

[Act 1998 No 3]



New South Wales

# **Listening Devices Amendment (Warrants) Bill 1998**

## **Explanatory note**

This explanatory note relates to this Bill as introduced into Parliament.

## **Overview of Bill**

The object of this Bill is to amend the *Listening Devices Act 1984* in connection with the installation and retrieval of listening devices under warrants authorising their use.

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## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the day after the date of assent to the proposed Act.

**Clause 3** is a formal provision giving effect to the amendments to the *Listening Devices Act 1984* set out in Schedule 1.

**Schedule 1 [1]** provides that, if a further warrant is issued during the currency of an earlier warrant in respect of the same premises, the requirement that the listening device under the existing warrant be retrieved during the currency of the earlier warrant is waived. In that case, the device is taken to be installed under the further warrant.

**Schedule 1 [2]** provides that a listening device must be retrieved as soon as practicable after the expiry of the warrant authorising its installation, but within 10 days or a longer period allowed by an order of a Judge of the Supreme Court.

**Schedule 1 [3]** requires the applicant for such an order that has been made to furnish a report to a Judge of the Supreme Court and to the Attorney General stating whether or not the listening device was retrieved during the currency of the order and giving the reasons for any failure to retrieve it.

**Schedule 1 [4]** contains savings and transitional provisions consequent on the enactment of the proposed Act. Generally, the amendments made by the proposed Act will not apply to or affect warrants already issued. However, aspects of the amendments will extend to warrants in force at the commencement of the proposed Act.

**Schedule 1 [5]** inserts a new Schedule 3, containing a form of order that may be used by a Judge of the Supreme Court to allow a further period for a listening device to be retrieved after the expiry of a warrant.