South Australia

Summary Procedure (Paedophile Restraining Orders) Amendment Bill 2006

A BILL FOR

An Act to amend the *Summary Procedure Act 1921*.

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Part 1—Preliminary

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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 Procedure (Paedophile Restraining Orders) Amendment Act 2006*.

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2—Commencement

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

3—Amendment provisions

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

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Part 2—Amendment of *Summary Procedure Act 1921*

4—Amendment of section 99AA—Paedophile restraining orders

(1)   Section 99AA(1)(a) and (b)—delete paragraphs (a) and (b) and substitute:

(a)   the defendant—

(i)   is a registrable offender within the meaning of the *Child Sex*
15   *Offenders Registration Act 2006*; or

(ii)   is not a registrable offender within the meaning of that Act but has been found loitering near children on at least 2 occasions and there is reason to think that the defendant may, unless restrained, again loiter near children; and

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(2)   Section 99AA(2)—delete subsection (2) and substitute:

(2)   A restraining order under this section may restrain the defendant from 1 or more of the following:

(a)   loitering—

    (i) near children at or in the vicinity of a specified place or class of places or in specified circumstances; or

    (ii) near children in any circumstances;

   (b) using the internet or using the internet in a manner specified in the order.

 (3) Section 99AA(3)(b)—delete "child sexual offence" and substitute:

   sexual offence against a child

 (4) Section 99AA(4)(b)—delete paragraph (b)

5—Insertion of section 99AAB

  After section 99AA insert:

99AAB—Power to conduct routine inspection of computer etc

 (1) If a restraining order under section 99AA includes provisions relating to use of the internet by the defendant, a police officer may, at any time, enter premises occupied by the defendant and—

   (a) inspect any computer or device capable of storing electronic data at those premises; or

   (b) remove from the premises any computer or device capable of storing electronic data for the purpose of inspecting the computer or device,

  to determine whether there is any evidence to suggest that the defendant may have contravened the restraining order.

 (2) A power must not be exercised under this section in relation to particular premises more than once in any 12 month period.

 (3) If a computer or device removed from premises in accordance with subsection (1)(b) is not to be seized and retained as evidence of an offence, the computer or device must be returned to the defendant—

   (a) as soon as practicable following inspection of the computer or device; or

   (b) within 1 month after the removal,

  whichever occurs first.

 (4) A police officer may use such force to enter premises, or to take other action under this section, as is reasonably necessary for the purpose.

 (5) This section is in addition to, and does not derogate from, any other police powers.