TELECOMMUNICATIONS (AMENDMENT) BILL 2020

Explanatory Statement

Regulations made under the Telecommunications Act 1997 and the Telecommunications (Consequential Amendments) Act 1997

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(2) the Land Court,
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(7) the Child Support Commissioners,
(8) the Child Support Appeals Tribunal,
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(10) the Value Added Tax Tribunal,
(11) the Insolvency Practitioners Tribunal,
(12) the Financial Services Tribunal,
(13) the Criminal Injuries Compensation Appeals Panel,
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(20) the Criminal Injuries Compensation Appeals Panel (Northern Ireland),
(21) the Criminal Injuries Compensation Appeals Panel (Scotland),
(22) the Criminal Injuries Compensation Appeals Panel (Wales),

Interpretation that the complaint is inadmissible in the performance of the complaint's functions under the Independent Complaints Commission Act 2017 (NSW), or

(iii) in the case of the Victorian Independent Complaints Commission, the complaint is inadmissible in the performance of the complaint's functions under the Independent Complaints Commission Act 2018 (Vic), or

(iv) in the case of the Northern Territory Independent Complaints Commission, the complaint is inadmissible in the performance of the complaint's functions under the Independent Complaints Commission Act 2021 (NT), or

(v) in the case of the Australian Capital Territory Independent Complaints Commission, the complaint is inadmissible in the performance of the complaint's functions under the Independent Complaints Commission Act 2021 (ACT), or

(vi) in the case of the Independent Commission Against Corruption Act 2012 (NSW), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2012 (NSW), or

(vii) in the case of the Independent Commission Against Corruption Act 2011 (Vic), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2011 (Vic), or

(viii) in the case of the Independent Commission Against Corruption Act 2018 (NT), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2018 (NT), or

(ix) in the case of the Independent Commission Against Corruption Act 2019 (ACT), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2019 (ACT), or

(x) in the case of the Independent Commission Against Corruption Act 2022 (Qld), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (Qld), or

(xi) in the case of the Independent Commission Against Corruption Act 2012 (SA), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2012 (SA), or

(xii) in the case of the Independent Commission Against Corruption Act 2003 (WA), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2003 (WA), or

(xiii) in the case of the Independent Commission Against Corruption Act 2019 (Tas), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2019 (Tas), or

(xiv) in the case of the Independent Commission Against Corruption Act 2019 (NT), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2019 (NT), or

(xv) in the case of the Independent Commission Against Corruption Act 2022 (ACT), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (ACT), or

(xvi) in the case of the Independent Commission Against Corruption Act 2022 (Tas), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (Tas), or

(xvii) in the case of the Independent Commission Against Corruption Act 2022 (Vic), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (Vic), or

(xviii) in the case of the Independent Commission Against Corruption Act 2022 (WA), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (WA), or

(xix) in the case of the Independent Commission Against Corruption Act 2022 (NT), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (NT), or

(xx) in the case of the Independent Commission Against Corruption Act 2022 (NSW), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (NSW), or

(xxi) in the case of the Independent Commission Against Corruption Act 2022 (SA), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (SA), or

(xxii) in the case of the Independent Commission Against Corruption Act 2022 (Qld), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (Qld), or

(xxiii) in the case of the Independent Commission Against Corruption Act 2022 (Tas), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (Tas), or

(xxiv) in the case of the Independent Commission Against Corruption Act 2022 (Vic), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (Vic), or

(xxv) in the case of the Independent Commission Against Corruption Act 2022 (WA), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (WA), or

(xxvi) in the case of the Independent Commission Against Corruption Act 2022 (NT), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (NT), or

(xxvii) in the case of the Independent Commission Against Corruption Act 2022 (ACT), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (ACT), or

(xxviii) in the case of the Independent Commission Against Corruption Act 2022 (Qld), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (Qld), or

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(xxxv) in the case of the Independent Commission Against Corruption Act 2022 (Qld), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (Qld), or

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(xl) in the case of the Independent Commission Against Corruption Act 2022 (NT), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (NT), or

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(liv) in the case of the Independent Commission Against Corruption Act 2022 (NT), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (NT), or

(lv) in the case of the Independent Commission Against Corruption Act 2022 (ACT), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (ACT), or

(lvi) in the case of the Independent Commission Against Corruption Act 2022 (Qld), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (Qld), or

(lvii) in the case of the Independent Commission Against Corruption Act 2022 (SA), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (SA), or

(lviii) in the case of the Independent Commission Against Corruption Act 2022 (Tas), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (Tas), or

(lix) in the case of the Independent Commission Against Corruption Act 2022 (Vic), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (Vic), or

(lx) in the case of the Independent Commission Against Corruption Act 2022 (WA), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (WA), or

(lxi) in the case of the Independent Commission Against Corruption Act 2022 (NT), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (NT), or

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(lxv) in the case of the Independent Commission Against Corruption Act 2022 (Tas), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (Tas), or

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(lxxx) in the case of the Independent Commission Against Corruption Act 2022 (Vic), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (Vic), or

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(xc) in the case of the Independent Commission Against Corruption Act 2022 (ACT), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (ACT), or

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(cii) in the case of the Independent Commission Against Corruption Act 2022 (WA), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (WA), or

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(cv) in the case of the Independent Commission Against Corruption Act 2022 (Qld), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (Qld), or

(cvi) in the case of the Independent Commission Against Corruption Act 2022 (SA), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (SA), or

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(cx) in the case of the Independent Commission Against Corruption Act 2022 (NT), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (NT), or

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(clvi) in the case of the Independent Commission Against Corruption Act 2022 (Tas), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (Tas), or

(clvii) in the case of the Independent Commission Against Corruption Act 2022 (Vic), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (Vic), or

(clviii) in the case of the Independent Commission Against Corruption Act 2022 (WA), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (WA), or

(clix) in the case of the Independent Commission Against Corruption Act 2022 (NT), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (NT), or

(clx) in the case of the Independent Commission Against Corruption Act 2022 (ACT), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (ACT), or

(clxi) in the case of the Independent Commission Against Corruption Act 2022 (Qld), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (Qld), or

(clxii) in the case of the Independent Commission Against Corruption Act 2022 (SA), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (SA), or

(clxiii) in the case of the Independent Commission Against Corruption Act 2022 (Tas), the complaint is inadmissible in the performance of the complaint's functions under the Independent Commission Against Corruption Act 2022 (Tas), or

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(c) [illegible] Th.1, Th.2, Th.3, Th.4, Th.5, Th.6, Th.7, Th.8, Th.9, Th.10, Th.11, Th.12, Th.13, Th.14, Th.15, Th.16, Th.17, Th.18, Th.19, Th.20, Th.21, Th.22, Th.23, Th.24, Th.25, Th.26, Th.27, Th.28, Th.29, Th.30, Th.31, Th.32, Th.33, Th.34, Th.35, Th.36, Th.37, Th.38, Th.39, Th.40,

(c) Notwithstanding paragraphs (a) and (b) of this section, the Director of the National Security Agency, in consultation with the Secretary of Defense, may delegate the authority to approve a request to intercept communications or communications of a particular person, to intercept communications of persons engaging in activities that are a threat to the security of a military installation or of military personnel, to employees designated by the Director of the National Security Agency, in those cases where the Director of the National Security Agency determines that the delegation of authority is required because of the urgency of the situation. Such employees may not further delegate the authority.

(d) Each request to intercept communications or communications of a particular person, to intercept communications of persons engaging in activities that are a threat to the security of a military installation or of military personnel, approved by an official specified in or pursuant to this section, shall be in writing and shall include a statement of the facts and circumstances relied upon by the person who approves the request to the effect that the interception is necessary to achieve the purpose of the interception.

(e) Each request to intercept communications or communications of a particular person, to intercept communications of persons engaging in activities that are a threat to the security of a military installation or of military personnel, approved by an official specified in or pursuant to this section, shall be recorded in writing by the person who approves the request.

(f) Communications of persons engaging in activities that are a threat to the security of a military installation or of military personnel may be intercepted only to the extent necessary to determine the identity of persons who are engaging in such activities and to determine the extent to which such persons are a threat to the security of a military installation or of military personnel.

(g) Communications intercepted under this section may be used only for purposes of protecting the security of military installations and of military personnel.

(h) Communications intercepted under this section may be disclosed only to those persons whose duties require such disclosure and only to the extent that such disclosure is necessary to achieve the purpose of the interception.

(i) Communications intercepted under this section may be retained only for a period of time not longer than is necessary to achieve the purpose of the interception.

(j) Communications intercepted under this section may be disclosed to persons outside the Department of Defense only with the approval of the Secretary of Defense or his designee, and only to the extent that such disclosure is necessary to achieve the purpose of the interception.

(k) Communications intercepted under this section may be disclosed in a criminal prosecution only with the approval of the Secretary of Defense or his designee, and only if the prosecution is for a crime of such seriousness that the interception was reasonable.

(l) Communications intercepted under this section may be disclosed in a civil proceeding only if the interception was reasonable.

(m) Communications intercepted under this section shall be presumed to be reasonable if the communications are intercepted pursuant to a warrant issued by a court of competent jurisdiction.

(n) Consent to an interception under this section may be given by any person who is a party to the communication or who has been given authority by a party to the communication to give such consent.

(o) Nothing in this section shall be construed to limit the authority of the Director of the National Security Agency to intercept communications under other provisions of law.

(p) Nothing in this section shall be construed to limit the authority of any agency specified in or designated under this section to intercept communications for purposes other than those specified in this section.

(q) Nothing in this section shall be construed to limit the authority of any agency specified in or designated under this section to conduct electronic surveillance (as defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(f)) or physical search (as defined in section 301(5) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1821(5)) within the United States or against a United States person (as defined in section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(i)) outside the United States.

(r) Nothing in this section shall be construed to limit the authority of the Director of the National Security Agency to conduct electronic surveillance (as defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(f)) or physical search (as defined in section 301(5) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1821(5)) within the United States or against a United States person (as defined in section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(i)) outside the United States.

(s) Nothing in this section shall be construed to limit the authority of the Director of the National Security Agency to intercept communications in the course of a military operation or exercise.

(t) Nothing in this section shall be construed to limit the authority of the Director of the National Security Agency to intercept communications in the course of training in the use of communications equipment.

(u) Nothing in this section shall be construed to limit the authority of the Director of the National Security Agency to intercept communications in the course of testing of communications equipment.

(v) Nothing in this section shall be construed to limit the authority of the Director of the National Security Agency to intercept communications in the course of testing of communications equipment and training in the use of communications equipment, if the interception is necessary to achieve the purpose of the testing or training.

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(1) The Director-General of Security, or an ASIO employee or ASIO affiliate appointed by the Director-General of Security, in writing, to be an authorizing officer for the purposes of this subsection, may, by writing under his or her hand, approve any persons, or class of persons, as persons authorized to exercise, on behalf of the Organisation, the authority conferred by Part 2-2 warrants.

(2) To avoid doubt, and without limiting subsection (1), if approval is given to a person or class of persons holding, occupying or performing the duties of an office or position, then the approval extends to such an office or position that comes into existence after the approval is given.

(3) Subsection (2) does not, by implication, affect the interpretation of any other provision of this Act.

(4) The Director-General of Security must, as soon as practicable after the authority conferred by a Part 2-2 warrant is exercised on behalf of the Organisation, cause one or more written records to be made that identify each person who exercised that authority.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 13
Discontinuance of interception before expiration of warrant

Where, before a Part 2-2 warrant ceases to be in force, the Director-General of Security is satisfied that the grounds on which the warrant was issued have ceased to exist, he or she shall forthwith inform the Attorney-General accordingly and take such steps that are necessary to ensure that the interception of communications under the warrant is discontinued.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 14
Certain records retained by Organisation to be destroyed

Where:

(a) a record or copy has been made of a communication intercepted by virtue of a Part 2-2 warrant;

(b) the record or copy is in the possession or custody, or under the control, of the Organisation; and

(c) the Director-General of Security is satisfied that the record or copy is not required, and is not likely to be required, in or in connection with the performance by the Organisation of its functions or the exercise of its powers (including the powers conferred by sections 64 and 65);

the Director-General of Security shall cause the record or copy to be destroyed.

Note: See subsection 11C(5) and paragraph 11C(6)(b) for additional rules about the destruction of material obtained under a warrant issued under section 11C.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 15
How warrants etc. to be dealt with

(1) Where the Attorney-General issues or revokes a Part 2-2 warrant, he or she shall cause:

(a) the Director-General of Security to be informed forthwith of the issue of the warrant or of the revocation, as the case may be; and

(b) the warrant or the instrument of revocation, as the case may be, to be forwarded, as soon as practicable, to the Director General of Security.

(1A) Where:

(a) the Director-General of Security is informed under paragraph (1)(a) of the issue of a warrant (other than a warrant under section 11C); and

(b) it is proposed, under the warrant, to intercept communications made to or from a telecommunications service while they are passing over a telecommunications system operated by a carrier; and

(ba) the execution of the warrant will involve the taking of action by the carrier or its employees;

the Director-General of Security shall cause:

(c) an authorised representative of that carrier to be informed forthwith of the issue of the warrant; and

(d) where, under paragraph (1)(b), the Director-General of Security receives the warrant--a copy of the warrant, certified in writing by a certifying person to be a true copy of the warrant, to be given as soon as practicable to that authorised representative.

Note: Subsection 15(7) deals with cases where the Director-General of Security is informed of the issue of a warrant under section 11C.

(1B) Where:

(a) an authorised representative of a carrier has been informed, under subsection (1A), of the issue of a warrant; and

(b) the Director-General of Security is informed under paragraph (1)(a) that the warrant has been revoked;

the Director-General of Security shall cause:

(c) that authorised representative to be informed forthwith of the revocation; and

(d) where, under paragraph (1)(b), the Director-General of Security receives the instrument of revocation--a copy of the instrument, certified in writing by a certifying person to be a true copy of the instrument, to be forwarded as soon as practicable to that authorised representative.

(3) The Attorney-General shall record on each request in writing for the issue of a warrant received by him or her from the Director-General of Security his or her decision with respect to the request and shall cause the request to be returned to the Director-General of Security.

(4) Where:

(a) the Director-General of Security issues a warrant under section 10; and

(b) it is proposed, under the warrant, to intercept communications made to or from a telecommunications service while they are passing over a telecommunications system operated by a carrier; and

(ba) the execution of the warrant will involve the taking of action by the carrier or its employees;

the Director-General of Security shall cause:

(c) an authorised representative of that carrier to be informed forthwith of the issuing of the warrant; and

(d) a copy of the warrant, certified in writing by the Director-General, or a Deputy Director-General of Security, to be a true copy of the warrant, to be given as soon as practicable to that authorised representative.

(6) The Director-General of Security shall cause to be kept in the Organisation's records:

(a) each warrant issued under section 10;

(c) each warrant, and each instrument of revocation, received under this section by the Director-General from the Attorney-General; and

(e) each request, and each document, returned to the Director-General by the Attorney-General.

(7) Where:

(a) the Director-General of Security is informed under paragraph (1)(a) of the issue of a warrant under section 11C; and

(b) it is proposed, under the warrant, to intercept communications made while they are passing over a telecommunications system operated by a carrier; and

(ba) the carrier is required to be given a notice under subsection 11C(4A) in relation to the warrant;

the Director-General of Security must cause:

(c) an authorised representative of that carrier to be informed forthwith of the issue of the warrant; and

(d) that authorised representative to be given the notice under subsection 11C(4A) as soon as reasonably practicable.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 16
Additional requirements for named person warrants

(1) Where:

(a) an authorised representative of a carrier has been given a copy of a warrant under section 9A or 11B; and

(aa) the warrant is not a warrant that authorises interception of communications made by means of a telecommunications device or telecommunications devices identified in the warrant; and

(b) it is proposed, under the warrant, to intercept communications made to or from a telecommunications service operated by the carrier; and

(c) the service was not identified in the warrant;

a certifying person must cause that authorised representative to be given, as soon as practicable, a description in writing of the service sufficient to identify it.

(1A) Where:

(a) an authorised representative of a carrier has been given a copy of a warrant under section 9A or 11B; and

(b) the warrant is a warrant that authorises interception of communications made by means of a telecommunications device or telecommunications devices identified in the warrant; and

(c) it is proposed, under the warrant, to intercept, by means of a telecommunications device, communications made to or from a telecommunications service operated by the carrier; and

(d) the device was not identified in the warrant;

a certifying person must cause that authorised representative to be given, as soon as practicable, a description in writing of the device sufficient to identify it.

(2) Where:

(a) an authorised representative of a carrier has been given a description of a telecommunications service to or from which, or a telecommunications device or telecommunications devices by means of which, communications are proposed to be intercepted under a warrant under section 9A or 11B; and

(b) the Director-General of Security is satisfied that the interception of communications to or from that service, or by means of the device or devices, is no longer required;

a certifying person must cause:

(c) that authorised representative to be informed of the fact immediately; and

(d) confirmation in writing of the fact to be given as soon as practicable to that authorised representative.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 17
Reports to be made to Attorney-General on results of interception

(1) The Director-General of Security shall furnish to the Attorney-General, in respect of each Part 2-2 warrant, within 3 months after the expiration or revocation, whichever first occurs, of the warrant, a report in writing on the extent to which the interception of communications under the warrant has assisted the Organisation in carrying out its functions.

(2) A report under subsection (1) in relation to a warrant issued under section 9A or 11B must include details of the telecommunications service to or from which each intercepted communication was made.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 18
Evidentiary certificates

(1) The following:

(a) the Managing Director of a carrier;

(b) the secretary of a carrier;

(c) an employee of a carrier authorised in writing for the purposes of this paragraph by the Managing Director or the secretary of the carrier;

may issue a written certificate signed by him or her setting out such facts as he or she considers relevant with respect to acts or things done by, or in relation to, employees of the carrier in order to enable a warrant to be executed.

(2) A document purporting to be a certificate issued under subsection (1) and purporting to be signed by the Managing Director or secretary, or an employee, of a carrier is to be received in evidence in an exempt proceeding without further proof and is, in an exempt proceeding, conclusive evidence of the matters stated in the document.

(3) The Director-General of Security or the Deputy Director-General of Security may issue a written certificate signed by him or her setting out such facts as he or she considers relevant with respect to acts or things done:

(a) in order to enable, or in connection with enabling, a warrant issued under this Part to be executed; or

(b) in connection with the execution of a warrant issued under this Part.

(4) The Director-General of Security or the Deputy Director-General of Security may issue a written certificate signed by him or her setting out such facts as he or she considers relevant with respect to anything done by an ASIO employee or an ASIO affiliate:

(a) in connection with the execution of a warrant issued under this Part; or

(b) in connection with:

(i) the communication by a person to another person of; or

(ii) the making use of; or

(iii) the making of a record of; or

(iv) the custody of a record of; or

(v) the giving in evidence of;

information obtained by the execution of such a warrant.

(5) A document purporting to be a certificate issued under subsection (3) or (4) by the Director-General of Security or the Deputy Director-General of Security and to be signed by him or her is to be received in evidence in an exempt proceeding without further proof and is, in an exempt proceeding, prima facie evidence of the matters stated in the document.

(6) In subsections (1) and (2), a reference to the Managing Director or secretary of a carrier includes a reference to the Managing Director or secretary of a body corporate of which the carrier is a subsidiary.

(7) For the purposes of this section, the question whether a body corporate is a subsidiary of another body corporate is to be determined in the same manner as the question is determined under the Corporations Act 2001.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 30
Emergency requests

(1) Where:

(a) a person is a party to a communication passing over a telecommunications system;

(b) as a result of information conveyed by another party to the communication (in this section referred to as the caller) and of any other matters, the first-mentioned person forms the honest belief that either of the following emergencies exist:

(i) another person (whether or not the caller) is dying, is being seriously injured or has been seriously injured;

(ii) another person (whether or not the caller) is likely to die or be seriously injured; and

(c) the first-mentioned person does not know the location of the caller;

the first-mentioned person may:

(d) in a case where the first-mentioned person:

(i) is a member of a police force; and

(ii) is of the opinion that tracing the location of the caller is likely to be of assistance in dealing with the emergency;

request, or cause another member of a police force to request, an employee of a carrier to intercept, or to cause other employees of the carrier to intercept, the communication for the purposes of tracing the location of the caller; or

(e) in a case where the first-mentioned person is not a member of a police force--inform, or cause another person to inform, a member of a police force of the matters referred to in paragraphs (a), (b) and (c).

