



15 August 2011

C62, 76.7
RB;rp

The Honourable Bob Such MP
Member for Fisher
Parliament House
North Terrace
ADELAIDE SA 5000

Dear Mr Such

Expiation of Offences (Speeding Offences) Amendment Bill 2011

I refer to your email of 7 April 2011 and your letter of 5 July 2011 and thank you for referring the above Bill to the Society for consideration.

The Bill has been considered by the Society's Criminal Law Committee. We provide the following comments.

Section 6(1a)(a)[clause 5]

Although we have some sympathy with the intent of this provision we have some concerns about its operation. Firstly, given the time limit for the prosecution of such offences is 2 years, to impose such a time limit for issuing notices may have the consequence of encouraging or triggering the default approach of prosecuting because of the inability to comply with the time limit. This would be undesirable. Secondly, we are concerned that it may be rendered meaningless in its current form. This is because it mandates the provision of information that is not specific or certain. Whether full particulars have been provided, and whether they are sufficient to enable an informed decision to be made are open to debate.

In the circumstances, we are concerned that the proposed s6(1a)(a) does not have sufficient certainty to render it a meaningful or useful amendment.

Section 6(1b) [clause 5]

We generally support this provision but express some concern in that seven days may be too short a period for the effective management of the issue of the notices. As cynical as the public may be about the speeding offence process, it is not in the public interest for offenders to avoid detection because too narrow a window is set for the issuing of notices.

It is difficult to comment on the appropriate timeframe within which to issue notices having regard to what is reasonable for the police. We would hope that 14 days would be a reasonable limit (at worst, 21 days).

I trust these comments are of assistance. Please do not hesitate to contact me, should you wish to discuss any aspect of this submission.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ralph Bönig', with a stylized, cursive script.

Ralph Bönig
PRESIDENT