



New South Wales

Law Enforcement (Powers and Responsibilities) Amendment (Digital Evidence Access Orders) Act 2023 No 13

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Law Enforcement (Powers and Responsibilities) Amendment (Digital Evidence Access Orders) Act 2023 No 13

Act No 13, 2023

An Act to amend the *Law Enforcement (Powers and Responsibilities) Act 2002* to enable digital evidence access orders to be sought in relation to search warrants under the *Independent Commission Against Corruption Act 1988*. [Assented to 13 July 2023]

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Law Enforcement (Powers and Responsibilities) Amendment (Digital Evidence Access Orders) Act 2023*.

2 Commencement

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

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

(1) Section 46 Interpretation

Insert after section 46(1), definition of *eligible applicant*, paragraph (d)—

- (d1) for a digital evidence access order in connection with a search warrant under the *Independent Commission Against Corruption Act 1988*, section 40(1)—an officer of the Commission under that Act, or

(2) Section 76AA Definitions

Insert after section 76AA, definition of *search warrant*, paragraph (b)(iii)—

- (iiia) the *Independent Commission Against Corruption Act 1988*, section 40(1),

(3) Section 76AB General matters for applications for digital evidence access orders

Insert at the end of section 76AB(2)(c)—

, or

- (d) in relation to a matter being investigated under the *Independent Commission Against Corruption Act 1988*—at the same time as the application for the search warrant or after the search warrant has been issued, whether before or after the warrant is executed.

(4) Section 76AF Information in applications for digital evidence access orders

Insert after section 76AF(1)(d)(i)—

- (ia) for a digital evidence access order in connection with a search warrant under the *Independent Commission Against Corruption Act 1988*—material connected with a matter being investigated under that Act is held in or accessible from the computer to which the application relates, or

[Second reading speech made in—

Legislative Assembly on 24 May 2023

Legislative Council on 29 June 2023]