

Law Enforcement (Powers and Responsibilities) Amendment (In-car Video Systems) Bill 2004

New South Wales

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 *Law Enforcement (Powers and Responsibilities) Act 2002*:

- (a) to require the use of police in-car video equipment (**ICV equipment**) when a police vehicle fitted with the equipment is being used for police activities involving the following of a vehicle with the intention of stopping the vehicle or involving a vehicle and the driver or an occupant of a vehicle that has been stopped or detained by police, and
- (b) to require ICV equipment to be used to record any conversation that the driver of the police vehicle has with a person who is the driver or an occupant of the vehicle stopped or detained, after informing the person that the conversation will be recorded and subject to the proviso that a conversation with a person is not to be recorded after the person is arrested, and
- (c) to protect recordings made with ICV equipment from unauthorised or corrupt disclosure.

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 a day to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the amendments to the *Law Enforcement (Powers and Responsibilities) Act 2002* set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 inserts a new Part 8A into the *Law Enforcement (Powers and Responsibilities) Act 2002* to provide for the arrangements referred to in the Overview.

The proposed new Part contains the following provisions:

- (a) Proposed section 108A contains definitions of expressions used in the proposed Part.
- (b) Proposed section 108B lists the police activities that require the use of ICV equipment.
- (c) Proposed section 108C requires the driver of a police vehicle fitted with ICV equipment to operate the equipment while the vehicle is being used in the course of police activities that require the use of ICV equipment, and to use the equipment to record a conversation that the officer has with the driver or an occupant of a vehicle stopped or detained by police.
- (d) Proposed section 108D requires a police officer who records a conversation with another person using ICV equipment to inform the person that the conversation is being recorded.
- (e) Proposed section 108E prevents the use of ICV equipment to record a person's conversation after the person is arrested.
- (f) Proposed section 108F exempts the recording of a conversation using ICV equipment as required by the proposed Part from the operation of the *Listening Devices Act 1984*.
- (g) Proposed section 108G requires ICV recordings to be kept for 2 years.
- (h) Proposed section 108H makes it clear that certain offences under the *Privacy and Personal Information Protection Act 1998* concerned with unauthorised

or corrupt disclosure of personal information extend to ICV recordings.