

Expiation fee: \$150.

Section 62(2) After the penalty provision insert:

Expiation fee: \$150.

Section 121 After subsection (3) insert:

(4) The regulations may fix expiation fees, not exceeding \$100, for alleged offences against the regulations.

30. Road Traffic Act 1961

Section 47B(5) Strike out "a traffic infringement notice in respect of the offence and allowed the opportunity to expiate the offence in accordance with the *Summary Offences Act 1953*" and substitute "an expiation notice under the *Expiation of Offences Act 1996* in respect of the offence and allowed the opportunity to expiate the offence in accordance with that Act".

Section 53B(3) Strike out this subsection and substitute:

(3) A device seized under this section is forfeited to the Crown if a person is found guilty of or expiates an offence against this section in relation to the device.

Section 79B(4) Strike out "a traffic infringement notice in respect of the offence and allowed the opportunity to expiate the offence in accordance with the *Summary Offences Act 1953*" and substitute "an expiation notice under the *Expiation of Offences Act 1996* in respect of the offence and allowed the opportunity to expiate the offence in accordance with that Act".

Section 79B(5) Strike out "a traffic infringement notice" and substitute "an expiation notice, an expiation reminder notice".

Section 79B(5)(a) Strike out "the traffic infringement notice" and substitute "the expiation notice, reminder notice".

- Section 79B(5)(b) Strike out "the traffic infringement notice" and substitute "the expiation notice, reminder notice".
- Section 79B(6) Strike out "a traffic infringement notice" and substitute "an expiation notice, an expiation reminder notice".
- Section 79B(6)(a) Strike out "the traffic infringement notice" and substitute "the expiation notice, reminder notice".
- Section 79B(9) Strike out "a traffic infringement notice in respect of the offence and allowed the opportunity to expiate the offence in accordance with the *Summary Offences Act 1953*" and substitute "an expiation notice under the *Expiation of Offences Act 1996* in respect of the offence and allowed the opportunity to expiate the offence in accordance with that Act".
- Section 176(1)(o) Strike out this paragraph and substitute:
- (o) imposing fines, not exceeding \$500, for offences against the regulations;
 - (oa) fixing expiation fees, not exceeding—
 - (i) in the case of an alleged offence against a provision of this Act—\$300;
 - (ii) in the case of an alleged offence against a regulation—\$200;.
- Section 176 After subsection (1) insert:
- (2) A regulation fixing expiation fees for alleged offences against section 146—
 - (a) cannot fix a fee for an alleged offence of overloading by more than 2 tonnes; and
 - (b) must, for an alleged offence of overloading in excess of a mass permitted by the Minister (that permitted mass being more than the maximum mass permitted under section 146), fix the expiation fee by reference to the amount in excess of the amount permitted by the Minister.

31. Second-hand Vehicle Dealers Act 1995

- Section 14(1) After the penalty provision insert:
- Expiation fee: Division 9 fee.
- Section 14(4) After the penalty provision insert:
- Expiation fee: Division 9 fee.
- Section 16(1) After the penalty provision insert:
- Expiation fee: Division 9 fee.

- Section 17(3) After the penalty provision insert:
Expiation fee: Division 9 fee.
- Section 20(5) After the penalty provision insert:
Expiation fee: Division 9 fee.
- Section 21 After the penalty provision insert:
Expiation fee: Division 9 fee.
- Section 22(1) After the penalty provision insert:
Expiation fee: Division 9 fee.
- Section 22(2) After the penalty provision insert:
Expiation fee: Division 9 fee.
- Section 42 After the penalty provision insert:
Expiation fee: Division 9 fee.
- Section 53(2) After paragraph (f) insert:
(g) fix expiation fees, not exceeding a division 7 fee, for alleged offences against the regulations.

32. South Australian Health Commission Act 1976

- Section 38(1) After paragraph (n) insert:
(o) to fix expiation fees, not exceeding a division 10 fee, for alleged offences against the by-laws.
- Section 38(5) Strike out this subsection.
- Section 57AA(1) After paragraph (n) insert:
(o) to fix expiation fees, not exceeding a division 10 fee, for alleged offences against the by-laws.
- Section 57AA(5) Strike out this subsection.

33. South Australian Museum Act 1976

- Section 20(2) After paragraph (k) insert:
(l) fix expiation fees for alleged offences against the regulations.
- Section 20(4) Strike out this subsection.

34. Summary Offences Act 1953

Section 64 and heading preceding it This section and the heading are repealed.

Section 65 Strike out "(whether an offence to which section 64 applies or not)".

35. Supported Residential Facilities Act 1992

Section 29(5) After the penalty provision insert:

Expiation fee: Division 7 fee.

Section 31(5) After the penalty provision insert:

Expiation fee: Division 7 fee.

Section 34(2) After the penalty provision insert:

Expiation fee: Division 7 fee.

Section 36 After the penalty provision insert:

Expiation fee: Division 11 fee.

Section 48 After the penalty provision insert:

Expiation fee: Division 11 fee.

Section 55 This section is repealed.

Section 57(2) After paragraph (r) insert:

(s) fix expiation fees for alleged offences against the regulations.

36. Technical and Further Education Act 1975

Section 43(2)(ib) Strike out "and providing for the expiation of such offences".

Section 43(4) Strike out this subsection and insert:

(4) A regulation under this Act may—

(a) impose fines, not exceeding a division 10 fine, for offences against the regulations;

(b) fix expiation fees, not exceeding a division 10 fee, for alleged offences against the regulations.

37. Tobacco Products (Licensing) Act 1986

Section 8(1) After the penalty provision insert:

Expiation fee: \$200.

Section 8(3)-(6) Strike out these subsections.

