

EXTRAORDINARY GAZETTE



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

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PUBLISHED BY AUTHORITY
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ALL PUBLIC ACTS appearing in this GAZETTE are to be considered official, and obeyed as such

ADELAIDE, FRIDAY, 3 AUGUST 2001

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Department of the Premier and Cabinet
Adelaide, 3 August 2001

HIS Excellency the Governor directs it to be notified for general information that he has in the name and on behalf of Her Majesty The Queen, this day assented to the undermentioned Acts passed by the Legislative Council and House of Assembly in Parliament assembled, viz.:

No. 28 of 2001—Appropriation Act 2001—An Act for the appropriation of money from the Consolidated Account for the year ending on 30 June 2002 and for other purposes.

No. 29 of 2001—Classification (Publications, Films and Computer Games) (Miscellaneous) Amendment Act 2001. An Act to amend the Classification (Publications, Films and Computer Games) Act 1995.

No. 30 of 2001—Co-operative Schemes (Administrative Actions) Act 2001. An Act relating to administrative actions by Commonwealth authorities or officers of the Commonwealth under the Agricultural and Veterinary Chemicals (South Australia) Act 1994, the National Crime Authority (State Provisions) Act 1984 and other State co-operative scheme laws and for other purposes.

No. 31 of 2001—Explosives (Miscellaneous) Amendment Act 2001. An Act to amend the Explosives Act 1936.

No. 32 of 2001—Land Agents (Registration) Amendment Act 2001. An Act to amend the Land Agents Act 1994.

No. 33 of 2001—Protection of Marine Waters (Prevention of Pollution from Ships) (Miscellaneous) Amendment Act 2001. An Act to amend the Protection of Marine Waters (Prevention of Pollution from Ships) Act 1987.

No. 34 of 2001—South Australian Co-operative and Community Housing (Associated Land Owners) Amendment Act 2001. An Act to amend the South Australian Co-operative and Community Housing Act 1991.

No. 35 of 2001—Supply Act 2001. An Act for the appropriation of money from the Consolidated Account for the financial year ending on 30 June 2002.

No. 36 of 2001—Criminal Law (Legal Representation) Act 2001. An Act to ensure that legal representation is available for persons charged with serious offences and for other purposes.

No. 37 of 2001—Criminal Law (Sentencing) (Sentencing Procedures) Amendment Act 2001. An Act to amend the Criminal Law (Sentencing) Act 1988 and to make related amendments to the Summary Procedure Act 1921.

No. 38 of 2001—Hindmarsh Soccer Stadium (Auditor-General's Report) Act 2001. An Act to facilitate the completion of an inquiry relating to the Hindmarsh Soccer Stadium by the Auditor-General and for other purposes.

No. 39 of 2001—Southern State Superannuation (Invalidity/Death Insurance) Amendment Act 2001. An Act to amend the Southern State Superannuation Act 1994.

No. 40 of 2001—Statutes Amendment (Indexation of Superannuation Pensions) Act 2001. An Act to amend the Governors' Pensions Act 1976, the Judges' Pensions Act 1971, the Parliamentary Superannuation Act 1974, the Police Superannuation Act 1990 and the Superannuation Act 1988.

No. 41 of 2001—Law Reform (Contributory Negligence and Apportionment of Liability) Act 2001. An Act to reform the law relating to contributory negligence and the apportionment of liability; to amend the Wrongs Act 1936; and for other purposes.

No. 42 of 2001—Water Resources (Reservation of Water) Amendment Act 2001. An Act to amend the Water Resources Act 1997.

No. 43 of 2001—Retail and Commercial Leases (Miscellaneous) Amendment Act 2001. An Act to amend the Retail and Commercial Leases Act 1995.

By command,

MARK BRINDAL, for Premier

Department of the Premier and Cabinet
Adelaide, 3 August 2001

HIS Excellency the Governor's Deputy in Executive Council has been pleased to appoint the undermentioned to the South Australian Superannuation Board, pursuant to the provisions of the Superannuation Act 1988:

Deputy Member: (from 3 August 2001 until 30 September 2003)

Leah Joy York (Deputy to McMahon)

Brian Douglas Hannaford (Deputy to Morony)

By command,

MARK BRINDAL, for Premier

TFD 044/01 CS

Department of the Premier and Cabinet
Adelaide, 3 August 2001

HIS Excellency the Governor's Deputy in Executive Council has been pleased to appoint the Honourable Justice Graham Clifton Prior as Acting Chief Justice for the period 30 August 2001 to 25 September 2001 inclusive, pursuant to section 10 of the Supreme Court Act 1935.

By command,

MARK BRINDAL, for Premier

CSA 35/01 CS

Department of the Premier and Cabinet
Adelaide, 3 August 2001

HIS Excellency the Governor's Deputy in Executive Council has been pleased to appoint the Honourable Robert Gerard Kerin, MP, Deputy Premier, Minister for Primary Industries and Resources and Minister for Regional Development to be also Acting Premier, Acting Minister for State Development and Acting Minister for Multicultural Affairs for the period 4 August 2001 to 11 August 2001 inclusive, during the absence of the Honourable John Wayne Olsen, MP.

By command,

MARK BRINDAL, for Premier

DPC 030/96Pt2 CS

Department of the Premier and Cabinet
Adelaide, 3 August 2001

HIS Excellency the Governor's Deputy in Executive Council has been pleased to appoint the Honourable Robert Ivan Lucas, MLC, Treasurer to be also Acting Attorney-General, Acting Minister for Justice and Acting Minister for Consumer Affairs for the period 5 August 2001 to 11 August 2001 inclusive, during the absence of the Honourable Kenneth Trevor Griffin, MLC.

By command,

MARK BRINDAL, for Premier

ATTG 71/93 CS

Department of the Premier and Cabinet
Adelaide, 3 August 2001

HIS Excellency the Governor's Deputy in Executive Council has been pleased to appoint as officers of the Crown for the purpose of providing the range of custodial services for Prisoner Movement and In-Court Management services, in accordance with the contract, without pay or other industrial entitlement, staff of Group 4 Correction Services Pty Ltd as listed pursuant to section 68 of the Constitution Act 1934.

Lynne Banks
Paul Andrew Barrett
Mark Bernard Chandler
Colin Roy Fletcher
Dean Geoffrey Loxton
Tracey Lorraine McClure
Michael James Pinnell
Michael Burton Maismith
Lucia Laurel Saler
Curtis Alexander Scaife
Martin John Smith

By command,

MARK BRINDAL, for Premier

MCS 07/01 CS

Department of the Premier and Cabinet
Adelaide, 3 August 2001

HIS Excellency the Governor's Deputy in Executive Council has revoked the appointments as officers of the Crown for the purpose of providing the range of custodial services for Prisoner Movement and In-Court Management services, staff of Group 4 Correction Services Pty Ltd as listed pursuant to section 68 of the Constitution Act 1934 and the Acts Interpretation Act 1915.

