



Western Australia

## **Surveillance Devices Regulations 1999**

Compare between:

[05 May 2006, 00-d0-03] and [15 Dec 2006, 01-a0-04]





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15 December 2006

Western Australia

Surveillance Devices Act\_1998

## Surveillance Devices Regulations 1999

### 1. Citation

These regulations may be cited as the *Surveillance Devices Regulations 1999*<sup>1</sup>.

### 2. Commencement

These regulations come into operation on the day on which the *Surveillance Devices Act\_1998* comes into operation<sup>1</sup>.

### 3. Forms

- (1) A warrant issued under section\_13, 14, 17, 19 or 22 of the Act is to be in the form of Form 1 in Schedule\_1, or such other form as the ~~Judge~~judge or ~~Magistrate~~magistrate approves.
- (2) An application for emergency ~~authorization~~authorisation under section\_21 of the Act is to be in the form of Form 2 in Schedule\_1, or such other form as the Commissioner of Police approves.
- (3) An emergency ~~authorization~~authorisation issued under section\_21 of the Act is to be in the form of Form 3 in Schedule\_1, or such other form as the authorised person issuing the authorisation approves.

r. 4

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- (4) An application to a magistrate for a tracking device warrant or a tracking device (maintenance/-retrieval) warrant is to be in the form of Form 4 in Schedule-1, or such other form as the Commissioner of Police approves.

[Regulation-3 amended in Gazette 8-Feb-2000 p. 458;  
5 May 2006 p. 1735.]

#### 4. Law enforcement officers

Fisheries officers (as defined in the *Fish Resources Management Act 1994*) employed in the Serious Offences Unit of the Department (as defined in that Act) are a prescribed class of persons for the purposes of paragraph (d) of the definition of “law enforcement officer” in section 3(1) of the Act.

[Regulation-4 inserted in Gazette 23 Sep 2005 p. 4363.]

#### 5. Commonwealth agencies, instrumentalities and bodies

The following Commonwealth agencies, instrumentalities and bodies are prescribed for the purposes of section-4(2) of the Act —

- (a) Australian Security Intelligence Organization continued by section-6 of the *Australian Security Intelligence Organization Act 1979* of the Commonwealth;
- (b) Australian Federal Police established by section-6 of the *Australian Federal Police Act-1979* of the Commonwealth;
- (c) Australian Customs Service referred to in the *Customs Act-1901* of the Commonwealth;
- (d) Australian Competition and Consumer Commission established by section-6A of the *Trade Practices Act 1974* of the Commonwealth;
- (e) the department of the Commonwealth public service responsible for administering the *Migration Act-1958* of the Commonwealth; and

- (f) each of the armed forces of the Commonwealth.

**6. Use of tracking devices without a warrant**

- (1) For the purposes of section-7(2)(d) of the Act the following circumstances are prescribed, that is, where a tracking device is attached, installed, used or maintained, or caused to be attached, installed, used or maintained —
- (a) by an emergency service to locate the person who is, or object that is, the subject of a search operation;
  - (b) by the person in charge of a hospital or nursing home in relation to a vulnerable patient to enable the person in charge to locate the vulnerable patient if he or she gets lost or goes missing;
  - (c) by the superintendent of a prison in relation to a prisoner to enable the superintendent to locate the prisoner if he or she escapes from legal custody;
  - (d) by a researcher in relation to an object the geographical location of which is relevant to research being carried out by that person; or
  - (e) for the purposes of section-32(1)(b), 52(2)(a) or 62(2)(a) of the *Sentence Administration Act-1995*.
- (2) For the purposes of section-7(2)(d) of the Act the following circumstance is prescribed — where a person uses, or causes to be used, a tracking device in relation to an object that —
- (a) was in the person's possession or under the person's control when the device was attached or installed;
  - (b) is no longer in the person's possession or under the person's control; and
  - (c) the person reasonably believes to have been stolen.
- (3) As soon as practicable after a tracking device is attached, installed or used in relation to a vulnerable patient in circumstances described in subregulation-1(b) the person in

charge of the hospital or nursing home must give written notice of the attachment, installation or use to —

- (a) if a guardian has been appointed for the patient under the *Guardianship and Administration Act-1990*, the guardian; or
- (b) otherwise —
  - (i) the patient's next of kin; or
  - (ii) if the patient's next of kin is not known, the Public Advocate under the *Guardianship and Administration Act-1990*.

