



New South Wales

Surveillance Devices Amendment (Validation) Bill 2009

Explanatory note

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

Overview of Bill

Before its repeal by the *Surveillance Devices Act 2007*, the *Listening Devices Act 1984* prohibited the use of listening devices to record private conversations (except in circumstances set out in that Act) without the use of a warrant granted by an eligible Judge. An eligible Judge was a Judge of the Supreme Court who had consented to being involved in the grant of warrants and in respect of whom a declaration was in force declaring the judge to be an eligible Judge for the purposes of that Act.

The object of this Bill is to amend the *Surveillance Devices Act 2007* to validate certain warrants purporting to have been granted between 3 March 2008 and 7 March 2008 under the 1984 Act by an eligible Judge when the judge concerned had given the requisite consent but in respect of whom a declaration was not yet in force. The validation puts beyond doubt the use of listening devices pursuant to the warrants and ensures that evidence obtained by the use of the listening devices will not be inadmissible solely on the ground of any technical invalidity.

Outline of provisions

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

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

Clause 3 amends the *Surveillance Devices Act 2007* as described in the Overview.