Raymond Peter Hendry
Robert Alan Darke
Theresa Nicole Marechal
Melanie Kim Morton
Arron Peter Bray
Alexander Gordon Munn

By command,

MARK BRINDAL, for Premier

MCS 07/01 CS

NATIONAL PARKS AND WILDLIFE ACT 1972 SECTION 41A: KELLIDIE BAY CONSERVATION PARK—ALTERATION OF BOUNDARIES FOR PURPOSES OF PUBLIC ROAD

Proclamation By The Governor's Deputy

(L.S.) BRUNO KRUMINS

PURSUANT to section 41A of the *National Parks and Wildlife Act 1972*, on the recommendation of the Minister for Environment and Heritage and with the advice and consent of the Executive Council, I alter the boundaries of the Kellidie Bay Conservation Park by excluding from that park the land described in the schedule.

SCHEDULE

That portion of section 274, Hundred of Lake Wangary, being allotment 71 on DP 54186 accepted for deposit in the Lands Titles Registration Office at Adelaide.

Given under my hand and the Public Seal of South Australia, at Adelaide, 3 August 2001.

By command,

MARK BRINDAL, for Premier

EH01/0027CS

DEVELOPMENT ACT 1993

Planning Strategy

PURSUANT to section 22 (5) (c) of the Development Act 1993, I declare that an alteration has been made to the 'South Australian—Planning Strategy—Country South Australia (Mount Lofty Ranges Regional Strategy Plan section)' in line with the Government's policy to promote sustainable regional development.

Pursuant to section 22 (5) (b) of the Act, I give notice that copies of the alteration are available from the office of Planning SA (Department for Transport, Urban Planning and the Arts), Level 5, Roma Mitchell House, 136 North Terrace, Adelaide and the State Information Centre, 77 Grenfell Street, Adelaide.

Dated 26 July 2001.

JOHN OLSEN, Premier

FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, those persons shown in Schedule 1 (hereinafter referred to as the 'exemption holder') are exempted from section 34 of the Fisheries Act 1982 but only insofar as the exemption holder shall not be guilty of an offence when harvesting and selling brine shrimp (*Artemia salina*) and brine shrimp eggs (*Artemia* cysts) (hereinafter referred to as the 'exempted activity'), from the inland waters of Pernatty Lagoon and Lake Windabout, subject to the conditions specified in Schedule 2, from the date of gazettal of this notice until 5 October 2001.

SCHEDULE 1

Robert Wayne Rutter, 25 Parham Crescent, Port Augusta, S.A. 5700

Roger Francis Christophersen, 23 Johnson Street, Stirling North, S.A. 5710

Rex Stuart, 49 Power Crescent, Port Augusta, S.A. 5700

Glenn Trevor Zubrinich, 16A Thompson Street, Port Augusta, S.A. 5700

SCHEDULE 2

1. The harvesting of brine shrimp (*Artemia salina*) may only be conducted using a hand held dab net.

2. The exemption holder is required to collect and furnish information on the level of production to enable an assessment of the impact of the exempted activity.

3. A PIRSA Fisheries officer or an officer of the South Australian Research and Development Institute (SARDI) may accompany the exemption holder at any time during and at the conclusion of the exempted activity to examine the potential for by-catch, impact on the environment and impact on bird life.

4. The exemption holder must commission an independent assessment by a research organisation approved by the Director of Fisheries to evaluate the impact of the exempted activity. This assessment must be commissioned prior to commencement of any harvesting and a full report lodged with the Director of Fisheries by 5 October 2001. All costs associated with this assessment must be borne by the exemption holder.

5. Whilst engaged in the exempted activity the exemption holder must have in their possession a copy of this notice and produce a copy of the notice if required by a PIRSA Fisheries Compliance Officer.

6. The exemption holder shall not contravene or fail to comply with the Fisheries Act 1982, or any other regulations made under that Act except where specifically exempted by this notice.

Dated 31 July 2001.

W. ZACHARIN, Director of Fisheries

FISHERIES ACT 1982: SECTION 43

TAKE notice that it is hereby declared that it shall be unlawful for any person to engage in the class of fishing activity specified in Schedule 1 during the periods specified in Schedule 2.

SCHEDULE 1

The act of taking or the preparatory act to or involved in the taking of western king prawn (*Penaeus latisulcatus*) in all waters of the West Coast north of a line from position latitude 33°09.50'S, longitude 134°30.00'E, then to position latitude 33°22.50'S, longitude 134°41.50'E, then to position latitude 33°36.00'S, longitude 134°45.00'E.

SCHEDULE 2

1800 hours on 12 August 2001 to 0700 on 26 August 2001

Dated 2 August 2001.

W. ZACHARIN, Director of Fisheries

D042/01

FISHERIES ACT 1982: SECTION 43

TAKE notice that it is hereby declared that it shall be unlawful for any person to engage in the class of fishing activity specified in Schedule 1 during the periods specified in Schedule 2.

SCHEDULE 1

The act of taking or the preparatory act to or involved in the taking of western king prawn (*Penaeus latisulcatus*) in all waters of the West Coast south of a line commencing at position latitude 34°25.30'S.

SCHEDULE 2

1800 hours on 12 August 2001 to 0700 on 26 August 2001.

Dated 2 August 2001.

W. ZACHARIN, Director of Fisheries

D043/01

FISHERIES ACT 1982: SECTION 43

TAKE notice that it is hereby declared that it shall be unlawful for any person to engage in the class of fishing activity specified in Schedule 1 during the periods specified in Schedule 2.

SCHEDULE 1

The act of taking or the act preparatory to or involved in the taking of western king prawn (*Penaeus latisulcatus*) in all waters of the West Coast prawn fishery.

SCHEDULE 2

Between 0700 hours and 1800 hours from 13 August 2001 to 25 August 2001.

Dated 2 August 2001.

W. ZACHARIN, Director of Fisheries

D044/01

FISHERIES ACT 1982: SECTION 43

TAKE notice that it is hereby declared that it shall be unlawful for any person to engage in the class of fishing activity specified in Schedule 1 during the periods specified in Schedule 2.

SCHEDULE 1

The act of taking or the act preparatory to or involved in the taking of western king prawn (*Penaeus latisulcatus*) in all waters of the West Coast prawn fishery.

SCHEDULE 2

0700 hours on 26 August 2001 to 31 December 2001.

Dated 2 August 2001.

W. ZACHARIN, Director of Fisheries

D045/01

SUBORDINATE LEGISLATION ACT 1976

Amendments to the LPEAC Rules 1999 No. 1

Amendments to the Supreme Court Rules 1999

No. 1

PURSUANT to section 10AA of the Subordinate Legislation Act 1976, I certify that, in my opinion, it is necessary or appropriate that the attached rules come into operation on the day of *Gazetta*.

Dated 30 July 2001.