(2) Where a member of a police force is so informed, the member may, if the member is of the opinion that tracing the location of the caller is likely to be of assistance in dealing with the emergency, request an employee of a carrier to intercept, or to cause other employees of the carrier to intercept, the communication for the purposes of tracing the location of the caller.

(3) Where, pursuant to a request made, or purporting to be made, by a member of a police force under subsection (1) or (2), an employee of a carrier intercepts a communication passing over a telecommunications system for the purpose of tracing the location of the caller, the employee shall:

(a) communicate, or cause another employee of the carrier to communicate, the location of the caller to the person who made the request or to any other member of a police force; and

(b) communicate particulars of the interception to the Managing Director of the carrier.

(4) As soon as practicable after making to an employee of a carrier a request under, or purporting to be under, subsection (1) or (2), a member of a police force shall give, or cause another member of a police force to give, to the Managing Director of the carrier a written confirmation of the request that sets out the information given by the first-mentioned member to that employee in connection with the request.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 31
Applications for authorisation

(1) The head (however described) of a security authority that has functions that include activities relating to developing or testing technologies, or interception capabilities, or a person acting as that head, may request the Attorney-General to authorise, under section 31A, interception of communications passing over a telecommunications system:

(a) if one or more carriers are specified in the request for the purposes of this paragraph--by:

(i) employees of the security authority authorised under section 31B; and

(ii) employees of those carriers; or

(b) if no carriers are specified in the request for the purposes of paragraph (a)--by employees of the security authority authorised under section 31B.

(2) The request:

(a) must be in writing; and

(b) must include details of the development or testing of technologies, or interception capabilities, in relation to which authorisation is sought; and

(c) must include details of the extent to which the development or testing would involve, or would be likely to involve, interception of communications passing over a telecommunications system; and

(d) must refer to the functions of the authority that the development or testing would support; and

(e) must state the grounds for seeking the authorisation; and

(f) must summarise the outcomes of any previous authorisations given to the authority under section 31A in relation to the technology or interception capability that is the subject of the application; and

(g) must nominate the period (not exceeding 6 months) for which the authorisation is sought to be in force.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 31A
Attorney-General may authorise interception for developing and testing interception capabilities

(1) Upon receiving the request, the Attorney-General may authorise interception of communications passing over a telecommunications system:

(a) if one or more carriers are specified in the request for the purposes of paragraph 31(1)(a)--by:

(i) employees of the security authority authorised under section 31B; and

(ii) employees of those carriers; or

(b) if no carriers are specified in the request for the purposes of paragraph 31(1)(a)--by employees of the security authority authorised under section 31B.

(2) The authorisation is subject to:

(a) a condition prohibiting:

(i) interception of communications passing over a telecommunications system except for the purposes of development or testing of technologies, or interception capabilities; or

(ii) communicating, using or recording such communications except for such purposes; and

(b) any other conditions specified in the authorisation.

(3) The authorisation must be in writing and must specify the period (not exceeding 6 months) for which it will have effect.

(4) The head (however described) of the security authority, or a person acting as that head, must ensure that a copy of the authorisation is kept by the authority and is available for inspection on request by the Minister who is responsible for the authority.

(4A) If paragraph (1)(a) applies to the authorisation, this Part does not require that an authorised interception must involve:

(a) one or more employees of the security authority referred to in that paragraph; and

(b) one or more employees of a carrier referred to in that paragraph;

acting together or in the presence of each other.

(5) An authorisation given under subsection (1) is not a legislative instrument.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 31AA
Carrier to be notified of authorisation etc.

(1) If:

(a) the Attorney-General gives a section 31A authorisation in response to an application made by:

(i) the head (however described) of a security authority; or

(ii) a person acting as that head; and

(b) the authorisation covers the employees of a carrier;

the head (however described) of the security authority, or a person acting as that head, must cause a copy of the authorisation to be given to the authorised representative of the carrier as soon as practicable.

(2) If:

(a) the Attorney-General has given a section 31A authorisation in response to an application made by:

(i) the head (however described) of a security authority; or

(ii) a person acting as that head; and

(b) the authorisation is varied or revoked; and

(c) the authorisation covers the employees of a carrier;

the head (however described) of the security authority, or a person acting as that head, must cause:

(d) an authorised representative of the carrier to be immediately informed of the variation or revocation; and

(e) a copy of the variation or revocation to be given to the authorised representative as soon as practicable.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 31B
Authorisation of employees of a security authority

(1) The following persons:

(a) the head (however described) of a security authority;

(b) an officer of the security authority covered by an approval in force under subsection (2);

may, by writing, authorise employees of the authority for the purposes of this Part.

(2) The head (however described) of a security authority may, by writing, approve an officer of the authority for the purposes of paragraph (1)(b).

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 31C
Destruction of records

If:

(a) information, or a record, that was obtained, in the course of developing or testing technologies or interception capabilities, by interception of communications passing over a telecommunications system is in a security authority's possession; and

(b) the information or record is no longer required in relation to the development or testing;

the head (however described) of the security authority, or a person acting as that head, must cause the information or record to be destroyed as soon as practicable.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 31D
Reports to the Attorney-General

The head (however described) of a security authority, or a person acting as that head, must give to the Attorney-General, within 3 months after an authorisation under section 31A given to the authority ceases to have effect, a written report about:

(a) the outcome of the development or testing of technologies, or interception capabilities, in relation to which the authorisation was given; and

(b) the destruction of information or records under section 31C.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 31E
Employees of security authorities

(1) For the purposes of this Part:

(a) an ASIO employee is taken to be an employee of the Organisation; and

(b) an ASIO affiliate is taken to be an employee of the Organisation.

(2) For the purposes of this Part, if:

(a) a person is a staff member (within the meaning of the Intelligence Services Act 2001) of an agency (within the meaning of that Act); and

(b) the agency is a security authority;

the person is taken to be an employee of the security authority.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 34
Declaration of an eligible authority of a State as an agency

Subject to section 35, the Minister may, by legislative instrument and at the request of the Premier of a State, declare an eligible authority of that State to be an agency for the purposes of this Act.

Note: The declaration may also authorise the eligible authority to apply for Part 5.3 warrants: see section 38A.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 35
Preconditions for declaration

(1) The Minister shall not make a declaration under section 34 in relation to an eligible authority of a State unless he or she is satisfied that the law (in this subsection called the relevant law) of that State makes satisfactory provision:

(a) imposing on the chief officer of the eligible authority requirements corresponding to the requirements that section 80 (other than paragraphs 80(f) and (g)) and section 81 (other than paragraph 81(1)(h), and subsection 81(2), so far as that subsection relates to paragraph 81(1)(h)) impose on the chief officer of a Commonwealth agency; and

(c) requiring the chief officer of the eligible authority to give to a specified Minister (in this subsection called the responsible Minister) of that State, within 3 months after a warrant issued to the eligible authority ceases to be in force, a written report about:

(i) the use made by the eligible authority of information obtained by interceptions under the warrant; and

(ii) the communication of such information to persons other than officers of the eligible authority; and

(d) requiring the chief officer of the eligible authority to give to the responsible Minister as soon as practicable, and in any event within 3 months, after each 30 June, a written report that sets out such information as:

(i) Division 2 of Part 2-8 requires to be set out in the Minister's report under that Division relating to the year ending on that 30 June; and

(ii) can be derived from the eligible authority's records; and

(e) requiring the responsible Minister to give to the Minister, as soon as practicable after a report of a kind referred to in paragraph (c) or (d) is given to the responsible Minister, a copy of the report; and

(f) requiring the chief officer of the eligible authority to cause a restricted record (whether made before or after the commencement of this section) that is in the possession of the eligible authority to be kept, except when it is being otherwise dealt with in accordance with this Act and the relevant law, in a secure place where it is not accessible to persons other than persons who are entitled so to deal with it; and

(g) requiring the chief officer of the eligible authority to cause a restricted record of a kind referred to in paragraph (f) to be destroyed forthwith where the chief officer is satisfied that the restricted record is not likely to be required for a permitted purpose in relation to the eligible authority, other than a purpose connected with an inspection of the kind referred to in paragraph (h) or with a report on such an inspection; and

(h) requiring regular inspections of the eligible authority's records, for the purpose of ascertaining the extent of compliance by the officers of the eligible authority with the requirements referred to in paragraphs (a), (f) and (g) of this subsection, to be made by an authority of that State that is independent of the eligible authority and on which sufficient powers have been conferred to enable the independent authority to make a proper inspection of those records for that purpose; and

(ha) requiring that a person who performs a function or exercises a power under section 44A or 45 in relation to an application by an eligible authority for a warrant must not undertake an inspection of the eligible authority's records for the purpose referred to in paragraph (h) in relation to a record of the eligible authority that relates to the application; and

(j) requiring an authority of that State that has made an inspection of the eligible authority's interception records for the purpose referred to in paragraph (h) to report in writing to the responsible Minister about the results of the inspection; and

(k) empowering an authority of that State that, as a result of inspecting the eligible authority's records for the purpose referred to in paragraph (h), is of the opinion that an officer of the eligible authority has contravened:

(i) a provision of this Act; or

(ii) a requirement referred to in paragraph (c);

to include in the report on the inspection a report on the contravention; and

(m) requiring the responsible Minister to give to the Minister, as soon as practicable after a report on an inspection of the kind referred to in paragraph (j) is given to the responsible Minister, a copy of the report.

(1A) Paragraphs (1)(f) and (g) do not apply to a restricted record that is a record of a communication that was intercepted under paragraph 7(2)(aaa).

(2) The Minister must not make a declaration under section 34 in relation to an eligible authority of a State unless the Minister is satisfied that that State has entered into an agreement to pay all expenses connected with the issue of warrants to the authority.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 36
State laws requiring copies of documents to be given to responsible Minister

(1) Nothing in this Division is to be taken to preclude a law of a State from requiring the chief officer of the eligible authority to give to a specified Minister (the responsible Minister) of that State a copy of each warrant issued to the eligible authority, and of each instrument under section 52 or 57 revoking such a warrant.

(2) If a State makes a law of the kind mentioned in subsection (1), then, for the purposes of section 63AA, the chief officer of the eligible authority is taken to be communicating interception warrant information for the purposes of this Part by giving documents to the responsible Minister to comply with the requirement.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 37
Revocation of declaration

(1) If requested by the Premier of a State to revoke a declaration in force under section 34 in relation to an eligible authority of that State, the Minister shall, by notice in writing published in the Gazette, revoke the declaration.

(2) Subject to subsection (1), the Minister may, by notice in writing published in the Gazette, revoke a declaration in force under section 34 in relation to an eligible authority of a State if, and only if, the Minister is satisfied that:

(a) the law of that State no longer makes satisfactory provision in relation to the authority as mentioned in subsection 35(1);

(b) the extent of compliance with a requirement of a law of that State, being a requirement of a kind referred to in subsection 35(1), has been unsatisfactory in so far as the requirement relates to the authority;

(c) no agreement of the kind referred to in subsection 35(2), being an agreement entered into by that State that relates to the authority, is in force;

(d) the extent of compliance by that State with the terms of an agreement of the kind referred to in subsection 35(2), being an agreement entered into by that State, has been unsatisfactory in so far as the agreement relates to the authority; or

(e) the extent of compliance by the chief officer of the authority, or by officers of the authority, with this Act has been unsatisfactory.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 38
Effect of revocation

Where a declaration under section 34 in relation to an eligible authority of a State is revoked, this Act:

(a) continues to apply in relation to a warrant that was issued to the authority before the revocation; and

(b) so applies at a particular time as if the authority were an agency at that time.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 38A
Agencies authorised to apply for Part 5.3 warrants

(1) This section applies to a declaration made under section 34 in relation to an eligible authority of a State.

Authorisation

(2) When the Minister makes the declaration, the Minister must, in the declaration, authorise the eligible authority to apply for Part 5.3 warrants if:

(a) the Premier of the State requests that the eligible authority be so authorised; and

(b) the Minister is satisfied as mentioned in subsection (4) of this section.

(3) The Minister must amend the declaration to authorise the eligible authority to apply for Part 5.3 warrants if:

(a) the declaration does not already so authorise the eligible authority; and

(b) the Premier of the State requests that the eligible authority be so authorised; and

(c) the Minister is satisfied as mentioned in subsection (4).

Criteria to be authorised to apply for a Part 5.3 warrant

(4) For the purposes of paragraph (2)(b) or (3)(c), the Minister must be satisfied that the law of the State makes satisfactory provision:

(a) imposing on the chief officer of the eligible authority requirements corresponding to the requirements that paragraphs 80(f) and (g) and 81(1)(h) and subsection 81(2), so far as that subsection relates to paragraph 81(1)(h), impose on the chief officer of a Commonwealth agency; and

(b) imposing on the chief officer of the eligible authority requirements corresponding to the requirements that section 59B imposes on the chief officer of a Commonwealth agency; and

(c) giving an authority of the State powers corresponding to those that subsections 83(3) and 84(2) and sections 85 and 85A give to the Ombudsman, if the authority of the State receives a notice from the eligible authority because of the requirements mentioned in paragraph (b) of this subsection; and

(d) requiring an authority of the State that has made an inspection of the eligible authority's records under the powers mentioned in paragraph (c) to report in writing to the responsible Minister about the results of the inspection; and

(e) requiring the responsible Minister to give to the Minister, as soon as practicable, a copy of a report that an authority of the State gives to the responsible Minister under a power or requirement mentioned in paragraph (c) or (d).

Removal of authorisation

(5) The Minister must amend the declaration to remove the authorisation of the eligible authority to apply for Part 5.3 warrants if the Premier of the State requests the Minister to remove the authorisation.

(6) The Minister may amend the declaration to remove the authorisation of the eligible authority to apply for Part 5.3 warrants if the Minister is satisfied that:

(a) the law of the State no longer makes satisfactory provision in relation to the eligible authority as mentioned in subsection (4); or

(b) the extent of compliance with a requirement of a law of that State, being a requirement of a kind mentioned in subsection (4), has been unsatisfactory in so far as the requirement relates to the eligible authority; or

(c) the extent of compliance by the chief officer of the eligible authority, or by officers of the eligible authority, with this Act has been unsatisfactory, so far as this Act relates to Part 5.3 warrants.

(7) If the Minister amends the declaration under subsection (5) or (6), the amendment does not affect the validity of a Part 5.3 warrant issued before the amendment in response to an application by the eligible authority.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 39
Agency may apply for warrant

(1) An agency may apply for a warrant in respect of a telecommunications service or a person to:

(a) for an application made by the National Anti-Corruption Commission--an eligible Judge; or

(b) otherwise--an eligible Judge or a nominated AAT member.

(2) An application for a warrant shall be made on an agency's behalf by:

(a) in the case of the Australian Federal Police--a member of the Australian Federal Police; or

(aa) in the case of the National Anti-Corruption Commission:

(i) the National Anti-Corruption Commissioner; or

(ii) a National Anti-Corruption Deputy Commissioner; or

(iii) a staff member of the National Anti-Corruption Commission who is authorised in writing by the National Anti-Corruption Commissioner for the purposes of this paragraph; or

(b) in the case of the ACC:

(i) the Chief Executive Officer of the ACC or an examiner; or

(ii) a member of a police force who is a member of the staff of the ACC; or

(c) in the case of the Police Force of a State--an officer of that Police Force; or

(d) in the case of the Crime Commission:

(i) a member of the Crime Commission; or

(ii) a member of the staff of the Crime Commission; or

(e) in the case of the Independent Commission Against Corruption--an officer of that Commission; or

(ea) in the case of the IBAC--an IBAC officer; or

(f) in the case of the Crime and Corruption Commission--a commission officer (within the meaning of the Crime and Corruption Act); or

(g) in the case of the Law Enforcement Conduct Commission:

(i) the Chief Commissioner of the Commission; or

(ii) the Commissioner for Integrity of the Commission; or

(iii) an Assistant Commissioner of the Commission; or

(iv) a member of the staff of the Law Enforcement Conduct Commission; or

(i) in the case of the Corruption and Crime Commission--an officer of the Corruption and Crime Commission; or

(j) in the case of the Independent Commission Against Corruption (SA):

(i) the Commissioner of the Independent Commission Against Corruption (SA); or

(ii) the Deputy Commissioner of the Independent Commission Against Corruption (SA); or

(iii) a member of the staff of the Independent Commission Against Corruption (SA).

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 40
Form of application

(1) Subject to subsection (2), an application for a warrant shall be in writing.

(2) If the person making an application for a warrant on an agency's behalf:

(a) is the chief officer of the agency or a person in relation to whom an authorisation by the chief officer is in force under subsection (3); and

(b) thinks it necessary, because of urgent circumstances, to make the application by telephone;

the person may make the application by telephone.

(3) The chief officer of an agency may authorise in writing, for the purposes of subsection (2), persons who, or classes of persons who, are entitled under section 39 to make applications on the agency's behalf.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 41
Contents of application

A written application by an agency for a warrant shall set out:

(a) the name of the agency; and

(b) the name of the person making the application on the agency's behalf.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 42
Affidavit to accompany written application

(1) A written application by an agency for a warrant shall be accompanied by an affidavit complying with this section.

(2) The affidavit shall set out the facts and other grounds on which the application is based.

(3) The affidavit shall specify the period for which it is requested that the warrant be in force and shall state why it is considered necessary for the warrant to be in force for that period.

(4) If the application is for a telecommunications service warrant, the affidavit shall set out, in relation to the service, and in relation to each person to whom the application relates, the following information, so far as it can be derived from the agency's records:

(a) the number of previous applications (if any) for warrants that the agency has made and that related to the service or to that person, as the case may be;

(b) the number of warrants (if any) previously issued on such applications; and

(c) particulars of the use made by the agency of information obtained by interceptions under such warrants.

(4A) If the application is for a named person warrant, the affidavit must set out:

(a) the name or names by which the person is known; and

(b) details (to the extent these are known to the chief officer) sufficient to identify the telecommunications services the person is using, or is likely to use; and

(ba) if the warrant would authorise interception of communications made by means of a telecommunications device or telecommunications devices identified in the warrant--details (to the extent these are known to the chief officer) sufficient to identify the telecommunications device or telecommunications devices that the person is using, or is likely to use; and

(c) the number of previous applications (if any) for warrants that the agency has made and that related to the person or to a service that the person has used; and

(d) the number of warrants (if any) previously issued on such applications; and

(e) particulars of the use made by the agency of information obtained by interceptions under such warrants.

(5) Notwithstanding subsection (1), a written application may be accompanied by 2 or more affidavits that together set out each matter that, but for this subsection, this section would have required an affidavit accompanying the application to set out, specify or state.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 43
Information to be given on telephone application

The information given to a Judge or nominated AAT member in connection with a telephone application to the Judge or nominated AAT member:

(a) shall include particulars of the urgent circumstances because of which the person making the application on the agency's behalf thinks it necessary to make the application by telephone;

(b) shall include each matter that, if the application had been made in writing, section 41, 42 or 48 would have required the application, or an affidavit accompanying it, to set out, specify or state; and

(c) shall be given orally or in writing, as the Judge or nominated AAT member directs.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 44
Giving further information to Judge

(1) A Judge or nominated AAT member may require further information to be given in connection with an application to the Judge or nominated AAT member for a warrant.

(2) The further information:

(a) shall be given on oath if the application was made in writing; and

(b) shall be given orally or otherwise, as the Judge or nominated AAT member directs.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 44A
Application by interception agency of Victoria

Scope

(1) This section applies if an interception agency of Victoria applies, under section 39, to an eligible Judge or nominated AAT member for a warrant in respect of a telecommunications service or a person.

PIM may make submissions

(2) A Victorian PIM may, orally or in writing, make submissions to the Judge or nominated AAT member about the following matters:

(a) in relation to an application for a warrant in respect of a telecommunications service--the matters mentioned in paragraphs 46(2)(a) to (f), 46(5)(a) to (gb) or 46(8)(a) to (e), as the case requires;

(b) in relation to an application for a warrant in respect of a person--the matters mentioned in paragraphs 46A(2)(a) to (f), 46A(2B)(a) to (gb) or 46A(2D)(a) to (e), as the case requires.

