

NORTHERN TERRITORY OF AUSTRALIA

SURVEILLANCE DEVICES REGULATIONS

As in force at 27 February 2012

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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 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).

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
 - (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

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- (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 Director of Correctional Services or person in charge of a prison, to monitor the activities and location of a prisoner in the prison;
 - (d) in accordance with the directions of the Director of Correctional Services 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;
 - (e) to monitor the location of an animal or thing the subject of a research project.
- (2) In this regulation:

monitored offender means a person subject to a monitoring requirement.

monitoring requirement means any of the following:

- (a) a home detention order, community custody order or community based order under the *Sentencing Act*;
- (b) an alternative detention order under the *Youth Justice Act* that is subject to a condition mentioned in section 102(1)(b) of that Act;
- (c) a conduct agreement under the *Bail Act* that is subject to a condition mentioned in section 27A(1)(ia) or (ib) of that Act;
- (d) a parole order under the *Parole of Prisoners Act* that is subject to a condition mentioned in section 5(5C)(a) or (b) of that Act.

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. 2, 2008)***

| | |
|-----------|--------------|
| Notified | 5 March 2008 |
| Commenced | 5 March 2008 |

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

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|-----------|--------------|
| Notified | 30 June 2010 |
| Commenced | 30 June 2010 |

Prisons (Correctional Services) (Community Orders) Regulations (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 Gaz S9, 21 February 2012) |

3**LIST OF AMENDMENTS**

| | |
|--------------|--|
| r 2 | ins No. 8, 2010, r 4 |
| r 3 | |
| (former r 2) | renum No. 8, 2010, r 3 amd No. 53, 2011, r 46 |