

House of Assembly—No 48

As laid on the table and read a first time, 30 July 2015

South Australia

**Summary Offences (Biometric Identification)
Amendment Bill 2015**

A BILL FOR

An Act to amend the *Summary Offences Act 1953*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

5 This Act may be cited as the *Summary Offences (Biometric Identification) Amendment Act 2015*.

2—Commencement

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

3—Amendment provisions

10 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Summary Offences Act 1953*

4—Amendment of section 74A—Power to require personal details and other identification information

(1) Section 74A(1)—delete subsection (1) and substitute:

- 15 (1) If a police officer has reasonable cause to suspect—
- (a) that a person has committed, is committing, or is about to commit, an offence; or
 - (b) that a person may be able to assist in the investigation of an offence or a suspected offence,
- 20 the officer may require the person to do either or both of the following:
- (c) state all or any of the person's personal details;
 - (d) submit to a biometric identification procedure.

(2) Section 74A(2)—delete "subsection (1)" and substitute:

25 subsection (1)(c)

(3) Section 74A(3)(b)—delete "subsection (1)" and substitute:
subsection (1)(c)

(4) Section 74A(4)—after "personal details" insert:
, or submit to a biometric identification procedure,

5 (5) Section 74A—after subsection (4) insert:

(4a) A person must not retain or store biometric data derived from a
biometric identification procedure under this section for longer than
is reasonably required for the purposes of carrying out the biometric
identification procedure.

10 Maximum penalty: \$10 000 or imprisonment for 2 years.

(6) Section 74A(5)—before the definition of *personal details* insert:

biometric data means fingerprint data or any other prescribed data or data of
a prescribed kind that describes physical characteristics of a person or part of
a person that may be used to identify the person;

15 *biometric identification procedure* means a procedure in which biometric
data relating to a person is obtained by means of photograph or scan and
compared with other biometric data for the purposes of identifying the
person;