

Surveillance Devices Regulation 2014

[2014-165]



New South Wales

Status Information

Currency of version

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Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Surveillance Devices Regulation 2014



New South Wales

1 Name of Regulation

This Regulation is the *Surveillance Devices Regulation 2014*.

2 Commencement

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

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.

3 Corresponding laws

The following laws of other jurisdictions are declared to be corresponding laws for the purposes of the definition of **corresponding law** in section 4(1) of the Act—

- (a) the *Surveillance Devices Act* of the Northern Territory,
- (b) Chapter 13 of the *Police Powers and Responsibilities Act 2000* of Queensland,
- (c) the *Police Powers (Surveillance Devices) Act 2006* of Tasmania,
- (d) the *Surveillance Devices Act 1999* of Victoria,
- (e) the *Crimes (Surveillance Devices) Act 2010* of the Australian Capital Territory.

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.

5 Ambulance officer's use of body-worn recording devices—Trial

(1) This clause expires on 30 November 2021.

Note—

Section 59(3) of the Act provides that this clause takes effect on and from the expiry of the period during which either House of Parliament may, under section 41 of the *Interpretation Act 1987*, disallow the *Surveillance Devices Amendment (Body-Worn Recording Devices) Regulation 2019*.

- (2) An ambulance officer is exempt from sections 7 (Prohibition on installation, use and maintenance of listening devices) and 8 (Installation, use and maintenance of optical surveillance devices without consent) of the Act in relation to the installation, use and maintenance of a body-worn recording device if the device is used in accordance with this clause.
- (3) A body-worn recording device is used in accordance with this clause only if—
 - (a) the ambulance officer using the device is acting in the execution of the ambulance

officer's duty, and

- (b) the device is attached to the uniform of, or is otherwise worn by, an ambulance officer, and
- (c) at least one of the following apply to the use of the device by the ambulance officer—
 - (i) before making a recording, the ambulance officer made a reasonable attempt to ensure that the persons likely to be recorded by the device are aware that the device is capable of recording images or sound, or both, or
 - (ii) in the opinion of the ambulance officer, there is a significant risk of harm to the ambulance officer or another person, or
 - (iii) the recording of images or sound, or both, by the device is inadvertent or unexpected.

(4) In this clause—

body-worn recording device means a listening device or optical surveillance device, or both, worn by a person.

ambulance officer means a paramedic or other member of staff of the NSW Health Service who is employed primarily in connection with the provision of ambulance services in the Ambulance Service of NSW (within the meaning of section 67A of the [Health Services Act 1997](#)).