

CLAUSE NOTES

Police Powers (Surveillance Devices) Amendment Bill 2022

- Clause 1** **Short title**
Specifies the short title of the proposed Act.
- Clause 2** **Commencement**
Provides that the Act commences on Royal Assent.
- Clause 3** **Principal Act**
Provides that the Principal Act that is being amended is the *Police Powers (Surveillance Devices) Act 2006*.
- Clause 4** **Section 33 amended (Prohibition on communication or publication of protected information)**
Clause 4 inserts a new subsection (3A) into section 33 of the Principal Act so that the offences relating to use, communication or publication of protected information under sections 33(1) and 33(2) do not apply to:
- a) the use or communication of protected information under the Act for the purposes of an inquiry, review, or investigation, approved by the chief officer of a law enforcement agency – for example, the Commissioner of Police. The approved inquiry, review, or investigation may be in relation to the operation of the Principal Act and/or the performance or exercise of functions or powers by officers of the law enforcement agency under the Act. For example, this allows communication of such information to the reviewer.
 - b) the use of protected information in a report that is made by the person conducting the inquiry, review, or investigation; and the publication of that report (subject to any conditions as noted below). If the publication places the report in the public domain, the existing exception in s 33(3)(a)(ii) of the Act means the further use, communication and publication of any information in the report by other people is not restricted.
 - c) the use, communication or publication by law enforcement officers of that Agency of protected information in the report. For example, if the chief officer authorises a report be prepared for internal use within the Agency, this sub-section clarifies that the report can be used and communicated within the Agency.
- All of these provisions are subject to the use, communication, or publication being in accordance with any conditions imposed by the chief officer of the law enforcement agency.
- Clause 5** **Repeal of Act**
This automatically repeals the amending legislation 12 months after the Act is fully commenced. The amendments made are incorporated into the Principal Act and remain in force after the repeal of the amending Act. This aids in maintaining a clear set of current legislation, which would otherwise be unnecessarily cluttered by amending legislation that is no longer required.