

# Surveillance Devices Amendment (Police Body-Worn Video) Act 2014 No 81

[2014-81]



New South Wales

## Status Information

### Currency of version

Repealed version for 19 November 2014 to 19 November 2014 (accessed 22 November 2024 at 14:29)

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The Act was repealed by sec 30C of the [Interpretation Act 1987 No 15](#) with effect from 20.11.2014.

### 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 20 November 2014

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# Surveillance Devices Amendment (Police Body-Worn Video) Act 2014 No 81



New South Wales

An Act to amend the *Surveillance Devices Act 2007* to make provision with respect to the use of body-worn video by police officers.

## 1 Name of Act

This Act is the *Surveillance Devices Amendment (Police Body-Worn Video) Act 2014*.

## 2 Commencement

This Act commences on the date of assent to this Act.

## Schedule 1 Amendment of *Surveillance Devices Act 2007 No 64*

### [1] Section 4 Definitions

Insert in alphabetical order in section 4 (1):

***body-worn video*** means equipment worn on the person of a police officer that is capable of recording visual images or sound or both.

### [2] Section 7 Prohibition on installation, use and maintenance of listening devices

Insert after section 7 (2) (f):

(g) the use, in accordance with section 50A, of body-worn video by a police officer.

### [3] Section 8 Installation, use and maintenance of optical surveillance devices without consent

Insert after section 8 (2) (e):

(f) the use, in accordance with section 50A, of body-worn video by a police officer.

**[4] Section 39 What is protected information?**

Insert at the end of paragraph (c) of the definition of ***protected information***:

, or

- (d) any information obtained from the use, in accordance with section 50A, of body-worn video by a police officer.

**[5] Section 40 Prohibition on use, communication or publication of protected information**

Insert before the penalty provision in section 40 (2):

If the offence against subsection (1) involves information obtained from the use, in accordance with section 50A, of body-worn video by a police officer, each reference in this subsection to a relevant offence includes a reference to any offence.

**[6] Section 40 (4A)**

Insert after section 40 (4):

(4A) Information obtained from the use, in accordance with section 50A, of body-worn video by a police officer may also be used, published or communicated:

- (a) in connection with the exercise of a law enforcement function by a member of the NSW Police Force, or
- (b) in connection with education and training of members of the NSW Police Force, or
- (c) for any purpose prescribed by the regulations.

**[7] Section 40 (5)**

Insert “or (4A)” after “subsection (4)”.

**[8] Section 50A**

Insert before section 51:

**50A Police use of body-worn video**

(1) The use of body-worn video by a police officer is in accordance with this section if:

- (a) the police officer is acting in the execution of his or her duty, and

- (b) the use of body-worn video is overt, and
  - (c) if the police officer is recording a private conversation, the police officer is in uniform or has provided evidence that he or she is a police officer to each party to the private conversation.
- (2) Without limiting the ways in which the use of body-worn video may be overt for the purposes of subsection (1) (b), the use of body-worn video is overt once the police officer informs the person who is to be recorded of the use of body-worn video by the police officer.
- (3) The use of body-worn video by a police officer is also in accordance with this section if:
- (a) it is inadvertent or unexpected, or
  - (b) it is incidental to the use of body-worn video by the police officer in the circumstances set out in subsection (1).

**[9] Section 64**

Insert after section 63:

**64 Review of [Surveillance Devices Amendment \(Police Body-Worn Video\) Act 2014](#)**

- (1) The Secretary of the Department of Justice or delegate is to review the operation of the provisions of this Act inserted by the [Surveillance Devices Amendment \(Police Body-Worn Video\) Act 2014](#).
- (2) The review is to be undertaken as soon as practicable after the period of 12 months from the operational commencement of that Act.
- (3) The Secretary or delegate is to prepare a report of the review under this section and furnish a copy of the report to the Minister as soon as practicable after the expiration of that 12-month period.
- (4) The Minister is to lay (or cause to be laid) a copy of any report furnished to the Minister under this section before both Houses of Parliament as soon as practicable after the Minister receives the report.