

First print



New South Wales

# Law Enforcement (Controlled Operations) Amendment Bill 2012

## Explanatory note

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

## Overview of Bill

The objects of this Bill are:

- (a) to amend the *Law Enforcement (Controlled Operations) Act 1997* to provide for a secondary law enforcement officer to exercise the functions of a principal law enforcement officer in authorised controlled operations whenever the principal law enforcement officer is unavailable, and
- (b) to amend the *Surveillance Devices Act 2007* to permit the use of listening devices by authorised civilian participants in authorised controlled operations that include civilian participants.

This Bill also makes consequential amendments to the *Law Enforcement (Controlled Operations) Regulation 2012*.

## 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 Law Enforcement (Controlled Operations) Act 1997 No 136**

**Schedule 1 [3]** requires an application for authority to conduct a controlled operation to nominate a principal law enforcement officer and a secondary law enforcement officer for the proposed operation. A controlled operation is an operation conducted for the purpose of obtaining evidence of or frustrating criminal activity or corrupt conduct and that may involve an activity that would otherwise be unlawful.

**Schedule 1 [4]** requires such an authority to identify the principal law enforcement officer and the secondary law enforcement officer for the operation. The principal law enforcement officer is to conduct, and to have responsibility for, the operation. The secondary law enforcement officer is to conduct, and to have responsibility for, the operation whenever the principal law enforcement officer is unavailable to do so. **Schedule 1 [1], [2] and [5]–[11]** make consequential amendments.

**Schedule 1 [12]** enables regulations of a savings and transitional nature to be made consequent on the enactment of the proposed Act.

### **Schedule 2      Consequential amendment of Law Enforcement (Controlled Operations) Regulation 2012**

**Schedule 2** makes consequential amendments to the *Law Enforcement (Controlled Operations) Regulation 2012*.

### **Schedule 3      Amendment of Surveillance Devices Act 2007 No 64**

**Schedule 3** amends the *Surveillance Devices Act 2007* to permit the use of a listening device to record or monitor a private conversation where a party to the conversation is a civilian participant in an authorised controlled operation and the listening device is being used by that participant or another participant in the operation.