



New South Wales

Law Enforcement (Powers and Responsibilities) and Other Legislation Amendment (Body-worn Video and Other Matters) Bill 2026

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend—

- (a) the *Law Enforcement (Powers and Responsibilities) Act 2002* (the **LEPR Act**) to enable the NSW Police Force to use body-worn video equipment (**BWV equipment**) to record conversations between police officers and certain persons, and
- (b) the *Surveillance Devices Act 2007* (the **SD Act**) to—
 - (i) provide exceptions to offences for the use of listening devices and optical surveillance devices, and
 - (ii) make miscellaneous changes.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Law Enforcement (Powers and Responsibilities) Act 2002 No 103

Schedule 1[2] inserts a definition of **BWV equipment** for the LEPR Act, Part 8A. **Schedule 1[1]** makes a consequential amendment.

Schedule 1[4] provides that a conversation between a police officer and certain persons that must be recorded by in-car video equipment may also be recorded by the police officer's BWV equipment. **Schedule 1[3]** makes a consequential amendment.

Schedule 1[5] provides that a person must be informed that a conversation between a police officer and the person is being recorded under the LEPR Act, Part 8A using police BWV equipment.

Schedule 1[6] provides that the recording of a conversation under the LEPR Act, Part 8A by means of BWV equipment does not constitute the use of a listening device for the purposes of the SD Act.

Schedule 1[10] inserts a definition of **BWV recording** for the LEPR Act, section 108H. **Schedule 1[11]** makes a consequential amendment.

Schedule 1[7] provides that the Commissioner of Police must ensure BWV recordings made under the LEPR Act, Part 8A are kept for at least 2 years after they are made.

Schedule 1[9] provides that a BWV recording constitutes personal information about another person in certain circumstances. **Schedule 1[8] and [12]** make consequential amendments.

Schedule 2 Amendment of Surveillance Devices Act 2007 No 64

Schedule 2[1] and [2] amend the definitions of *listening device* and *optical surveillance device* to align with the *Disability Discrimination Act 1992* of the Commonwealth, section 9(3).

Schedule 2[3] amends the definition of *relevant proceeding* to include a proceeding for administrative review under the *Firearms Act 1996*, section 75(1) as a proceeding for which protected information may be used, published or communicated.

Schedule 2[4] inserts proposed section 8A to provide that a person does not commit an offence if—

- (a) the person knowingly uses a listening device or optical surveillance device, and
- (b) the use is overt and authorised by another Act, and
- (c) the person is using the device in the exercise of the person's functions under the other Act and, where the device is being used to record a private conversation, the person has provided evidence to each party that the person holds a position that exercises statutory functions.

Schedule 2[5] provides that the installation, use or maintenance of Mobile Automatic Number Plate Recognition cameras in NSW Police Force vehicles is not an offence.

Schedule 2[6] provides that the written consent of the Director of Public Prosecutions, instead of the Attorney General, is required to institute proceedings for offences against the SD Act.

Schedule 2[7] provides that a regulation exempting a class of persons from provisions of the SD Act—

- (a) may provide an exemption applying to the use of a surveillance device if the exemption applies only for the overt use of the surveillance device, and
- (b) must provide for a period, after which the exemption expires, of not more than 3 years, and
- (c) may impose restrictions on the use and disclosure of information obtained by a person in accordance with the exemption, and
- (d) is no longer required to commence after the expiry of the disallowance period under the *Interpretation Act 1987*, section 41.

Schedule 2[8] inserts a transitional provision to provide that the exceptions under proposed section 8A apply retroactively to the use of a listening device or surveillance device in accordance with the proposed section.



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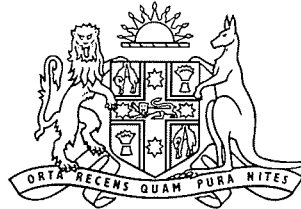
Contents

		Page
	1 Name of Act	2
	2 Commencement	2
Schedule 1	Amendment of Law Enforcement (Powers and Responsibilities) Act 2002 No 103	3
Schedule 2	Amendment of Surveillance Devices Act 2007 No 64	4

This PUBLIC BILL, originated in the LEGISLATIVE COUNCIL and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council

Clerk of the Parliaments



New South Wales

Law Enforcement (Powers and Responsibilities) and Other Legislation Amendment (Body-worn Video and Other Matters) Bill 2026

No , 2026

A Bill for

An Act to enable the NSW Police Force to use body-worn video to record conversations between police officers and certain persons; and to amend the *Surveillance Devices Act 2007* to make miscellaneous amendments.

The LEGISLATIVE ASSEMBLY has this day agreed to this Bill with/without amendment.

