



ANNO TRICESIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1986

No. 106 of 1986

An Act to amend the Summary Offences Act, 1953.

[Assented to 18 December 1986]

The Parliament of South Australia enacts as follows:

- Short title** 1. (1) This Act may be cited as the "Summary Offences Act Amendment Act (No. 4), 1986".
- (2) The Summary Offences Act, 1953, is in this Act referred to as "the principal Act".
- Commencement.** 2. This Act shall come into operation on a day to be fixed by proclamation.
- Amendment of s. 78—
Person apprehended without warrant, how dealt with.**
3. Section 78 of the principal Act is amended by striking out paragraph (a) of the definition of "the prescribed period" in subsection (6) and substituting the following paragraph:
- (a) any delays occasioned by arranging for a solicitor or other person to be present during the investigation shall not be taken into account;
- Amendment of s. 79a—
Rights upon arrest.**
4. Section 79a of the principal Act is amended—
- (a) by inserting in subparagraph (i) of paragraph (b) of subsection (1) "(in the case of a minor the relative or friend must be an adult)" after "friend";
- and
- (b) by inserting after subsection (1) the following subsections:
- (1a) Where a minor has been apprehended on suspicion of having committed an offence and—
- (a) the minor does not nominate a solicitor, relative or friend to be present during an interrogation or investigation relating to the suspected offence;

or

(b) the solicitor, relative or friend nominated by the minor is unavailable or unwilling to attend the interrogation or investigation,

then, subject to subsection (1b), the minor must not be subjected to an interrogation or investigation until the member of the police force in charge of the investigation of the suspected offence has secured the presence of—

(c) a person nominated by the Director-General of Community Welfare to represent the interests of children subject to criminal investigation;

or

(d) where no such person is available, some other person (not being a minor, a member of the police force or an employee of the Police Department) who, in the opinion of the member of the police force, is a suitable person to represent the interests of the minor.

(1b) An interrogation or investigation may proceed notwithstanding subsection (1a) if—

(a) the suspected offence is not an offence punishable by imprisonment for 2 years or more;

and

(b) it is not reasonably practicable to secure the presence of a suitable representative of the child's interests as contemplated by that subsection.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor