

NORTHERN TERRITORY OF AUSTRALIA

SURVEILLANCE DEVICES REGULATIONS 2008

As in force at 25 March 2024

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 25 March 2024

SURVEILLANCE DEVICES REGULATIONS 2008

Regulations under the *Surveillance Devices Act 2007*

1 Citation

These Regulations may be cited as the *Surveillance Devices Regulations 2008*.

2 Corresponding laws

For the definition **corresponding law** in section 4 of the Act, each of the following is declared to be a corresponding law:

- (a) *Police Powers and Responsibilities Act 2000* (Qld);
- (b) *Police Powers (Surveillance Devices) Act 2006* (Tas);
- (c) *Surveillance Devices Act 1999* (Vic);
- (d) *Surveillance Devices Act 2007* (NSW);
- (e) *Crimes (Surveillance Devices) Act 2010* (ACT).

3 When tracking device may be installed, used or maintained

- (1) For section 13(2)(d) of the Act, a person may install, use or maintain a tracking device in the following circumstances:
 - (a) in accordance with the directions of the person in charge of an emergency or search and rescue operation to search for a person or thing during the operation;
 - (b) in accordance with the directions of the person in charge of a hospital or nursing home (the **manager**) to monitor the location of a patient if:
 - (i) the patient is under a legal obligation to stay in the hospital or nursing home and the manager reasonably believes the patient is likely to try to leave; or

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- (ii) the manager reasonably believes the patient is likely, because of illness, lack of awareness or other incapacity, to leave the hospital or nursing home without proper regard to his or her health or safety; or
 - (iii) if the manager reasonably believes the patient is likely to be unlawfully taken from the hospital or nursing home;
- (c) in accordance with the directions of the Commissioner of Correctional Services or person in charge of a custodial correctional facility, to monitor the activities and location of a prisoner in the facility;
 - (d) in accordance with the directions of the Commissioner of Correctional Services or CEO (Youth Justice) to monitor the activities and location of a monitored offender to the extent that the offender is required by the monitoring requirement to submit to the monitoring;
 - (da) in accordance with the directions of the Commissioner of Police to monitor the location of an accused person who has entered into a relevant conduct agreement;
 - (e) to monitor the location of an animal or thing the subject of a research project.
- (2) In this regulation:

CEO (Youth Justice) means the Chief Executive Officer (as defined in section 19 of the *Public Sector Employment and Management Act 1993*) of the Agency responsible for youth justice.

custodial correctional facility, see section 11(1)(a) of the *Correctional Services Act 2014*.

monitored offender means a person subject to a monitoring requirement.

monitoring requirement means any of the following:

- (a) a community correction order or intensive community correction order made under the *Sentencing Act 1995*;
- (ab) a suspended sentence of imprisonment imposed under section 40 of the *Sentencing Act 1995*;
- (ac) a home detention order, community custody order or community based order made under the *Sentencing Act 1995* as in force before the commencement of Part 2 of the *Sentencing and Other Legislation Amendment Act 2022*;

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- (ad) an order made under section 11 or 13 of the *Sentencing Act 1995* as in force before the commencement of Part 2 of the *Sentencing and Other Legislation Amendment Act 2022*;
 - (b) an alternative detention order under the *Youth Justice Act 2005* that is subject to a condition mentioned in section 102(1)(b) of that Act;
 - (c) a conduct agreement under the *Bail Act 1982* that is subject to a condition mentioned in section 27A(1)(ia) or (ib) of that Act;
 - (d) a parole order under the *Parole Act 1971* that is subject to a condition mentioned in section 5A(3)(b) of that Act;
 - (e) a supervision order under the *Serious Sex Offenders Act 2013* if the supervisee is subject to a monitoring obligation as defined in section 64(2) of that Act;
 - (f) a leave permit under Part 3.3 of the *Correctional Services Act 2014*.

relevant conduct agreement means a conduct agreement under the *Bail Act 1982* containing a provision mentioned in section 27A(1)(iaa) or (iab) of that Act.

