

South Australia

Surveillance Devices (Prescribed Circumstances) Variation Regulations 2020

under the *Surveillance Devices Act 2016*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Surveillance Devices (Prescribed Circumstances) Variation Regulations 2020*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Surveillance Devices Regulations 2017*

4—Insertion of regulation 10A

After regulation 10 insert:

10A—Prescribed circumstances (sections 4(2)(h) and 5(4)(f) of Act)

- (1) For the purposes of sections 4(2)(h) and 5(4)(f) of the Act the following circumstances are prescribed:
 - (a) the installation, use or maintenance of a listening device or an optical surveillance device by officers or agents of the Department for Infrastructure and Transport for the purpose of enforcing or ensuring compliance with a relevant Act provided that—
 - (i) the device is worn by the officer or agent when it is being used; and
 - (ii) the device is not concealed when it is being used; and
 - (iii) the officer or agent wearing the device advises any person that they are intentionally recording by the use of the device that they are wearing the device and that it is being so used;
 - (b) the installation, use or maintenance of a listening device or an optical surveillance device by a person for the purpose of recording any test conducted by or on behalf of the Registrar of Motor Vehicles under section 80 of the *Motor Vehicles Act 1959*;
 - (c) the installation, use or maintenance of a listening device or an optical surveillance device by a person for the purpose of recording any test conducted by or on behalf of the Registrar of Motor Vehicles under section 98A(5) of the *Motor Vehicles Act 1959*;
 - (d) the installation, use or maintenance of a listening device or an optical surveillance device by a person for the purpose of recording any test conducted by or on behalf of the Registrar of Motor Vehicles to determine the proficiency of a person to undertake the functions and duties of an authorised examiner under the *Motor Vehicles Act 1959*;
 - (e) the installation, use or maintenance of a listening device or an optical surveillance device by—
 - (i) the holder of an instructor's licence under section 98A of the *Motor Vehicles Act 1959* for the purpose of recording driver training activities undertaken pursuant to the licence; or

- (ii) an authorised examiner under the *Motor Vehicles Act 1959* for the purpose of conducting practical driving tests under that Act,

provided that the device is not installed, used or maintained contrary to any directions of the Registrar of Motor Vehicles under the *Motor Vehicles Act 1959* relating to the making of audio visual recordings of driver training activities or practical driving tests.

- (2) An Act is a ***relevant Act*** for the purposes of subregulation (1)(a) if the Department for Infrastructure and Transport is, under a Minister, responsible for the administration of the Act.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 10 September 2020

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