PIM may question certain persons

(3) The Victorian PIM may, for the purpose of making submissions under subsection (2), question:

(a) the person making the application for the warrant on the interception agency's behalf; or

(b) a person who, under section 44, is required by the Judge or nominated AAT member to give further information to the Judge or nominated AAT member in connection with the application.

However, the Victorian PIM may only do so in the presence of the eligible Judge or nominated AAT member.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 45
Application by interception agency of Queensland

Scope

(1) This section applies if an interception agency of Queensland applies, under section 39, to an eligible Judge or nominated AAT member for a warrant in respect of a telecommunications service or a person.

PIM may make submissions

(2) A Queensland PIM may, orally or in writing, make submissions to the Judge or nominated AAT member about the following matters:

(a) in relation to an application for a warrant in respect of a telecommunications service--the matters mentioned in paragraphs 46(2)(a) to (f), 46(5)(a) to (gb) or 46(8)(a) to (e), as the case requires;

(b) in relation to an application for a warrant in respect of a person--the matters mentioned in paragraphs 46A(2)(a) to (f), 46A(2B)(a) to (gb) or 46A(2D)(a) to (e), as the case requires.

PIM may question certain persons

(3) The Queensland PIM may, for the purpose of making submissions under subsection (2), question:

(a) the person making the application for the warrant on the interception agency's behalf; or

(b) a person who, under section 44, is required by the Judge or nominated AAT member to give further information to the Judge or nominated AAT member in connection with the application.

However, the Queensland PIM may only do so in the presence of the eligible Judge or nominated AAT member.

(4) A Queensland PIM may delegate to a Queensland deputy PIM the Queensland PIM's power under subsection (2) or (3), or both. The delegation must be in writing.

(5) In exercising powers under the delegation, the Queensland deputy PIM must comply with any directions of the Queensland PIM.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 45A
State law not affected

If:

(a) a person (the applicant) applies, or proposes to apply, under section 39, on behalf of an interception agency of Victoria or Queensland for a warrant in respect of a telecommunications service or a person; and

(b) a law of that State authorises or requires the applicant:

(i) to notify the PIM of that State of the application or proposed application; or

(ii) to notify the PIM of that State of any information that relates to the application or proposed application; or

(iii) to give the PIM of that State any document that relates to the application or proposed application;

then nothing in this Act prevents the applicant from making the notification or giving the document to the PIM of that State.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 46
Issue of telecommunications service warrant

Warrant relating to the investigation of one or more serious offences

(1) Where an agency applies to an eligible Judge or nominated AAT member for a warrant in respect of a telecommunications service and the Judge or nominated AAT member is satisfied, on the basis of the information given to the Judge or nominated AAT member under this Part in connection with the application, that:

(a) Division 3 has been complied with in relation to the application; and

(b) in the case of a telephone application--because of urgent circumstances, it was necessary to make the application by telephone; and

(c) there are reasonable grounds for suspecting that a particular person is using, or is likely to use, the service; and

(d) information that would be likely to be obtained by intercepting under a warrant communications made to or from the service would be likely to assist in connection with the investigation by the agency of a serious offence, or serious offences, in which:

(i) the particular person is involved; or

(ii) another person is involved with whom the particular person is likely to communicate using the service; and

(e) having regard to the matters referred to in subsection (2), and to no other matters, the Judge or nominated AAT member should issue a warrant authorising such communications to be intercepted;

the Judge or nominated AAT member may, in his or her discretion, issue such a warrant.

Note: Subparagraph (d)(ii)--subsection (3) restricts the issuing of warrants if subparagraph (d)(ii) applies.

(2) For the purposes of subsection (1), the matters to which the Judge or nominated AAT member shall have regard are:

(a) how much the privacy of any person or persons would be likely to be interfered with by intercepting under a warrant communications made to or from the service referred to in subsection (1); and

(b) the gravity of the conduct constituting the offence or offences being investigated; and

(c) how much the information referred to in paragraph (1)(d) would be likely to assist in connection with the investigation by the agency of the offence or offences; and

(d) to what extent methods of investigating the offence or offences that do not involve so intercepting communications have been used by, or are available to, the agency; and

(e) how much the use of such methods would be likely to assist in connection with the investigation by the agency of the offence or offences; and

(f) how much the use of such methods would be likely to prejudice the investigation by the agency of the offence or offences, whether because of delay or for any other reason; and

(fa) in relation to an application by an interception agency of Victoria--any submissions made by the Victorian PIM under section 44A to the Judge or nominated AAT member; and

(g) in relation to an application by an interception agency of Queensland--any submissions made by the Queensland PIM under section 45 to the Judge or nominated AAT member.

(3) The Judge or nominated AAT member must not issue a warrant under subsection (1) in a case in which subparagraph (1)(d)(ii) applies unless he or she is satisfied that:

(a) the agency has exhausted all other practicable methods of identifying the telecommunications services used, or likely to be used, by the person involved in the offence or offences referred to in paragraph (1)(d); or

(b) interception of communications made to or from a telecommunications service used or likely to be used by that person would not otherwise be possible.

Warrant sought for Part 5.3 supervisory order

(4) If a Part 5.3 warrant agency applies to an eligible Judge or nominated AAT member for a warrant in respect of a telecommunications service and the Judge or nominated AAT member is satisfied, on the basis of the information given to the Judge or nominated AAT member under this Part in connection with the application, that:

(a) Division 3 has been complied with in relation to the application; and

(b) in the case of a telephone application--because of urgent circumstances, it was necessary to make the application by telephone; and

(c) there are reasonable grounds for suspecting that a particular person is using, or is likely to use, the service; and

(d) either:

(i) a Part 5.3 supervisory order is in force in relation to the particular person; or

(ii) a Part 5.3 supervisory order is in force in relation to another person, and the particular person is likely to communicate with the other person using the service; and

(e) information that would be likely to be obtained by intercepting under a warrant communications made to or from the service would be likely to substantially assist in connection with:

(i) achieving a Part 5.3 object; or

(ii) determining whether the Part 5.3 supervisory order, or any succeeding Part 5.3 supervisory order, has been, or is being, complied with; and

(f) having regard to the matters referred to in subsection (5), and to no other matters, the Judge or nominated AAT member should issue a warrant authorising such communications to be intercepted;

the Judge or nominated AAT member may, in his or her discretion, issue such a warrant.

Note 1: Subsection (6) restricts the issuing of warrants if subparagraph (d)(ii) applies.

Note 2: For Part 5.3 supervisory orders that have been made but not come into force, see section 6T.

(5) For the purposes of subsection (4), the matters to which the Judge or nominated AAT member must have regard are:

(a) how much the privacy of any person or persons would be likely to be interfered with by intercepting under a warrant communications made to or from the service referred to in subsection (4); and

(b) how much the information referred to in paragraph (4)(e) would be likely to assist in connection with:

(i) achieving a Part 5.3 object; or

(ii) determining whether the Part 5.3 supervisory order, or any succeeding Part 5.3 supervisory order, has been, or is being, complied with; and

(c) to what extent methods for:

(i) achieving a Part 5.3 object; or

(ii) determining whether the Part 5.3 supervisory order, or any succeeding Part 5.3 supervisory order, has been, or is being, complied with;

that do not involve so intercepting communications have been used by, or are available to, the agency; and

(d) how much the use of such methods would be likely to assist in connection with:

(i) achieving a Part 5.3 object; or

(ii) determining whether the Part 5.3 supervisory order, or any succeeding Part 5.3 supervisory order, has been, or is being, complied with; and

(e) how much the use of such methods would be likely to prejudice:

(i) achieving a Part 5.3 object; or

(ii) determining whether the Part 5.3 supervisory order, or any succeeding Part 5.3 supervisory order, has been, or is being, complied with;

whether because of delay or for any other reason; and

(f) whether intercepting under a warrant communications made to or from the service referred to in subsection (4) would be the method that is likely to have the least interference with any person's privacy; and

(g) in relation to a Part 5.3 supervisory order that is a control order--the possibility that the person in relation to whom the control order is in force:

(i) has engaged, is engaging, or will engage, in a terrorist act; or

(ii) has provided, is providing, or will provide, support for a terrorist act; or

(iii) has facilitated, is facilitating, or will facilitate, a terrorist act; or

(iv) has provided, is providing, or will provide, support for the engagement in a hostile activity in a foreign country; or

(v) has facilitated, is facilitating, or will facilitate, the engagement in a hostile activity in a foreign country; and

(ga) in relation to a Part 5.3 supervisory order that is an extended supervision order or interim supervision order--the possibility that the person in relation to whom the order is in force has committed, is committing, or will commit a serious Part 5.3 offence; and

(gb) in relation to any Part 5.3 supervisory order--the possibility that the person in relation to whom the order is in force:

(i) has contravened, is contravening or will contravene the Part 5.3 supervisory order; or

(ii) will contravene a succeeding Part 5.3 supervisory order; and

(h) in relation to an application by an interception agency of Victoria--any submissions made by the Victorian PIM under section 44A to the Judge or nominated AAT member; and

(i) in relation to an application by an interception agency of Queensland--any submissions made by the Queensland PIM under section 45 to the Judge or nominated AAT member.

(6) The Judge or nominated AAT member must not issue a warrant in a case in which subparagraph (4)(d)(ii) applies unless he or she is satisfied that:

(a) the agency has exhausted all other practicable methods of identifying the telecommunications services used, or likely to be used, by the person to whom the Part 5.3 supervisory order referred to in subparagraph (4)(d)(ii) relates; or

(b) interception of communications made to or from a telecommunications service used or likely to be used by that person would not otherwise be possible.

Warrant sought for post-sentence order application

(7) If a Part 5.3 warrant agency applies to an eligible Judge or nominated AAT member for a warrant in respect of a telecommunications service and the Judge or nominated AAT member is satisfied, on the basis of the information given to the Judge or nominated AAT member under this Part in connection with the application, that:

(a) Division 3 has been complied with in relation to the application; and

(b) in the case of a telephone application--because of urgent circumstances, it was necessary to make the application by telephone; and

(c) there are reasonable grounds for suspecting that a particular person is using, or is likely to use, the service; and

(d) the person is a terrorist offender in relation to whom an application for a post-sentence order could be made; and

(e) the person is detained in custody in a prison; and

(f) there are reasonable grounds to suspect that there is an appreciable risk of the person committing a serious Part 5.3 offence; and

(g) consideration is being given, will be given, or is likely to be given, by the AFP Minister (or a person on behalf of the AFP Minister), as to whether to apply for a post-sentence order in relation to the person; and

(h) information that would be likely to be obtained by intercepting under a warrant communications made to or from the service would be likely to assist in determining whether to apply for the post-sentence order; and

(i) having regard to the matters referred to in subsection (8), and to no other matters, the Judge or nominated AAT member should issue a warrant authorising such communications to be intercepted;

the Judge or nominated AAT member may, in the Judge's or member's discretion, issue such a warrant.

(8) For the purposes of subsection (7), the matters to which the Judge or nominated AAT member must have regard are:

(a) how much the privacy of any person or persons would be likely to be interfered with by intercepting under a warrant communications made to or from the service referred to in subsection (7); and

(b) how much the information referred to in paragraph (7)(h) would be likely to assist in determining whether to apply for the post-sentence order; and

(c) to what extent methods of determining whether to apply for the post-sentence order that do not involve so intercepting communications have been used by, or are available to, the AFP Minister (or a legal representative of the AFP Minister); and

(d) how much the use of such methods would be likely to assist in determining whether to apply for the post-sentence order; and

(e) how much the use of such methods would be likely to prejudice determining whether to apply for the post-sentence order, whether because of delay or for any other reason; and

(f) in relation to an application by an interception agency of Victoria--any submissions made by the Victorian PIM under section 44A to the Judge or nominated AAT member; and

(g) in relation to an application by an interception agency of Queensland--any submissions made by the Queensland PIM under section 45 to the Judge or nominated AAT member.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 46A
Issue of named person warrant

Warrant relating to the investigation of one or more serious offences

(1) Where an agency applies to an eligible Judge or nominated AAT member for a warrant in respect of a person and the Judge or nominated AAT member is satisfied, on the basis of the information given to the Judge or nominated AAT member under this Part in connection with the application, that:

(a) Division 3 has been complied with in relation to the application; and

(b) in the case of a telephone application--because of urgent circumstances, it was necessary to make the application by telephone; and

(c) there are reasonable grounds for suspecting that a particular person is using, or is likely to use, more than one telecommunications service; and

(d) information that would be likely to be obtained by intercepting under a warrant:

(i) communications made to or from any telecommunications service that the person is using, or is likely to use; or

(ii) communications made by means of a particular telecommunications device or particular telecommunications devices that the person is using, or is likely to use;

would be likely to assist in connection with the investigation by the agency of a serious offence, or serious offences, in which the person is involved; and

(e) having regard to the matters referred to in subsection (2), and to no other matters, the Judge or nominated AAT member should issue a warrant authorising such communications to be intercepted;

the Judge or nominated AAT member may, in his or her discretion, issue such a warrant.

Note: Subsection (3) restricts the issuing of a warrant authorising interception of communications made by means of a telecommunications device or telecommunications devices identified in the warrant.

(2) For the purposes of subsection (1), the matters to which the Judge or nominated AAT member must have regard are:

(a) how much the privacy of any person or persons would be likely to be interfered with by intercepting under a warrant:

(i) communications made to or from any telecommunications service used, or likely to be used, by the person in respect of whom the warrant is sought; or

(ii) communications made by means of a particular telecommunications device or particular telecommunications devices used, or likely to be used, by the person in respect of whom the warrant is sought;

as the case requires; and

(b) the gravity of the conduct constituting the offence or offences being investigated; and

(c) how much the information referred to in paragraph (1)(d) would be likely to assist in connection with the investigation by the agency of the offence or offences; and

(d) to what extent methods (including the use of a warrant issued under section 46) of investigating the offence or offences that do not involve the use of a warrant issued under this section in relation to the person have been used by, or are available to, the agency; and

(e) how much the use of such methods would be likely to assist in connection with the investigation by the agency of the offence or offences; and

(f) how much the use of such methods would be likely to prejudice the investigation by the agency of the offence or offences, whether because of delay or for any other reason; and

(fa) in relation to an application by an interception agency of Victoria--any submissions made by the Victorian PIM under section 44A to the Judge or nominated AAT member; and

(g) in relation to an application by an interception agency of Queensland--any submissions made by the Queensland PIM under section 45 to the Judge or nominated AAT member.

Warrant for Part 5.3 supervisory order

(2A) If a Part 5.3 warrant agency applies to an eligible Judge or nominated AAT member for a warrant in respect of a person and the Judge or nominated AAT member is satisfied, on the basis of the information given to the Judge or nominated AAT member under this Part in connection with the application, that:

(a) Division 3 has been complied with in relation to the application; and

(b) in the case of a telephone application--because of urgent circumstances, it was necessary to make the application by telephone; and

(c) there are reasonable grounds for suspecting that a particular person is using, or is likely to use, more than one telecommunications service; and

(d) a Part 5.3 supervisory order is in force in relation to the person; and

(e) information that would be likely to be obtained by intercepting under a warrant:

(i) communications made to or from any telecommunications service that the person is using, or is likely to use; or

(ii) communications made by means of a particular telecommunications device or particular telecommunications devices that the person is using, or is likely to use;

would be likely to substantially assist in connection with:

(iii) achieving a Part 5.3 object; or

(iv) determining whether the Part 5.3 supervisory order, or any succeeding Part 5.3 supervisory order, has been, or is being, complied with; and

(f) having regard to the matters referred to in subsection (2B), and to no other matters, the Judge or nominated AAT member should issue a warrant authorising such communications to be intercepted;

the Judge or nominated AAT member may, in his or her discretion, issue such a warrant.

Note 1: Subsection (3) restricts the issuing of a warrant authorising interception of communications made by means of a telecommunications device or telecommunications devices identified in the warrant.

Note 2: For Part 5.3 supervisory orders that have been made but not come into force, see section 6T.

(2B) For the purposes of subsection (2A), the matters to which the Judge or nominated AAT member must have regard are:

(a) how much the privacy of any person or persons would be likely to be interfered with by intercepting under a warrant:

(i) communications made to or from any telecommunications service used, or likely to be used, by the person in respect of whom the warrant is sought; or

(ii) communications made by means of a particular telecommunications device or particular telecommunications devices used, or likely to be used, by the person in respect of whom the warrant is sought;

as the case requires; and

(b) how much the information referred to in paragraph (2A)(e) would be likely to assist in connection with:

(i) achieving a Part 5.3 object; or

(ii) determining whether the Part 5.3 supervisory order, or any succeeding Part 5.3 supervisory order, has been, or is being, complied with; and

(c) to what extent methods (including the use of a warrant issued under section 46) for:

(i) achieving a Part 5.3 object; or

(ii) determining whether the Part 5.3 supervisory order, or any succeeding Part 5.3 supervisory order, has been, or is being, complied with;

that do not involve the use of a warrant issued under this section in relation to the person have been used by, or are available to, the agency; and

(d) how much the use of such methods would be likely to assist in connection with:

(i) achieving a Part 5.3 object; or

(ii) determining whether the Part 5.3 supervisory order, or any succeeding Part 5.3 supervisory order, has been, or is being, complied with; and

(e) how much the use of such methods would be likely to prejudice:

(i) achieving a Part 5.3 object; or

(ii) determining whether the Part 5.3 supervisory order, or any succeeding Part 5.3 supervisory order, has been, or is being, complied with;

whether because of delay or for any other reason; and

(f) whether intercepting under a warrant communications referred to in paragraph (a) of this subsection would be the method that is likely to have the least interference with any person's privacy; and

(g) in relation to a Part 5.3 supervisory order that is a control order--the possibility that the person in relation to whom the order is in force:

(i) has engaged, is engaging, or will engage, in a terrorist act; or

(ii) has provided, is providing, or will provide, support for a terrorist act; or

(iii) has facilitated, is facilitating, or will facilitate, a terrorist act; or

(iv) has provided, is providing, or will provide, support for the engagement in a hostile activity in a foreign country; or

(v) has facilitated, is facilitating, or will facilitate, the engagement in a hostile activity in a foreign country; and

(ga) in relation to a Part 5.3 supervisory order that is an extended supervision order or interim supervision order--the possibility that the person in relation to whom the order is in force has committed, is committing, or will commit a serious Part 5.3 offence; and

(gb) in relation to any Part 5.3 supervisory order--the possibility that the person in relation to whom the order is in force:

(i) has contravened, is contravening, or will contravene, the Part 5.3 supervisory order; or

(ii) will contravene a succeeding Part 5.3 supervisory order; and

(h) in relation to an application by an interception agency of Victoria--any submissions made by the Victorian PIM under section 44A to the Judge or nominated AAT member; and

(i) in relation to an application by an interception agency of Queensland--any submissions made by the Queensland PIM under section 45 to the Judge or nominated AAT member.

Warrant sought for post-sentence order application

(2C) If a Part 5.3 warrant agency applies to an eligible Judge or nominated AAT member for a warrant in respect of a person and the Judge or nominated AAT member is satisfied, on the basis of the information given to the Judge or nominated AAT member under this Part in connection with the application, that:

(a) Division 3 has been complied with in relation to the application; and

(b) in the case of a telephone application--because of urgent circumstances, it was necessary to make the application by telephone; and

(c) there are reasonable grounds for suspecting that a particular person is using, or is likely to use, more than one telecommunications service; and

(d) the person is a terrorist offender in relation to whom an application for a post-sentence order could be made; and

(e) the person is detained in custody in a prison; and

(f) there are reasonable grounds to suspect that there is an appreciable risk of the person committing a serious Part 5.3 offence; and

(g) consideration is being given, will be given, or is likely to be given, by the AFP Minister (or a person on behalf of the AFP Minister), as to whether to apply for a post-sentence order in relation to the person; and

(h) information that would be likely to be obtained by intercepting under a warrant:

(i) communications made to or from any telecommunications service that the person is using, or is likely to use; or

(ii) communications made by means of a particular telecommunications device or particular telecommunications devices that the person is using, or is likely to use;

would be likely to assist in determining whether to apply for the post-sentence order; and

(i) having regard to the matters referred to in subsection (2D), and to no other matters, the Judge or nominated AAT member should issue a warrant authorising such communications to be intercepted;

the Judge or nominated AAT member may, in the Judge's or member's discretion, issue such a warrant.

