



New South Wales

Crimes (Domestic and Personal Violence) and Other Legislation Amendment Bill 2026

Explanatory note

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

Overview of Bill

The objects of this Bill are—

- (a) to extend the definition of *stalking*, and
- (b) to make it an offence to engage in covert stalking, and
- (c) to make it an offence to intentionally promote the unlawful use of a surveillance device when advertising the sale of the surveillance device, and
- (d) to provide that, in certain circumstances, a person who has committed a domestic violence offence is disqualified from holding a licence under the *Security Industry Act 1997*.

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.

Schedule 1 **Amendment of Crimes (Domestic and Personal Violence) Act 2007 No 80**

Schedule 1[1] extends the definition of *stalking* in the Act to include directing another person to do the stalking.

Schedule 1[2] substitutes the Act, section 13 to make it an offence to stalk a person (the *victim*) in circumstances in which—

- (a) the victim is unaware of the stalking when the stalking occurs, and
- (b) a reasonable person would consider that, if the victim were aware the victim was being stalked, the victim would fear physical or mental harm to—
 - (i) the victim, or
 - (ii) another person with whom the victim has a domestic relationship.

A maximum penalty of 50 penalty units or imprisonment for 5 years, or both, applies to the offence. A person who attempts to commit the offence is guilty of the offence and is punishable as if the offence attempted had been committed.

Schedule 2 Amendment of Surveillance Devices Act 2007 No 64

Schedule 2[1] amends the definition of *use*, of a surveillance device, to include monitoring of the surveillance device.

Schedule 2[2] inserts proposed section 13A, which makes it an offence to intentionally promote the unlawful use of a surveillance device when advertising the surveillance device for sale. The maximum penalty that applies to the offence is—

- (a) for an individual—100 penalty units or imprisonment for 5 years, or both, or
- (b) otherwise—500 penalty units.

Schedule 3 Amendment of Security Industry Regulation 2016

Schedule 3 prescribes, for the *Security Industry Act 1997*, section 16(1)(a) and (b), offences that are, or that are recorded as, domestic violence offences within the meaning of the *Crimes (Domestic and Personal Violence) Act 2007*. The Commissioner of Police must refuse to grant an application for a licence under the *Security Industry Act 1997* to a person if the person has been—

- (a) convicted of a prescribed offence, or
- (b) found guilty of a prescribed offence but has not had a conviction of the offence recorded.



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Contents

		Page
	1 Name of Act	2
	2 Commencement	2
Schedule 1	Amendment of Crimes (Domestic and Personal Violence) Act 2007 No 80	3
Schedule 2	Amendment of Surveillance Devices Act 2007 No 64	4
Schedule 3	Amendment of Security Industry Regulation 2016	5

This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly



New South Wales

Crimes (Domestic and Personal Violence) and Other Legislation Amendment Bill 2026

No. _____, 2026

A Bill for

An Act to amend the *Crimes (Domestic and Personal Violence) Act 2007* to create an offence of covert stalking; to amend the *Surveillance Devices Act 2007* to create an offence of promoting the use of surveillance devices in contravention of that Act, Part 2; to amend the *Security Industry Regulation 2016* to provide that offences relating to domestic violence disqualify persons from holding licences; and for related purposes.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.

Legislative Council

Clerk of the Parliaments

Tabling copy

The Legislature of New South Wales enacts—

1

1 Name of Act

2

This Act is the *Crimes (Domestic and Personal Violence) and Other Legislation Amendment Act 2026*.

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4

2 Commencement

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This Act commences as follows—

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(a) for Schedules 1 and 2—on a day or days to be appointed by proclamation,

7

(b) otherwise—on the date of assent to this Act.

