

NORTHERN TERRITORY OF AUSTRALIA

LISTENING DEVICES REGULATIONS

As in force at 11 December 1991

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 11 December 1991

LISTENING DEVICES REGULATIONS

Regulations under the *Listening Devices Act*

1 Citation

These Regulations may be cited as the *Listening Devices Regulations*.

2 Prescribed offences

For the purposes of paragraph (c) of the definition of **offence** in section 3(1) of the Act, an offence against:

- (a) Division 2, 3 or 4 of Part IV of the *Unlawful Betting Act*; or
- (b) section 8 of the Act,

is an offence against a law of the Territory prescribed for the purpose of that paragraph.

3 Prescribed forms

- (1) An application under the Act for the issue of a warrant authorising the use of a listening device shall be in accordance with Form 1.
- (2) A warrant issued under the Act authorising the use of a listening device shall be in accordance with Form 2.

Schedule 1

regulation 3(1)

FORM 1

NORTHERN TERRITORY OF AUSTRALIA

Listening Devices Act

APPLICATION FOR ISSUE OF WARRANT AUTHORISING USE OF LISTENING DEVICE

I, _____, a member of the Police Force, in pursuance of section 4/section 6* of the *Listening Devices Act*, make oath and say that I have reasonable grounds for believing that:

- (a) an offence has been, is being or is about to be, or is likely to be, committed; and
- (b) for the purpose of an investigation into that offence, or of enabling evidence to be obtained of the commission of that offence, or the identity or location of the offender, the use of a listening device is necessary.

This application sets out the grounds on which I consider that a warrant under the *Listening Devices Act* should be issued.

1. OFFENCE DETAILS

The offence for which the warrant is sought is

under

(Act) of

(jurisdiction).

This offence is:

- *(a) a crime;
- *(b) an indictable offence against a law of the Commonwealth, a State or another Territory of the Commonwealth; or
- *(c) an offence against a law of the Territory, the Commonwealth, a State or another Territory prescribed for the purposes of the Act.

Details of the offence are:

2. ADDITIONAL INFORMATION (refer to section 4(3)(a) – (e))

- (a) Details of the gravity of the offence are:

- (b) Details of the extent to which the privacy of any person is likely to be interfered with are:

- (c) Details of the extent to which the use of a listening device is likely to assist the investigation are:

- (d) Details of the extent to which information could be obtained by other methods are:

- (e) Details of the evidentiary value of information sought to be obtained are:

3. OTHER DETAILS (to be completed where practicable)

The place where a listening device or listening devices will be installed is:

To gain entry or provide access to the place specified above, it will be necessary to enter the following places:

The persons whose private conversations are, or are likely, to be recorded and listened to by the use of a listening device pursuant to the warrant are:

4. PREVIOUS APPLICATION OR WARRANTS

Details of other warrants applied for or issued in respect of the same offence are:

Details of further information or evidence received subsequent to an earlier application or warrant are:

5. URGENT CIRCUMSTANCES EXCEPTION (To be completed where applicable)

This warrant is applied for subsequent to the use of a listening device pursuant to section 11 of the *Listening Devices Act*.

Details of why the immediate use of a listening device was necessary are:

The member of the Police Force who authorised the use of the listening device under section 11 of the *Listening Devices Act* is:

Name:

Rank:

6. DURATION OF WARRANT

I consider it necessary for the warrant to be issued for a period of days because of the following:

7. DETAILS OF TELEPHONE APPLICATION

If application is made by telephone pursuant to section 6 of the *Listening Devices Act*, provide details of time and date and the name of the Judge to whom the application was made:

Sworn by the applicant at
in the Northern Territory
this 19 .

(Applicant)

Before me:

(Judge of the Supreme Court)

* delete as appropriate

FORM 2

regulation 3(2)

NORTHERN TERRITORY OF AUSTRALIA

Listening Devices Act

WARRANT AUTHORISING USE OF LISTENING DEVICE

To, _____,
(full name)

a member of the Police Force.

WHEREAS, on an application on oath made under the *Listening Devices Act*,
I, _____,

a Judge of the Supreme Court, am satisfied, on reasonable grounds, that:

- (a) an offence has been, is being or is about to be, or is likely to be, committed; and
- (b) for the purpose of an investigation into that offence or of enabling evidence to be obtained of the commission of that offence, or the identity or location of the offender, the use of a listening device is necessary.

I DO HEREBY AUTHORISE YOU:

- (a) to use a listening device for the purpose of listening to and recording private conversations; and
- (b) to enter into or onto the places (if any) specified in this warrant, by force if necessary and with such assistance as is necessary in order to install, relocate, repair or retrieve one or more listening devices and such entry may be made at any time of the day or night, without permission first being sought or demand first being made,

AND for so doing, this shall be your sufficient warrant.

The offences in respect of which this warrant is issued are:

The persons whose private conversations may be recorded and listened to by the use of a listening device pursuant to this warrant are: (complete where practicable)

The places in, or at which a listening device may be installed or at which a listening device may be used pursuant to this warrant are: (complete where practicable)

This warrant shall remain in force for the period of days
commencing on the 19 .

This warrant is subject to the following conditions and restrictions:

Dated 19 .

(Judge of the Supreme Court)

The grounds on which this warrant is issued are:

(Judge of the Supreme Court)

EXTENSION OF WARRANT

This warrant is extended on the above terms (or such other terms as are here specified) for the period of days.

The additional terms are:

Dated 19 .

(Judge of the Supreme Court)

ENDNOTES

1

KEY

Key to abbreviations

amd = amended

app = appendix

bl = by-law

ch = Chapter

cl = clause

div = Division

exp = expires/expired

f = forms

Gaz = *Gazette*

hdg = heading

ins = inserted

lt = long title

nc = not commenced

od = order

om = omitted

pt = Part

r = regulation/rule

rem = remainder

renum = renumbered

rep = repealed

s = section

sch = Schedule

sdiv = Subdivision

SL = Subordinate Legislation

sub = substituted

2

LIST OF LEGISLATION

Listening Devices Regulations (SL No. 62, 1991)

Notified 11 December 1991

Commenced 11 December 1991