(2D) For the purposes of subsection (2C), the matters to which the Judge or nominated AAT member must have regard are:

(a) how much the privacy of any person or persons would be likely to be interfered with by intercepting under a warrant:

(i) communications made to or from any telecommunications service used, or likely to be used, by the person in respect of whom the warrant is sought; or

(ii) communications made by means of a particular telecommunications device or particular telecommunications devices used, or likely to be used, by the person in respect of whom the warrant is sought; and

(b) how much the information referred to in paragraph (2C)(h) would be likely to assist in connection with determining whether to apply for the post-sentence order; and

(c) to what extent methods (including the use of a warrant issued under section 46) for determining whether to apply for a post-sentence order that do not involve so intercepting communications have been used by, or are available to, the AFP Minister (or a legal representative of the AFP Minister); and

(d) how much the use of such methods would be likely to assist in determining whether to apply for the post-sentence order; and

(e) how much the use of such methods would be likely to prejudice determining whether to apply for the post-sentence order, whether because of delay or for any other reasons; and

(f) in relation to an application by an interception agency of Victoria--any submissions made by the Victorian PIM under section 44A to the Judge or nominated AAT member; and

(g) in relation to an application by an interception agency of Queensland--any submissions made by the Queensland PIM under section 45 to the Judge or nominated AAT member.

Restriction on issue of warrant--interception of communications made by means of one or more telecommunications devices

(3) The Judge or nominated AAT member must not issue a warrant that authorises interception of communications made by means of a telecommunications device or telecommunications devices identified in the warrant unless he or she is satisfied that:

(a) there are no other practicable methods available to the agency at the time of making the application to identify the telecommunications services used, or likely to be used, by the person in respect of whom the warrant would be issued; or

(b) interception of communications made to or from a telecommunications service used, or likely to be used, by that person would not otherwise be practicable.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 47
Limit on authority conferred by warrant

A warrant issued under section 46 or 46A does not authorise the interception of communications passing over a telecommunications system that a carrier operates unless:

(a) notification of the issue of the warrant has been received by an authorised representative of the carrier under subsection 60(1); and

(b) the interception takes place as a result of action taken by an employee of the carrier.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 48
Issue of warrant for entry on premises

(1) If an agency could apply for a warrant under section 46 (authorising interceptions of communications to or from a service), it may instead apply for a warrant under this section that also authorises entry on premises. The agency does so by including in the application that would otherwise have been made under section 46 a request that the warrant also authorise entry on specified premises.

Note: Only a Part 5.3 warrant agency may apply for a warrant under section 46 in the circumstances mentioned in subsection 46(4) or (7).

(2) Where a written application for a warrant includes a request that the warrant authorise entry on specified premises, an affidavit accompanying the application shall:

(a) state why it is considered necessary for the warrant to authorise entry on those premises;

(b) set out the number of previous applications (if any) for warrants that the agency has made and that requested authorisation of entry on those premises; and

(c) set out the number of warrants (if any) previously issued on such application.

(3) Where:

(a) an agency applies under this section to an eligible Judge or nominated AAT member for a warrant in respect of a telecommunications service; and

(b) the Judge or nominated AAT member is satisfied that subsection (2) has been complied with in relation to the application; and

(c) section 46 would empower the Judge or nominated AAT member to issue a warrant if the application had been made under either of those sections; and

(ca) Division 3 has been complied with in relation to the application; and

(d) the Judge or nominated AAT member is satisfied, on the basis of the information given to the Judge or nominated AAT member under this Part in connection with the application, that:

(i) for technical reasons connected with the nature or operation of the service or of a telecommunications system of which the service forms a part; or

(ii) where, if the warrant were issued under section 46, communications to or from the telecommunications service would be intercepted while passing over a telecommunications system operated by a carrier--execution of the warrant as a result of action taken by employees of that carrier might jeopardise security of the investigation by the agency of a serious offence in which a person to whom the application relates is involved or, in the case of a warrant issued in the circumstances mentioned in subsection 46(4), might jeopardise the achievement of an objective for which the warrant was issued;

it would be impracticable or inappropriate to intercept communications under a warrant in respect of the service otherwise than by the use of equipment or a line installed on those premises;

subsections (4) and (5) apply.

(4) The Judge or nominated AAT member may issue a warrant under this section authorising:

(a) entry on those premises in order to install, maintain, use or recover equipment or a line used in the interception of communications being made to or from the service; and

(b) interceptions of such communications by the use of that equipment or line.

(5) If the Judge or nominated AAT member issues such a warrant:

(a) the warrant shall state whether entry is authorised to be made at any time of the day or night or only during specified hours; and

(b) the warrant may provide that entry may be made without permission first being sought or demand first being made, and authorise measures that the Judge or nominated AAT member is satisfied are necessary and reasonable for that purpose.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 49
Form and content of warrant

(1) A warrant shall be in accordance with the prescribed form and shall be signed by the Judge or nominated AAT member who issues it.

(2) A warrant may specify conditions or restrictions relating to interceptions under the warrant.

(2A) Without limiting subsection (2), a named person warrant may state that the warrant does not authorise the interception of communications made to or from a specified telecommunications service.

Period of warrant

(3) A warrant shall specify, as the period for which it is to be in force, a period of:

(a) if subparagraph 46(1)(d)(ii) or 46(4)(d)(ii) applies--up to 45 days; or

(b) otherwise--up to 90 days.

(4) A Judge or nominated AAT member shall not vary a warrant by extending the period for which it is to be in force.

(5) Neither of subsections (3) and (4) prevents the issue of a further warrant in respect of a service, or a person, in respect of which a warrant has, or warrants have, previously been issued.

(6) In subsection (5), warrant means a warrant issued under this Act.

(6A) To avoid doubt, a warrant issued on the basis that a Part 5.3 supervisory order is in force remains in force for the period mentioned in subsection (3) even if the order ceases to be in force, provided that the order is replaced by a succeeding Part 5.3 supervisory order.

Note 1: If there is no succeeding Part 5.3 supervisory order, the warrant must be revoked (see section 57).

Note 2: A control order is not a succeeding Part 5.3 supervisory order in relation to an extended supervision order, and vice versa (see section 6U).

Particulars of serious offences

(7) A warrant issued under subsection 46(1) or 46A(1), or issued under section 48 in the circumstances mentioned in subsection 46(1), shall set out short particulars of each serious offence in relation to which the Judge or nominated AAT member issuing the warrant was satisfied, on the application for the warrant, as mentioned in:

(a) in the case of a warrant under section 48--paragraph 46(1)(d); or

(b) otherwise--paragraph 46(1)(d) or 46A(1)(d), as the case requires.

Content of warrants issued for Part 5.3 supervisory orders

(8) A warrant issued for a Part 5.3 supervisory order that is in force must:

(a) state that the warrant is issued on the basis of a Part 5.3 supervisory order made in relation to a person; and

(b) specify the name of the person; and

(c) specify the date the Part 5.3 supervisory order was made; and

(d) state whether the Part 5.3 supervisory order is:

(i) an interim control order; or

(ii) a confirmed control order; or

(iii) an interim supervision order; or

(iv) an extended supervision order.

Warrants issued for post-sentence order applications

(9) A warrant issued to determine whether to make an application for a post-sentence order in relation to a person must:

(a) state that the warrant is issued on that basis; and

(b) specify the name of the person.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 50
Issue of warrant on telephone application

(1) As soon as practicable after completing and signing a warrant issued on a telephone application, a Judge or nominated AAT member shall:

(b) inform the person who made the application on the agency's behalf of:

(i) the terms of the warrant; and

(ii) the day on which, and the time at which, the warrant was signed; and

(c) give the warrant to that person.

(2) A Judge or nominated AAT member who issues a warrant on a telephone application shall keep a copy of the warrant.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 51
Action by agency after warrant issued on telephone application

(1) A person (in this section called the applicant) who makes a telephone application on an agency's behalf shall comply with this section within one day after the day on which a warrant is issued on the application.

(2) The applicant shall cause each person who gave information to the Judge or nominated AAT member in connection with the application to swear an affidavit setting out the information so given by the person.

(3) The applicant shall give to the Judge or nominated AAT member:

(a) the affidavit or affidavits; and

(b) unless the applicant is the chief officer of the agency--a copy of an authorisation by the chief officer under subsection 40(3) that was in force in relation to the applicant when the application was made.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 52
Judge or nominated AAT member may revoke warrant where section 51 contravened

(1) Where a Judge or nominated AAT member who issued a warrant on a telephone application is satisfied that section 51 has not been complied with in relation to the warrant, he or she may, by writing signed by him or her, revoke the warrant and shall, if he or she does so:

(a) immediately inform:

(i) the person who made the application on the agency's behalf; or

(ii) the chief officer of the agency;

of the revocation; and

(b) give the instrument of revocation to that person, or to the chief officer, as soon as practicable.

(2) Where a warrant issued to an agency is revoked under subsection (1), the chief officer of the agency must, as soon as practicable, give a copy of the instrument of revocation to the Secretary of the Department.

(3) If:

(a) a warrant has been issued to an agency; and

(b) another agency or the Organisation is exercising authority under that warrant (see section 55); and

(c) the warrant is revoked under subsection (1);

the chief officer of the agency to which the warrant was issued must:

(d) immediately inform the chief officer of the other agency or the Director-General of Security (as the case requires) of the revocation; and

(e) give a copy of the instrument of revocation to the person referred to in paragraph (d) as soon as practicable.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 54
Entry into force of warrants

A warrant comes into force when it is issued.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 55
Exercise of authority conferred by warrant

(1) The authority conferred by a Part 2-5 warrant may only be exercised by a person in relation to whom an approval under subsection (3) is in force in relation to the warrant.

(3) The chief officer of an agency, or an officer of an agency in relation to whom an appointment under subsection (4) is in force, may approve any of the following persons to exercise the authority conferred by warrants (or classes of warrants) issued to the agency:

(a) officers (or classes of officers) of the agency or another agency;

(b) staff members (or classes of staff members) of the agency or another agency;

(c) ASIO employees (or classes of ASIO employees);

(d) persons assisting the Organisation in the performance of its functions.

(4) The chief officer of an agency may appoint in writing an officer of the agency to be an approving officer for the purposes of subsection (3).

(5) In spite of subsection (1), a designated officer, or an employee of a carrier, may provide technical assistance to a person who is exercising the authority conferred by a warrant.

(6) A reference in subsection (5) to the provision of technical assistance includes a reference to:

(a) the doing of any act involved in the interception of a communication under a warrant, to the extent that the act is incidental to the doing of an act referred to in paragraph (b); and

(b) the doing of any act in connection with:

(i) the installation of equipment for the purposes of intercepting a communication in accordance with a warrant; or

(ii) the maintenance, testing or use of such equipment; or

(iii) the removal of such equipment.

(7) The chief officer of an agency or a person who is an approving officer for an agency under subsection (4) may, in writing, declare persons to be designated officers for the purposes of subsection (5).

(8) To avoid doubt, the Organisation exercises authority under a warrant even if a person assisting the Organisation in the performance of its functions, who is not an ASIO employee, is approved to exercise that authority under paragraph (3)(d).

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 57
Revocation of warrant by chief officer

(1) The chief officer of an agency:

(a) may, at any time, by signed writing, revoke a warrant issued to the agency; and

(b) must do so, if he or she is satisfied that the grounds on which the warrant was issued to the agency have ceased to exist.

(2) If another agency or the Organisation is exercising authority under the warrant, then before revoking the warrant, the chief officer must inform the chief officer of the other agency or the Director-General of Security (as the case requires) of the proposed revocation.

(3) After revoking the warrant, the chief officer must:

(a) if subsection (2) applies--immediately inform the chief officer of the other agency or the Director-General of Security (as the case requires) of the revocation; and

(b) in any case--give a copy of the instrument of revocation to the Secretary of the Department as soon as practicable.

(2) The chief officer of an agency may delegate to his or her power under paragraph (1)(a) to a qualifying officer of the agency.

(3) In this section:

"qualifying officer" means an agency security officer or a person who is a member of the agency's executive.

(4) The chief officer of an agency may, by written instrument, revoke a delegation under section 15 of the Interpretation Act 1984 of a power under section 14(1)(a) or (2) to a person who is a member of the executive of the agency if the chief officer is satisfied that the person is not a fit and proper person to be a member of the executive of the agency.

DIVISION 2 — ACCESS TO INFORMATION

SUBDIVISION 1 — DISCLOSURE OF INFORMATION WITHOUT WRITTEN NOTICE

Section 16. Disclosure of information without written notice

(1) The chief officer of an agency may disclose information to an authorised recipient if the chief officer is satisfied that the disclosure is necessary to ensure the security of the agency or to assist in the discharge of the responsibilities of the agency.

(2) The chief officer of an agency or the director-general of department of the agency may disclose information to an authorised recipient if the chief officer or the director-general is satisfied that the disclosure is necessary to ensure the security of the agency or to assist in the discharge of the responsibilities of the agency.

SUBDIVISION 2 — DISCLOSURE OF INFORMATION WITH WRITTEN NOTICE

Section 17. Disclosure of information with written notice

(1) The chief officer of an agency may, by written notice, require a person who is a member of the executive of the agency to disclose information to the chief officer if the chief officer is satisfied that the information is necessary to ensure the security of the agency or to assist in the discharge of the responsibilities of the agency.

(2) The director-general of department of the agency may, by written notice, require a person who is a member of the executive of the agency to disclose information to the director-general if the director-general is satisfied that the information is necessary to ensure the security of the agency or to assist in the discharge of the responsibilities of the agency.

(3) Subject to section 18, a person who is a member of the executive of the agency must comply with a written notice given under subsection (1) or (2).

(4) In this section, a reference to a person who is a member of the executive of the agency includes a reference to a person who is a member of the executive of a prescribed agency.

Section 18. Limitations on disclosure under section 17

(1) A person who is a member of the executive of the agency is not required to disclose information under section 17 if the person is a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of the agency.

(2) A person who is a member of the executive of the agency is not required to disclose information under section 17 if the person is a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of a prescribed agency.

(3) A person who is a member of the executive of the agency is not required to disclose information under section 17 if the person is a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of a prescribed agency.

(4) A person who is a member of the executive of the agency is not required to disclose information under section 17 if the person is a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of a prescribed agency.

(5) A person who is a member of the executive of the agency is not required to disclose information under section 17 if the person is a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of a prescribed agency.

(6) A person who is a member of the executive of the agency is not required to disclose information under section 17 if the person is a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of a prescribed agency.

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(103) A person who is a member of the executive of the agency is not required to disclose information under section 17 if the person is a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of a prescribed agency.

(104) A person who is a member of the executive of the agency is not required to disclose information under section 17 if the person is a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of a prescribed agency.

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(107) A person who is a member of the executive of the agency is not required to disclose information under section 17 if the person is a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of a prescribed agency.

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(112) A person who is a member of the executive of the agency is not required to disclose information under section 17 if the person is a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of a prescribed agency.

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(117) A person who is a member of the executive of the agency is not required to disclose information under section 17 if the person is a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of a prescribed agency.

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(119) A person who is a member of the executive of the agency is not required to disclose information under section 17 if the person is a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of a prescribed agency.

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(122) A person who is a member of the executive of the agency is not required to disclose information under section 17 if the person is a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of a prescribed agency.

(123) A person who is a member of the executive of the agency is not required to disclose information under section 17 if the person is a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of a prescribed agency.

(124) A person who is a member of the executive of the agency is not required to disclose information under section 17 if the person is a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of a prescribed agency.

(125) A person who is a member of the executive of the agency is not required to disclose information under section 17 if the person is a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of a prescribed agency.

(126) A person who is a member of the executive of the agency is not required to disclose information under section 17 if the person is a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of a prescribed agency.

(127) A person who is a member of the executive of the agency is not required to disclose information under section 17 if the person is a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of a prescribed agency.

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(129) A person who is a member of the executive of the agency is not required to disclose information under section 17 if the person is a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of a prescribed agency.

(130) A person who is a member of the executive of the agency is not required to disclose information under section 17 if the person is a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of a prescribed agency.

(131) A person who is a member of the executive of the agency is not required to disclose information under section 17 if the person is a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of a prescribed agency.

(132) A person who is a member of the executive of the agency is not required to disclose information under section 17 if the person is a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of a prescribed agency.

(133) A person who is a member of the executive of the agency is not required to disclose information under section 17 if the person is a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of a prescribed agency.

(134) A person who is a member of the executive of the agency is not required to disclose information under section 17 if the person is a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of a prescribed agency.

(135) A person who is a member of the executive of the agency is not required to disclose information under section 17 if the person is a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of a prescribed agency.

(136) A person who is a member of the executive of the agency is not required to disclose information under section 17 if the person is a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of a prescribed agency.

(137) A person who is a member of the executive of the agency is not required to disclose information under section 17 if the person is a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of a prescribed agency.

(138) A person who is a member of the executive of the agency is not required to disclose information under section 17 if the person is a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of the agency and the information is in the person's possession or control in the person's capacity as a member of the executive of a prescribed agency.

(139) A person who is a member of the executive of the agency is not required to disclose information under section 17 if the person is a member of the executive of the agency

(1) A person shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, unless the person is a person to whom section 6(1) applies.

(2) Subject to section 6(3), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the prevention or detection of serious crime;

(b) the interdiction of serious crime;

(c) the prosecution of serious crime.

(3) Subject to section 6(4), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(4) Subject to section 6(5), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(5) Subject to section 6(6), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(6) Subject to section 6(7), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(7) Subject to section 6(8), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(8) Subject to section 6(9), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(9) Subject to section 6(10), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(10) Subject to section 6(11), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(11) Subject to section 6(12), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(12) Subject to section 6(13), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(13) Subject to section 6(14), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(14) Subject to section 6(15), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(15) Subject to section 6(16), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(16) Subject to section 6(17), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(17) Subject to section 6(18), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(18) Subject to section 6(19), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(19) Subject to section 6(20), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(20) Subject to section 6(21), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(21) Subject to section 6(22), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(22) Subject to section 6(23), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(23) Subject to section 6(24), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(24) Subject to section 6(25), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(25) Subject to section 6(26), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(26) Subject to section 6(27), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(27) Subject to section 6(28), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(28) Subject to section 6(29), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(29) Subject to section 6(30), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(30) Subject to section 6(31), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(31) Subject to section 6(32), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(32) Subject to section 6(33), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(33) Subject to section 6(34), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(34) Subject to section 6(35), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(35) Subject to section 6(36), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(36) Subject to section 6(37), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(37) Subject to section 6(38), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(38) Subject to section 6(39), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(39) Subject to section 6(40), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(40) Subject to section 6(41), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(41) Subject to section 6(42), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(42) Subject to section 6(43), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(43) Subject to section 6(44), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(44) Subject to section 6(45), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(45) Subject to section 6(46), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(46) Subject to section 6(47), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(47) Subject to section 6(48), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(48) Subject to section 6(49), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(49) Subject to section 6(50), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(50) Subject to section 6(51), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(51) Subject to section 6(52), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(52) Subject to section 6(53), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(53) Subject to section 6(54), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(54) Subject to section 6(55), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(55) Subject to section 6(56), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(56) Subject to section 6(57), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(57) Subject to section 6(58), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(58) Subject to section 6(59), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(59) Subject to section 6(60), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(60) Subject to section 6(61), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(61) Subject to section 6(62), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(62) Subject to section 6(63), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(63) Subject to section 6(64), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(64) Subject to section 6(65), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(65) Subject to section 6(66), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(66) Subject to section 6(67), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(67) Subject to section 6(68), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(68) Subject to section 6(69), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(69) Subject to section 6(70), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(70) Subject to section 6(71), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(71) Subject to section 6(72), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(72) Subject to section 6(73), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(73) Subject to section 6(74), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(74) Subject to section 6(75), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(75) Subject to section 6(76), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(76) Subject to section 6(77), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(77) Subject to section 6(78), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(78) Subject to section 6(79), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(79) Subject to section 6(80), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(80) Subject to section 6(81), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(81) Subject to section 6(82), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(82) Subject to section 6(83), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(83) Subject to section 6(84), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(84) Subject to section 6(85), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(85) Subject to section 6(86), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(86) Subject to section 6(87), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(87) Subject to section 6(88), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(88) Subject to section 6(89), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(89) Subject to section 6(90), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(90) Subject to section 6(91), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(91) Subject to section 6(92), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(92) Subject to section 6(93), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(93) Subject to section 6(94), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(94) Subject to section 6(95), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(95) Subject to section 6(96), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(96) Subject to section 6(97), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(97) Subject to section 6(98), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(98) Subject to section 6(99), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(99) Subject to section 6(100), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(100) Subject to section 6(101), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(101) Subject to section 6(102), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(102) Subject to section 6(103), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(103) Subject to section 6(104), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(104) Subject to section 6(105), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(105) Subject to section 6(106), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(106) Subject to section 6(107), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(107) Subject to section 6(108), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(108) Subject to section 6(109), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(109) Subject to section 6(110), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(110) Subject to section 6(111), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(111) Subject to section 6(112), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(112) Subject to section 6(113), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(113) Subject to section 6(114), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(114) Subject to section 6(115), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(115) Subject to section 6(116), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(116) Subject to section 6(117), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(117) Subject to section 6(118), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(118) Subject to section 6(119), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(119) Subject to section 6(120), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(120) Subject to section 6(121), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(121) Subject to section 6(122), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(122) Subject to section 6(123), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(123) Subject to section 6(124), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(124) Subject to section 6(125), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(125) Subject to section 6(126), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(126) Subject to section 6(127), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(127) Subject to section 6(128), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(128) Subject to section 6(129), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(129) Subject to section 6(130), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(130) Subject to section 6(131), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(131) Subject to section 6(132), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(132) Subject to section 6(133), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(133) Subject to section 6(134), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(134) Subject to section 6(135), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(135) Subject to section 6(136), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(136) Subject to section 6(137), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(137) Subject to section 6(138), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(138) Subject to section 6(139), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(139) Subject to section 6(140), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(140) Subject to section 6(141), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(141) Subject to section 6(142), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(142) Subject to section 6(143), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(143) Subject to section 6(144), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(144) Subject to section 6(145), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(145) Subject to section 6(146), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(146) Subject to section 6(147), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(147) Subject to section 6(148), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(148) Subject to section 6(149), a person to whom section 6(1) applies shall not commission or make use of, or procure the commissioning or use of, an intercepted communication or any information obtained by means of an interception, except for the purpose of—

(a) the protection of the security of the State;

(b) the protection of the vital interests of the State.

