

Statutory Requirements for Approval of Covert Surveillance
Comparison of the Administration's Proposals and the Australian Regime^{Note 1}

	Listening / Data Surveillance		Optical Surveillance		Tracking	
	Administration's Proposals	Australia	Administration's Proposals	Australia	Administration's Proposals	Australia
(1) Participant monitoring ^{Note 2}	Executive	No requirement	Executive	No requirement	Executive	Executive
(2) No participant monitoring and –						
(a) Not involving entry onto premises or interference with the interior of any conveyance or object without permission ^{Note 3}	Judicial	Judicial	Executive	No requirement	Executive	Executive
(b) Involving entry onto premises or interference with the interior of any conveyance or object without permission ^{Note 3}	Judicial	Judicial	Judicial	Judicial	Judicial	Judicial

Note 1 : The Australian regime is based on their Surveillance Devices Act 2004.

Note 2 : Assuming that entry onto premises or interference with conveyance or objects without permission is not involved.

Note 3 : In the case of Australia, the interference with object is not a relevant factor for tracking devices, and no distinction is drawn between the interior and exterior of a conveyance or object in considering whether a warrant is required for the use of an optical surveillance device.