38. Trade Measurements Act 1993

Section 7(1) After the penalty provision insert:

Expiation fee:

- (a) if the measuring instrument is a weighbridge—\$300;
- (b) in any other case—\$150.

Section 7(2) After the penalty provision insert:

Expiation fee: \$300.

Section 8(1) After the penalty provision insert:

Expiation fee: \$300.

Section 28(1) After the penalty provision insert:

Expiation fee: \$300.

Section 28(2) After the penalty provision insert:

Expiation fee: \$300.

Section 30(1) Strike out "\$5 000" from the penalty provision and substitute "\$10 000".

After the penalty provision insert:

Expiation fee: \$300.

Section 31(1) After the penalty provision insert:

Expiation fee: \$300.

Section 32(1) After the penalty provision insert:

Expiation fee: \$300.

Section 80 After subsection (3) insert:

(3a) The regulations may fix expiation fees, not exceeding \$200, for alleged offences against the regulations.

39. Trade Standards Act 1979

Section 22(1) After the penalty provision insert:

Expiation fee: \$300.

Section 22(2) After the penalty provision insert:

Expiation fee: \$300.

Section 32 Strike out "five thousand dollars" from the penalty provision and substitute "\$10 000".

After the penalty provision insert:

Expiation fee: \$300.

Section 34 After the penalty provision insert:

Expiation fee: \$150.

Section 45(2) Strike out paragraph (b) and substitute:

(b) impose fines, not exceeding \$500, for offences against the regulations;

(c) fix expiation fees, not exceeding \$100, for alleged offences against the regulations.

40. Travel Agents Act 1986

Section 16 After the penalty provision insert:

Expiation fee: \$75.

Section 17(1) After the penalty provision insert:

Expiation fee: \$75.

Section 17(2) After the penalty provision insert:

Expiation fee: \$75.

Section 34 After the penalty provision insert:

Expiation fee: \$75.

Section 38(2) Strike out paragraph (i) and substitute:

(i) impose fines, not exceeding \$1 000, for offences against the regulations;

(j) fix expiation fees, not exceeding \$150, for alleged offences against the regulations.

41. University of Adelaide Act 1971

Section 23(1)(p) Strike out this paragraph and substitute:

(p) to impose fines, not exceeding \$200, for offences against the by-laws;

(pa) to fix expiation fees, not exceeding \$75, for alleged offences against the by-laws.

Section 24(4) Strike out this subsection.

42. University of South Australia Act 1990

Section 25(1)(r) Strike out this paragraph and substitute:

(r) to fix expiation fees, not exceeding a division 10 fee, for alleged offences against the by-laws;.

Section 25(10)-(12) Strike out these subsections.

43. West Beach Recreation Reserve Act 1987

Section 25(2) After paragraph (e) insert:

(f) fix expiation fees, not exceeding \$75, for alleged offences against the regulations.

Section 25(5)-(7) Strike out these subsections and substitute:

(5) An expiation notice or expiation reminder notice given under the *Expiation of Offences Act 1996* to the owner of a vehicle for an alleged offence against a regulation arising out of the use of the vehicle must be accompanied by a notice inviting the owner, if he or she was not the driver at the time of the alleged offence, to provide the Trust, within the period specified in the notice, with a statutory declaration—

(a) setting out the name and address of the driver; or

(b) if he or she had transferred ownership of the vehicle to another prior to the time of the alleged offence and has complied with the *Motor Vehicles Act 1959* in respect of the transfer—setting out details of the transfer (including the name and address of the transferee).

(2) Before proceedings are commenced against the owner of a vehicle for an offence against a regulation arising out of the use of the vehicle, the complainant must send the owner a notice—

(a) setting out particulars of the alleged offence; and

(b) inviting the owner, if he or she was not the driver at the time of the offence, to provide the complainant, within 21 days of the date of the notice, with a statutory declaration setting out the matters referred to in subsection (1).

(3) Subsection (2) does not apply to—

- (a) proceedings commenced where an owner has elected under the *Expiation of Offences Act 1996* to be prosecuted for the offence; or
- (b) proceedings commenced against an owner of a vehicle who has been named in a statutory declaration under this section as the driver of the vehicle.

(4) Subject to subsection (5), in proceedings against the owner of a vehicle for an offence against a regulation, it is a defence to prove—

- (a) that, in consequence of some unlawful act, the vehicle was not in the possession or control of the owner at the time of the alleged offence; or
- (b) that the owner provided the complainant with a statutory declaration in accordance with an invitation under this section.

(5) The defence in subsection (4)(b) does not apply if it is proved that the owner made the declaration knowing it to be false in a material particular.

(6) If—

- (a) an expiation notice is given to a person named as the alleged driver in a statutory declaration under this section; or
- (b) proceedings are commenced against a person named as the alleged driver in such a statutory declaration,

the notice or summons, as the case may be, must be accompanied by a notice setting out particulars of the statutory declaration that named the person as the alleged driver.

(7) In proceedings against a person named in a statutory declaration under this section for the offence to which the declaration relates, it will be presumed, in the absence of proof to the contrary, that the person was the driver of the vehicle at the time at which the alleged offence was committed.

(8) In proceedings against the owner or driver of a vehicle for an offence against this Act, an allegation in the complaint that a notice was given under this section on a specified day will be accepted as proof, in the absence of proof to the contrary, of the facts alleged.

44. Wilderness Protection Act 1992

Section 41(2)(z)

Strike out this paragraph and insert:

- (z) fix expiation fees for alleged offences against the regulations.

45. Workers Rehabilitation and Compensation Act 1986

Section 122A This section is repealed and the following section is substituted:

Expiation fees

122A. Expiation fees may be fixed, by regulation, for alleged offences against this Act.

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

ROMA MITCHELL Governor