

Passed by both Houses



New South Wales

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

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*I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.*

*Clerk of the Legislative Assembly.  
Legislative Assembly,  
Sydney,*

*, 2023*



New South Wales

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

Act No \_\_\_\_\_, 2023

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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*.

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*I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.*

*Assistant Speaker of the Legislative Assembly.*

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**The Legislature of New South Wales enacts—**

**1 Name of Act**

This Act is the *Law Enforcement (Powers and Responsibilities) Amendment (Digital Evidence Access Orders) Act 2023*.

**2 Commencement**

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

**3 Amendment of Law Enforcement (Powers and Responsibilities) Act 2002 No 103**

**(1) Section 46 Interpretation**

Insert after section 46(1), definition of *eligible applicant*, paragraph (d)—

- (d1) for a digital evidence access order in connection with a search warrant under the *Independent Commission Against Corruption Act 1988*, section 40(1)—an officer of the Commission under that Act, or

**(2) Section 76AA Definitions**

Insert after section 76AA, definition of *search warrant*, paragraph (b)(iii)—

- (iiia) the *Independent Commission Against Corruption Act 1988*, section 40(1),

**(3) Section 76AB General matters for applications for digital evidence access orders**

Insert at the end of section 76AB(2)(c)—

, or

- (d) in relation to a matter being investigated under the *Independent Commission Against Corruption Act 1988*—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.

**(4) Section 76AF Information in applications for digital evidence access orders**

Insert after section 76AF(1)(d)(i)—

- (ia) for a digital evidence access order in connection with a search warrant under the *Independent Commission Against Corruption Act 1988*—material connected with a matter being investigated under that Act is held in or accessible from the computer to which the application relates, or