

NORTHERN TERRITORY OF AUSTRALIA

SURVEILLANCE DEVICES REGULATIONS

As in force at 9 November 2005

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SURVEILLANCE DEVICES REGULATIONS

Regulations under the *Surveillance Devices Act*

1 Citation

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

2 Prescribed authorities

The following are prescribed authorities:

- (a) the Australian Crime Commission;
- (b) the Australian Federal Police.

3 Circumstances in which tracking device may be attached, installed etc.

- (1) In this regulation, ***vulnerable patient*** means a patient of a hospital or nursing home who, in the opinion of the person in charge of the hospital or nursing home:
 - (a) is likely (due to illness, lack of awareness or other incapacity) to leave the hospital or nursing home without having due regard to his or her health or safety;
 - (b) is under a legal obligation to remain in the hospital or nursing home and is likely to attempt to leave; or
 - (c) is likely to be taken away from the hospital or nursing home without the consent of the patient or the person in charge.
- (2) For the purposes of section 6(c)(iv) of the Act, the following circumstances are prescribed circumstances in which a person may attach, install, use, maintain or retrieve a tracking device:
 - (a) where the tracking device will be, is being or has been used, in accordance with the directions of the person who is in command of an emergency or search and rescue operation, to search during the emergency or search and rescue operation

for a person or object;

- (b) where the tracking device will be, is being or has been used, in accordance with the directions of the person in charge of the hospital or nursing home where a vulnerable patient has been admitted, to monitor the location of the vulnerable patient;
- (c) where the tracking device will be, is being or has been used, in accordance with the directions of the Director of Correctional Services or the person in charge of a prison, to monitor the activities and location of a prisoner in the prison;
- (d) where the tracking device will be, is being or has been used, in accordance with the terms and conditions of a home detention order within the meaning of the *Sentencing Act*, to monitor the activities and location of the person in respect of whom the home detention order is in force;
- (e) for the purposes of a research project to monitor the location of an object or animal the subject of the research project.

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

Surveillance Devices Regulations (SL No. 19, 2001)

Notified	14 March 2001
Commenced	14 March 2001

Surveillance Devices Amendment (Prescribed Authority) Regulations (SL No. 45, 2005)

Notified	9 November 2005
Commenced	9 November 2005

3 LIST OF AMENDMENTS

r 2 sub No. 45, 2005