K. T. GRIFFIN, Attorney-General

LEGAL PRACTITIONERS ACT 1981

Amendments to the LPEAC Rules 1999

Amendment No. 1

PURSUANT to section 14C of the Legal Practitioners Act 1981, as amended, and to all other enabling powers, the Legal Practitioners Education and Admission Council makes the following rules:

1. The LPEAC Rules 1999, as amended, by these Rules may be cited as 'the LPEAC Rules 1999'.

1A. These Rules shall come into operation on the same day as the Rules contained in Amendment No. 1 to the Supreme Court Admission Rules 1999.

2. The definition of 'admission' in Rule 3 is amended by adding the words 'and enrolment' immediately before the passage 'as a practitioner'.

3. The definition of 'faculty' contained in Rule 3 is deleted.

4. The definition of 'School' in Rule 3 is deleted.

5. Rules 4 (1), (2) and (4) are deleted and the following subrules are inserted in place of subrules (1) and (2):

'4. (1) The academic requirements for admission in the State are the completion of a tertiary academic course in Australia, whether or not leading to a degree in law, or the completion of a course of study, whether as part of a tertiary academic course or otherwise, which is recognised in at least one Australian jurisdiction as a sufficient academic qualification for admission provided that the courses referred to include the areas of knowledge referred to in Appendix A.

(2) The degree of Bachelor of Laws of the University of Adelaide and either of the degrees of Bachelor of Laws or Bachelor of Laws and Legal Practice of the Flinders University of South Australia are, so long as in the opinion of the council they require understanding and competence in the areas of knowledge referred to in Appendix A, sufficient academic courses for the purposes of this rule.'

6. Subrule (2) of Rule 5 is repealed.

7. The following subrules are inserted immediately after subrule (1) of Rule 5:

'(2) A course or part thereof referred to in Rule 5 (1) (a), (b) or (c):

(a) subject to Rule 5 (2) (b), shall not be commenced until completion of the academic requirements for admission; or

(b) may be undertaken in conjunction with or as part of a tertiary academic course referred to in Rule 4 if the study of the areas of practice referred to in Rule 5 (3) or any of them is sufficiently proximate to the time of completion of both courses and is not commenced until the stage when, in the opinion of the council, sufficient academic grounding has first been achieved.

(2A) A tertiary institution may apply to the council for approval of a combined academic and practical course.

(2B) A person who has not completed the academic requirements for admission may apply to the council for approval to commence the practical requirements for admission prior to completion of the academic requirements for admission.

(2C) An applicant pursuant to subrule (2A) or (2B) must satisfy the council that the application satisfies the requirements of Rule 5 (2) (b) and that it is otherwise appropriate that approval be granted.'

8. Subrule (4) of Rule 5 is deleted.

9. Subrule (5) of Rule 5 is deleted and the following subrule is inserted in its place:

'(5) For any purpose relating to the exercise of its powers under these Rules, the council may:

(a) seek a report from the Board;

- (b) appoint an ad hoc advisory committee which may comprise or include persons who are not members of the council or of the Board, to report to the council;
- (c) either in a particular case or generally, have regard to and give such weight as it thinks fit to any approval, exemption, condition or decision given, allowed, imposed or made by any admitting authority or other statutory or regulatory body whose activities relate to legal practitioners in any other State or Territory of Australia.'

10. Subrule (1) of Rule 6 is deleted and the following subrule is inserted in its place:

- '(1) Subject to subrule (2), a practitioner who has been admitted to practise in reliance upon Rules 4 and 5 shall not be entitled to practise as a sole practitioner until he or she has completed at least twelve months' continuous full-time employment as an employed practitioner following the first issue to him or her of a practising certificate or such equivalent employment as may be specified by the council in guidelines published by it for that purpose or as may be approved by the Board on application to it by a practitioner.'

11. Rules 7, 8 and 9 and Form 1 are deleted.

12. Rules 10 (2) (b) and 12 (2) (b) are deleted and the following subparagraph is inserted in their place:

- '(b) providing evidence that the applicant has the academic and practical qualifications relied upon, annexing to the declaration any documentation relied upon which has been authenticated in accordance with Rule 12A (b).'

13. The following rule is inserted immediately after Rule 12:

- '12A A person to whom Rule 10 or Rule 12 applies must, when applying to the Board for directions, in addition to the matters referred to in Rules 10 (2) and 12 (2) respectively, provide to the Board:

- (a) evidence such as a passport to verify his or her identity;
- (b) independent evidence that the applicant is the person who has obtained the academic, practical and professional qualifications relied upon, such as a notarised certification from the tertiary institution or professional body which has awarded or conferred the qualification which identifies the applicant by reference to the applicant's passport (or other document of identity) including the number of the passport and the country of issue;
- (c) where the applicant has been admitted to practise in an overseas jurisdiction, two statutory declarations (or the overseas equivalent of same) from legal practitioners in that jurisdiction who have known the applicant for at least two years and who themselves have been admitted in that jurisdiction for not less than five years, attesting to the good character and fitness to be admitted of the applicant;
- (d) where the applicant has not been admitted in an overseas jurisdiction, two statutory declarations (or the overseas equivalent of same) from persons of good repute who have known the applicant for at least five years, attesting to the applicant's good character.'

14. Rule 13 (1) is amended by deleting the word and figures 'Rule 10' and substituting the word and figures 'Rule 12'.

15. Rule 29 (1) is amended by deleting therefrom the word 'its' and substituting the word 'their'.

16. Rule 32 is repealed and the following rule is inserted in its place:

- '32. (1) Except where any of these rules (other than Rule 40) confer upon the council a power of exemption, the Board may exempt any person from the requirements of or from compliance or further compliance with any of these rules either entirely or in part and in any event subject to such conditions the Board may think it appropriate to impose.

(2) This rule is in addition to the power of the council to delegate all or any of its powers to the Board.'

17. The following subrule is inserted immediately after subrule (1) of Rule 36:

'(1A) In the process of inquiry into the question of whether or not the applicant is a fit and proper person to be admitted, the Board of Examiners may make a request in writing to any teaching institution at which the applicant has pursued any course of study as to the practical or academic requirements for admission for a statement in writing as to whether or not the applicant has to the knowledge of the institution during the time when the applicant was enrolled for any such course of study been guilty of any dishonest conduct, including plagiarism, or other conduct relevant to the determination of the question whether the applicant is a fit and proper person to be admitted as a practitioner.'

18. Subrule (1) of Rule 37 is deleted and the following subrules are respectively inserted immediately before and after subrule (2):

'(1) Any person may at any time apply to the Board for an intimation as to whether or not he or she would, in the opinion of the Board, be ineligible on grounds relating to his or her character or fitness or both to be admitted as a practitioner.

