



New South Wales

# Surveillance Devices Amendment (Validation) Act 2009 No 12

## Contents

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	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Surveillance Devices Act 2007 No 64	2

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New South Wales

# **Surveillance Devices Amendment (Validation) Act 2009 No 12**

Act No 12, 2009

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An Act to amend the *Surveillance Devices Act 2007* to validate certain warrants granted under the *Listening Devices Act 1984*. [Assented to 7 April 2009]

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**The Legislature of New South Wales enacts:****1 Name of Act**

This Act is the *Surveillance Devices Amendment (Validation) Act 2009*.

**2 Commencement**

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

**3 Amendment of Surveillance Devices Act 2007 No 64****Schedule 1 Savings, transitional and other provisions**

Insert after clause 6:

**Part 3 Validation of certain listening device warrants****7 Validation**

## (1) In this Part:

**relevant period** means the period commencing on 3 March 2008 and ending on 7 March 2008 (inclusive).

**repealed Act** means the *Listening Devices Act 1984* as in force immediately before 1 August 2008.

**warrant** means a warrant authorising the use of a listening device granted under the repealed Act.

(2) The instrument made under section 3A of the repealed Act on 10 March 2008 that declared The Honourable Justice Lucy McCallum (the **Judge**) to be an eligible Judge for the purposes of that Act is taken to have been made on 3 March 2008.

## (3) Accordingly:

(a) any warrant purporting to have been granted by the Judge during the relevant period that, but for subclause (2), would have been invalid only because it had not been granted by a person who was an eligible Judge is taken at the time it was granted and at all relevant times after it was granted to have been a valid warrant granted by an eligible Judge, and

(b) any evidence obtained, directly or indirectly, as a result of the use of a listening device pursuant to such a warrant is not rendered inadmissible only because the warrant was granted in those circumstances, and

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- (c) section 3A (4) of the repealed Act is taken to have applied during the relevant period in respect of any function exercised by the Judge in respect of such a warrant.

[Agreement in principle speech made in Legislative Assembly on 26 March 2009  
Second reading speech made in Legislative Council on 1 April 2009]

BY AUTHORITY