

1994—No. 426

LISTENING DEVICES ACT 1984—REGULATION

(Listening Devices Regulation 1994)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Listening Devices Act 1984, has been pleased to make the Regulation set forth hereunder.

J. P. HANNAFORD
Attorney General.

Citation

1. This Regulation may be cited as the Listening Devices Regulation 1994.

Commencement

2. This Regulation commences on 1 September 1994.

Definition

3. In this Regulation:

“the Act” means the Listening Devices Act 1984.

Prescribed officer: secs. 5, 17

4. For the purposes of sections 5 (4) (a) and 17 (1) of the Act, the Director-General of the Attorney General’s Department is a prescribed officer.

Summary offences for which a warrant may be obtained: sec. 15

5. For the purposes of Part 4 of the Act, the following classes of offences are prescribed:

- (a) offences under section 200 (1) or (2) of the Police Service Act 1990;
- (b) offences under section 5, Part 2A or section 44 (1) of the Gaming and Betting Act 1912.

Repeal

- 6. The Listening Devices Regulation 1985 is repealed.
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EXPLANATORY NOTE

The object of this Regulation is to repeal and remake, with no substantive change, the provisions of the Listening Devices Regulation 1985 under the Listening Devices Act 1984. The new Regulation:

- (a) makes the Director-General of the Attorney General's Department a "prescribed officer" for the purposes of sections 5 and 17 of the Act, enabling certain notices under the Act to be given to the Director-General as an alternative to being given to the Attorney General (clause 4); and
- (b) prescribes certain offences (relating to bribery of police officers and gaming and betting) as offences in respect of which a warrant can be issued, under Part 4 of the Act, authorising the use of a listening device for the purpose (among other things) of obtaining evidence as to the commission of such offences (clause 5); and
- (c) contains other formal provisions (clauses 1, 2, 3 and 6).

This Regulation is made under the Listening Devices Act 1984, including section 31 (the general regulation making power) and sections 5, 15 and 17.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
