



New South Wales

Surveillance Devices Amendment (Public Interest Exemptions) Bill 2023

Explanatory note

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

Overview of Bill

The object of this Bill is to provide an exemption for the following offences under the *Surveillance Devices Act 2007*—

- (a) the unlawful communication or publication of a private conversation or recording of an activity obtained by the use of an unlawful surveillance device, if the communication or publication is in the public interest,
- (b) the unlawful possession of a record of a private conversation or activity obtained by the use of an unlawful surveillance device, if the record is in a person's possession for the purposes of making a communication or publication in the public interest.

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 the date of assent to the proposed Act.

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

Schedule 1 gives effect to the overview of the Bill.



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New South Wales

Surveillance Devices Amendment (Public Interest Exemptions) Bill 2023

No. , 2023

A Bill for

An Act to amend the *Surveillance Devices Act 2007* to provide a public interest exemption for certain offences relating to unlawful surveillance device recordings.

The Legislature of New South Wales enacts—

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1 Name of Act

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This Act is the *Surveillance Devices Amendment (Public Interest Exemptions) Act 2023*.

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2 Commencement

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

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Schedule 1	Amendment of Surveillance Devices Act 2007 No 64	1
		2
[1] Section 11 Prohibition on communication or publication of private conversations or recordings of activities		3
Insert after section 11(2)(b)—		4
(c) if the communication or publication is made in the public interest.		5
		6
[2] Section 12 Possession of record of private conversation or activity		7
Insert at the end of section 12(2)(c)—		8
, or		9
(d) for the purposes of making a communication or publication in the public interest.		10
		11