(149) Subject to section 6(150), a person to whom section 6(1) applies shall not

(7) particulars of such communications of specified electronic information as is

within of the system, (8) particulars of the authorisation of the specified electronic information

(9) particulars of the authorisation of the specified electronic information

(10) particulars of the authorisation of the specified electronic information

(11) particulars of such communications of specified electronic information as is

(12) particulars of the authorisation of the specified electronic information

(13) particulars of the authorisation of the specified electronic information

(14) particulars of the authorisation of the specified electronic information

(15) particulars of the authorisation of the specified electronic information

which ended during that year, being proceedings in which, according to the records of the agency or authority, lawfully intercepted information was given in evidence; and

(c) in relation to each of those categories:

(i) the number of such offences in that category; and

(ii) the number of such offences in that category in respect of which convictions were recorded.

(2) The report shall set out:

(a) how many arrests were made during that year:

(i) in connection with the performance by Commonwealth agencies, by eligible Commonwealth authorities, and by eligible authorities of States, of their respective functions; and

(ii) on the basis of information that was or included lawfully intercepted information;

(b) the categories of the prescribed offences proceedings by way of prosecutions for which ended during that year, being proceedings in which, according to the respective records of Commonwealth agencies, of eligible Commonwealth authorities, and of eligible authorities of States, lawfully intercepted information was given in evidence; and

(c) in relation to each of those categories:

(i) the number of such offences in that category; and

(ii) the number of such offences in that category in respect of which convictions were recorded.

(3) The report is to set out, for:

(a) each Commonwealth agency; and

(b) each eligible authority of a State, where the eligible authority was an agency at any time during the year to which the report relates;

the percentage worked out using the formula:

where:

"Eligible warrants" means the number of warrants that satisfy the following conditions:
(a) the warrant was issued to the agency or authority, as the case requires;

(b) the warrant was in force during the year to which the report relates;

(c) a prosecution was instituted, or was likely to be instituted, on the basis of information obtained by interceptions under:

(i) the warrant; or

(ii) if the warrant was a renewal of an original warrant:

(A) the original warrant; or

(B) any other renewal of the original warrant; or

(iii) if the warrant was an original warrant--any renewal of the original warrant.

"Total warrants" means the number of warrants that were:
(a) issued to the agency or authority, as the case requires; and

(b) in force during the year to which the report relates.

(4) The report is to set out the percentage worked out using the formula:

where:

"Eligible warrants" means the number of warrants that satisfy the following conditions:
(a) the warrant was issued to:

(i) a Commonwealth agency; or

(ii) an eligible authority of a State, where the eligible authority was an agency at any time during the year to which the report relates;

(b) the warrant was in force during the year to which the report relates;

(c) a prosecution was instituted, or was likely to be instituted, on the basis of information obtained by interceptions under:

(i) the warrant; or

(ii) if the warrant was a renewal of an original warrant:

(A) the original warrant; or

(B) any other renewal of the original warrant; or

(iii) if the warrant was an original warrant--any renewal of the original warrant.

"Total warrants" means the number of warrants that were:
(a) issued to:

(i) Commonwealth agencies; and

(ii) eligible authorities of States, where the eligible authorities were agencies at any time during the year to which the report relates; and

(b) in force during the year to which the report relates.

(5) A reference in this section to a prosecution that was instituted, or was likely to be instituted, on the basis of information obtained by interceptions under a warrant includes a reference to a prosecution that was supported, or likely to be supported, by information obtained by interceptions under a warrant.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 102A
Report regarding interceptions without warrant

The report must state, for each agency referred to in subsection 7(8), the number of occasions on which an officer or staff member of the agency intercepted a communication in reliance on subsection 7(4) or (5).

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 102B
Report regarding international requests

The report must set out the number of occasions on which lawfully intercepted information or interception warrant information was communicated to any of the following:

(a) a foreign country under paragraph 68(l) or section 68A;

(b) the International Criminal Court under paragraph 68(la) or section 68A;

(c) a War Crimes Tribunal under paragraph 68(lb) or section 68A.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 103
Other information to be included in report

The report must set out:

(a) the total expenditure (including expenditure of a capital nature) incurred by agencies to which the report relates in connection with the execution of warrants during the year to which the report relates; and

(aa) for:

(i) each Commonwealth agency; and

(ii) each eligible authority of a State, where the eligible authority was an agency at any time during the year to which the report relates;

the amount worked out using the formula:

where:

Total warrant expenditure means the total expenditure (including expenditure of a capital nature) incurred by the agency or the authority, as the case requires, in connection with the execution of warrants during the year to which the report relates.

Number of warrants means the number of warrants to which the total warrant expenditure relates; and

(ab) information about the availability of judges to issue warrants under Part 2-5 and the extent to which nominated AAT members have been used for that purpose, but not including information that would identify a particular judge or AAT member; and

(ac) for:

(i) each Commonwealth agency; and

(ii) each eligible authority of a State, where the eligible authority was an agency at any time during the year to which the report relates;

the number (if any) of interceptions carried out on behalf of each other such Commonwealth agency or eligible authority; and

(aca) the number (if any) of interceptions carried out by the Organisation on behalf of:

(i) each Commonwealth agency; and

(ii) each eligible authority of a State, where the eligible authority was an agency at any time during the year to which the report relates; and

(ad) for each State and for the Australian Capital Territory, the number and type of emergency service facilities located in that State or Territory that have been declared by the Minister during the year to which the report relates; and

(ae) a summary of the information:

(i) that is included by the Ombudsman in the report made under subsection 84(1); and

(ii) that relates to the year to which the Minister's report relates; and

(b) such other information (if any) as is prescribed.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 103A
Annual report for 1999-2000

(1) The annual report for 1999-2000 must include a review of the amendments made by the Telecommunications (Interception) and Listening Device Amendment Act 1997 to this Act.

(2) For the purposes of the review, the Minister must arrange for a public notice, in plain English, to be published in at least one daily newspaper circulating in each State and Territory, calling for submissions from the public on the operation of amendments providing for the issuing of warrants by nominated AAT members, and including an address to which submissions may be sent.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 103B
Deferral of inclusion of information in report

Scope

(1) This section applies to information:

(a) included in a report submitted to the Minister:

(i) under section 84 by the Ombudsman in relation to a Commonwealth agency; or

(ii) under section 94 by the chief officer of a Commonwealth agency; or

(iii) under section 96 by the chief officer of an eligible authority of a State; and

(b) that the Minister would, apart from this section, be required to include in the next Ministerial report.

Exclusion of information

(2) If the chief officer of the Commonwealth agency or eligible authority is satisfied that the information is Part 5.3 information, the chief officer must advise the Minister in writing not to include the information in the next Ministerial report.

(3) If the Minister is satisfied, on the advice of the chief officer, that the information is Part 5.3 information, the Minister must:

(a) notify the chief officer in writing; and

(b) not include the information in any Ministerial report until the Minister decides otherwise under subsection (5).

Inclusion of information in subsequent report

(4) If the information has not been included in a Ministerial report because of subsection (3), the chief officer must, before the Minister prepares the next Ministerial report:

(a) reconsider whether the information is Part 5.3 information; and

(b) if the chief officer is satisfied that the information is not Part 5.3 information--advise the Minister in writing to include the information in the next Ministerial report.

(5) If the Minister is satisfied, on the advice of the chief officer, that the information is not Part 5.3 information, the Minister must:

(a) notify the chief officer in writing; and

(b) include the information in the next Ministerial report.

Definitions

(6) In this section:

"Ministerial report" means a report the Minister prepares under this Division.
Part 5.3 information means information that, if made public, could reasonably be expected to enable a reasonable person to conclude that:
(a) a Part 5.3 warrant is likely to be, or is not likely to be, in force in relation to a telecommunications service used, or likely to be used, by a particular person; or

(b) a Part 5.3 warrant is likely to be, or is not likely to be, in force in relation to a particular person.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 104
Annual reports

(1) The Minister shall cause a copy of a report under section 93 or Division 2 to be laid before each House of the Parliament within 15 sitting days of that House after the Minister receives the report, or the report is prepared, as the case may be.

(2) A report under section 93 or Division 2 shall not be made in a manner that is likely to enable the identification of a person.

(3) For the purposes of section 34C of the Acts Interpretation Act 1901, a report that section 93 or Division 2 requires to be given or prepared as soon as practicable after 30 June in a calendar year shall be deemed to be a periodic report that this Act requires a person to furnish to the Minister and that relates to the administration of Part 2-3, or Parts 2-5, 2-6 and 2-7, as the case may be, during the year ending on that 30 June.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 105
Contravention of section 7 or 63

(1) A person who contravenes subsection 7(1) or section 63 is guilty of an offence against that subsection or section.

(2) An offence against subsection 7(1) or section 63 is an indictable offence and, subject to this section, is punishable on conviction by imprisonment for a period not exceeding 2 years.

(3) Notwithstanding that an offence against subsection 7(1) or section 63 is an indictable offence, a court of summary jurisdiction may hear and determine proceedings in respect of such an offence if, and only if:

(a) the proceedings are brought in the name of the Attorney-General or the Director of Public Prosecutions;

(b) the defendant and the prosecutor consent; and

(c) the court is satisfied that it is proper for the court to hear and determine proceedings in respect of the offence.

(4) Where, in accordance with subsection (3), a court of summary jurisdiction convicts a person of an offence against subsection 7(1) or section 63, the penalty that the court may impose is imprisonment for a period not exceeding 6 months.

(5) Section 15.1 (extended geographical jurisdiction--category A) of the Criminal Code applies to an offence against subsection 7(1) or section 63.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 106
Obstruction

(1) A person shall not obstruct or hinder a person acting under a warrant.

Penalty: Imprisonment for 6 months.

(2) Subsection (1) does not apply if the person obstructing or hindering has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter in subsection (2) (see subsection 13.3(3) of the Criminal Code).

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 107
Offences relating to inspections under Part 2-7

(1) A person shall not refuse or fail:

(a) to attend before a person;

(b) to furnish information; or

(c) to answer a question;

when required under section 87 to do so.

Penalty: Imprisonment for 6 months.

(2) A person shall not:

(a) intentionally obstruct, hinder or resist a person in connection with the performance or exercise of the Ombudsman's functions or powers under Part 2-7; or

(b) give to an inspecting officer, in connection with an inspection under Part 2-7, information or a statement that the first-mentioned person knows to be false or misleading in a material particular.

Penalty: Imprisonment for 6 months.

(3) Subsection (1) and paragraph (2)(a) do not apply if the person first mentioned in subsection (1) or (2) has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter in subsection (3) (see subsection 13.3(3) of the Criminal Code).

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 107A
Civil remedies--unlawful interception or communication

When section applies

(1) This section applies to an interception of a communication passing over a telecommunications system if the interception was in contravention of subsection 7(1).

Aggrieved person

(2) For the purposes of this section, a person is an aggrieved person if, and only if:

(a) the person was a party to the communication; or

(b) the communication was made on the person's behalf.

Interception--civil court remedy

(3) If a person (in this subsection called the defendant):

(a) so intercepted the communication; or

(b) did an act or thing referred to in paragraph 7(1)(b) or (c) in relation to the interception;

the Federal Court of Australia or a court of a State or Territory may, on the application of an aggrieved person, grant the aggrieved person remedial relief in respect of the interception by making such orders against the defendant as the court considers appropriate.

Note: Paragraphs 7(1)(b) and (c) deal with the authorisation or enabling of interception etc.

Communication--civil court remedy

(4) If:

(a) information was obtained by intercepting the communication; and

(b) a person (in this subsection called the defendant) communicated the information to another person in contravention of section 63;

the Federal Court of Australia or a court of a State or Territory may, on the application of an aggrieved person, grant the aggrieved person remedial relief in respect of the communication of the information by making such orders against the defendant as the court considers appropriate.

Interception--criminal court remedy

(5) If a court convicts a person (in this subsection called the defendant) of an offence against subsection 7(1) constituted by:

(a) the interception; or

(b) the doing of an act or thing referred to in paragraph 7(1)(b) or (c) in relation to the interception;

the court may, on the application of an aggrieved person, grant the aggrieved person remedial relief in respect of the interception by making such orders against the defendant as the court considers appropriate.

Note: Paragraphs 7(1)(b) and (c) deal with the authorisation or enabling of interception etc.

Communication--criminal court remedy

(6) If:

(a) information was obtained by intercepting the communication; and

(b) the information was communicated to a person in contravention of section 63; and

(c) a court convicts a person (in this subsection called the defendant) of an offence against section 63 constituted by the communication of the information;

the court may, on the application of an aggrieved person, grant the aggrieved person remedial relief in respect of the communication of the information by making such orders against the defendant as the court considers appropriate.

Orders

(7) Without limiting the orders that may be made under this section against a person (in this subsection called the defendant) in respect of a particular interception or a particular communication of information, a court may make an order of one or more of the following kinds:

(a) an order declaring the interception or communication, as the case requires, to have been unlawful;

(b) an order that the defendant pay to the aggrieved person such damages as the court considers appropriate;

(c) an order in the nature of an injunction (including a mandatory injunction);

(d) an order that the defendant pay to the aggrieved person an amount not exceeding the amount that, in the opinion of the court, represents the total gross income derived by the defendant as a result of the interception or communication, as the case requires.

Terms etc. of orders

(8) Without limiting the orders that may be made by a court under this section, an order may:

(a) include such provisions as the court considers necessary for the purposes of the order; and

(b) be made either unconditionally or subject to such terms and conditions as the court determines.

Injunctive relief--variation etc.

(9) A court may revoke or vary an order in the nature of an injunction made by the court under this section.

Punitive damages

(10) A reference in paragraph (7)(b) to damages includes a reference to damages in the nature of punitive damages.

Minor irregularities in warrants etc.

(11) Despite subsection (1) of this section, this section does not apply to an interception that contravenes subsection 7(1) only because of a defect or irregularity (other than a substantial defect or irregularity):

(a) in, or in connection with the issue of, a document purporting to be a warrant; or

(b) in connection with the execution of a warrant, or the purported execution of a document purporting to be a warrant.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 107B
Limitation periods etc.

Interception--civil court remedy

(1) An application under subsection 107A(3) for the grant of remedial relief in respect of an interception is to be made within 6 years after the end of the interception.

Communication--civil court remedy

(2) An application under subsection 107A(4) for the grant of remedial relief in respect of a communication of information is to be made within 6 years after the communication.

Criminal court remedies

(3) An application under subsection 107A(5) or (6) for the grant of remedial relief is not subject to any limitation period, but must be made as soon as practicable after the conviction concerned.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 107C
No limitation on other liability

No limitation

(1) This Part does not limit any liability (whether criminal or civil) that a person has under any other provision of this Act or under any other law.

Remedial relief even if defendant convicted of offence

(2) An application under subsection 107A(3) or (4) may be made even if the defendant referred to in that subsection has been convicted of an offence under, or arising out of, this Act.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 107D
Concurrent operation of State and Territory laws

This Part is not intended to exclude or limit the operation of a law of a State or Territory that is capable of operating concurrently with this Part.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 107E
State or Territory courts--jurisdictional limits

This Part does not enable an inferior court of a State or Territory to grant remedial relief of a kind that the court is unable to grant under the law of that State or Territory.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 107F
Extended meaning of conviction--orders under section 19B of the Crimes Act 1914

A reference in this Part to the conviction of a person of an offence includes a reference to the making of an order under section 19B of the Crimes Act 1914 in relation to a person in respect of an offence.

Note: Section 19B of the Crimes Act 1914 empowers a court that has found a person to have committed an offence to take action without proceeding to record a conviction.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 107G
Outline of this Part

This Part establishes a system of preserving certain stored communications that are held by a carrier. The purpose of the preservation is to prevent the communications from being destroyed before they can be accessed under certain warrants issued under this Act.

Under the system, certain agencies can give a preservation notice to a carrier requiring the carrier to preserve all stored communications that the carrier holds that relate to the person or telecommunications service specified in the notice. The carrier will breach its obligations under section 313 of the Telecommunications Act 1997 if it does not comply with the notice.

There are 2 types of preservation notices: domestic preservation notices (which cover stored communications that might relate either to a contravention of certain Australian laws or to security) and foreign preservation notices (which cover stored communications that might relate to a contravention of certain foreign laws or to certain international offences).

Division 2 deals with domestic preservation notices. There are 2 kinds of domestic preservation notices:

(a) historic domestic preservation notices, which cover stored communications held by the carrier on a particular day; and

(b) ongoing domestic preservation notices, which cover stored communications held by the carrier in a particular 30-day period.

An issuing agency (which is a criminal law-enforcement agency, or the Organisation, for an historic domestic preservation notice, and a criminal law-enforcement agency that is an interception agency, or the Organisation, for an ongoing domestic preservation notice) can only give a domestic preservation notice if the conditions in section 107J are satisfied. There are certain grounds on which the notice must be revoked (see section 107L).

Division 3 deals with foreign preservation notices. Foreign preservation notices, like historic domestic preservation notices, cover stored communications held by the carrier on a particular day. Only the Australian Federal Police can give a foreign preservation notice to a carrier and it can only do so if a foreign country, the International Criminal Court or a War Crimes Tribunal has made a request for the preservation in accordance with section 107P. There are certain grounds on which the notice must be revoked (see section 107R).

Division 4 has miscellaneous provisions relating to both domestic and foreign preservation notices (such as provisions about the giving of evidentiary certificates by carriers and issuing agencies).

The Ombudsman has functions in relation to preservation notices given by issuing agencies (other than the Organisation) and the Inspector-General of Intelligence and Security has functions in relation to preservation notices given by the Organisation.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 107H
Domestic preservation notices

(1) An issuing agency may give a carrier a written notice (a domestic preservation notice) requiring the carrier to preserve, while the notice is in force, all stored communications that:

(a) relate to the person or telecommunications service specified in the notice; and

(b) the carrier holds at any time during:

(i) the period that starts at the time the carrier receives the notice and ends at the end of the day the carrier receives the notice (in which case the notice is an historic domestic preservation notice); or

(ii) the period that starts at the time the carrier receives the notice and ends at the end of the 29th day after the day the carrier receives the notice (in which case the notice is an ongoing domestic preservation notice).