(4) In this regulation —

**“emergency service”** means —

- (a) the police force of the State or of another State or a Territory;
- (b) the Fire and Emergency Services Authority of Western Australia established by the *Fire and Emergency Services Authority of Western Australia Act-1998* or an equivalent authority of another State or a Territory; or
- (c) a voluntary or community rescue organisation;

**“hospital”** has the same meaning as in the *Hospitals and Health Services Act-1927*;

**“nursing home”** means a facility at which an approved provider (as defined in the *Aged Care Act-1997* of the Commonwealth) provides residential care (as defined in that Act);

**“prison”** has the same meaning as in the *Prisons Act-1981*;

**“researcher”** means —

- (a) a member of the staff of, or a student at, a school, college, university or other educational or training institution; or

- (b) a member of the staff of, or person working for, a government agency, instrumentality or body;

**“superintendent”** has the same meaning as in the *Prisons Act 1981*;

**“vulnerable patient”** means a hospital patient or nursing home resident 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 and safety;
- (b) being under a legal obligation to remain in the hospital or nursing home, 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.

## 7. Storage and destruction of Part 5 records

- (1) The Commissioner of Police, the Corruption and Crime Commission and the Australian Crime Commission must —
- (a) keep every Part-5 record in a secure place in accordance with section-41(1)(a) of the Act as if it were a record obtained under a warrant; and
- (b) destroy a Part-5 record when it would be required to do so under section-41(1)(b) of the Act if the Part-5 record were a record obtained under a warrant.
- (2) The Commissioner of Police, the Corruption and Crime Commission and the Australian Crime Commission must keep such records concerning Part-5 records as are necessary to enable documents and information to be identified and obligations under this Act to be complied with.
- (3) In this regulation —

“~~Part-5~~ record” means a record or report delivered to the police force, the Corruption and Crime Commission or the Australian Crime Commission in accordance with an order under section 31(3)(b) of the Act.

*[Regulation-7 amended by No. 74 of 2004 s. 73(2); amended in Gazette 5 May 2006 p. 1736.]*

## 8. Annual reports

- (1) The information relating to applications for warrants and extensions of warrants required by section-43 of the Act to be contained in an annual report is to include the number of such applications that were —
  - (a) withdrawn;
  - (b) made by the applicant on behalf of another law enforcement officer; and
  - (c) made by means other than filing a written application at the court.
- (2) The information relating to applications for emergency ~~authorizations~~ [authorisations](#) required by section-43 of the Act to be contained in an annual report is to include the number of such applications that were withdrawn.

## 9. Unlawful possession of surveillance information

- (1) A person who is unlawfully in possession of surveillance information commits an offence.  
Penalty: \$5-000.
- (2) It is lawful for a person to be in possession of surveillance information only if —
  - (a) the person is a law enforcement officer and has possession of the surveillance information in the course of his or her duty;
  - (b) the person is assisting a law enforcement officer in the exercise of the officer’s duty and has possession of the



- surveillance information in the course of providing that assistance;
- (c) the surveillance information was obtained in accordance with Part 5 of the Act; or
  - (d) the surveillance information was obtained by the person —
    - (i) from a person who was lawfully in possession of that information; and
    - (ii) in circumstances where the publication or communication of the surveillance information to the person was not an offence under section 9 of the Act.
- (3) In this regulation —
- “surveillance information”** means a report or record of a private conversation or private activity of a person, or of the geographical location of a person or object, that was obtained, directly or indirectly, through the use of a surveillance device.

### Schedule 1 — Forms

[r. 3]

No.	Form	Section of Act
1	Warrant	13, 14, 17, 19 and 22
2	Application for emergency <del>authorization</del> <a href="#">authorisation</a>	21
3	Emergency <del>authorization</del> <a href="#">authorisation</a>	21
4	Application for — <ul style="list-style-type: none"><li>• tracking device warrant</li><li>• tracking device (maintenance/retrieval) warrant</li></ul>	15 and 19

Surveillance Devices Act- 1998, ~~ss.~~ 13, 14, 17, 19 and 22  
**Warrant**

Supreme Court  
~~Judge~~ judge  
 Magistrate  
 At.....

