

SENATE LEGAL & CONSTITUTIONAL LEGAL COMMITTEE  
SURVEILLANCE DEVICES BILL 2004  
QUESTION ON NOTICE

**Senator Scullion asked the following question at the hearing of 10 May 2004:**

Question 1 (Mr Lawler - AFP) (p.26, *Proof Hansard*)

**Senator SCULLION**—I have a couple of supplementary questions, just for the edification of the committee. Perhaps we watch too much late night TV, but technology rolls along and, quite honestly, it is very hard as a member of the public to validate what is fantasy and what is reality—it all seems to blend.

Could you on notice provide us with a list of those surveillance devices that you consider would not require a warrant and processes?

I do not need something too comprehensive. But, at the moment, watching someone with a pair of binoculars is as far as I would understand it would go—but, from discussions, obviously it is not. If you could provide that on notice, I would appreciate it.

**I am advised that the answer to the honourable Senator's question is as follows:**

The following devices would not require a warrant or an internal authorisation under the provisions of the Surveillance Devices Bill 2004 where the use of such a device does not involve entry onto premises without permission, or interference with any vehicle or thing without permission:

**Optical Devices**

Binoculars and still/video cameras (conventional, light intensification, thermal and infrared).

Note: the optical surveillance devices used by the AFP are not capable of seeing through opaque barriers, eg, walls.

**Listening Devices**

Any listening device deployed in any position to enable an undercover police officer, informant or other consenting person to record a conversation that they are a party to in accordance with proposed subsections 38(1)(c) and (d), eg, a body worn transmitter or a body worn tape recorder.