(2) Where, on an application for admission, the applicant relies upon any intimation given by the Board of Examiners pursuant to this rule or by the Board of Examiners constituted pursuant to any rules of the Supreme Court relating to the admission of practitioners, the Board shall give effect to the intimation when preparing its report to the Court in respect of the application for admission except where the Board is satisfied that:

- (a) the intimation was obtained by fraud;
- (b) the intimation was obtained in circumstances where the applicant, whether deliberately or otherwise, failed to disclose to the Board facts material to the application for an intimation; or
- (c) the conduct of the applicant since the intimation was given requires a reconsideration by the Board as to whether or not the applicant is ineligible for admission by reason of his or her character or fitness to be admitted.'

19. Rule 37 (2) (b) is amended by deleting the words 'direction or' therefrom.

20. Rule 38 and Form 4 are deleted and the following rule is substituted for Rule 38:

'38. Notwithstanding any other provisions of these Rules, no decision or determination made by the Board pursuant to:

- (a) the Trans-Tasman Mutual Recognition Act 1997 (Cth) as adopted by the Trans-Tasman Mutual Recognition (South Australia) Act 1999; or
- (b) the Mutual Recognition Act 1992 (Cth) as adopted by the Mutual Recognition (South Australia) Act 1993,

shall be the subject of appeal or review other than by way of review pursuant respectively to sections 33 and 34 of those Acts.'

21. The following subrule is inserted immediately after Rule 39 (3):

'(4) Where a person (the applicant) has obtained academic and practical qualifications in Australia prior to 1 February 1999, but has not applied for admission within the time set out in subrule (2), the applicant may apply to the Board for directions of the type referred to in Rules 11 and 13 which shall, to the extent necessary, be deemed to apply to the applicant's application.'

22. The following heading and rule shall be inserted immediately after Rule 39:

'EXEMPTIONS

40. The council may exempt any person from the requirements of or from compliance or further compliance with any of these rules either entirely or in part and in any event subject to such conditions the council may think it appropriate to impose.'

23. The following heading and rule is inserted immediately after Rule 40:

'RENEWAL OF PRACTISING CERTIFICATES

41. (1) This rule applies to practitioners who have not held a current practising certificate for 3 or more years.

(2) A practitioner shall not be eligible to obtain a reissued practising certificate unless the practitioner first obtains and complies with the directions (if any) given by the Board pursuant to this rule.

(3) A practitioner may apply to the Board for directions as to what (if any) further practical training and experience must be undertaken before the practitioner's practising certificate is reissued.

(4) An application pursuant to (3) must be by way of statutory declaration setting out the evidence relied upon by the practitioner and to which is exhibited any documentary evidence relied upon by the practitioner.

(5) The statutory declaration must be lodged with the Board of Examiners.

(6) The practitioner must provide to the Board a certificate from the Legal Practitioners Conduct Board setting out whether or not the practitioner is or has been the subject of disciplinary proceedings and with what result and a certificate to like effect from any other disciplinary authority for any other jurisdiction where the practitioner has been admitted to practise.

(7) On any application made pursuant to this rule the Board may:

- (a) direct that no practising certificate be issued to the applicant until further direction or until the happening of specified events;
- (b) direct that the practitioner:
 - (i) undertake further specified training or experience or both;
 - (ii) is not required to undertake any further practical training or experience;
- (c) direct that a practising certificate be reissued subject to conditions which the Board considers appropriate while the practitioner undertakes any further practical training and experience directed to be undertaken by the Board pursuant to this rule.

(8) Where the Board has directed that the practitioner undertake further practical training and experience or both, the practitioner must satisfy the Board that he or she has adequately completed the further training and experience or both as directed by the Board before the practising certificate may be reissued.

(9) The authority responsible for the reissue of the practising certificate shall act upon the certificate of the Board in relation to the reissue of practising certificates in respect of practitioners to whom this rule applies.'

Dated 25 May 2001.

J. DOYLE, Chief Justice

SUPPORTED RESIDENTIAL FACILITIES ADVISORY
COMMITTEE*Appointments*

THE Supported Residential Facilities Advisory Committee advises the appointment of the following three assessors to the Supported Residential Facilities Advisory Committee for the period 5 August 2001 to 4 August 2004.

Heather Southcott
Donald Crawford
Noel Twohig

Date 13 July 2001.

BARRY GREAR, Chair, Supported Residential
Facilities Advisory Committee

RULES OF COURT

Amending the Supreme Court Admission Rules 1999 Amendment No. 1

BY virtue and in pursuance of section 72 of the Supreme Court Act 1935, and all other enabling powers, We, the Judges of the Supreme Court of South Australia, make the following Rules to take effect as amendments to the Supreme Court Admission Rules 1999.

1. The Supreme Court Admission Rules 1999, as amended, by these Rules may be cited as the 'Supreme Court Admission Rules 1999'.

2. The definition of 'admission' in Rule 4 is amended by adding the words 'and enrolment' immediately before the passage 'as a practitioner'.

3. The definition of 'faculty' contained in Rule 4 is repealed.

4. The definition of 'school' contained in Rule 4 is repealed.

5. Rule 6 is amended by deleting subparagraph (a) thereof and substituting the following:

'(a) Satisfy the Court in the manner set out in these Rules that he or she comes within the requirements of section 15 of the Act and that he or she is a fit and proper person to be admitted as a practitioner.'

6. Rule 6 (b) (iv) is amended by deleting the word 'or' where it occurs immediately prior to the passage 'by the Board for the purposes of admission'.

7. Rule 8 is amended by adding the following subrule immediately after subrule (2):

'(3) A person who applies for re-admission pursuant to this rule shall satisfy the Court as to his or her fitness and capacity to act as a practitioner in all business and matters usually transacted by or entrusted to practitioners.'

8. The following rule is inserted immediately after Rule 7:

'7A Upon the lodgement of a notice of application for admission in accordance with Rule 6 (b) (i) or an application pursuant to Rule 8, a Master of the Supreme Court shall, in accordance with section 15 (2) of the Act, refer the application for admission to the Board of Examiners for its report and recommendation on the application.'

9. Rule 6 (b) is amended by inserting immediately after subparagraph (vi) thereof the following subparagraph:

'(vii) lodge a notice in *The Advertiser* newspaper in the form of Form 5.'

10. The following form is inserted immediately after Form 4:

'FORM 5

I, (name of applicant) hereby give notice that I intend to apply to the Supreme Court of South Australia for an order that I be admitted and enrolled as a barrister and solicitor of the Supreme Court at the sittings of the Court to be held on the day of 20 or at such other time as the Court shall direct.'

11. Rule 11 (a) is amended by deleting the passage 'decision or determination' and substituting the passage 'decision, report or determination'.

12. Subrules (3), (4), (5) and (6) of Rule 13 are deleted.

13. The following subrules are inserted immediately after subrule (2) of Rule 13:

'(3) A person in respect of whom an order for admission or grant of registration has lapsed pursuant to Rule 63 (2) of the repealed rules or subrule (2) of this rule may apply to be re-admitted or re-apply for a grant of registration (as the case may be) in accordance with the provisions of this rule.

