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Ind (TM)--Independent (Tania Mihailuk)

LEGISLATIVE COUNCIL

Surveillance Devices Amendment (Public Interest Exceptions) Bill 2026

First print

Proposed amendment

No. 1 **Exemption**

Page 4, Schedule 1. Insert after line 36—

[5] Section 65

Insert after section 64—

65 ICAC's use of unlawful surveillance device recordings

- (1) This section applies to a private conversation, a record or report of a private conversation or a record or report of the carrying on of an activity that is obtained by the use of a surveillance device in contravention of Part 2 by a person other than ICAC (*relevant material*).
- (2) ICAC is exempt from Part 2 in relation to ICAC obtaining, possessing, publishing or communicating relevant material in accordance with the *Independent Commission Against Corruption Act 1988*.
- (3) If ICAC relies on the exemption under subsection (2) in the course of an investigation under the *Independent Commission Against Corruption Act 1988*, any report relating to the investigation prepared by ICAC under that Act, section 74 must include a statement to that effect.
- (4) In this section—
ICAC means the Independent Commission Against Corruption and includes an officer of the Commission.