*Strike out any parts of this form that are not applicable*

<b>Person to whom warrant is issued</b>	Name _____
	<input type="checkbox"/> Member of police force
	<input type="checkbox"/> Officer of the Corruption and Crime Commission
	<input type="checkbox"/> Member of staff of Australian Crime Commission
	<input type="checkbox"/> Warrant issued on behalf of another law enforcement officer (Name) _____

<b>Person, object or premises under surveillance</b>	<input type="checkbox"/> Person _____
	<input type="checkbox"/> Unknown person _____
	<input type="checkbox"/> Object _____
	<input type="checkbox"/> Premises _____

<b>Offence</b>	Offence _____
	Act or Regulations _____
	Section or regulation no. _____

<b>Authority to use surveillance device</b>	<p>This warrant <del>authorizes</del><a href="#">authorises</a> you —</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> to attach or install, use, maintain and retrieve a — <ul style="list-style-type: none"> <li><input type="checkbox"/> listening device</li> <li><input type="checkbox"/> optical surveillance device</li> <li><input type="checkbox"/> tracking device</li> </ul> </li> <li><input type="checkbox"/> in relation to a tracking device attached to, or installed in, a vehicle, to — <ul style="list-style-type: none"> <li><input type="checkbox"/> maintain the device</li> <li><input type="checkbox"/> retrieve the device</li> <li><input type="checkbox"/> maintain and retrieve the device</li> </ul> </li> <li><input type="checkbox"/> to retrieve a — <ul style="list-style-type: none"> <li><input type="checkbox"/> listening device</li> <li><input type="checkbox"/> optical surveillance device</li> <li><input type="checkbox"/> tracking device</li> </ul> </li> </ul> <p><del>authorization</del><a href="#">authorisation</a></p>
	<p>The surveillance device may be attached or installed, used or maintained —</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> in, on or at the premises under surveillance</li> <li><input type="checkbox"/> in or on the object under surveillance</li> <li><input type="checkbox"/> in respect of the private conversations, private activities or geographical location of the person under surveillance, at premises where the person is reasonably believed to be or is likely to be</li> </ul>
	<p><input type="checkbox"/> Where practicable the surveillance device should be retrieved or rendered inoperable during the period that the warrant is in force</p>

<b>Authority to enter premises</b>	<p>This warrant <del>authorizes</del><a href="#">authorises</a> you to enter, by force if necessary —</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> (specified premises) _____</li> <li><input type="checkbox"/> _____</li> <li><input type="checkbox"/> any premises where the object or person under surveillance is reasonably believed to be or is likely to be and any premises adjoining or providing access to those premises</li> <li><input type="checkbox"/> any premises where the vehicle on or in which the device is attached or installed may for the time being be</li> <li><input type="checkbox"/> any premises where the surveillance device to be retrieved may for the time being be</li> </ul>
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<b>Authority to use electricity supply</b>	<p><input type="checkbox"/> This warrant <del>authorizes</del><a href="#">authorises</a> you to connect the surveillance device to an electricity supply system and to use electricity from that system to operate the device</p>
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<b><u>Authority to remove vehicle</u></b>	<p><input type="checkbox"/> <u>This warrant authorises you to temporarily remove this vehicle from this premises for the purpose of —</u></p> <table style="width: 100%; border: none;"> <tr> <td style="border: none;"><input type="checkbox"/> <u>attaching</u></td> <td style="border: none;"><input type="checkbox"/> <u>installing</u></td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> <u>maintaining</u></td> <td style="border: none;"><input type="checkbox"/> <u>retrieving</u></td> </tr> </table> <p><u>a tracking device</u></p>	<input type="checkbox"/> <u>attaching</u>	<input type="checkbox"/> <u>installing</u>	<input type="checkbox"/> <u>maintaining</u>	<input type="checkbox"/> <u>retrieving</u>
<input type="checkbox"/> <u>attaching</u>	<input type="checkbox"/> <u>installing</u>				
<input type="checkbox"/> <u>maintaining</u>	<input type="checkbox"/> <u>retrieving</u>				

