

SOUTH AUSTRALIA

TERRORISM (POLICE POWERS) (SUPREME COURT) RULES 2006

The Terrorism (Police Powers) (Supreme Court) Rules 2006, dated 7 July 2006, came into operation on 27 July 2006 (*South Australian Government Gazette*, 27 July 2006, p.2428).

1. Short title

These Rules may be cited as the *Terrorism (Police Powers) (Supreme Court) Rules 2006*.

2. Interpretation

In these rules

Act means the *Terrorism (Police Powers) Act 2005*;

regulations means the Terrorism (Police Powers) Regulations 2006;

relevant authority means the Commissioner of Police or such other person as is referred to in section 3(3) of the Act;

relevant judicial officer means a Judge of the Supreme Court;

special area declaration means a special area declaration issued pursuant to section 13(1) of the Act;

special powers authorisation means a special powers authorisation issued pursuant to section 3 of the Act;

3. Applications for confirmation that the relevant authority has or had proper grounds for issuing a special powers authorisation

An application to a relevant judicial officer seeking confirmation that the relevant authority has or had proper grounds for issuing a special powers authorisation

(a) must conform to the requirements set out in clause 4 of the regulations;
and

(b) must be lodged, together with any supporting documents, in a sealed envelope with the Judge nominated by the Chief Justice to hear the application, and must not be filed or lodged in the Registry or entered in the records of the Court.

4. Applications for confirmation that the issuing of a special area declaration is appropriate

Applications by the Commissioner of Police to a relevant judicial officer seeking confirmation that the issuing of a special area declaration is appropriate in the circumstances

(a) must conform to the requirements set out in clause 5 of the regulations;
and

(b) must be lodged, together with any supporting documents, in a sealed envelope with the Judge nominated by the Chief Justice to hear the

application, and must not be filed or lodged in the Registry or entered in the records of the Court.

5. Secure storage of documents

- (a) Following the hearing of an application for confirmation of the issue of a special powers authorisation or for confirmation of a special area declaration, the application and all other documents put before the Judge who dealt with the application and any other document used or referred to in relation to the hearing of the application must be placed in a sealed envelope and lodged with the Registry.
- (b) The sealed envelope
 - (i) is to be kept in such secure place as may be directed by the Registrar for the period written on the face of the envelope by the Judge who heard the application; and
 - (ii) is not to be opened except by and in accordance with the order of a Judge of the Court.