(4) Subject to subrules (5) and (6), on an application pursuant to subrule (3), the applicant may rely upon the evidence (whether by way of affidavit, declaration or otherwise) and documentation relied upon when the appli-

cant originally applied to be admitted or for a grant of registration and whether the evidence or documentation was respectively given or filed in the Court or lodged with the Board.

- (5) An applicant for re-admission pursuant to subrule (3) shall, not less than one calendar month before the sitting of the Court at which he or she intends to apply for re-admission:
- (a) file in the Registry notice of his or her application in Form 1 appropriately modified;
 - (b) lodge with the Board a statutory declaration:
 - (i) referring to the evidence and documentation previously filed in the Registry or lodged with the Board; and
 - (ii) setting out such further facts or matters, and exhibiting such further documents, as the applicant relies upon;
 - (c) serve a copy of the notice on the Board and a copy of the notice and statutory declaration on the Law Society.
- (6) A person who re-applies pursuant to subrule (3) for a grant of registration shall:
- (a) lodge with the Board a statutory declaration:
 - (i) referring to the evidence and documentation previously filed in the Registry or lodged with the Board; and
 - (ii) setting out such further facts or matters and exhibiting such further documents, as the applicant relies upon;
 - (b) serve a copy of the statutory declaration on the Law Society.'

14. Subrule (7) of Rule 13 is deleted and the following subrule is inserted in its place:

'(7) The Registrar shall, with the consent of the Chief Justice, set down the application made pursuant to subrule (5) for hearing by the Court at the sittings of the Court to be held after receipt by the Court of the Report of the Board of Examiners prepared pursuant to s15 (2) of the Act.'

15. Rule 13 (11) is deleted.

16. Rule 15 (4) is deleted and the following subrules are inserted after subrule (3):

- '(4) A notice pursuant to section 19 of the Act shall:
- (a) be in Form 6;
 - (b) be lodged with the Board;
 - (c) have attached to it the original or a copy of the instrument evidencing the applicant's existing registration or such information as may otherwise be necessary to comply with section 19 (3) of the Act;
 - (d) contain a statutory declaration verifying the statements and other information in the notice;
 - (e) contain an address for service, being an address to which any notice or other communication may be forwarded by the Board.
- (5) Where registration is granted pursuant to this rule, the Law Society shall, on payment by the registrant of such fees and levies as would be payable by a person admitted to practise in the State, and on production of evidence of participation in a professional indemnity insurance scheme under section 52 of the Legal Practitioners Act 1981, issue a practising certificate pursuant to the provisions of Division 2 of Part 3 of the Legal Practitioners Act 1981.
- (6) The practising certificate issued pursuant to subrule (4) shall be endorsed so as to indicate what, if any, conditions have been imposed pursuant to section 20 (5) of the Act, and shall take effect subject to any such conditions.'

17. Rule 16 (3) is deleted and the following subrules are inserted after subrule (2):

- '(3) A notice pursuant to section 18 of the Act shall:

- (a) be in Form 7 in the Schedule hereto;
 - (b) be lodged with the Board;
 - (c) have attached to it the original or a copy of the instrument evidencing the applicant's existing registration or such information as may otherwise be necessary to comply with section 18 (3) of the Act;
 - (d) contain a statutory declaration verifying the statements and other information in the notice;
 - (e) contain an address for service, being an address to which any notice or other communication may be forwarded by the Board.
- (4) Where registration is granted pursuant to the Act, the Law Society shall, on payment by the registrant of such fees and levies as would be payable by a person admitted to practise in the State, and on production of evidence of participation in a professional indemnity insurance scheme under section 52 of the Legal Practitioners Act 1981, issue a practising certificate pursuant to the provisions of Division 2 of Part 3 of the Legal Practitioners Act 1981.
- (5) A practising certificate issued pursuant to subrule (4) shall be endorsed so as to indicate what, if any, conditions have been imposed pursuant to section 19 (5) of the Act, and shall take effect subject to any such conditions.'

18. Forms 2, 3 and 4 are amended by inserting immediately before the words 'IN THE MATTER' the words 'SUPREME COURT ACTION NO. OF 20 '.

19. (1) The following paragraphs are added to Form 2:

'13A I authorise the Board of Examiners to obtain from any institution at which I have pursued any course of study as part of the practical or academic requirements for admission, such information as the Board may think fit and in such form as the Board may request as to any matter relevant to any such course of study, including information as to whether or not during any such course of study, I engaged in any dishonest conduct including plagiarism or other conduct relevant to the determination of whether I am a fit and proper person to be admitted as a practitioner.'

and

'15A I do not suffer from any illness or condition, either permanently or intermittently, which would affect my ability to perform all the duties and responsibilities reasonably required of a legal practitioner adequately or safely. [If otherwise, set out the facts and circumstances relating to any relevant illness or condition.]'

and

'17 English is my native language.

or

17 English is not my native language. I am sufficiently fluent in written and spoken English to enable me to practise as a practitioner.'

(2) The following passage is inserted in paragraph 15 of Form 2 immediately after the passage 'to bring to the notice of the Board of Examiners':

'These include whether or not the applicant:

- (i) is or has been bankrupt and, if so, the circumstances of bankruptcy;
- (ii) has been found to have engaged in academic dishonesty such as plagiarism.'

19A. (1) The following paragraphs are added to Form 3:

‘9A I authorise the Board of Examiners to obtain from any institution at which I have pursued any course of study as part of the practical or academic requirements for admission, such information as the Board may think fit and in such form as the Board may request as to any matter relevant to any such course of study, including information as to whether or not during any such course of study, I engaged in any dishonest conduct including plagiarism or other conduct relevant to the determination of whether I am a fit and proper person to be admitted as a practitioner.’

and

‘9B I do not suffer from any illness or condition, either permanently or intermittently, which would affect my ability to perform all the duties and responsibilities reasonably required of a legal practitioner adequately or safely. [If otherwise, set out the facts and circumstances relating to any relevant illness or condition.]’

and

‘11 English is my native language.

or

11 English is not my native language. I am sufficiently fluent in written and spoken English to enable me to practise as a practitioner.’

(2) The following passage is inserted in paragraph 9 of Form 3 immediately after the passage ‘to bring to the notice of the Board of Examiners’:

‘These include whether or not the applicant:

- (i) is or has been bankrupt and, if so, the circumstances of bankruptcy;
- (ii) has been found to have engaged in academic dishonesty such as plagiarism.’

20. The following Rule is inserted immediately after Rule 16:

‘EXEMPTIONS

17 The Court, or the Supreme Court constituted by a single Judge or by a Master, may exempt any person from the requirements of, or from compliance or further compliance with, any of these rules or any applicable rules of practice either entirely or partially or subject to conditions.’

21. The following Forms 6 and 7 are added to the Schedule to these Rules:

‘SCHEDULE TO THE SUPREME COURT ADMISSION RULES 1999

FORM 6

NOTICE OF INTENTION TO APPLY FOR REGISTRATION UNDER THE MUTUAL RECOGNITION ACT 1992 (CTH)

I, [full names, address and occupation] hereby give notice that I seek admission to practise as a barrister and solicitor of the Supreme Court of South Australia, pursuant to the Mutual Recognition Act 1992 (Cth).

