



New South Wales

Surveillance Devices Amendment (Police Body-Worn Video) Regulation 2016

under the

Surveillance Devices Act 2007

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Surveillance Devices Act 2007*.

GABRIELLE UPTON, MP
Attorney General

Explanatory note

Section 39 of the *Surveillance Devices Act 2007* provides that any information obtained from the use of body-worn video equipment by a police officer is protected information which means that use, communication or publishing of the information is restricted.

The object of this Regulation is to provide for some additional circumstances in which it is permitted to use, communicate or publish that information.

This Regulation is made under the *Surveillance Devices Act 2007*, including sections 40 (4A) and 59 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Surveillance Devices Amendment (Police Body-Worn Video) Regulation 2016*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Surveillance Devices Regulation 2014

[1] Clause 2A

Insert after clause 2:

2A Definition

- (1) In this Regulation:

the Act means the *Surveillance Devices Act 2007*.

Note. The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

- (2) Notes included in this Regulation do not form part of this Regulation.

[2] Clause 3 Corresponding laws

Omit “the *Surveillance Devices Act 2007*”. Insert instead “the Act”.

[3] Clause 4

Insert after clause 3:

4 Use, communication or publication of police body-worn video

- (1) For the purposes of section 40 (4A) (c) of the Act, the information obtained from the use, in accordance with section 50A, of body-worn video equipment by a police officer may be used for the purposes of any one or more of the following:
- (a) coronial proceedings under the *Coroners Act 2009*,
 - (b) an administrative decision made under an Act administered by the Minister for Police,
 - (c) any proceedings of a court or tribunal in which the NSW Police Force or the State is a party or in which a member of the NSW Police Force is called as a witness,
 - (d) the investigation of a complaint against, or the conduct of, a member of the NSW Police Force,
 - (e) the investigation of an alleged workplace injury to a member of the NSW Police Force.
- (2) The information may also be used for the purposes of a media production such as a television, radio or internet broadcast but only if:
- (a) all content to be used in the media production must be approved by the NSW Police Force, and
 - (b) the body-worn video equipment from which the information was obtained was provided particularly for the purposes of the media production, and
 - (c) the use of the information is otherwise lawful and does not breach any guidelines issued by the Commissioner of Police for the purposes of this subclause.
- (3) In this clause:
- use* of information includes publication and communication of the information.