

Passed by both Houses



New South Wales

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

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

Legislative Council
2026

Clerk of the Parliaments



New South Wales

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

Act No , 2026

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 Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Law Enforcement (Powers and Responsibilities) and Other Legislation Amendment (Body-worn Video and Other Matters) Act 2026*.

2 Commencement

This Act commences on the date of assent to this Act.

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

[1] Section 3 Interpretation

Insert in alphabetical order in section 3(1)—

BWV equipment, for Part 8A—see section 108A(1).

[2] Section 108A Definitions

Insert in alphabetical order in section 108A(1)—

BWV equipment means body-worn video equipment.

[3] Section 108C, heading

Insert “or BWV equipment” after “ICV equipment”.

[4] Section 108C(1)(b)

Omit “by means of the ICV equipment.”. Insert instead—

by means of either of the following—

- (i) the ICV equipment,
- (ii) the police officer’s BWV equipment.

[5] Section 108D Person to be informed that conversation will be recorded

Insert “or body-worn video equipment” after “equipment” in section 108D(1).

[6] Section 108F Operation of Surveillance Devices Act 2007

Insert “or BWV equipment” after “equipment” wherever occurring.

[7] Section 108G, heading

Insert “and BWV recordings” after “ICV recordings”.

[8] Section 108H, heading

Insert “and BWV recordings” after “ICV recordings”.

[9] Section 108H(1)

Insert “or BWV recording” after “ICV recording”.

[10] Section 108H(2)

Insert in alphabetical order—

BWV recording means a recording of sound made by means of BWV equipment under this part and includes a copy of the recording and any part of the recording.

[11] Section 108H(2), definition of “ICV recording”

Insert “by means of ICV equipment” after “made”.

[12] Section 108H, note

Insert “and BWV recordings” after “ICV recordings”.

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,
- (d) the installation, use or maintenance of Mobile Automatic Number Plate Recognition (MANPR) cameras in NSW Police Force vehicles.

[6] Section 56

Omit “Attorney General” wherever occurring.

Insert instead “Director of Public Prosecutions”.

[7] Section 59 Regulations

Insert after section 59(2)—

- (2A) A regulation under subsection (2)—
 - (a) for an exemption applying to the installation, use or maintenance of a surveillance device—
 - (i) may exempt only the overt installation, use or maintenance of the surveillance device, and
 - (ii) expires at the end of the period, not more than 3 years, specified in the regulation, and
 - (b) may impose restrictions on the use and disclosure of information obtained by a person in accordance with the exemption.

[8] Section 59(3A)

Insert after section 59(3)—

- (3A) Subsection (3) does not apply to a regulation referred to in subsection (2A).

[9] Schedule 1 Savings, transitional and other provisions

Insert at the end of the schedule, with appropriate part numbering—

Part Provision consequent on enactment of Law Enforcement (Powers and Responsibilities) and Other Legislation Amendment (Body-worn Video and Other Matters) Act 2026

1 Exceptions to sections 7 and 8

Section 8A, as inserted by the *Law Enforcement (Powers and Responsibilities) and Other Legislation Amendment (Body-worn Video and Other Matters) Act 2026*, 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.