(2) However, the agency can only give the notice if the conditions in subsection 107J(1) or (2) are satisfied.

(3) In the notice, the agency can only specify:

(a) one person; or

(b) one or more telecommunications services; or

(c) one person and one or more telecommunications services.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 107J
Conditions for giving domestic preservation notices

Notices given by criminal law-enforcement agencies

(1) A domestic preservation notice may be given under subsection 107H(1) if:

(a) the issuing agency is:

(i) for an historic domestic preservation notice--a criminal law-enforcement agency; and

(ii) for an ongoing domestic preservation notice--a criminal law-enforcement agency that is an interception agency; and

(b) the agency is investigating a serious contravention; and

(c) the agency considers that there are reasonable grounds for suspecting that, in the relevant period for the notice, there are stored communications in existence, or stored communications might come into existence, that:

(i) might assist in connection with the investigation; and

(ii) relate to the person or telecommunications service specified in the notice; and

(d) the agency intends that if, at a later time, the agency considers that the stored communications would be likely to assist in connection with the investigation, then the agency will apply for a Part 2-5 warrant or a stored communications warrant to access those communications; and

(e) for an ongoing domestic preservation notice--there is not another ongoing domestic preservation notice in force that:

(i) was given by the agency to the same carrier; and

(ii) specifies the same person or telecommunications service.

Notices given by the Organisation

(2) A domestic preservation notice may be given under subsection 107H(1) if:

(a) the issuing agency is the Organisation; and

(b) the Organisation considers that there are reasonable grounds for suspecting that, in the relevant period for the notice, there are stored communications in existence, or stored communications might come into existence, that:

(i) might assist the Organisation in carrying out its function of obtaining intelligence relating to security; and

(ii) relate to the person or telecommunications service specified in the notice; and

(c) the Organisation intends that if, at a later time, the Organisation considers that the stored communications would be likely to assist in carrying out that function, then the Director-General of Security will request a Part 2-2 warrant to access those communications; and

(d) for an ongoing domestic preservation notice--there is not another ongoing domestic preservation notice in force that:

(i) was given by the Organisation to the same carrier; and

(ii) specifies the same person or telecommunications service.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 107K
When a domestic preservation notice is in force

A domestic preservation notice:

(a) comes into force when the carrier receives it; and

(b) ceases to be in force at the earliest of the following times:

(i) the end of the period of 90 days, starting on the day the carrier receives it;

(ii) if the notice is revoked under section 107L--when the carrier receives notice of the revocation;

(iii) if a Part 2-5 warrant or stored communications warrant authorising access to the stored communications covered by the notice is issued in relation to the issuing agency--when the warrant ceases to be in force;

(iv) if a Part 2-2 warrant authorising access to the stored communications covered by the notice is issued in relation to the issuing agency--the end of the period of 5 days after the day the warrant was issued.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 107L
Revoking a domestic preservation notice

Discretionary revocation

(1) An issuing agency that has given a domestic preservation notice may revoke the notice at any time.

Mandatory revocation

(2) An issuing agency that has given a domestic preservation notice must revoke the notice if:

(a) if the issuing agency is a criminal law-enforcement agency (including an interception agency):

(i) the condition in paragraph 107J(1)(b) or (c) is no longer satisfied; or

(ii) the agency decides not to apply for a Part 2-5 warrant or stored communications warrant to access the stored communications covered by the notice; or

(b) if the issuing agency is the Organisation:

(i) the condition in paragraph 107J(2)(b) is no longer satisfied; or

(ii) the Organisation is satisfied that the Director-General of Security will not request a Part 2-2 warrant to access the stored communications covered by the notice.

Revocation effected by giving revocation notice

(3) A domestic preservation notice is revoked by the issuing agency giving the carrier to whom it was given written notice of the revocation.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 107M
Persons who act on the issuing agency's behalf

Historic domestic preservation notices

(1) An historic domestic preservation notice may only be given or revoked on behalf of an issuing agency by:

(a) if the issuing agency is a criminal law-enforcement agency--a person who may, under section 110, apply on the agency's behalf for a stored communications warrant to access the stored communications covered by the notice; and

(b) if the issuing agency is the Organisation--a certifying person.

Ongoing domestic preservation notices

(2) An ongoing domestic preservation notice may only be given on behalf of an issuing agency by:

(a) if the issuing agency is a criminal law-enforcement agency that is an interception agency--an authorised officer of the agency; and

(b) if the issuing agency is the Organisation--the Director-General of Security.

(3) An ongoing domestic preservation notice may only be revoked on behalf of an issuing agency by:

(a) if the issuing agency is a criminal law-enforcement agency that is an interception agency--an authorised officer of the agency; and

(b) if the issuing agency is the Organisation--a certifying person.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 107N
When a foreign preservation notice can be given

(1) If the Australian Federal Police receives a request in accordance with section 107P, the Australian Federal Police must give the carrier to which the request relates a written notice (a foreign preservation notice) requiring the carrier to preserve, while the notice is in force, all stored communications that:

(a) relate to the person or telecommunications service specified in the notice; and

(b) the carrier holds at any time during the period that starts at the time the carrier receives the notice and ends at the end of the day the carrier receives the notice.

(2) In the notice, the Australian Federal Police can only specify:

(a) one person; or

(b) one or more telecommunications services; or

(c) one person and one or more telecommunications services.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 107P
Condition for giving a foreign preservation notice

(1) An entity mentioned in the following table may request the Australian Federal Police to arrange for the preservation of stored communications that:

(a) relate to a specified person or specified telecommunications service; and

(b) are held by a carrier; and

(c) are relevant to an investigation, investigative proceeding, or proceeding relating to a serious foreign contravention;

if the entity intends to make a request (an access request) under a provision mentioned in the table to the Attorney-General to arrange for access to those stored communications.

Requesting access to stored communications

Item	This entity:	May make an access request under:
1	a foreign country	paragraph 15B(d) of the Mutual Assistance in Criminal Matters Act 1987
2	the International Criminal Court	paragraph 78A(b) of the International Criminal Court Act 2002
3	a War Crimes Tribunal	paragraph 34A(b) of the International War Crimes Tribunals Act 1995

(2) The request by the entity to the Australian Federal Police must:

(a) be in writing; and

(b) name the entity or the entity's authority concerned with the serious foreign contravention; and

(c) specify the serious foreign contravention that is the subject of the investigation, investigative proceeding or proceeding; and

(d) specify information identifying the stored communications to be preserved and the relationship between those communications and the serious foreign contravention; and

(e) specify any information the entity has that identifies the carrier that holds the stored communications; and

(f) if the stored communications relate to a specified person--specify any information the entity has that identifies the telecommunications service to which the stored communications relate; and

(g) specify the reasons why the stored communications need to be preserved; and

(h) specify that the entity intends to make an access request for the stored communications.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 107Q
When a foreign preservation notice is in force

A foreign preservation notice:

(a) comes into force when the carrier receives it; and

(b) ceases to be in force at the earlier of the following times:

(i) if the notice is revoked under section 107R--when the carrier receives notice of the revocation;

(ii) if a stored communications warrant authorising access to the stored communications covered by the notice is issued as a result of the access request--when the warrant ceases to be in force.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 107R
Revoking a foreign preservation notice

(1) If:

(a) an entity requests under section 107P the Australian Federal Police to arrange for the preservation of stored communications that are held by a carrier; and

(b) in response to the request, the Australian Federal Police gives a foreign preservation notice to the carrier in relation to those stored communications under subsection 107N(1); and

(c) during the period of 180 days starting on the day the carrier was given the notice, the entity did not make an access request to the Attorney-General to arrange for access to those communications;

then the Australian Federal Police must, by the third working day after the end of that period, revoke the preservation notice by giving the carrier to whom it was given written notice of the revocation.

(2) If:

(a) an entity requests under section 107P the Australian Federal Police to arrange for the preservation of stored communications that are held by a carrier; and

(b) in response to the request, the Australian Federal Police gives a foreign preservation notice to the carrier in relation to those stored communications under subsection 107N(1); and

(c) the entity makes an access request to the Attorney-General to arrange for access to those communications; and

(d) the Attorney-General refuses that access request;

then the Australian Federal Police must, by the third working day after it is notified of the refusal, revoke the preservation notice by giving the carrier to whom it was given written notice of the revocation.

(3) If:

(a) an entity requests under section 107P the Australian Federal Police to arrange for the preservation of stored communications that are held by a carrier; and

(b) in response to the request, the Australian Federal Police gives a foreign preservation notice to the carrier in relation to those stored communications under subsection 107N(1); and

(c) the entity withdraws the request;

the
n the Australian Federal Police must, by the third working day after it is notified of the withdrawal, revoke the preservation notice by giving the carrier to whom it was given written notice of the revocation.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 107S
Persons who act on the AFP's behalf

A foreign preservation notice must be given or revoked on behalf of the Australian Federal Police by an authorised officer of the Australian Federal Police.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979

INTERPRETATION CONCERNING THE AUTHORITY TO AUTHORIZE

DEFINITIONS

(1) The Managing Director of a bank means a bank employee of which the rank is a

DEFINITIONS

(2) Bank operations are the operations of which the business of a bank consists

DEFINITIONS

(3) An operation of a bank authorized according to this paragraph of this paragraph

A person authorized according to this paragraph

(4) A person authorized according to this paragraph of this paragraph is a person who is authorized according to this paragraph to carry out bank operations on behalf of a bank with a representative director.

DEFINITIONS

(5) A bank operation authorized by a certificate issued under administrative rule and prescribed by the original by a person authorized to do so

DEFINITIONS

(6) (a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p) (q) (r) (s) (t) (u) (v) (w) (x) (y) (z) (aa) (ab) (ac) (ad) (ae) (af) (ag) (ah) (ai) (aj) (ak) (al) (am) (an) (ao) (ap) (aq) (ar) (as) (at) (au) (av) (aw) (ax) (ay) (az) (ba) (bb) (bc) (bd) (be) (bf) (bg) (bh) (bi) (bj) (bk) (bl) (bm) (bn) (bo) (bp) (bq) (br) (bs) (bt) (bu) (bv) (bw) (bx) (by) (bz) (ca) (cb) (cc) (cd) (ce) (cf) (cg) (ch) (ci) (cj) (ck) (cl) (cm) (cn) (co) (cp) (cq) (cr) (cs) (ct) (cu) (cv) (cw) (cx) (cy) (cz) (da) (db) (dc) (dd) (de) (df) (dg) (dh) (di) (dj) (dk) (dl) (dm) (dn) (do) (dp) (dq) (dr) (ds) (dt) (du) (dv) (dw) (dx) (dy) (dz) (ea) (eb) (ec) (ed) (ee) (ef) (eg) (eh) (ei) (ej) (ek) (el) (em) (en) (eo) (ep) (eq) (er) (es) (et) (eu) (ev) (ew) (ex) (ey) (ez) (fa) (fb) (fc) (fd) (fe) (ff) (fg) (fh) (fi) (fj) (fk) (fl) (fm) (fn) (fo) (fp) (fq) (fr) (fs) (ft) (fu) (fv) (fw) (fx) (fy) (fz) (ga) (gb) (gc) (gd) (ge) (gf) (gg) (gh) (gi) (gj) (gk) (gl) (gm) (gn) (go) (gp) (gq) (gr) (gs) (gt) (gu) (gv) 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A person may, for the purposes of Part 3-1A, 3-2, 3-3, 3-5 or 3-6 or Chapter 4A:

(a) communicate preservation notice information or stored communications warrant information to another person; or

(b) make use of preservation notice information or stored communications warrant information; or

(c) make a record of preservation notice information or stored communications warrant information; or

(d) give preservation notice information or stored communications warrant information in evidence in a proceeding.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 135
Dealing in information by employees of carriers

Communicating information to the appropriate criminal law-enforcement agency

(1) An employee of a carrier may communicate information obtained by accessing stored communications under a stored communications warrant to:

(a) the officer of the criminal law-enforcement agency who applied for the warrant on the agency's behalf; or

(b) an officer of the agency in relation to whom an authorisation under subsection (2) by the chief officer of the agency is in force in relation to the warrant.

(2) The chief officer of a criminal law-enforcement agency may authorise in writing officers, or classes of officers, of the agency to receive information obtained by accessing stored communications under stored communications warrants, or classes of such warrants, issued to the agency.

Information relating to operation of networks etc.

(3) An employee of a carrier may communicate or make use of, or cause to be communicated, lawfully accessed information or information that has been obtained by accessing a stored communication in contravention of subsection 108(1) if:

(a) the employee does so in the performance of his or her duties as such an employee; and

(b) the information relates to:

(i) the operation or maintenance of a telecommunications network operated by the carrier; or

(ii) the supply of services by the carrier by means of a telecommunications network.

(4) An employee of a carrier may communicate or cause to be communicated to another carrier, or to an employee of another carrier, lawfully accessed information or information that has been obtained by accessing a stored communication in contravention of subsection 108(1) if:

(a) the communication of the information is for the purpose of the carrying on by the other carrier of its business relating to the supply of services by means of a telecommunications network operated by the other carrier; and

(b) the information relates to:

(i) the operation or maintenance of a telecommunications network operated by the other carrier; or

(ii) the supply of services by the other carrier by means of a telecommunications network.

Preservation notice information

(4A) An employee of a carrier may, in the performance of his or her duties as such an employee, communicate or make use of, or cause to be communicated, preservation notice information if:

(a) the employee does so in the performance of his or her duties as such an employee; and

(b) the information is reasonably necessary to enable the carrier to comply with the preservation notice.

(4B) An employee of a carrier may communicate or cause to be communicated to another carrier, or to an employee of another carrier, preservation notice information if the information is reasonably necessary to enable the carrier to comply with the preservation notice.

Stored communications warrant information

(5) An employee of a carrier may, in the performance of his or her duties as such an employee, communicate or make use of, or cause to be communicated, stored communications warrant information if:

(a) the employee does so in the performance of his or her duties as such an employee; and

(b) the information is reasonably necessary to enable access to a stored communication under a stored communications warrant.

(6) An employee of a carrier may communicate or cause to be communicated to another carrier, or to an employee of another carrier, stored communications warrant information if the information is reasonably necessary to enable access to a stored communication under a stored communications warrant.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 136
Dealing in connection with Organisation's functions

(1) A person may, in connection with the performance by the Organisation of its functions, or otherwise for purposes of security, communicate to another person, make use of, or make a record of the following:

(a) lawfully accessed information other than foreign intelligence information;

(aa) preservation notice information;

(b) stored communications warrant information.

(2) The Director-General of Security may, in connection with the performance by the Organisation of its functions, communicate foreign intelligence information to an ASIO employee or ASIO affiliate.

(3) An ASIO employee or ASIO affiliate may, in connection with the performance by the Organisation of its functions, communicate foreign intelligence information to the Director-General of Security or to another ASIO employee or ASIO affiliate.

(4) The Director-General of Security or an ASIO employee or ASIO affiliate may, in connection with the performance by the Organisation of its functions, make use of, or make a record of, foreign intelligence information.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 137
Dealing in information obtained by Organisation

(1) The Director-General of Security may, in accordance with subsection 18(3) or (4A), or subsection 19A(4) of the Australian Security Intelligence Organisation Act 1979, communicate the following to another person:

(a) lawfully accessed information;

(aa) preservation notice information;

(b) stored communications warrant information.

(1A) The Director-General of Security may:

(a) for the purposes (if any) approved by the Attorney-General in writing; and

(b) subject to the conditions (if any) specified by the Attorney-General in writing;

communicate foreign intelligence information to another person (the second person), other than a person to whom the Director-General could communicate the information under subsection (1) or 136(2).

(1B) The second person to whom the foreign intelligence information is communicated under subsection (1A), and any other person to whom that information is communicated under this subsection, may communicate it to another person, and use and make a record of it.

(2) The communication under subsection (1) or (1A) may be made by the Director-General of Security personally or by a person authorised by the Director-General.

(3) A person to whom foreign intelligence information has been communicated under subsection (1) may, in the proper performance or exercise of the person's functions, duties or powers:

(a) for the purposes (if any) approved, and subject to the conditions (if any) specified, by the Attorney-General in writing:

(i) communicate that information to another person (the second person); and

(ii) use that information; and

(b) make a record of that information;

and the second person, and any other person to whom that information is communicated under this subsection, may communicate it to another person, and use and make a record of it.

(4) An approval or a condition under subsection (1A) or (3) is not a legislative instrument.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 138
Employee of carrier may communicate information to criminal law-enforcement agency

(1) An employee of a carrier may, for a purpose or purposes connected with the investigation by the Australian Communications and Media Authority of a serious contravention or with the performance of its functions relating to enforcement of the Spam Act 2003, and for no other purpose, communicate to an officer or staff member of the authority the following:

(a) lawfully accessed information other than foreign intelligence information;

(aa) preservation notice information;

(b) stored communications warrant information.

(2) An employee of a carrier may, for a purpose or purposes connected with the investigation by any other criminal law-enforcement agency of a serious contravention, and for no other purpose, communicate to an officer or staff member of the agency the following:

(a) lawfully accessed information other than foreign intelligence information;

(aa) preservation notice information;

(b) stored communications warrant information.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 139
Dealing for purposes of investigation etc.

(1) An officer or staff member of a criminal law-enforcement agency or an eligible Commonwealth authority may, for one or more purposes referred to in subsection (2) or (4A), and for no other purpose (other than a purpose referred to in subsection 139A(2) or 139B(2), if applicable), communicate to another person, make use of, or make a record of the following:

(a) lawfully accessed information other than foreign intelligence information;

(aa) preservation notice information;

(b) stored communications warrant information.

(2) In the case of information obtained by the agency other than through the execution of a warrant issued as a result of an international assistance application, the purposes are purposes connected with:

(a) an investigation by the agency or by another criminal law-enforcement agency of a contravention to which subsection (3) applies; or

(b) the making by an authority, body or person of a decision whether or not to begin a proceeding to which subsection (4) applies; or

(c) a proceeding to which subsection (4) applies; or

(d) the keeping of records by the agency under Part 3-5; or

(e) an authorisation under any of the following provisions in respect of the information:

(i) subsection 13A(1) of the Mutual Assistance in Criminal Matters Act 1987;

(ii) section 69A of the International Criminal Court Act 2002;

(iii) section 25A of the International War Crimes Tribunals Act 1995.

(3) A contravention to which this subsection applies is a contravention of a law of the Commonwealth, a State or a Territory that:

(a) is a serious offence; or

(b) is an offence punishable:

(i) by imprisonment for a period, or a maximum period, of at least 12 months; or

(ii) if the offence is committed by an individual--by a fine, or a maximum fine, of at least 60 penalty units; or

(iii) if the offence cannot be committed by an individual--by a fine, or a maximum fine, of at least 300 penalty units; or

(c) could, if established, render the person committing the contravention liable:

(i) if the contravention were committed by an individual--to pay a pecuniary penalty of 60 penalty units or more, or to pay an amount that is the monetary equivalent of 60 penalty units or more; or

(ii) if the contravention cannot be committed by an individual--to pay a pecuniary penalty of 300 penalty units or more, or to pay an amount that is the monetary equivalent of 300 penalty units or more.

(4) A proceeding to which this subsection applies is:

(a) a proceeding by way of a prosecution for an offence of a kind referred to in paragraph (3)(a) or (b); or

(b) a proceeding for the confiscation or forfeiture of property, or for the imposition of a pecuniary penalty, in connection with the commission of such an offence; or

(ba) a proceeding under the Spam Act 2003; or

(c) a proceeding for the taking of evidence pursuant to section 43 of the Extradition Act 1988, in so far as the proceeding relates to such an offence; or

(d) a proceeding for the extradition of a person from a State or a Territory to another State or Territory, in so far as the proceeding relates to such an offence; or

(e) a proceeding for recovery of a pecuniary penalty for a contravention of a kind referred to in paragraph (3)(c); or

(f) a police disciplinary proceeding.