<b>Authority to remove vehicle</b>	<input type="checkbox"/> <del>This warrant authorizes you to temporarily remove this vehicle from this premises for the purpose of —</del>
	<input type="checkbox"/> <del>attaching</del> <input type="checkbox"/> <del>installing</del>
	<input type="checkbox"/> <del>maintaining</del> <input type="checkbox"/> <del>retrieving</del>
	<del>a tracking device</del>
Vehicle _____	
Premises _____	
You must return the vehicle to the premises when the device has been attached, installed, maintained or retrieved	

<b>Period of warrant</b>	___/___/___ to ___/___/___, being _____ days
	The warrant may be used at any time of the day or night

<b>Conditions</b>	This warrant is subject to these conditions
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<b>Issue of warrant</b>	Signature
	Judge / Magistrate
	Date _____ Time _____

*[Form amended by No. 74 of 2004 s. 73(3); amended in Gazette  
5 May 2006 p. 1736.]*

*Surveillance Devices Act-1998, s.-21*

**Application for emergency  
~~authorization~~ authorisation**

*Strike out any parts of this form that are not applicable*

<b>Applicant</b>	Name _____
	Business address _____
	Postcode _____
	Phone no. _____
	<input type="checkbox"/> Member of police force <input type="checkbox"/> Officer of the Corruption and Crime Commission <input type="checkbox"/> Member of -staff of Australian Crime Commission

<b>Person, object or premises under surveillance</b>	<input type="checkbox"/> Person _____
	<input type="checkbox"/> Unknown person _____
	<input type="checkbox"/> Object _____
	<input type="checkbox"/> Premises _____

<b>Action for which <del>authorization</del> <u>authorisation</u> is required</b>	<del>Authorization</del> <u>Authorisation</u> is required to —
	<input type="checkbox"/> attach or install <input type="checkbox"/> use <input type="checkbox"/> maintain <input type="checkbox"/> a listening device to record, monitor, or listen to a private conversation <input type="checkbox"/> an optical surveillance device to record visually or observe a private activity <input type="checkbox"/> a tracking device to determine the geographical location of a person or object in relation to the — <input type="checkbox"/> premises under surveillance <input type="checkbox"/> object under surveillance <input type="checkbox"/> person under surveillance
	<input type="checkbox"/> retrieve —
	<input type="checkbox"/> a listening device
	<input type="checkbox"/> an optical surveillance device
	<input type="checkbox"/> a tracking device

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Grounds	Imminent threat
	<input type="checkbox"/> Threat of serious violence to a person Name _____ <input type="checkbox"/> Threat of substantial damage to property Description _____

Grounds cont.	Offence
	<input type="checkbox"/> <input type="checkbox"/> Indictable drug offence Relevant section of <i>Misuse of Drugs Act-1981</i> — <input type="checkbox"/> 6(1) <input type="checkbox"/> 7(1) <input type="checkbox"/> 33(1)(a) <input type="checkbox"/> 33(2)(a)
	<input type="checkbox"/> External indictable drug offence External law _____ Corresponding section of <i>Misuse of Drugs Act-1981</i> — <input type="checkbox"/> 6(1) <input type="checkbox"/> 7(1) <input type="checkbox"/> 33(1)(a) <input type="checkbox"/> 33(2)(a)
	<input type="checkbox"/> <input type="checkbox"/> Offence punishable by 2 or more years imprisonment Offence _____ Relevant Act _____ section _____
	The offence — <input type="checkbox"/> <input type="checkbox"/> has been committed <input type="checkbox"/> <input type="checkbox"/> may have been committed _____ <input type="checkbox"/> <input type="checkbox"/> is being committed <input type="checkbox"/> <input type="checkbox"/> is about to be committed _____ <input type="checkbox"/> <input type="checkbox"/> is likely to be committed
	Date offence committed or expected to be committed _____
	The use of the surveillance device is immediately necessary for the purpose of — <input type="checkbox"/> <input type="checkbox"/> dealing with the threat <input type="checkbox"/> <input type="checkbox"/> investigating the offence <input type="checkbox"/> <input type="checkbox"/> enabling evidence to be obtained of — <input type="checkbox"/> <input type="checkbox"/> the commission of the offence <input type="checkbox"/> <input type="checkbox"/> the identity of the offender <input type="checkbox"/> <input type="checkbox"/> the location of the offender
	These factors make the circumstances serious _____ _____ _____
	These factors make the matter urgent _____ _____ _____
	Reasons an application under section- 15 or 16 for a warrant is not practicable _____ _____