Legislative Assembly

Clerk of the Legislative Assembly

Tabling copy

The Legislature of New South Wales enacts—	1
1 Name of Act	2
This Act is the <i>Law Enforcement (Powers and Responsibilities) and Other Legislation Amendment (Body-worn Video and Other Matters) Act 2026</i> .	3
	4
2 Commencement	5
This Act commences on the date of assent to this Act.	6

Schedule 1 **Amendment of Law Enforcement (Powers and Responsibilities) Act 2002 No 103**

- | | |
|--|----|
| [1] Section 3 Interpretation | 1 |
| Insert in alphabetical order in section 3(1)— | 2 |
| <i>BWV equipment</i> , for Part 8A—see section 108A(1). | 3 |
| [2] Section 108A Definitions | 4 |
| Insert in alphabetical order in section 108A(1)— | 5 |
| <i>BWV equipment</i> means body-worn video equipment. | 6 |
| [3] Section 108C, heading | 7 |
| Insert “or BWV equipment” after “ICV equipment”. | 8 |
| [4] Section 108C(1)(b) | 9 |
| Omit “by means of the ICV equipment.”. Insert instead— | 10 |
| by means of either of the following— | 11 |
| (i) the ICV equipment, | 12 |
| (ii) the police officer’s BWV equipment. | 13 |
| [5] Section 108D Person to be informed that conversation will be recorded | 14 |
| Insert “or body-worn video equipment” after “equipment” in section 108D(1). | 15 |
| [6] Section 108F Operation of Surveillance Devices Act 2007 | 16 |
| Insert “or BWV equipment” after “equipment” wherever occurring. | 17 |
| [7] Section 108G, heading | 18 |
| Insert “and BWV recordings” after “ICV recordings”. | 19 |
| [8] Section 108H, heading | 20 |
| Insert “and BWV recordings” after “ICV recordings”. | 21 |
| [9] Section 108H(1) | 22 |
| Insert “or BWV recording” after “ICV recording”. | 23 |
| [10] Section 108H(2) | 24 |
| Insert in alphabetical order— | 25 |
| <i>BWV recording</i> means a recording of sound made by means of BWV | 26 |
| equipment under this part and includes a copy of the recording and any part of | 27 |
| the recording. | 28 |
| [11] Section 108H(2), definition of “ICV recording” | 29 |
| Insert “by means of ICV equipment” after “made”. | 30 |
| [12] Section 108H, note | 31 |
| Insert “and BWV recordings” after “ICV recordings”. | 32 |
| | 33 |
| | 34 |

Schedule 2 Amendment of Surveillance Devices Act 2007 No 64

[1] Section 4 Definitions

Omit “a hearing aid or similar device used by a person with impaired hearing to overcome the impairment and permit that person to hear only sounds ordinarily audible to the human ear” from section 4(1), definition of *listening device*.

Insert instead “a disability aid within the meaning of the *Disability Discrimination Act 1992* of the Commonwealth, section 9(3)”.

[2] Section 4(1), definition of “optical surveillance device”

Omit “spectacles, contact lenses or a similar device used by a person with impaired sight to overcome that impairment”.

Insert instead “a disability aid within the meaning of the *Disability Discrimination Act 1992* of the Commonwealth, section 9(3)”.

[3] Section 4(1), definition of “relevant proceeding”, paragraph (v)

Omit “(a) or (f)”.

[4] Section 8A

Insert after section 8—

8A Exceptions to sections 7 and 8

(1) A person does not commit an offence against section 7 or 8 if—

- (a) the person knowingly uses a listening device or optical surveillance device (a *relevant device*), and
- (b) the use of the relevant device is authorised by another Act, and
- (c) the person is using the relevant device in the exercise of the person’s functions under the other Act, and
- (d) the use of the relevant device by the person is overt, and
- (e) for a relevant device being used to record a private conversation—the person has provided evidence to each party to the private conversation that the person holds a position that exercises statutory functions.

Example of evidence a person holds a position that exercises statutory functions— an identification card issued by the agency on which the statutory functions are conferred

(2) Without limiting subsection (1)(d), the use of a relevant device by a person is overt if—

- (a) for a listening device—the person whose private conversation the listening device is being used to overhear, record, monitor or listen to has been informed the listening device is being used to overhear, record, monitor or listen to the person’s conversation, or
- (b) for an optical surveillance device—the person who is being recorded visually or whose activities are being observed by the optical surveillance device has been informed the device is being used to record or observe the person or the person’s activities.

[5] Section 9 Prohibition on installation, use and maintenance of tracking devices

Omit “purpose.” from section 9(2)(c). Insert instead—

	purpose,	1
	(d) the installation, use or maintenance of Mobile Automatic Number Plate Recognition (MANPR) cameras in NSW Police Force vehicles.	2 3
[6]	Section 56	4
	Omit “Attorney General” wherever occurring.	5
	Insert instead “Director of Public Prosecutions”.	6
[7]	Section 59 Regulations	7
	Omit section 59(3) and (4). Insert instead—	8
	(3) A regulation under subsection (2)—	9
	(a) for an exemption applying to the use of a surveillance device—	10
	(i) may exempt only the overt use of the surveillance device, and	11
	(ii) expires at the end of the period, not more than 3 years, specified in the regulation, and	12 13
	(b) may impose restrictions on the use and disclosure of information obtained by a person in accordance with the exemption.	14 15
[8]	Schedule 1 Savings, transitional and other provisions	16
	Insert at the end of the schedule, with appropriate part numbering—	17
Part	Provision consequent on enactment of Law Enforcement (Powers and Responsibilities) and Other Legislation Amendment (Body-worn Video and Other Matters) Act 2026	18 19 20 21
1	Exceptions to sections 7 and 8	22
	Section 8A, as inserted by the <i>Law Enforcement (Powers and Responsibilities) and Other Legislation Amendment (Body-worn Video and Other Matters) Act 2026</i> , extends to the use of a listening device or optical surveillance device, in accordance with that section, that occurred before the commencement of that section.	23 24 25 26 27