(4A) In the case of information obtained by the agency through the execution of a warrant issued as a result of an international assistance application, the purposes are purposes connected with:

(a) providing the information to the entity to which the application relates, or to an appropriate authority of that entity; or

(b) the keeping of records by the agency under Part 3-5.

(5) To avoid doubt, a reference in subsection (3) to a number of penalty units in relation to a contravention of a law of a State or a Territory includes a reference to an amount of a fine or pecuniary penalty that is equivalent, under section 4AA of the Crimes Act 1914, to that number of penalty units.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 139AA
Dealing in connection with Inspector-General's functions

(1) A person may, in connection with an IGIS official exercising a power, or performing a function or duty, as an IGIS official, communicate to another person, make use of, or make a record of, the following:

(a) lawfully accessed information;

(b) information obtained by accessing a stored communication (whether or not that information is lawfully accessed information);

(c) preservation notice information;

(d) stored communications warrant information.

(2) This section applies despite any other provision of this Part.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 139A
Dealing for integrity purposes

(1) An officer or staff member of a Commonwealth agency may, for one or more purposes referred to in subsection (2), and for no other purpose (other than a purpose referred to in subsection 139(2) or (4A) or 139B(2), if applicable), communicate to another person, make use of, or make a record of the following:

(a) lawfully accessed information other than foreign intelligence information;

(b) stored communications warrant information.

(2) The purposes are:

(a) a permitted purpose mentioned in the table in section 6S in relation to the agency or another Commonwealth agency; or

(b) purposes connected with the keeping of records by the agency under Part 3-5.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 139B
Dealing for purposes relating to Part 5.3 orders

(1) An officer or staff member of:

(a) the Australian Federal Police; or

(b) the Police Force of a State or Territory;

may, for one or more purposes referred to in subsection (2), and for no other purpose (other than a purpose referred to in subsection 139(2) or (4A) or 139A(2), if applicable), communicate to another person, make use of, or make a record of lawfully accessed information other than foreign intelligence information.

(2) The purposes are purposes connected with the performance of a function or duty, or the exercise of a power, by a person, court or other body under, or in relation to a matter arising under:

(a) Division 104 (control orders) or Division 105A (post-sentence orders) of the Criminal Code; or

(b) a post-sentence detention law or a post-sentence supervision law.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 140
Dealing with information if access suspected to be unlawful

(1) A person may communicate information to the Minister, the Director of Public Prosecutions, the Commissioner of Police, the National Anti-Corruption Commissioner, the Chief Executive Officer of the ACC, the Inspector of the National Anti-Corruption Commission or a person assisting the NACC Inspector if:

(a) the information was obtained by accessing a stored communication; and

(b) the person suspects on reasonable grounds that the information may tend to establish that an offence of the following kind (a suspected offence) has been committed:

(i) an offence against subsection 108(1) constituted by the access, or by authorising, suffering or permitting, or doing an act or thing to enable, the access;

(ii) an offence against section 133 constituted by communicating to a person, making use of, making a record of, or giving in evidence in a proceeding, information obtained by the access;

(iii) an ancillary offence relating to an offence of a kind referred to in subparagraph (i) or (ii) of this paragraph.

(2) A person to whom the information is communicated in accordance with subsection (1) may communicate to another person, make use of, or make a record of, some or all of the information for a purpose (or 2 or more purposes) connected with:

(a) an investigation of a suspected offence; or

(b) the making by an authority, body or person of a decision whether or not to begin a proceeding by way of a prosecution for a suspected offence; or

(c) a proceeding by way of a prosecution for a suspected offence;

and for no other purpose.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 141
Making record for purpose of permitted communication

A person who is permitted by section 135, 137 or 138 or subsection 140(1) to communicate particular information to another person may:

(a) make a record of the information, or

(b) cause such a record to be made;

for the purpose of so communicating the information in accordance with that section or subsection.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 142
Further dealing by recipient of certain information

A person to whom information has, in accordance with subsection 135(4), section 139, 139AA, 139A or 139B, subsection 140(2) or this section, been communicated for a purpose, or for 2 or more purposes, may:

(a) communicate that information to another person; or

(b) make use of, or make a record of, that information;

for that purpose, or for one or more of those purposes, and for no other purpose.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 142A
Communicating information obtained as a result of an international assistance application

(1) If information is obtained through the execution of a warrant issued as a result of an international assistance application, a person may only communicate the information to the entity to which the application relates on the following conditions:

(a) that the information will only be used for the purposes for which the entity requested the information;

(b) that any document or other thing containing the information will be destroyed when it is no longer required for those purposes;

(c) any other condition determined, in writing, by the Attorney-General.

(2) Subsection (1) has effect despite subsection 139(4A) and section 142.

(3) A determination under paragraph (1)(c) is not a legislative instrument.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 143
Giving information in evidence in exempt proceeding

(1) A person may give lawfully accessed information (other than foreign intelligence information) in evidence in an exempt proceeding.

(2) For the purposes of applying subsection (1) in relation to information, the question whether or not a stored communication was accessed in contravention of subsection 108(1) may be determined on the balance of probabilities.

(3) A person may give stored communications warrant information in evidence in an exempt proceeding.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 144
Giving information in evidence if communication unlawfully accessed

(1) A person may give, in evidence in an exempt proceeding, information obtained by accessing stored communications obtained in contravention of subsection 108(1) if:

(a) the access was purportedly under a stored communications warrant; and

(b) the court in which, or the tribunal, body, authority or person before which, the proceeding is held is satisfied that:

(i) but for an irregularity, the access would not have constituted a contravention of subsection 108(1); and

(ii) the irregularity is not a substantial defect or irregularity; and

(iii) in all the circumstances, the irregularity should be disregarded.

(2) A reference in subsection (1) to an irregularity is a reference to a defect or irregularity:

(a) in, or in connection with the issue of, a document purporting to be a warrant; or

(b) in connection with the execution of a warrant, or the purported execution of a document purporting to be a warrant.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 145
Evidence that has been given in exempt proceeding

If information is given in evidence in an exempt proceeding under section 143 or 144, that information, or any part of that information, may later be given in evidence in any proceeding.

Note: This section was inserted as a response to the decision of the Court of Appeal of New South Wales in Wood v Beves (1997) 92 A Crim R 209.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 146
Giving information in evidence in civil proceedings for remedial relief

(1) A person may give information obtained by accessing a stored communication in contravention of subsection 108(1) in evidence in a proceeding by way of an application under section 165 for remedial relief in respect of:

(a) the access; or

(b) the communication (in contravention of section 133) of information obtained by the access.

(2) A person may give preservation notice information or stored communications warrant information in evidence in a proceeding by way of an application under section 165.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 147
Accessed material inadmissible except as provided

(1) Neither information, nor a record, obtained by accessing a stored communication is admissible in evidence in a proceeding except in so far as section 143, 144, 145 or 146 permits a person to give in evidence in that proceeding information so obtained.

(2) Subsection (1) of this section applies whether or not the stored communication was accessed in contravention of subsection 108(1).

(3) However, for the purpose of determining the extent (if any) to which section 143, 144, 145 or 146 permits a person to give in evidence in a proceeding information obtained by the access:

(a) a person may communicate to another person, make use of, make a record of, or give in evidence in the last-mentioned proceeding, information so obtained; and

(b) information, or a record, so obtained is admissible in evidence in the last-mentioned proceeding.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 148
Stored communications warrant information inadmissible except as provided

(1) Stored communications warrant information is admissible in evidence in a proceeding only to the extent that section 143, 145 or 146 permits a person to give stored communications warrant information in evidence in that proceeding.

(2) For the purpose of determining the extent (if any) to which section 143, 145 or 146 permits a person to give stored communications warrant information in evidence in a proceeding:

(a) a person may:

(i) communicate the information to another person; or

(ii) make use of the information; or

(iii) make a record of the information; or

(iv) give the information in evidence in the proceeding; and

(b) the information is admissible in evidence in the proceeding.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 149
Evidence that is otherwise inadmissible

This Part does not render:

(a) information; or

(b) any record that was obtained by accessing a stored communication (whether or not in contravention of subsection 108(1));

admissible in evidence in a proceeding to a greater extent than it would have been admissible in evidence in that proceeding if this Part had not been enacted.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 150
Destruction of records

(1) If:

(a) information, or a record, that was obtained by accessing a stored communication (whether or not in contravention of subsection 108(1)) is in a criminal law-enforcement agency's possession; and

(b) the chief officer of the agency is satisfied that the information or record is not likely to be required for a purpose referred to in subsection 139(2) or (4A), 139A(2) or 139B(2);

the chief officer must cause the information or record to be destroyed forthwith.

(2) The chief officer must, as soon as practicable, and in any event within 3 months, after each 30 June, give to the Minister a written report that sets out the extent to which information and records were destroyed in accordance with this section.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 151
Obligation to keep records

(1) The chief officer of a criminal law-enforcement agency must cause the following, or copies of the following, to be kept in the agency's records for the period specified in subsection (3):

(a) each preservation notice given by the agency, and documents or other materials that indicate whether the notice was properly given;

(b) each notice under subsection 107L(3) of the revocation of such a preservation notice, and documents or other materials that indicate whether the revocation was properly made;

(c) each stored communications warrant issued to the agency, and documents or other materials that indicate whether the warrant was properly applied for, including:

(i) a copy of each application for such a warrant; and

(ii) a copy of each affidavit supporting such an application; and

(iii) documents or other materials that indicate whether the applicant for such a warrant complied with the requirements of Division 1 of Part 3-3;

(d) each instrument revoking such a warrant under section 122, and documents or other materials that indicate whether the revocation was properly made;

(e) documents or other materials that indicate the persons approved under subsection 127(2), and the persons appointed under subsection 127(3) to be approving officers for the purposes of subsection 127(2);

(f) each authorisation by the chief officer under subsection 135(2);

(g) each request for international assistance, being a request to which an international assistance application relates, and documents or other materials that indicate:

(i) whether the request was made lawfully; or

(ii) the offence in relation to which the request was made;

(h) documents or other materials that indicate whether the communication, use or recording of lawfully accessed information (other than foreign intelligence information, preservation notice information or stored communication warrant information) complied with the requirements of Division 2 of Part 3-4;

(i) documents indicating whether information or a record was destroyed in accordance with section 150;

(j) each evidentiary certificate issued under this Chapter;

(k) each report given to the Minister under Division 1 of Part 3-6;

(l) documents and other materials of a kind prescribed under subsection (2) of this section.

(2) The Minister may, by legislative instrument, prescribe kinds of documents and other materials that the chief officer of a criminal law-enforcement agency must cause to be kept in the agency's records.

(3) The period for which the chief officer of a criminal law-enforcement agency must cause a particular item to be kept in the agency's records under subsection (1) of this section is the period:

(a) starting when the item came into existence; and

(b) ending:

(i) when 3 years have elapsed since the item came into existence; or

(ii) when the Ombudsman gives a report to the Minister under section 186J that is about records that include the item;

whichever happens earlier.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 158A
Functions of the Inspector-General of Intelligence and Security

(1) Under the Inspector-General of Intelligence and Security Act 1986, the Inspector-General of Intelligence and Security has functions in relation to preservation notices given by the Organisation.

(2) In particular, the Inspector-General of Intelligence and Security has the function of:

(a) inquiring into any matter that relates to compliance by the Organisation with this Act (see subparagraph 8(1)(a)(i) of that Act); and

(b) conducting such inspections of the Organisation as the Inspector-General considers appropriate for the purpose of giving effect to the objects of that Act (see section 9A of that Act).

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 159
Annual reports regarding applications and warrants under Part 3-3

(1) The chief officer of a criminal law-enforcement agency must, as soon as practicable, and in any event within 3 months, after each 30 June, give to the Minister a written report that sets out such information as:

(a) Division 2 (other than section 163A) requires to be set out in the Minister's report under that Division relating to the year ending on that 30 June; and

(b) can be derived from the agency's records.

(2) Section 34C of the Acts Interpretation Act 1901 does not apply in relation to a report under this section.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 160
Minister may seek further information from Commonwealth agency

(1) The Minister may, by writing, request the chief officer of a criminal law-enforcement agency to give to the Minister in writing specified information that:

(a) the Minister needs in connection with preparing a report under Division 2; and

(b) is not contained in a report by the chief officer under section 159.

(2) To the extent that it is practicable to do so, the chief officer must comply with the request.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 161
Annual report by Minister about stored communications warrants

The Minister must, as soon as practicable after each 30 June, cause to be prepared a written report that relates to the year ending on that 30 June and complies with this Division.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 161A
Report to contain information about preservation notices

Domestic preservation notices

(1) The report must set out, for each criminal law-enforcement agency:

(a) the relevant statistics about domestic preservation notices that were given by the agency during that year; and

(b) the relevant statistics about revocation notices given by the agency under section 107L during that year.

Foreign preservation notices

(2) If the criminal law-enforcement agency is the Australian Federal Police, the report must also set out:

(a) the relevant statistics about foreign preservation notices that were given by the agency during that year; and

(b) the relevant statistics about revocation notices given by the agency under section 107R during that year.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 162
Report to set out how many applications made and warrants issued

(1) The report must set out, for each criminal law-enforcement agency:

(a) the relevant statistics about applications for stored communications warrants that the agency made during that year; and

(b) the relevant statistics about telephone applications for stored communications warrants that the agency made during that year; and

(c) the relevant statistics about international assistance applications that the agency made during that year; and

(d) for each international offence for the agency--the offence (if any), under a law of the Commonwealth, a State or a Territory, that is of the same, or a substantially similar, nature to the international offence.

(2) The report must set out:

(a) the relevant statistics about applications for stored communications warrants that were made during that year; and

(b) the relevant statistics about telephone applications for stored communications warrants that were made during that year; and

(ba) the relevant statistics about international assistance applications that were made during that year; and

(c) the relevant statistics about renewal applications made during that year; and

(d) how many stored communications warrants issued on applications made during that year specified conditions or restrictions relating to access to stored communications under the warrants; and

(e) for each international offence for each enforcement agency--the offence (if any), under a law of the Commonwealth, a State or a Territory, that is of the same, or a substantially similar, nature to the international offence.

(3) An international offence, for an enforcement agency, is:

(a) an offence against a law of a foreign country; or

(b) a crime within the jurisdiction of the ICC; or

(c) a War Crimes Tribunal offence;

in respect of which a stored communications warrant was issued as a result of an international assistance application made by the agency during the year.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 163
Report to contain information about effectiveness of warrants

The report must set out, for each criminal law-enforcement agency:

(a) how many arrests were made during that year on the basis of information that was, or included, lawfully accessed information; and

(b) how many proceedings ended during that year that were proceedings in which, according to the records of the agency, lawfully accessed information was given in evidence.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 163A
Report regarding international requests

The report must set out the number of occasions on which lawfully accessed information or stored communications warrant information was communicated under subsection 139(1) or section 142 to any of the following:

(a) a foreign country;

(b) the International Criminal Court;

(c) a War Crimes Tribunal;

for a purpose connected with an authorisation referred to in paragraph 139(2)(e).

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 164
Annual reports

(1) The Minister must cause a copy of a report under Division 2 to be laid before each House of the Parliament within 15 sitting days of that House after the report is prepared.

(2) A report under Division 2 must not be made in a manner that is likely to enable the identification of a person.

(3) For the purposes of section 34C of the Acts Interpretation Act 1901, a report that Division 2 requires to be prepared as soon as practicable after 30 June in a calendar year is taken to be a periodic report:

(a) that this Act requires a person to give to the Minister; and

(b) that relates to the administration of Parts 3-3, 3-4 and 3-5 during the year ending on that 30 June.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 165
Civil remedies--unlawful access or communication

When section applies

(1) This section applies to an accessing of a stored communication if the access was in contravention of subsection 108(1).

Aggrieved person

(2) For the purposes of this section, a person is an aggrieved person if, and only if:

(a) the person was a party to the communication; or

(b) the communication was made on the person's behalf.

Access--civil court remedy

(3) If a person (the defendant):

(a) so accessed the communication; or

(b) did an act or thing referred to in subparagraph 108(1)(a)(ii) or (iii) in relation to the access;

the Federal Court of Australia or a court of a State or Territory may, on the application of an aggrieved person, grant the aggrieved person remedial relief in respect of the access by making such orders against the defendant as the court considers appropriate.

Note: Subparagraphs 108(1)(a)(ii) and (iii) deal with the authorisation or enabling of access etc.

Communication--civil court remedy

(4) If:

(a) information was obtained by accessing the communication; and

(b) a person (the defendant) communicated the information to another person in contravention of section 133;

the Federal Court of Australia or a court of a State or Territory may, on the application of an aggrieved person, grant the aggrieved person remedial relief in respect of the communication of the information by making such orders against the defendant as the court considers appropriate.

Access--criminal court remedy

(5) If a court convicts a person (the defendant) of an offence against subsection 108(1) constituted by:

(a) the access; or

(b) the doing of an act or thing referred to in subparagraph 108(1)(a)(ii) or (iii) in relation to the access;

the court may, on the application of an aggrieved person, grant the aggrieved person remedial relief in respect of the access by making such orders against the defendant as the court considers appropriate.

Note: Subparagraphs 108(1)(a)(ii) and (iii) deal with the authorisation or enabling of access etc.

Communication--criminal court remedy

(6) If:

(a) information was obtained by accessing the communication; and

(b) the information was communicated to a person in contravention of section 133; and

(c) a court convicts a person (in this subsection called the defendant) of an offence against section 133 constituted by the communication of the information;

the court may, on the application of an aggrieved person, grant the aggrieved person remedial relief in respect of the communication of the information by making such orders against the defendant as the court considers appropriate.

Orders

(7) Without limiting the orders that may be made under this section against a person (the defendant) in respect of a particular access to or a particular communication of information, a court may make an order of one or more of the following kinds:

(a) an order declaring the access or communication, as the case requires, to have been unlawful;

(b) an order that the defendant pay to the aggrieved person such damages as the court considers appropriate;

(c) an order in the nature of an injunction (including a mandatory injunction);

(d) an order that the defendant pay to the aggrieved person an amount not exceeding the amount that, in the opinion of the court, represents the total gross income derived by the defendant as a result of the access or communication, as the case requires.

Terms etc. of orders

(8) Without limiting the orders that may be made by a court under this section, an order may:

(a) include such provisions as the court considers necessary for the purposes of the order; and

(b) be made either unconditionally or subject to such terms and conditions as the court determines.

Injunctive relief--variation etc.

(9) A court may revoke or vary an order in the nature of an injunction made by the court under this section.

Punitive damages

(10) A reference in paragraph (7)(b) to damages includes a reference to damages in the nature of punitive damages.

Minor irregularities in warrants etc.

(11) Despite subsection (1) of this section, this section does not apply to an accessing that contravenes subsection 108(1) only because of a defect or irregularity (other than a substantial defect or irregularity):

(a) in, or in connection with the issue of, a document purporting to be a warrant; or

(b) in connection with the execution of a warrant, or the purported execution of a document purporting to be a warrant.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979
- SECT 166

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Section 17 Page 1

Section 17 Page 1

(b) the Chief Officer of the
Navy, or

(c) the Chief Officer of the
Marine Corps, or

(d) the Chief Officer of the
Air Force, or

(e) the Chief Officer of the
Space Force, or

(f) the Director of the
National Guard Bureau, or

(g) the Commander of the
Coast Guard, or

(h) the Director of the
Defense Intelligence Agency, or

(i) the Director of the
National Reconnaissance Office, or

(j) the Director of the
National Geospatial-Intelligence Agency, or

(k) the Director of the
National Security Agency, or

(l) the Director of the
Cyber National Mission Force, or

(m) the Director of the
Space Delta 15 of the Space Force, or

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(o) the Director of the
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(p) the Director of the
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(2) The Commissioners shall, in relation to the provision of services by means of a telecommunications system, exercise their functions under section 1 of the Telecommunications (Lawful Business Practice) (Interception of Communications) Act 2000 (lawful business practice) so as to secure that, so far as practicable, the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000 (SI 2000/2699) (which authorise certain interceptions) may engage a licensing holder for the Competition Network or the Telecommunications Network.

(3) In this section "licensing holder" means a person who is a licensed operator under section 1(2) of this Act.