<b>Grounds cont.</b>	<b>Retrieval to avoid jeopardizing investigation of drug offence</b>
	<input type="checkbox"/> <del>Indictable drug offence</del> Relevant section of <i>Misuse of Drugs Act_1981</i> — <input type="checkbox"/> 6(1) <input type="checkbox"/> 7(1) <input type="checkbox"/> 33(1)(a) <input type="checkbox"/> 33(2)(a) <input type="checkbox"/> <del>External indictable drug offence</del> External law: _____ Corresponding section of <i>Misuse of Drugs Act_1981</i> — <input type="checkbox"/> 6(1) <input type="checkbox"/> 7(1) <input type="checkbox"/> 33(1)(a) <input type="checkbox"/> 33(2)(a)
	These factors make the circumstances serious _____ _____
	These factors make the matter urgent _____ _____
	Reasons an application under section_22 for a warrant is not practicable_ _____
<b>Entry to premises</b>	Entry, by force if necessary, is required to — <input type="checkbox"/> (specified premises) _____  <input type="checkbox"/> any premises where the object or person under surveillance is reasonably believed to be or is likely to be and any premises adjoining or providing access to those premises
<b>Use of electricity supply</b>	<input type="checkbox"/> <del>Authorization</del> <input type="checkbox"/> <del>Authorisation</del> is required to connect the surveillance device to an electricity supply system and use electricity from that system to operate the device
<b>Removal of vehicle</b>	<input type="checkbox"/> <del>Authorization</del> <input type="checkbox"/> <del>Authorisation</del> is required to temporarily remove a vehicle from a premises for the purpose of — <input type="checkbox"/> attaching <input type="checkbox"/> installing <input type="checkbox"/> maintaining <input type="checkbox"/> retrieving a tracking device
	Vehicle _____ Premises _____
<b>Period of <del>authorization</del> <del>authorisation</del></b>	Period for which <del>authorization</del> <del>authorisation</del> is required _____ days Reason this period is required _____ _____
<b>Signature of applicant</b>	Date

*[Form amended by No. 74 of 2004 s. 73(3); amended in Gazette  
5 May 2006 p. 1736.]*

*Surveillance Devices Act-1998, s.-21*  
**Emergency**  
**authorization****authorisatio**  
**n**

*Strike out any parts of this form that are not applicable*

<b>Authorized</b> <b>Aut</b> <b>horised</b> <b>person</b>	Name
	<input type="checkbox"/> Commissioner of Police <input type="checkbox"/> Deputy Commissioner of Police <input type="checkbox"/> Assistant Commissioner of Police <input type="checkbox"/> Officer of the Corruption and Crime Commission <input type="checkbox"/> Person <del>authorized</del> <b>authorised</b> by- Chair of Board of Australian Crime Commission

<b>Person to</b> <b>whom</b> <b>authorization</b> <b>authorisation</b> <b>is</b> <b>issued</b>	Name
	<input type="checkbox"/> Member of the police force <input type="checkbox"/> Officer of the Corruption and Crime Commission <input type="checkbox"/> Member of -staff of Australian Crime Commission

<b>Person, object</b> <b>or premises</b> <b>under</b> <b>surveillance</b>	<input type="checkbox"/> Person _____
	<input type="checkbox"/> Unknown person
	<input type="checkbox"/> Object _____
	<input type="checkbox"/> Premises _____