8

Schedule 1	Amendment of Crimes (Domestic and Personal Violence) Act 2007 No 80	1
		2
[1] Section 8 Meaning of “stalking”		3
Omit “means.” from section 8(1)(c).		4
Insert instead—		5
means,		6
(d) directing another person to engage in conduct referred to in paragraph (a), (b), (b1) or (c) and the other person engages in the conduct because of, whether wholly or in part, the direction.		7
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		9
[2] Section 13		10
Omit the section.		11
Insert instead—		12
13 Offence to engage in stalking, intimidation or covert stalking		13
(1) A person commits an offence if the person stalks or intimidates another person with the intention of causing the other person to fear physical or mental harm. Maximum penalty—50 penalty units or imprisonment for 5 years, or both.		14
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(2) For subsection (1)—		17
(a) causing a person to fear physical or mental harm includes causing the person to fear physical or mental harm to another person with whom the person has a domestic relationship, and		18
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(b) a person intends to cause fear of physical or mental harm if the person knows the conduct is likely to cause fear in the other person, and		21
		22
(c) the prosecution is not required to prove the person alleged to have been stalked or intimidated actually feared physical or mental harm.		23
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(3) A person commits an offence if—		25
(a) the person intentionally engages in covert stalking, and		26
(b) the covert stalking occurs in circumstances in which a reasonable person would consider that, if the person the subject of the covert stalking (the <i>victim</i>) were aware of the covert stalking, the victim would fear physical or mental harm to—		27
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(i) the victim, or		30
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(ii) another person with whom the victim has a domestic relationship.		32
Maximum penalty—50 penalty units or imprisonment for 5 years, or both.		33
(4) A person who attempts to commit an offence against subsection (1) or (3) is guilty of an offence against that subsection and is punishable as if the offence attempted had been committed.		34
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(5) In this section—		37
<i>covert stalking</i> means stalking a person in circumstances in which the person is unaware of the stalking when the stalking occurs.		38
		39

Schedule 2	Amendment of Surveillance Devices Act 2007 No 64	1
		2
[1] Section 4 Definitions		3
	Omit section 4(1), definition of <i>use</i> .	4
	Insert instead—	5
	<i>use</i> , of a surveillance device, includes the following—	6
	(a) use of the device to record a conversation or other activity,	7
	(b) monitoring of the device.	8
[2] Section 13A		9
	Insert after section 13—	10
13A Promoting use of surveillance devices in contravention of this part		11
	A person must not, when advertising a surveillance device for sale, intentionally promote the use of the surveillance device in contravention of this part.	12
	Maximum penalty—	13
	(a) for an individual—100 penalty units or imprisonment for 5 years, or both, or	14
	(b) otherwise—500 penalty units.	15
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Schedule 3	Amendment of Security Industry Regulation 2016	1
[1]	Clause 15 Offences and civil penalties that disqualify applicants	2
	Insert after clause 15(1)(i)—	3
	(i1) Offences relating to domestic violence	4
	An offence that is—	5
	(i) a domestic violence offence within the meaning of the <i>Crimes (Domestic and Personal Violence) Act 2007</i> , or	6
	(ii) recorded under the <i>Crimes (Domestic and Personal Violence) Act 2007</i> , section 12 as a domestic violence offence.	7
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[2]	Schedule 4 Savings and transitional provisions	10
	Insert at the end of the schedule, with appropriate part numbering—	11
Part	Provision consequent on Crimes (Domestic and Personal Violence) and Other Legislation Amendment Act 2026	12
		13
		14
1	Disqualifying offences relating to domestic violence	15
	(1) The relevant provision applies only in relation to the following decisions—	16
	(a) a decision about whether to grant or refuse to grant an application for a licence if the application is made after the commencement of the relevant provision,	17
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	(b) a decision about whether to grant or refuse to grant an application by a licensee for the renewal of the licensee’s licence if the licensee is convicted or found guilty of an offence referred to in the relevant provision after the commencement of the relevant provision,	20
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	(c) a decision about whether to revoke a licence if the licensee is convicted or found guilty of an offence referred to in the relevant provision after the commencement of the relevant provision.	24
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	(2) In this clause—	27
	relevant provision means clause 15(1)(i1), as inserted by the <i>Crimes (Domestic and Personal Violence) and Other Legislation Amendment Act 2026</i> , Schedule 3[1].	28
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