(Signed)

Date

State clearly Mr, Ms, Mrs, Miss or other

PLEASE SUPPLY YOUR

- * Business telephone number.....
- * Facsimile number.....
- * E-mail address
- * Address for the purposes of this application
-
-

As required by the Act, I supply the following information:

1. Particulars of my entitlement to practise in the State or Territory in which I am normally resident are that I am duly admitted and am at the present time entitled to practise as a [barrister, solicitor, barrister and solicitor or legal practitioner howsoever styled] in the Supreme Court of [State or Territory]. The date of such admission was [date].
2. The names and dates of admission of every other jurisdiction where I have been admitted are as follows:

<u>Jurisdiction</u>	<u>Date of Admission</u>
.....
.....
.....

(If not admitted elsewhere, state 'NONE')

3. I am not the subject of disciplinary proceedings in any State (including any preliminary investigations or action that might lead to disciplinary proceedings) in relation to my conduct as a [barrister, solicitor, barrister and solicitor or legal practitioner howsoever styled].
4. My registration in any State is not cancelled or currently suspended as a result of disciplinary action.
5. I am not otherwise prohibited from practising as a [barrister, solicitor etc.] in any State, and am not subject to any special conditions in carrying on that occupation, as a result of criminal, civil or disciplinary proceedings in any State.
6. In carrying out my occupation in any State I am subject to the following special conditions:
[State special conditions, if any. Otherwise state: 'No special conditions'.]
7. I consent to the making of inquiries of, and the exchange of information with, the authorities of any State regarding my activities as a legal practitioner howsoever styled or otherwise regarding matters relevant to the notice.
8. I annex [original/certified true copy] of my first [certificate/court order] admitting me to practise and an [original/certified true copy] of my current practising certificate.

Statutory Declaration:

I, [full names, address and occupation] being the abovenamed applicant, do solemnly, sincerely and truly declare that all the information set out in this application is to the best of my knowledge and belief true and correct in every particular, and that the accompanying documents are verily what they purport to be.

[The Declaration should be made, executed, witnessed, etc., strictly in accordance with the requirements of the law relating to Statutory Declarations then in force in the jurisdiction in which the Declaration is made.]

‘SCHEDULE TO THE SUPREME COURT ADMISSION RULES 1999

FORM 7

NOTICE OF INTENTION TO APPLY FOR REGISTRATION UNDER THE TRANS-TASMAN RECOGNITION ACT 1997 (CTH)

TO: The Board of Examiners

I, [full names, address and occupation] hereby give notice that I seek registration as a barrister and solicitor of the Supreme Court of South Australia, pursuant to the Trans-Tasman Mutual Recognition Act 1997 (Cth) (‘the Act’).

(Signed)

Date

State clearly Mr, Ms, Mrs, Miss or other

PLEASE SUPPLY YOUR

* Business telephone number.....

* Facsimile number.....

* E-mail address

* Address for the purposes of this application

.....

.....

As required by the Act, I supply the following information:

- 1. I am duly admitted and am at the present time entitled to practise as a [state style of legal practice] in the Supreme Court of New Zealand. The date of such admission was [date].
2. Registration in..... is sought for the occupation of [state style of legal practice]..... of the Supreme Court of South Australia in accordance with the Trans-Tasman mutual recognition principle as defined in the Act.
3. The names and dates of admission of every other jurisdiction where I have been admitted are as follows:

Table with 3 columns: Jurisdiction, Date of Admission, Entitled to Practise as [state style of legal practice].

(If not admitted elsewhere, state ‘NONE’)

- 4. I am not the subject of disciplinary proceedings in any jurisdiction (including any preliminary investigations or action that might lead to disciplinary proceedings) in relation to any such entitlement to practise.
5. My registration (or entitlement to practise) in any jurisdiction is not cancelled or currently suspended as a result of disciplinary action.
6. I am not otherwise personally prohibited from exercising any such entitlement to practise in any jurisdiction, and am not subject to any special conditions in exercising any such entitlement to practise, save as is specified in 7 hereof.
7. In exercising my entitlement to practise in any jurisdiction I am subject to the following special conditions: [State special conditions, if any, and state in each case whether they result from criminal, civil or disciplinary proceedings in any jurisdiction or otherwise. If there are no such special conditions, state ‘No special conditions’.]
8. I consent to the making of inquiries of, and the exchange of information with, the authorities of any jurisdiction whether within or outside of Australia regarding my activities as a legal practitioner howsoever styled or otherwise regarding any matter relevant to this notice.

9. I annex [original/complete and accurate copy of the original] of my first [certificate/court order] admitting me to practise and an [original/complete and accurate copy of the original] of my current practising certificate.

Statutory Declaration:

I, [full names, address and occupation] being the abovenamed applicant, do solemnly, sincerely and truly declare that all the information set out in this application is to the best of my knowledge and belief true and correct in every particular, and that the accompanying documents are verily what they purport to be.

[The Declaration should be made, executed, witnessed, etc strictly in accordance with the requirements of the law relating to Statutory Declarations then in force in the jurisdiction in which the Declaration is made.]'

Given under our hands and the Seal of the Supreme Court of South Australia this 25th day of June 2001.

(L.S.) J. DOYLE, CJ
G. C. PRIOR, J
L. T. OLSSON, J
J. W. PERRY, J
K. P. DUGGAN, J
H. C. WILLIAMS, J
D. J. BLEBY, J
D. F. WICKS, J
BRIAN MARTIN, J
T. A. GRAY, J

REGULATIONS UNDER THE PASSENGER TRANSPORT ACT 1994

No. 187 of 2001

At the Executive Council Office at Adelaide, 3 August 2001

PURSUANT to the *Passenger Transport Act 1994* and with the advice and consent of the Executive Council, I make the following regulations.

BRUNO KRUMINS, Governor's Deputy

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

DIANA LAIDLAW, Minister for Transport and Urban Planning

SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Insertion of Division 5 of Part 3
 - DIVISION 5—SECURITY CAMERAS**
 - 61A. Interpretation
 - 61B. Accreditation of suppliers of systems
 - 61C. Requirement to have camera fitted and operating
 - 61D. Interference with system
 - 61E. Authorisation to download images
 - 61F. Steps to be followed in the event of an incident, etc.
 - 61G. Delivery of material to police station
 - 61H. General protection of recorded material
 - 61I. Storage and disposal of material
 - 61J. Signs
 - 61K. Compulsory inspections of systems
 - 61L. Authorised activities
4. Insertion of reg. 98
 98. Transitional provisions—Security cameras—2001 regulations
5. Variation of schedule 7
6. Variation of schedule 9
7. Variation of schedule 10

Citation

1. The *Passenger Transport (General) Regulations 1994* (see *Gazette* 28 July 1994 p. 254), as varied, are referred to in these regulations as "the principal regulations".

