



New South Wales

Law Enforcement (Powers and Responsibilities) Amendment (Digital Evidence Access Orders) Bill 2023

Explanatory note

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

Overview of Bill

The object of this Bill to permit digital evidence access orders to be sought in conjunction with search warrants issued under the *Independent Commission Against Corruption Act 1988*.

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.

Clause 3 gives effect to the object set out in the overview.



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Law Enforcement (Powers and Responsibilities) Amendment (Digital Evidence Access Orders) Bill 2023

No. _____, 2023

A Bill for

An Act to amend the *Law Enforcement (Powers and Responsibilities) Act 2002* to enable digital evidence access orders to be sought in relation to search warrants under the *Independent Commission Against Corruption Act 1988*.

The Legislature of New South Wales enacts—	1
1 Name of Act	2
This Act is the <i>Law Enforcement (Powers and Responsibilities) Amendment (Digital Evidence Access Orders) Act 2023</i> .	3 4
2 Commencement	5
This Act commences on the date of assent to this Act.	6
3 Amendment of Law Enforcement (Powers and Responsibilities) Act 2002 No 103	7
(1) Section 46 Interpretation	8
Insert after section 46(1), definition of <i>eligible applicant</i> , paragraph (d)—	9
(d1) for a digital evidence access order in connection with a search warrant under the <i>Independent Commission Against Corruption Act 1988</i> , section 40(1)—an officer of the Commission under that Act, or	10 11 12 13
(2) Section 76AA Definitions	14
Insert after section 76AA, definition of <i>search warrant</i> , paragraph (b)(iii)—	15
(iia) the <i>Independent Commission Against Corruption Act 1988</i> , section 40(1),	16 17
(3) Section 76AB General matters for applications for digital evidence access orders	18
Insert at the end of section 76AB(2)(c)—	19
, or	20
(d) in relation to a matter being investigated under the <i>Independent Commission Against Corruption Act 1988</i> —at the same time as the application for the search warrant or after the search warrant has been issued, whether before or after the warrant is executed.	21 22 23 24
(4) Section 76AF Information in applications for digital evidence access orders	25
Insert after section 76AF(1)(d)(i)—	26
(ia) for a digital evidence access order in connection with a search warrant under the <i>Independent Commission Against Corruption Act 1988</i> —material connected with a matter being investigated under that Act is held in or accessible from the computer to which the application relates, or	27 28 29 30 31