

Legislative Council—No 43

As introduced and read a first time, 17 June 2020

South Australia

**Summary Offences (Notification of Custody)
Amendment Bill 2020**

A BILL FOR

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

Contents

Part 1—Preliminary

- 1 Short title
- 2 Amendment provisions

Part 2—Amendment of *Summary Offences Act 1953*

- 3 Insertion of sections 79C and 79D
 - 79C ALRM to be notified where Aboriginal or Torres Strait Islander person taken into custody
 - 79D Reports relating to section 79C notifications
-

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Summary Offences (Notification of Custody) Amendment Act 2020*.

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 sections 79C and 79D

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;
 - (ii) the prisoner's date of birth or approximate age;
 - (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.
- (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—
- 5 (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.
- 10 (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
- 15 subsection (2)(b) will be taken to apply in respect of visiting the prisoner at that location).
- (4) To avoid doubt, the requirements under subsection (3) apply to any subsequent movement of the prisoner after the ALRM is contacted under subsection (1), but before the prisoner is visited under
- 20 subsection (2)(b).
- (5) A prescribed police officer who, without reasonable excuse, contravenes or fails to comply with a requirement under this section is guilty of an offence.
- Maximum penalty: \$2 500 or imprisonment for 6 months.
- 25 (6) 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.

79D—Reports relating to section 79C notifications

- 30 The following information must be included in the annual report of the Commissioner under section 75 of the *Police Act 1998* (other than in the year in which this section comes into operation):
- (a) the number of notifications made to the ALRM in accordance with section 79C(2);
- 35 (b) for each police station or designated police facility—the number of Aboriginal or Torres Strait Islander persons held at the police station or designated police facility in accordance with section 79C(1);
- (c) the number of times that a charge is laid for an offence
- 40 against section 79C(5);
- (d) any other information requested by the Minister.