

## FACT SHEET

### Police Powers (Surveillance Devices) Amendment Bill 2022

The *Police Powers (Surveillance Devices) Act 2006* (the Act) is the Tasmanian legislation that permits the use of covert surveillance devices by a law enforcement agency, such as Tasmania Police, when such usage would otherwise be unlawful – subject to authorisation under a warrant. Surveillance devices include listening devices, hidden cameras, tracking devices, and devices that can monitor/record the input and output from a computer.

The successful use of such covert techniques depends on a degree of secrecy regarding law enforcement methodology and capability, and any information captured can be extremely private to the person(s) under surveillance. The Act currently provides that any information regarding an application, warrant, or information obtained, is protected information. Such information can only be communicated for approved purposes, which are extremely limited, and any communication or publication of protected information is otherwise an offence.

Following a recent Supreme Court Decision in *Tasmania v Thompson (No 2)* [2022] TASSC 55, the then Commissioner of Police announced on 31 August 2022 that an independent review of processes relating to surveillance devices would be undertaken, with Terms of Reference for the review subsequently being tabled in Parliament on 29 September 2022.

It has since been identified that most information required for the review is classified as 'protected information' pursuant to section 32 of the Act and that its communication to the independent reviewer would be an offence pursuant to section 33 of the Act.

The Police Powers (Surveillance Devices) Amendment Bill 2022 will facilitate the announced review, and any future inquiries, by amending the Act to allow the use or communication of protected information for the purposes of an inquiry, review, or investigation, approved by the chief officer of a law enforcement agency into the operation of the Act or the performance or exercise of functions and powers under the Act by officers of the law enforcement agency. In approving an inquiry, review, or investigation, the chief officer may also impose conditions on the use or communication of protected information.

The Bill also provides for the publication of any report resulting from an inquiry, review, or investigation.

The Bill is to commence on Royal Assent.