

PE301*

Surveillance Devices Act 1998

Surveillance Devices Amendment Regulations 1999

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Surveillance Devices Amendment Regulations 1999*.

2. The regulations amended

The amendments in these regulations are to the *Surveillance Devices Regulations 1999**.

[* Published in Gazette 18 November 1999, pp.5767-86.]

3. Regulation 3 amended

- (1) After regulation 3(3) the following subregulation is inserted —

“

- (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.

”.

4. Regulation 4 amended

Regulation 4 is amended as follows —

- (a) after paragraph (b) by deleting “and”;
- (b) at the end of paragraph (c) by deleting the full stop and inserting instead —
- “ ; and ”;
- (c) after paragraph (c) by inserting the following paragraph —

“

- (d) 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).

”.

5. Schedule 1 amended

- (1) The Table of forms in Schedule 1 is amended by inserting the following entry after the entry for Form 3 —

“

- | | | |
|---|---|-----------|
| 4 | Application for — | 15 and 19 |
| | <ul style="list-style-type: none"> • tracking device warrant • tracking device (maintenance/ retrieval) warrant | |

”.

- (2) After Form 3 the following form is inserted —

“

Surveillance Devices Act 1998, ss. 15 and 19

Application for —

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

Strike out any parts of this form that are not applicable

Applicant	Name _____
	Business address _____
	Postcode _____
	Phone no. _____
	<input type="checkbox"/> Member of police force <input type="checkbox"/> Anti-Corruption Commission officer <input type="checkbox"/> Member of staff of National Crime Authority <input type="checkbox"/> Application is made on behalf of another law enforcement officer (Name) _____
Person, object or premises under surveillance	<input type="checkbox"/> Person (see note 1) _____ <input type="checkbox"/> Unknown person _____ <input type="checkbox"/> Object _____ <input type="checkbox"/> Premises _____
	<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 <input type="checkbox"/> Extension of current warrant
	Period of warrant
	Period for which warrant is required _____ days Reason this period is required _____ _____
Grounds	Tracking device warrant (s. 13)
	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
	Tracking device (maintenance/retrieval) warrant (s. 14)
	Vehicle _____
	Location when device installed _____
	Current location _____
	Person who installed device _____ <input type="checkbox"/> Member of police force <input type="checkbox"/> Anti-Corruption Commission officer <input type="checkbox"/> Member of staff of National Crime Authority <input type="checkbox"/> Member of prescribed class of persons Specify class _____

Entry to premises	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
Use of electricity supply	<input type="checkbox"/> Authority is required to connect the surveillance device to an electricity supply system and use electricity from that system to operate the device
Removal of vehicle	<input type="checkbox"/> Authority is required to temporarily remove a vehicle from a premises for the purpose of — <div style="display: flex; justify-content: space-around;"> <div> <input type="checkbox"/> attaching <input type="checkbox"/> maintaining </div> <div> <input type="checkbox"/> installing <input type="checkbox"/> retrieving </div> </div> a tracking device <hr/> Vehicle _____ <hr/> Premises _____
Signature of applicant	Date _____

Note 1 — Identification of person under surveillance

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)

Note 2 — Lodging of Application for warrant

The application is to be lodged with the Magistrate.
 An application must be accompanied by —

- an “Authorization of surveillance”; and
- an affidavit containing a “Statement of facts in support of application for warrant” in accordance with *Surveillance Devices Act 1998*, s. 15(3)(a), (b), (c) and (f).

An application should also be accompanied by a draft warrant in the form of the warrant being sought.

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By Command of the Governor,

ROD SPENCER, Clerk of the Executive Council.