<b>Authorization</b> <b>Authorisation</b> to use surveillance device	<p>This <del>authorization authorizes</del> <u>authorisation authorises</u> you to —</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> attach or install</li> <li><input type="checkbox"/> use</li> <li><input type="checkbox"/> maintain</li> <li><input type="checkbox"/> a listening device to record, monitor, or listen to a private conversation</li> <li><input type="checkbox"/> an optical surveillance device to record visually or observe a private activity</li> <li><input type="checkbox"/> a tracking device to determine the geographical location of a person or object in relation to the — <ul style="list-style-type: none"> <li><input type="checkbox"/> premises under surveillance</li> <li><input type="checkbox"/> object under surveillance</li> <li><input type="checkbox"/> person under surveillance</li> </ul> </li> <li><input type="checkbox"/> retrieve — <ul style="list-style-type: none"> <li><input type="checkbox"/> a listening device</li> <li><input type="checkbox"/> an optical surveillance device</li> <li><input type="checkbox"/> a tracking device</li> </ul> </li> </ul>
<b>Authority to enter premises</b>	<p><del>Entry, by force if necessary, is required to —</del></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <del>(specified premises)</del> _____</li> <li><input type="checkbox"/> <del>any premises where the object or person under surveillance is reasonably believed to be or is likely to be and any premises adjoining or providing access to those premises</del></li> </ul>
<b>Authority to enter premises</b>	<p><u>Entry, by force if necessary, is required to —</u></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <u>(specified premises)</u> _____</li> <li><input type="checkbox"/> <u>any premises where the object or person under surveillance is reasonably believed to be or is likely to be and any premises adjoining or providing access to those premises</u></li> </ul>
<b>Authority to use electricity supply</b>	<p><input type="checkbox"/> This <del>authorization authorizes</del> <u>authorisation authorises</u> you to connect the surveillance device to an electricity supply system and to use electricity from that system to operate the device.</p>
<b>Authority to remove vehicle</b>	<p><input type="checkbox"/> This <del>authorization authorizes</del> <u>authorisation authorises</u> you to temporarily remove this vehicle from this premises for the purpose of —</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> attaching</li> <li><input type="checkbox"/> installing</li> <li><input type="checkbox"/> maintaining</li> <li><input type="checkbox"/> retrieving</li> </ul> <p>a tracking device</p> <hr/> <p>Vehicle</p>

**Surveillance Devices Regulations 1999**  
**Schedule 1 Forms**

	Premises _____
	You must return the vehicle to the premises when the device has been attached, installed, maintained or retrieved
<b>Period of authorization</b> <del>authorization</del> <u>authorisation</u>	___/___/___ to ___/___/___, being _____ days
	The <del>authorization</del> <u>authorisation</u> may be used at any time of the day or night
<b>Conditions</b>	This <del>authorization</del> <u>authorisation</u> is subject to these conditions
<b>Authorized</b> <del>Authorized</del> <u>Authorised</u> <b>person(s)</b>	Signature
	Date <span style="float: right;">Time</span>
	Signature
	Date <span style="float: right;">Time</span>

*Surveillance Devices Act 1998, ss. 15 and 19*

**Application for —**

- ~~tracking device warrant~~
- ~~tracking device (maintenance/retrieval) warrant~~

*[Form amended by No. 74 of 2004 s. 73(3) and (4); amended in Gazette 5 May 2006 p. 1736.]*

*Surveillance Devices Act 1998, s. 15 and 19*  
**Application for —**

- **tracking device warrant**
- **tracking device (maintenance/retrieval) warrant**

*Strike out any parts of this form that are not applicable*


<b>Applicant</b>	Name _____
	Business address _____
	Postcode _____
	Phone no. _____
	<input type="checkbox"/> Member of police force
	<input type="checkbox"/> Officer of the Corruption and Crime Commission
<input type="checkbox"/> Member of -staff of Australian Crime Commission	
<input type="checkbox"/> Application is made on behalf of another law enforcement officer (Name) _____	














<b>Person, object or premises under surveillance</b>	<input type="checkbox"/> Person (see note 1) _____
	<input type="checkbox"/> Unknown person _____
	<input type="checkbox"/> Object _____
	<input type="checkbox"/> Premises _____

<b>Nature of warrant</b>	<input type="checkbox"/> Tracking device warrant (s.-13)
	<input type="checkbox"/> Tracking device (maintenance/retrieval) warrant (s.-14) to —
	<input type="checkbox"/> maintain a tracking device
	<input type="checkbox"/> retrieve a tracking device
	<input type="checkbox"/> maintain and retrieve a tracking device
<input type="checkbox"/> New warrant <span style="margin-left: 100px;"><input type="checkbox"/> Extension of current warrant</span>	

<b>Period of warrant</b>	Period for which warrant is required _____ days
	Reason this period is required _____ _____

