

SOUTH AUSTRALIA

TERRORISM (PREVENTATIVE DETENTION) (SUPREME COURT) RULES 2006

The Terrorism (Preventative Detention) (Supreme Court) Rules 2006, dated 7 July 2006, came into operation on 27 July 2006 (*South Australian Government Gazette*, 27 July 2006, p.2426).

1. Short Title

These Rules may be cited as the “*Terrorism (Preventative Detention) (Supreme Court) Rules 2006*”.

2. Interpretation

In these rules –

Act means the *Terrorism (Preventative Detention) Act 2005*;

issuing authority means an issuing authority as defined in s 4 of the Act;

Preventative Detention Order means such an order made pursuant to Part 2 of the Act.

3. Review pursuant to s 17 of the Act

A review pursuant to s 17 of the Act of a preventative detention order shall be conducted in accordance with these rules.

4. Request for review

(a) Before bringing the subject before the Court for the purpose of such review, the police officer detaining the subject shall make a request in writing addressed to the Chief Justice, to which is to be annexed the originals of all the documents and other materials which were before the issuing authority, including the order for preventative detention.

(b) The request shall state where the subject is being detained, and whether the police officer seeks any and if so what order or orders under s 18 of the Act.

5. Delivery of the request

The request and accompanying documents shall be delivered to the Chief Justice or if he is not available, the most senior judge available in a sealed envelope marked “Strictly Confidential. Application under the Terrorism (Preventative Detention) Act 2005. Not to be opened other than by Justice”.

6. Appointment for hearing of review

The Chief Justice or other judge dealing with the matter may direct when, where and before whom the application is to be heard.

7. Conduct of hearing of review

The hearing of the review

- (a) will be strictly in camera;
- (b) will be recorded in transcript; and
- (c) shall otherwise be conducted in accordance with such directions as may be given by the Chief Justice or such other judge of the Court dealing with the matter, including a direction excluding any member of the public from the hearing of the review. Such directions may include a direction that the review proceedings be conducted by audio visual link or audio link pursuant to s 17(2) of the Act.

8. Confidentiality

On the conclusion of any such review, all papers or other records associated with the same

- (a) shall be placed in the custody of the Registrar who shall keep them in a secure place, where no other person shall have access to them other than in accordance with an order of a Judge;
- (b) shall otherwise be dealt with in accordance with such directions as may be given by the Court to ensure that they remain confidential to the parties to the review.