4 Use, communication or publication of police body-worn video

For section 53(4)(c) of the Act, the following purposes are prescribed purposes:

- (a) an application or an investigation of a complaint under the *Information Act 2002* or a law of a participating jurisdiction or of the Commonwealth about privacy of personal information or access to information held by public sector organisations, other than for the purpose mentioned in section 53(1)(h) of the Act;
- (b) a proceeding before NTCAT, including preparation for the proceeding;
- (c) a civil proceeding, including preparation for the proceeding;
- (d) an investigation or inquest conducted under the *Coroners Act 1993*;
- (e) an investigation of a complaint under the *Anti-Discrimination Act 1992*;
- (f) an investigation of a complaint under the *Liquor Act 2019*;

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- (g) an investigation of a complaint under the *Children's Commissioner Act 2013*;
 - (ga) a review of the operation of Part VII, Division 1C of the *Police Administration Act 1978* conducted by the Ombudsman under section 116KP of that Act;
 - (h) a television broadcast, radio broadcast, internet broadcast or other broadcast if authorised by a contract:
 - (i) between the Agency responsible for the police force of the Territory and a media production company; and
 - (ii) that protects the privacy of personal information.

ENDNOTES
1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION***Surveillance Devices Regulations (SL No. 2, 2008)***

Notified	5 March 2008
Commenced	5 March 2008

Surveillance Devices Amendment Regulations 2010 (SL No. 8, 2010)

Notified	30 June 2010
Commenced	30 June 2010

Prisons (Correctional Services) (Community Orders) Regulations 2011 (SL No. 53, 2011)

Notified	20 December 2011
Commenced	27 February 2012 (r 2, s 2 <i>Justice (Corrections) and Other Legislation Amendment Act 2011</i> (Act No. 24, 2011) and <i>Gaz S9</i> , 21 February 2012)

Serious Sex Offenders Act 2013 (Act No. 9, 2013)

Assent date	3 May 2013
Commenced	1 July 2013 (<i>Gaz G24</i> , 12 June 2013, p 2)

Correctional Services (Related and Consequential Amendments) Act 2014 (Act No. 27, 2014)

Assent date	4 September 2014
Commenced	9 September 2014 (<i>Gaz S80</i> , 9 September 2014, p 2)

Surveillance Devices Amendment Regulations 2015 (SL No. 33, 2015)

Notified	23 December 2015
Commenced	23 December 2015

Bail Amendment Act 2017 (Act No. 5, 2017)

Assent date	17 March 2017
Commenced	20 March 2017 (<i>Gaz S11</i> , 20 March 2017)

Parole Amendment Act 2017 (Act No. 17, 2017)

Assent date 30 August 2017
 Commenced 13 September 2017 (*Gaz* G37, 17 September 2017, p 6)

Youth Justice Legislation Amendment Act 2017 (Act No. 19, 2017)

Assent date 30 October 2017
 Commenced 5 January 2018 (*Gaz* G51, 20 December 2017, p 4)

Surveillance Devices Amendment Regulations 2021 (SL No. 1, 2021)

Notified 26 February 2021
 Commenced 1 March 2021 (r 2)

Police Legislation Further Amendment Act 2023 (Act No. 18, 2023)

Assent date 17 August 2023
 Commenced 21 September 2023 (*Gaz* S67, 20 September 2023)

Justice and Other Legislation Amendment Act 2024 (Act No. 4, 2024)

Assent date 14 March 2024
 Commenced pt 5, div 1: 30 October 2023 (s 2(2));
 pt 3, div 2: 25 March 2024 (s 2(3), s 2 *Sentencing and Other
 Legislation Amendment Act 2022* (Act No. 28, 2022) and
Gaz S19, 22 March 2024); pt 4: 25 March 2024 (s 2(4), s 2
*Criminal Justice Legislation Amendment (Sexual Offences)
 Act 2023* (Act No. 20, 2023) and *Gaz* S20, 22 March 2024);
 rem: 15 March 2024 (s 2(1))

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: rr: 1 and 3

4 LIST OF AMENDMENTS

r 2 ins No. 8, 2010, r 4
 amd No. 33, 2015, r 3

r 3
 (former r 2) renum No. 8, 2010, r 3
 amd No. 53, 2011, r 46; Act No. 9, 2013, s 136; Act No. 27, 2014, s 57; Act
 No. 5, 2017, s 14; Act No. 17, 2017, s 15; Act No. 19, 2017, s 39; Act No. 4,
 2024, s 71

r 4 ins No. 1, 2021, r 4
 amd Act No. 18, 2023, s 22