

c2026-096C  
GOVT--Government

## LEGISLATIVE COUNCIL

### Surveillance Devices Amendment (Public Interest Exceptions) Bill 2026

#### First print

#### Proposed amendments

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No. 1      **Limitation on use of records in possession of police officers**

Page 3, Schedule 1[3], line 35. Omit “**and 14B**”. Insert instead “**–14C**”.

No. 2      **Limitation on use of records in possession of police officers**

Page 4, Schedule 1[3]. Insert after line 20—

**14C    Limitation on use police officers may make of certain surveillance device records**

- (1) This section applies if this Act permits a surveillance device record made in contravention of this part to be possessed, communicated or published by a police officer.
- (2) A police officer may possess, communicate or publish the surveillance device record in accordance with this Act only—
  - (a) in connection with investigating a possible relevant offence, including determining whether the surveillance device record contains information relevant to a possible relevant offence, or
  - (b) if the police officer considers the surveillance device record does not relate to a relevant offence but may relate to matters within the functions of the Independent Commission Against Corruption or the Law Enforcement Conduct Commission—for providing the surveillance device record to the relevant Commission, or
  - (c) for possession of the surveillance device record, if the possession is necessary to comply with this Act or another Act.

- (3) This section applies despite another provision of this Act or another Act.

- (4) In this section—

***police officer*** means a member of the NSW Police Force.

***relevant offence*** means any of the following offences—

- (a) a domestic violence offence within the meaning of the *Crimes (Domestic and Personal Violence) Act 2007*,
- (b) a serious indictable offence within the meaning of the *Crimes Act 1900*,
- (c) an offence involving another form of violence against a person, that is not a serious indictable offence within the meaning of the *Crimes Act 1900*,

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- (d) an offence involving another form of sexual act against a person, that is not a serious indictable offence within the meaning of the *Crimes Act 1900*,
  - (e) an offence involving the production, distribution or use of a weapon, that is not a serious indictable offence within the meaning of the *Crimes Act 1900*,
  - (f) an offence involving fraud, that is not a serious indictable offence within the meaning of the *Crimes Act 1900*,
  - (g) an offence involving animal cruelty, that is not a serious indictable offence within the meaning of the *Crimes Act 1900*,
  - (h) an offence under a law of the Commonwealth.