<b>Grounds</b>	<b>Tracking device warrant (s.- 13)</b>
	Offence _____
	Act or Regulations _____
	Section or regulation no. _____
	The offence — <input type="checkbox"/> has been committed <input type="checkbox"/> may have been committed <input type="checkbox"/> is being committed <input type="checkbox"/> is about to be committed <input type="checkbox"/> is likely to be committed
	Date offence committed or expected to be committed _____
	The use of a surveillance device would be likely to — <input type="checkbox"/> assist an investigation into the offence <input type="checkbox"/> enable evidence to be obtained of — <input type="checkbox"/> the commission of the offence <input type="checkbox"/> the identity of the offender <input type="checkbox"/> the location of the offender
	<b>Tracking device (maintenance/retrieval) warrant (s.- 14)</b>
	Vehicle _____
	Location when device installed _____ Current location _____
Person who installed device _____ <input type="checkbox"/> Member of police force <input type="checkbox"/> Officer of the Corruption and Crime Commission <input type="checkbox"/> Member of staff of <del>National</del> <a href="#">Australian</a> Crime Authority <del>Commission</del> <input type="checkbox"/> Member of prescribed class of persons Specify class _____	
<b>Entry to premises</b>	Entry, by force if necessary, is required to — <input type="checkbox"/> (specified premises) _____ _____ <input type="checkbox"/> any premises where the object or person under surveillance is reasonably believed to be or is likely to be and any premises adjoining or providing access to those premises <input type="checkbox"/> any premises where the vehicle on or in which the device is attached or installed may for the time being be <input type="checkbox"/> any premises where the surveillance device to be retrieved may for the time being be

<b>Use of electricity supply</b>	 Authority is required to connect the surveillance device to an electricity supply system and use electricity from that system to operate the device
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<b>Removal of vehicle</b>	<p> Authority is required to temporarily remove a vehicle from a premises for the purpose of —</p> <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;"> attaching</td> <td style="text-align: center;"> installing</td> </tr> <tr> <td style="text-align: center;"> maintaining</td> <td style="text-align: center;"> retrieving</td> </tr> </table> <p>a tracking device</p>	 attaching	 installing	 maintaining	 retrieving
 attaching	 installing				
 maintaining	 retrieving				
	Vehicle _____				
	Premises _____				

<b>Signature of applicant</b>	Date
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<b>Note 1 — Identification of person under surveillance</b>
<p>The person under surveillance may be identified by a numerical reference identifying the relevant law enforcement agency and the year in which the application is made. For example —WAPS 1/1999 (for the first application in 1999 by a member of the WA police force)</p>

<b>Note 2 — Lodging of Application for warrant</b>
<p>The application is to be lodged with the <del>Magistrate</del>magistrate.</p> <p>An application must be accompanied by —</p> <ul style="list-style-type: none"> <li>• an “<del>Authorization</del>Authorisation of surveillance”; and</li> <li>• an affidavit containing a “Statement of facts in support of application for warrant” in accordance with <i>Surveillance Devices Act-1998</i>, s.-15(3)(a), (b), (c) and (f).</li> </ul> <p>An application should also be accompanied by a draft warrant in the form of the warrant being sought.</p>

*[~~Schedule 1~~ Form inserted in Gazette 8 Feb 2000 p. 458-60; amended in Gazette 8 Feb 2000 p. 458-60; 5 May 2006 p. 1736; amended by No. 74 of 2004 s. 73(3) and (4).]*



## Notes

- <sup>1</sup> This [reprint](#) is a compilation [as at 15 December 2006](#) of the *Surveillance Devices Regulations-1999* and includes the amendments made by the other written laws referred to in the following table. [The table also contains information about any reprint.](#)

### Compilation table

Citation	Gazettal	Commencement
<i>Surveillance Devices Regulations 1999</i>	18-Nov-1999 p. <del>5769</del> <a href="#">5767</a> -86	22 Nov 1999 (see r. 2 and <i>Gazette</i> 22-Nov 1999 p. 5843)
<i>Surveillance Devices Amendment Regulations 1999</i>	8-Feb 2000 p. 457-60	8-Feb-2000
<i>Australian Crime Commission (Western Australia) Act 2004</i> s. 73 assented <del>on</del> <a href="#">to</a> 8 Dec 2004		1 Feb 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)
<i>Surveillance Devices Amendment Regulations 2005</i>	23 Sep 2005 p. 4363	23 Sep 2005
<i>Surveillance Devices Amendment Regulations 2006</i>	5 May 2006 p. 1735-6	5 May 2006
<a href="#">Reprint 1: The Surveillance Devices Regulations 1999 as at 15 Dec 2006</a> (includes amendments listed above)		