Commencement

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

Insertion of Division 5 of Part 3

3. The following Division is inserted in Part 3 of the principal regulations after regulation 61:

DIVISION 5—SECURITY CAMERAS**Interpretation**

61A. In this Division, unless the contrary intention appears—

"**accredited supplier**" means a person who holds an accreditation under regulation 61B;

"**approved**" means complying with requirements determined by the Board for the purposes of this Division;

"**authorised purpose**" means—

- (a) a purpose connected with the reporting or investigation of an alleged offence by a police officer or a prescribed officer; or
- (b) a purpose connected with the prosecution of, or the issue of an expiation notice in respect of, an alleged offence; or
- (c) a purpose authorised by the Board for the purposes of these regulations;

"**download**" means to transfer a video recording from a security camera system fitted to a taxi to another storage device (including a disk or tape), or to print an image from a recording on a security camera system fitted to a taxi;

"**incident**" means an incident involving an act or activity that may constitute an offence;

"**offence**" means an offence against a law of the State (including under the Act or these regulations);

"**prescribed officer**" means—

- (a) an authorised officer; or
- (b) a person who is authorised by the Board to exercise powers under the regulation where the expression appears;

"**recorded material**" means a video recording, printed image or other material (including material stored electronically) that depicts (or is capable of depicting with the aid of an electronic device) the driver of a taxi or a member of the public and that is obtained through the use of a security camera system fitted to a taxi, or that can be traced to material obtained through the use of a security camera system fitted to a taxi;

"**recognised procedures**", in relation to the operation of a security camera system, means procedures required by these regulations, or specified by the Board or the manufacturer or supplier of the security camera system, to ensure the correct and appropriate operation of the system;

"**security camera system**" means a system that records images of persons (and is designed to be used in or about a taxi);

"**video recording**" includes any electronically stored material from which a recorded image or recorded sound can be generated or reproduced.

Accreditation of suppliers of systems

61B. (1) The Board may accredit persons as **accredited suppliers** of security camera systems for the purposes of these regulations.

(2) The Board must not accredit a person unless satisfied that the person is, and is likely to continue to be, able—

- (a) to interact with the Board and any other relevant authority in the administration of the scheme established by this Division; and
- (b) to provide appropriate and reliable services and facilities to support the operation and maintenance of security camera systems fitted to taxis by the supplier,

and the Board may take into account other matters, as it thinks fit, in deciding whether to grant an accreditation.

(3) An accreditation under this regulation is subject to the following conditions:

- (a) that the accredited person will—
 - (i) before first fitting a particular type of security camera system to taxis, furnish to the Board a statement certifying that the system complies with requirements determined by the Board for the purposes of this Division; and
 - (ii) from time to time, as required by the Board, submit to the Board a security camera system for independent compliance testing; and
 - (iii) furnish to the Board and to the South Australian Police Department, in a form determined by the Board, a copy of all software used in connection with any security camera system fitted (or to be fitted) to taxis by the accredited person (including any up-dated or varied software, and any software used to download video recordings or to store recorded material); and
 - (iv) not fit security camera systems in taxis that are not approved security camera systems; and
 - (v) ensure that a person employed or engaged by the accredited person to fit or service security camera systems in taxis, or to download video recordings from such systems, is appropriately qualified; and
 - (vi) ensure that security camera systems are fitted to taxis in accordance with procedures approved or determined by the Board; and
 - (vii) ensure that any security camera system fitted to a taxi is sealed in a manner approved or determined by the Board; and

- (viii) establish and maintain, in a manner and form determined by the Board, a register of security camera systems fitted in taxis and, on request, or at intervals determined by the Board, furnish any information recorded on that register to the Board, a police officer or a prescribed officer; and
 - (ix) ensure that a clear and comprehensive set of instructions on the operation of the system is provided on each occasion that a security camera system is fitted to a taxi; and
 - (x) provide any download facilities for taxis fitted with security camera systems supplied by the accredited person that the Board may require; and
 - (xi) establish and maintain recording, audit and other systems determined by the Board; and
- (b) such other conditions as the Board determines (and these conditions may be varied by the Board from time to time).

(4) The Board may, after due inquiry and for good cause, revoke a person's accreditation under this regulation.

Requirement to have camera fitted and operating

61C. (1) The operator of a taxi service must ensure that the taxi is fitted with an approved security camera system that—

- (a) has been fitted by an accredited supplier; and
- (b) is in good working order.

Maximum penalty: \$2 500.
Expiation fee: \$210.

(2) The operator of a taxi service must not permit a person to drive a taxi for the purposes of the service unless reasonably satisfied that the person is competent to operate a security camera system fitted to the taxi.

Maximum penalty: \$750.
Expiation fee: \$105.

- (3) The driver of a taxi must—
- (a) if required by the Board or the operator of a taxi service—have undertaken a specified training course in the operation of security camera systems; and
 - (b) ensure that he or she is competent to operate a security camera system fitted to the taxi; and
 - (c) not accept a hiring unless a security camera system fitted to the taxi is operating in a manner that indicates that the system will be fully operational during the hiring; and

- (d) operate a security camera system fitted to the taxi in accordance with recognised procedures; and
- (e) if a security camera system fitted to the taxi appears not to be operating correctly—
 - (i) the centralised booking service for the taxi (if any); and
 - (ii) the operator of the taxi service.

Maximum penalty: \$750.

Expiation fee: \$105.

Interference with system

61D. A person must not—

- (a) interfere with any part of an approved security camera system fitted to a taxi; or
- (b) cause or permit any such interference,

in a manner that will prevent or impede the proper working of the system.

Maximum penalty: \$2 500.

Expiation fee: \$210.

Authorisation to download images

61E. (1) A person must not download a video recording from a security camera system fitted to a taxi unless the person—

- (a) is acting under an authorisation granted by the Board for the purposes of these regulations; or
- (b) is a police officer or a prescribed officer; or
- (c) is acting with the permission, or at the direction, of a police officer, a prescribed officer or the Board; or
- (d) is acting pursuant to an order or direction of a court or tribunal constituted by law.

Maximum penalty: \$2 500.

Expiation fee: \$210.

(2) A person who downloads a video recording from a security camera system fitted to a taxi must comply with any procedures determined by the Board.

Maximum penalty: \$2 500.

Expiation fee: \$210.

(3) A person who resets a security camera system fitted to a taxi must record any information determined by the Board, in accordance with any requirements determined by the Board.

Maximum penalty: \$750.
Expiation fee: \$105.

(4) An authorisation under subregulation (1)(a) may be given subject to such conditions as may be determined by the Board.

