



New South Wales

# Surveillance Devices Amendment (Body-Worn Video) Regulation 2024

under the

Surveillance Devices Act 2007

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

MICHAEL DALEY, MP  
Attorney General

## Explanatory note

The object of this regulation is to provide for the use of body-worn recording devices by SafeWork NSW inspectors and explosives inspectors while acting in accordance with powers under the *Work Health and Safety Act 2011*.

Proposed section 6C may be made under a Henry VIII provision because the exemption impliedly amends the *Surveillance Devices Act 2007* by affecting the application of the Act.

## **Surveillance Devices Amendment (Body-Worn Video) Regulation 2024**

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### **1 Name of regulation**

This regulation is the *Surveillance Devices Amendment (Body-Worn Video) Regulation 2024*.

### **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 2022**

### Section 6C

Insert after section 6B—

#### **6C    SafeWork inspector's use of body-worn recording devices—the Act, s 59(2)**

- (1) A SafeWork inspector is exempt from the Act, sections 7 and 8, in relation to the installation, use and maintenance of a body-worn recording device if—
- (a) the inspector uses the device while acting in accordance with the inspector's powers under the *Work Health and Safety Act 2011*, and
  - (b) the device is prominently attached to the inspector's clothing, and
  - (c) at least one of the following apply to the use of the device by the inspector—
    - (i) before making a recording, the inspector made a reasonable attempt to ensure the person likely to be recorded by the device was aware the device was capable of recording images or sound, or both,
    - (ii) in the inspector's opinion, there is a significant risk of harm to the inspector or another person,
    - (iii) the recording of images or sound, or both, by the device is inadvertent or unexpected.
- (2) In this section—
- body-worn recording device*** means a listening device or optical surveillance device, or both, worn on a person.
- SafeWork inspector*** means a person who is appointed as—
- (a) an inspector under the *Work Health and Safety Act 2011*, section 156, or
  - (b) an inspector under the *Explosives Act 2003*, section 25, while exercising powers under the provisions of the *Work Health and Safety Act 2011* applied by the *Explosives Act 2003*, section 27.
- (3) This section is repealed at the end of 31 August 2027.
- Note—**The Act, section 59(3) provides that this section, as inserted by the *Surveillance Devices Amendment (Body-Worn Video) Regulation 2024*, takes effect on and from the expiry of the period during which either House of Parliament may, under the *Interpretation Act 1987*, section 41, disallow the regulation.