



New South Wales

Surveillance Devices Amendment (Public Interest Exceptions) Bill 2026

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2026



New South Wales

Surveillance Devices Amendment (Public Interest Exceptions) Bill 2026

Act No , 2026

An Act to amend the *Surveillance Devices Act 2007* to provide exceptions to offences for the use of certain surveillance devices and the communication or publication of surveillance device records; to make it an offence in certain circumstances to possess a record of a private conversation or the carrying on of an activity obtained in contravention of the Act; and for related purposes.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Surveillance Devices Amendment (Public Interest Exceptions) Act 2026*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

Schedule 1 Amendment of Surveillance Devices Act 2007 No 64

[1] Section 4 Definitions

Insert in alphabetical order in section 4(1)—

surveillance device record means—

- (a) a private conversation, record or report to which section 11(1) applies, or
- (b) information to which section 14(1) applies.

[2] Section 12

Omit the section. Insert instead—

12 Prohibition on possession of records of private conversations or activities in certain circumstances

- (1) A person must not possess a record of a private conversation or the carrying on of an activity if the person—
 - (a) recorded, or caused to be recorded, the private conversation or carrying on of the activity in contravention of this part, or
 - (b) knows the record was made through the use of a surveillance device in contravention of this part and fails to promptly give the record to a law enforcement agency.

Maximum penalty—

- (a) for an individual—100 penalty units or imprisonment for 5 years, or both, or
 - (b) otherwise—500 penalty units.
- (2) Subsection (1)(b) does not apply to an officer of a law enforcement agency who is in possession of a record of a private conversation or the carrying on of an activity if the record is in the officer's possession in connection with the exercise of the law enforcement agency's functions.

[3] Sections 14A–14C

Insert after section 14—

14A Exceptions to sections 11 and 14—generally

- (1) A person does not commit an offence against section 11 or 14 if the person—
 - (a) communicates or publishes a surveillance device record to a law enforcement agency in the public interest, or
 - (b) communicates or publishes a surveillance device record to a law enforcement agency in accordance with section 12(1)(b), or
 - (c) communicates or publishes a surveillance device record that has previously been communicated or published to the public, including by—
 - (i) broadcast on radio or television, and
 - (ii) dissemination by other electronic means, including the internet and social media.
- (2) In this section—

public interest includes the communication or publication of surveillance device records to a law enforcement agency if the records are relevant to the law enforcement agency's functions under—

- (a) a law of this State, or
- (b) a law of the Commonwealth.

14B Exceptions to sections 11 and 14—officers of investigative bodies

A person does not commit an offence against section 11 or 14 if—

- (a) the person communicates or publishes a surveillance device record in the exercise of the person's functions as an officer of a law enforcement agency, and
- (b) the surveillance device record is not known by the person to have been obtained through the use of a surveillance device by a current or former officer of the law enforcement agency in contravention of this part.

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*,
- (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.

[4] Section 63

Omit the section. Insert instead—

63 Review of certain provisions

- (1) The Minister must review the relevant provisions to determine whether—
 - (a) the policy objectives of the relevant provisions remain valid, and
 - (b) the terms of the relevant provisions remain appropriate for achieving the objectives.
- (2) The review must be undertaken as soon as practicable after the period of 5 years from the commencement of the amendment Act.
- (3) A report on the outcome of the review must be tabled in each House of Parliament within 6 years after the commencement of the amendment Act.
- (4) In this section—

amendment Act means the *Surveillance Devices Amendment (Public Interest Exceptions) Act 2026*.

relevant provisions means the provisions of this Act that are amended or inserted by the amendment Act.