(5) The Board may, for example, give the authorisation subject to a condition that makes provision for or with respect to—

- (a) the qualifications of any person employed or engaged to download video recordings under the authorisation; or
- (b) the production of images from any recorded material, the saving and cataloguing of material, the storage or provision of recorded or other material, and other procedures to be followed if recordings are downloaded from a security camera system; or
- (c) the provision of information or material in connection with the downloading of video recordings under the authorisation, including the provision of information, material or returns to the Board, a police officer or a prescribed officer.

(6) The Board may, after due inquiry and for good cause, revoke an authorisation under subregulation (1)(a).

Steps to be followed in the event of an incident, etc.

61F. If a security camera system fitted to a taxi is activated in connection with an incident in or about the taxi, the driver of the taxi at the time of the incident must comply with any requirements determined by the Board with respect to the downloading of video recordings or the resetting of the security camera system (unless the driver has been injured, or is directed to take some other action by a police officer or a prescribed officer).

Maximum penalty: \$750.
Expiation fee: \$105.

Delivery of material to police station

61G. (1) A person who arranges to have material downloaded from a security camera system fitted to a taxi must, as soon as it is reasonably practicable to do so after the material is downloaded, unless otherwise directed or determined by the Board, deliver the material made available by the download to a police station.

Maximum penalty: \$750.
Expiation fee: \$105.

(2) A person who is required to comply with subregulation (1) must not interfere with the material.

Maximum penalty: \$750.
Expiation fee: \$105.

(3) Subregulation (1) does not apply to—

- (a) a person who is acting under regulation 61E; or
- (b) a person who is authorised or directed by the Board to keep material downloaded from a security camera system fitted to a taxi pending its use for an authorised purpose, or its disposal under regulation 61I.

General protection of recorded material

61H. A person must not use recorded material for a purposes other than an authorised purpose.

Maximum penalty: \$2 500.

Expiation fee: \$210.

Storage and disposal of material

61I. (1) This regulation applies to a person who is authorised or directed by the Board to keep material downloaded from a security camera system fitted to a taxi pending its use for an authorised purpose, or its disposal under this regulation.

(2) A person to whom this regulation applies must cause—

- (a) such security safeguards as the Board may determine; and
- (b) such other security safeguards as are reasonable in the circumstances,

to be taken to ensure that any video recording made by a security camera system, and any other recorded material in the person's possession, is kept secure and protected against access or use for a purpose other than an authorised purpose, until disposed of in accordance with this regulation.

Maximum penalty: \$2 500.

Expiation fee: \$210.

(3) Unless otherwise directed or determined by a police officer, a prescribed officer or the Board, a person to whom this regulation applies must ensure that any recorded material in his or her possession is disposed of in accordance with subregulation (4) one month after the original video recording was made.

Maximum penalty: \$2 500.

Expiation fee: \$210.

(4) The recorded material may be disposed of by deletion or other form of destruction or, if it is to be used for an authorised purpose, by giving it to—

- (a) a police officer; or
- (b) a prescribed officer; or
- (c) the Board,

in a manner determined by the Board.

(5) It is the duty of the Commissioner of Police or the Board (as the case requires) to ensure the destruction of any recorded material that was given to a police officer or a prescribed officer but which is not to be used, or is no longer required, for an authorised purpose.

Signs

61J. (1) The operator of a taxi service where the taxi is fitted with a security camera system must ensure that a sign containing the following information is displayed in the taxi in a manner approved by the Board:

SECURITY CAMERA OPERATING

YOU WILL BE PHOTOGRAPHED · CONVERSATION MAY BE RECORDED
· THE SYSTEM WORKS TO PROTECT YOUR INTERESTS AND THE DRIVER'S
INTERESTS

BY HIRING THIS TAXI YOU GIVE YOUR CONSENT TO BEING
PHOTOGRAPHED AND TO THE RECORDING OF CONVERSATION.

(2) A sign under subregulation (1) must also contain other information or material determined by the Board.

(3) An operator of a taxi service who fails to comply with this regulation is guilty of an offence.

Maximum penalty: \$750.

Expiation fee: \$105.

Compulsory inspections of systems

61K. (1) An authorised officer may, by notice in writing to the holder of a taxi licence, require the taxi to be submitted for testing of its security camera system at a time and place specified in the notice.

(2) If an authorised officer finds that a taxi is not fitted with a security camera system as required under these regulations or is fitted with a security camera system that does not comply with requirements determined by the Board for the purposes of this Division, the authorised officer may suspend the taxi licence in respect of that taxi until the holder of the licence satisfies an authorised officer that the taxi is fitted with an approved security camera system in accordance with the requirements of these regulations.

Authorised activities

61L. Nothing in this Division prevents—

- (a) a police officer; or
- (b) an authorised officer or other officer; or
- (c) a person acting under the authority of the Board,

from carrying out an inspection of, or performing any proper function in relation to, a security camera system fitted to a taxi.

Insertion of reg. 98

4. The following regulation is inserted after regulation 97 of the principal regulations:

Transitional provisions—Security cameras—2001 regulations

98. (1) Regulations 61C, 61E, 61F and 61G apply from 1 December 2001.

(2) Regulation 61J applies to an operator of a taxi service from the time that a security camera system is fitted to the taxi after the commencement of this regulation and in any event applies to all taxis from 1 December 2001.

(3) A requirement relating to security cameras contained in a code of practice set out in a schedule to these regulations applies from 1 December 2001.

Variation of schedule 7

5. Schedule 7 of the principal regulations is varied by inserting after item 13 the following items:

14. Ensure that drivers are aware of the procedures to be followed in the event of an incident that requires the downloading of material from a security camera system, including where to take the taxi for that downloading to occur.
15. Ensure that the Board and the relevant centralised booking service are informed when a security camera system is installed in the taxi, or transferred to another taxi.

Variation of schedule 9

6. Schedule 9 of the principal regulations is varied by inserting after item 17 the following items:

18. Check that a security camera system fitted to the taxi is operating correctly before commencing a shift.
19. Not be available for hire, stand at a taxi-stand or accept a hiring if a security camera system fitted to the taxi is not operating correctly.
20. Report any security related incident immediately it is safe to do so.
21. Following a security related incident, comply with any direction of the Board, a police officer, an authorised officer or other officer, or another person acting under the authority of the Board.

Variation of schedule 10

7. Schedule 10 of the principal regulations is varied by inserting after item 20 the following items:

21. Appoint a Security Liaison Officer in connection with the installation and operation of security camera systems in taxis.
22. Provide a reasonable level of advice and assistance to operators and drivers in connection with the operation and maintenance of security camera systems installed in taxis.
23. Advise the relevant operator if a driver fails to comply with a procedure for the operation and use of a security camera system fitted in the taxi, or for the downloading of material or the provision of material to the police or the Board.

24. On request, provide a driver with information on where material can be downloaded from a security camera system fitted to a taxi following a security related incident.
25. Maintain a register of taxis fitted with security camera systems (including details of the registration number of the taxi, the kind of system installed, and other information determined by the Board).

PTB 939/2000 CS

SUZANNE CARMAN, Clerk of the Council