

South Australia

**Summary Offences (Custody Notification Service)
Amendment Bill 2018**

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

This Act may be cited as the *Summary Offences (Custody Notification Service) Amendment Act 2018*.

2—Amendment provisions

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*

3—Insertion of section 79C

After section 79B insert:

79C—ALRM to be notified where Aboriginal or Torres Strait Islander person taken into custody

- (1) A prescribed police officer must, as soon as is reasonably practicable after an Aboriginal or Torres Strait Islander person (the *prisoner*) is delivered into the custody of the prescribed police officer under section 78 or 79, and in accordance with any requirements in the regulations, contact the Aboriginal Legal Rights Movement Ltd (the *ALRM*) and provide the ALRM with—
 - (a) such of the following information about the prisoner as may be known by the prescribed police officer:
 - (i) the prisoner's full name; and
 - (ii) the prisoner's date of birth or approximate age; and
 - (iii) any medical or other condition of which the prescribed police officer is aware that may be affected by the incarceration of the prisoner; and
 - (b) details of the police station or designated police facility at which the prisoner is being held.

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- (2) The police officer in charge of a police station or designated police facility at which a prisoner referred to in subsection (1) is being held—
- (a) must advise the prisoner that the ALRM has been notified that the prisoner is in custody; and
 - (b) must allow a representative of the ALRM to visit the prisoner.
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- (3) Without limiting a preceding subsection, if a prisoner is moved after the ALRM is contacted under subsection (1), but before the prisoner is visited under subsection (2)(b), a prescribed police officer must contact the ALRM and advise the ALRM of the police station or designated police facility to which the prisoner has been moved (and subsection (2)(b) will be taken to apply in respect of visiting the prisoner at that location).
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- (4) A prescribed police officer who, without reasonable excuse, refuses or fails to comply with a requirement under this section may be dealt with under the *Police Complaints and Discipline Act 2016* for a breach of discipline.
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- (5) In this section—
- prescribed police officer*** means—
- (a) the police officer in charge of a custodial police station; or
 - (b) a police officer at a designated police facility.