

Passed by both Houses



New South Wales

Surveillance Devices Amendment (Validation) Bill 2009

Contents

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

I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2009*



New South Wales

Surveillance Devices Amendment (Validation) Bill 2009

Act No , 2009

An Act to amend the *Surveillance Devices Act 2007* to validate certain warrants granted under the *Listening Devices Act 1984*.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

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repealed Act means the *Listening Devices Act 1984* as in force immediately before 1 August 2008.

warrant means a warrant authorising the use of a listening device granted under the repealed Act.

(2) The instrument made under section 3A of the repealed Act on 10 March 2008 that declared The Honourable Justice Lucy McCallum (the *Judge***) to be an eligible Judge for the purposes of that Act is taken to have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

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- (c) section 3A (4) of the repealed Act is taken to have applied during the relevant period in respect of any function exercised by the Judge in respect of such a warrant.