

South Australia

# **Surveillance Devices (Prescribed Circumstances) Amendment Regulations 2024**

under the *Surveillance Devices Act 2016*

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## **Contents**

### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement

### **Part 2—Amendment of *Surveillance Devices Regulations 2017***

- 3 Amendment of regulation 10A—Prescribed circumstances (sections 4(2)(h) and 5(4)(f) of Act)
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## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Surveillance Devices (Prescribed Circumstances) Amendment Regulations 2024*.

### **2—Commencement**

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

## **Part 2—Amendment of *Surveillance Devices Regulations 2017***

### **3—Amendment of regulation 10A—Prescribed circumstances (sections 4(2)(h) and 5(4)(f) of Act)**

(1) Regulation 10A(1)—after paragraph (e) insert:

- (f) the installation, use or maintenance of a listening device or an optical surveillance device by a CBS authorised officer for the purpose of enforcing or ensuring compliance with a relevant Act provided that when the device is being used—
  - (i) the device is worn by the officer; and
  - (ii) the device is not concealed; and
  - (iii) the officer 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;

- (g) the installation, use or maintenance of a listening device or an optical surveillance device by a SafeWork SA inspector for the purpose of enforcing or ensuring compliance with a relevant Act provided that when the device is being used—
- (i) the device is worn by the inspector; and
  - (ii) the device is not concealed; and
  - (iii) the inspector 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.
- (2) Regulation 10A—after subregulation (2) insert:
- (3) For the purposes of subregulation (1)(f), each of the following Acts is a **relevant Act**:
- (a) the *Associations Incorporation Act 1985*;
  - (b) the *Authorised Betting Operations Act 2000*;
  - (c) the *Casino Act 1997*;
  - (d) the *Gambling Administration Act 2019*;
  - (e) the *Gaming Machines Act 1992*;
  - (f) the *Liquor Licensing Act 1997*;
  - (g) the *Lotteries Act 2019*.
- (4) For the purposes of subregulation (1)(g), each of the following Acts is a **relevant Act**:
- (a) the *Employment Agents Registration Act 1993*;
  - (b) the *Explosives Act 1936*;
  - (c) the *Fair Work Act 1994*;
  - (d) the *Long Service Leave Act 1987*;
  - (e) the *Work Health and Safety Act 2012*.
- (5) In this regulation—
- CBS authorised officer** means—
- (a) an authorised person under the *Associations Incorporation Act 1985*; or
  - (b) an inspector under the *Gambling Administration Act 2019*;  
or
  - (c) an authorised officer within the meaning of section 122 of the *Liquor Licensing Act 1997*;
- SafeWork SA inspector** means—
- (a) an inspector under the *Employment Agents Registration Act 1993*; or
  - (b) an inspector under the *Explosives Act 1936*; or

- (c) an inspector under the *Fair Work Act 1994*; or
- (d) an inspector under the *Work Health and Safety Act 2012*.

**Editorial note—**

As required by section 10AA(2) of the *Legislative Instruments 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 6 June 2024

No 43 of 2024