

# Surveillance Devices Amendment (Validation) Act 2009 No 12

[2009-12]



New South Wales

## Status Information

### Currency of version

Repealed version for 7 April 2009 to 7 April 2009 (accessed 27 July 2024 at 22:32)

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.

### Notes—

- **Repeal**

The Act was repealed by sec 30C of the [Interpretation Act 1987 No 15](#) with effect from 8.4.2009.

### 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](#).

File last modified 8 April 2009

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# Surveillance Devices Amendment (Validation) Act 2009 No 12



New South Wales

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

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**repealed Act** means the *Listening Devices Act 1984* as in force immediately before 1 August 2008.

**warrant** means a warrant authorising the use of a listening device granted under the repealed Act.

(2) The instrument made under section 3A of the repealed Act on 10 March 2008 that declared The Honourable Justice Lucy McCallum (the **Judge**) to be an eligible Judge for the purposes of that Act is taken to have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