(4) The Commissioners shall, in relation to the provision of services by means of a telecommunications system, exercise their functions under section 1 of the Wireless Telegraphy Act 1967 (licence to be required for wireless telegraphy) so as to secure that, so far as practicable, a licence to be granted under section 1(1) of that Act (licence to be required for wireless telegraphy) shall not be granted to any person who is a licensing holder for the Competition Network or the Telecommunications Network.

(5) The Commissioners shall, in relation to the provision of services by means of a telecommunications system, exercise their functions under section 1 of the Wireless Telegraphy Act 1967 (licence to be required for wireless telegraphy) so as to secure that, so far as practicable, a licence to be granted to the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000 (SI 2000/2699) (which authorise certain interceptions) and Regulation 2(1) of those Regulations (which provides for the interpretation of those Regulations) shall be so drafted as to ensure that a licence to be granted under section 1(1) of that Act (licence to be required for wireless telegraphy) shall not be granted to any person who is a licensing holder for the Competition Network or the Telecommunications Network.

(6) In this section "the Commissioners" means the Commissioners for Her Majesty's Revenue and Customs.

(7) In this section "the Competition Network" means the telecommunications system designed or adapted for the purpose of the authentication and billing of services which is the subject of a licence under section 1(2) of this Act.

(8) In this section "the Telecommunications Network" means the telecommunications system designed or adapted for the purpose of the authentication and billing of services which is the subject of a licence under section 1(2) of this Act.

(9) In this section "telecommunications system" and "services" have the same meanings as in section 1 of this Act.

(10) In this section "licensed operator" and "licensing" have the same meanings as in section 1 of this Act.

(11) In this section "wireless telegraphy" has the same meaning as in section 1 of the Wireless Telegraphy Act 1967 (licence to be required for wireless telegraphy).

(12) The Commissioners shall, in relation to the provision of services by means of a telecommunications system, exercise their functions under section 1 of the Wireless Telegraphy Act 1967 (licence to be required for wireless telegraphy) so as to secure that, so far as practicable, a licence to be granted under section 1(1) of that Act (licence to be required for wireless telegraphy) shall not be granted to any person who is a licensing holder for the Competition Network or the Telecommunications Network.

(13) The Commissioners shall, in relation to the provision of services by means of a telecommunications system, exercise their functions under section 1 of the Wireless Telegraphy Act 1967 (licence to be required for wireless telegraphy) so as to secure that, so far as practicable, a licence to be granted to the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000 (SI 2000/2699) (which authorise certain interceptions) and Regulation 2(1) of those Regulations (which provides for the interpretation of those Regulations) shall be so drafted as to ensure that a licence to be granted under section 1(1) of that Act (licence to be required for wireless telegraphy) shall not be granted to any person who is a licensing holder for the Competition Network or the Telecommunications Network.

(14) In this section "the Commissioners" means the Commissioners for Her Majesty's Revenue and Customs.

(15) In this section "the Competition Network" means the telecommunications system designed or adapted for the purpose of the authentication and billing of services which is the subject of a licence under section 1(2) of this Act.

(16) In this section "the Telecommunications Network" means the telecommunications system designed or adapted for the purpose of the authentication and billing of services which is the subject of a licence under section 1(2) of this Act.

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(146) In this section "licensed operator" and "licensing" have the same meanings as in section 1 of this Act.

(147) In this section "wireless telegraphy" has the same meaning as in section 1 of the Wireless Telegraphy Act 1967 (licence to be required for wireless telegraphy).

(148) The Commissioners shall, in relation to the provision of services by means of a telecommunications system, exercise their functions under section 1 of the Wireless Telegraphy Act 1967 (licence to be required for wireless telegraphy) so as to secure that, so far as practicable, a licence to be granted under section 1(1) of that Act (licence to be required for wireless telegraphy) shall not be granted to any person who is a licensing holder for the Competition Network or the Telecommunications Network.

(149) The Commissioners shall, in relation to the provision of services by means of a telecommunications system, exercise their functions under section 1 of the Wireless Telegraphy Act 1967 (licence to be required for wireless telegraphy) so as to secure that, so far as practicable, a licence to be granted to the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000 (SI 2000/2699) (which authorise certain interceptions) and Regulation 2(1) of those Regulations (which provides for the interpretation of those Regulations) shall be so drafted as to ensure that a licence to be granted under section 1(1) of that Act (licence to be required for wireless telegraphy) shall not be granted to any person who is a licensing holder for the Competition Network or the Telecommunications Network.

(150) In this section "the Commissioners" means the Commissioners for Her Majesty's Revenue and Customs.

(151) In this section "the Competition Network" means the telecommunications system designed or adapted for the purpose of the authentication and billing of services which is the subject of a licence under section 1(2) of this Act.

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(173) The Commissioners shall, in relation to the provision of services by means of a telecommunications system, exercise their functions under section 1 of the

(a) the telecommunications business is conducted; [section a section 2(1)(a) is an enforcement
agency or security agency or a person acting on behalf of an enforcement agency or security agency;
section 2(1)(a) section 2(1)(b) section 2(1)(c) section 2(1)(d) section 2(1)(e)
the telecommunications
section 2(1)(b) section 2(1)(c) section 2(1)(d) section 2(1)(e) section 2(1)(a)
(b) the telecommunications business is conducted; section 2(1)(b) section 2(1)(a) section 2(1)(c) section 2(1)(d) section 2(1)(e)
(c) the telecommunications business is conducted section 2(1)(c) section 2(1)(a) section 2(1)(b) section 2(1)(d) section 2(1)(e)
(d) section 2(1)(d) section 2(1)(a) section 2(1)(b) section 2(1)(c) section 2(1)(e)
(e) section 2(1)(e) section 2(1)(a) section 2(1)(b) section 2(1)(c) section 2(1)(d)
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section 2(9) section 2(10) section 2(11) section 2(12) section 2(13) section 2(14) section 2(15)
section 2(16) section 2(17) section 2(18) section 2(19) section 2(20) section 2(21) section 2(22)
section

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979 - SECT 202C
Communications Access Co-ordinator may notify agencies

(1) After the Communications Access Co-ordinator has been notified by a carrier or nominated carriage service provider of an intention to implement a proposed change, the Co-ordinator may notify agencies that are likely to be interested of the proposed change.

(2) On receiving notification from a carrier or provider of an intention to implement a proposed change, the Communications Access Co-ordinator, and each agency that receives notification of the proposed change, must treat the proposed change as confidential.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979 - SECT 203
Communications Access Co-ordinator may make determinations

(1) The Communications Access Co-ordinator may, by writing, make determinations in relation to delivery capabilities applicable in relation to:

(a) a specified kind of telecommunications service that involves, or will involve, the use of a telecommunications system and that is supplied by one or more specified carriers; and

(b) one or more specified interception agencies.

Note 1: The definition of carrier in subsection 5(1) includes carriage service providers.

Note 2: For specification by class, see subsection 33(3AB) of the Acts Interpretation Act 1901.

Note 3: A determination may make different provision with respect to different matters or different classes of matters (see subsection 33(3A) of the Acts Interpretation Act 1901).

(2) A determination under subsection (1) must relate to all or any of the following:

(a) the format in which lawfully intercepted information is to be delivered to an interception agency from the delivery point in respect of a kind of telecommunications service and of that interception agency;

(b) the place to which, and manner in which, that information is to be delivered;

(c) any ancillary information that should accompany that information.

(3) The Communications Access Co-ordinator must consult the ACMA before making a determination under subsection (1).

(4) A determination made under subsection (1) is not a legislative instrument.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979 - SECT 204
Obligations of persons covered by a determination

(1) If a determination under section 203 applies:

(a) to a particular kind of telecommunications service that involves, or will involve, the use of a telecommunications system; and

(b) to a carrier;

the carrier must comply with the determination.

Note: The definition of carrier in subsection 5(1) includes carriage service providers.

(2) Without limiting subsection (1), if a carrier is required to have delivery capability in relation to a particular kind of telecommunications service under the determination, the carrier is required to ensure that the capability is developed, installed and maintained.

Note: The cost of this capability is to be borne by the interception agencies: see Division 3 of Part 5-6.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979 - SECT 205
Obligations of persons not covered by a determination in relation to a kind of telecommunications service

(1) Each carrier supplying a particular kind of telecommunications service that is not covered by any determination under section 203 but that involves, or will involve, the use of a telecommunications system must ensure that the kind of service or the system has a delivery capability.

Note: The definition of carrier in subsection 5(1) includes carriage service providers.

(2) Without limiting subsection (1), the obligation under that subsection includes the obligation to ensure that the capability is developed, installed and maintained.

Note: The cost of this capability is to be borne by the interception agencies: see Division 3 of Part 5-6.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979 - SECT 206
Outline of Part

(1) Division 2 provides that the cost of developing, installing and maintaining an interception capability imposed on a carrier under Part 5-3 is to be borne by the carrier.

(2) Division 3 provides that the cost of developing, installing and maintaining a delivery capability imposed on a carrier under Part 5-5 is to be borne by the interception agencies.

Note: This Part does not deal with the allocation of costs in relation to carriers complying with authorisations under Division 3 or 4 of Part 4-1. Section 314 of the Telecommunications Act 1997 deals with this matter.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979 - SECT 207
Costs to be borne by the carriers

The capital and ongoing costs of developing, installing and maintaining a capability imposed on a carrier under section 190 or 191 in respect of a particular kind of telecommunications service are to be borne by the carrier.

Note: The definition of carrier in subsection 5(1) includes carriage service providers.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979 - SECT 208
Costs to be borne by the interception agencies

The capital and ongoing costs, worked out in accordance with section 209, of developing, installing and maintaining a delivery capability imposed on a carrier under Part 5-5 in respect of a particular kind of telecommunications service are to be borne by the interception agency concerned.

Note: The definition of carrier in subsection 5(1) includes carriage service providers.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979 - SECT 209
Working out costs of delivery capabilities

(1) Each carrier who is obliged to ensure the development, installation and maintenance of a delivery capability must ensure that the capability is developed, installed and maintained on such terms and conditions:

(a) as are agreed in writing between the carrier and the interception agency concerned; or

(b) in the absence of such an agreement--as are determined in writing by the ACMA.

(2) The terms and conditions on which a carrier is to provide a delivery capability must be consistent with the following principles:

(a) the principle that the most cost effective means of ensuring the development, installation and maintenance of that capability is employed;

(b) the principle that the carrier is to incur the costs (whether of a capital nature or otherwise) relating to the development, installation and maintenance of that capability;

(c) the principle that the carrier may, over time, recover from an interception agency such of those costs as are required, under section 208, to be borne by that interception agency.

(3) Nothing in subsection (2) prevents a carrier from entering into an agreement with more than one interception agency.

(4) The agreement should also provide that if the working out of the costs to a particular interception agency of developing, installing and maintaining a delivery capability is the subject of a disagreement between the carrier and that interception agency:

(a) the interception agency may request the ACMA to arbitrate the matter; and

(b) if it does so, those costs are to be as determined by the ACMA.

(5) The regulations may make provision in relation to the conduct of an arbitration by the ACMA under this section.

(6) The existence of a cost dispute in relation to a delivery capability does not affect the obligations of the carrier in respect of that capability while that dispute is being resolved.

(7) If, as a result of the arbitration of a cost dispute between the carrier and an interception agency, the ACMA concludes that a lesser rate of charge would have been available, the carrier:

(a) must allow the interception agency credit for any costs already charged to the extent that they were worked out at a rate that exceeds that lesser rate; and

(b) must adjust its means of working out future costs;

to take account of that conclusion.

(8) For the purposes of this section, any reference in this section to terms and conditions agreed between a carrier and an interception agency includes a reference to terms and conditions agreed between the carrier and:

(a) in the case of an interception agency of a State--the State, on behalf of the interception agency; and

(b) in the case of an interception agency of the Commonwealth--the Commonwealth, on behalf of the interception agency.

(9) A determination made under paragraph (1)(b) is not a legislative instrument.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979 - SECT 210
Examination of lower cost options

(1) In undertaking an arbitration under section 209, the ACMA may on its own initiative or at the request of an interception agency, by notice in writing given to a carrier, require the carrier:

(a) to examine, at the expense of the carrier, the possibility of a lower cost option than the one designated by the carrier for providing a delivery capability; and

(b) to report to the ACMA, within a period specified in the notice, on the results of that examination.

(2) If a carrier receives a notice under subsection (1), the carrier must, within the period specified in the notice:

(a) carry out the examination concerned; and

(b) report in writing to the ACMA on the results of the examination.

(3) A notice given under subsection (1) is not a legislative instrument.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979 - SECT 211
ACMA may require independent audit of costs

(1) In undertaking an arbitration under section 209, the ACMA may, by notice in writing, require a carrier to arrange for an audit of the costs claimed to have been incurred by the carrier in relation to the provision to an interception agency of a delivery capability.

(2) Subject to subsection (3), the audit is to be carried out by an auditor selected by the carrier and approved by the ACMA.

(3) If the auditor selected by a carrier is not approved by the ACMA, the ACMA may require that the audit be carried out by an auditor selected by the ACMA or by the ACMA itself.

(4) Unless the audit is carried out by the ACMA itself, the ACMA may, in the notice requiring the audit, specify the period within which the auditor is to report to the ACMA.

(5) If a carrier receives a notice under this section, the carrier:

(a) must co-operate in full with the person or body carrying out the audit; and

(b) must bear the costs of the audit.

(6) A notice given under this section is not a legislative instrument.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979 - SECT 298
Protection of persons--control order declared to be void

(1) If:

(a) a warrant was issued on the basis that an interim control order was in force; and

(b) a court subsequently declares the interim control order to be void;

a criminal proceeding does not lie against a person in respect of anything done, or omitted to be done, in good faith by the person:

(c) in the purported execution of the warrant; or

(d) in the purported exercise of a power, or the purported performance of a function or duty, in a case where the purported exercise of the power, or the purported performance of the function or duty, is consequential on the warrant.

(2) Subsection (1) does not apply to a thing done, or omitted to be done, at a particular time if, at that time, the person knew, or ought reasonably to have known, of the declaration.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979 - SECT 299
Dealing with information obtained under a warrant--control order declared to be void

Scope

(1) This section applies if:

(a) a warrant was issued on the basis that an interim control order was in force; and

(b) a court subsequently declares the interim control order to be void; and

(c) before the declaration was made, information was obtained as a result of:

(i) the purported execution of the warrant; or

(ii) the purported exercise of a power, or the purported performance of a function or duty, in a case where the purported exercise of the power, or the purported performance of the function or duty, is consequential on the warrant.

Dealing

(2) A person may:

(a) communicate the information to another person; or

(b) make use of the information; or

(c) make a record of the information; or

(d) give the information in evidence in a proceeding;

if:

(e) the person reasonably believes that doing so is necessary to assist in preventing, or reducing the risk, of:

(i) the commission of a terrorist act; or

(ii) serious harm to a person; or

(iii) serious damage to property; or

(f) the person does so for one or more purposes connected with a preventative detention order law.

Definition

(3) In this section:

"serious harm has the same meaning as in the Criminal Code".

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979 - SECT 299A
Schedule 1

Schedule 1 has effect.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979 - SECT 300
Regulations

The Governor-General may make regulations, not inconsistent with this Act, prescribing matters:

(a) required or permitted by this Act to be prescribed; or

(b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) ACT 1979 - SCHEDULE 1
International production orders

Note: See section 299A.

Part 1
--Introduction

1
Simplified outline of this Schedule

• This Schedule provides for a scheme to facilitate cooperation in law enforcement matters between Australia and each foreign country that is a party to a designated international agreement.

• The scheme deals with electronic information held by, or under the control of, prescribed communications providers.

• The scheme has the following components:

(a) the issue under this Schedule of international production orders that are directed to prescribed communications providers;

(b) in a case where a corresponding order is issued by a competent authority of a foreign country in accordance with a designated international agreement--the exemption of acts or things done in compliance with such an order from Commonwealth laws restricting interception or disclosure.

• The scheme extends to matters outside Australia.

• An international production order may be issued for purposes in connection with:

(a) the investigation of an offence of a serious nature; or

(b) the monitoring of a person subject to a Part 5.3 supervisory order, so as to achieve a Part 5.3 object; or

(c) the carrying out by the Organisation of its functions.

• There are 3 types of international production orders:

(a) international production orders relating to interception; and

(b) international production orders relating to stored communications; and

(c) international production orders relating to telecommunications data.

2
Definitions

In this Schedule:

"access", when used in relation to material, includes:

(a) access that is subject to a pre-condition (for example, the use of a password); and

(b) access by way of push technology; and

(c) access by way of a standing request.

"account" includes:

(a) a free account; and

(b) a pre-paid account; and

(c) anything that may reasonably be regarded as the equivalent of an account.

"ASIO official" means:

(a) the Director-General of Security; or

(b) a Deputy Director-General of Security; or

(c) an ASIO employee; or

(d) an ASIO affiliate.

"Attorney-General's Department" means the Department administered by the Attorney-General.

"Australian Designated Authority" means the Secretary of the Attorney-General's Department.

"based in" a foreign country has the meaning given by clause 10A.

"certified copy":

(a) in relation to an international production order issued under clause 30--has the meaning given by clause 174; or

(b) in relation to an international production order issued under clause 39--has the meaning given by clause 175; or

(c) in relation to an international production order issued under clause 48--has the meaning given by clause 176; or

(d) in relation to an international production order issued under clause 60--has the meaning given by subclause 177(2); or

(e) in relation to an international production order issued under clause 69--has the meaning given by subclause 177(4); or

(f) in relation to an international production order issued under clause 78--has the meaning given by subclause 177(6); or

(g) in relation to an international production order issued under clause 89--has the meaning given by subclause 178(2); or

(h) in relation to an international production order issued under clause 98--has the meaning given by subclause 178(4); or

(i) in relation to an international production order issued under clause 107--has the meaning given by subclause 178(6).

"designated international agreement" has the meaning given by clause 3.

"eligible Judg"e has the meaning given by clause 14.

"eligible position-holder" means an ASIO employee, or an ASIO affiliate, who holds, or is acting in, a position in the Organisation that is equivalent to or higher than a position occupied by an Executive Level 2 APS employee.

"general electronic content service" has the meaning given by clause 8.

"general electronic content service provider" means a person who provides a general electronic content service to the public or a section of the public.

"individual message/call application service" means a message/call application service to the extent to which the service is provided using a particular telecommunications identifier.

"individual transmission service" means a transmission service to the extent to which the service is supplied using a particular telecommunications identifier.

"intended recipient" of a communication has the meaning given by clause 11.

"intercept" means:

(a) record; or

(b) live stream to a single destination.

"international production order" means an international production order issued under this Schedule.

"issuing authority" means a person:

(a) in respect of whom an appointment is in force under clause 16; and

(b) in relation to an international production order applied for by the National Anti-Corruption Commission--who is a superior Court Judge.

"manager" of a prescribed communications provider means:

(a) the chief executive officer (however described) of the provider; or

(b) any other individual who is involved in the management of the provider.

"material" means material:

(a) whether in the form of text; or

(b) whether in the form of data; or

(c) whether in the form of speech, music or other sounds; or

(d) whether in the form of visual images (moving or otherwise); or

(e) whether in the form of signals; or

(f) whether in any other form; or

(g) whether in any combination of forms.

"meets the enforcement threshold" has the meaning given by clause 125.

"member of staff of the Attorney-General's Department" means:

(a) the Secretary of the Attorney-General's Department; or

(b) an APS employee in that Department.

"message" means a message:

(a) whether in the form of text; or

(b) whether in the form of data; or

(c) whether in the form of speech, music or other sounds; or

(d) whether in the form of visual images (animated or otherwise); or

(e) whether in the form of signals; or

(f) whether in any other form; or

(g) whether in any combination of forms.

"message application service" has the meaning given by clause 4.

"message/call application service" means:

(a) a message application service; or

(b) a voice call application service; or

(c) a video call application service.

"message/call application service provider" means a person who provides a message/call application service to the public or a section of the public.

"network entity" means a person who owns or operates a telecommunications network that is used to supply a transmission service to the public or a section of the public.

"nominated AAT member" means a member of the Administrative Appeals Tribunal in respect of whom a nomination is in force under clause 15 to issue international production orders under Division 2 of Part 2, and Division 2 of Part 3, of this Schedule.

"nominated AAT Security Division member" means a member of the Administrative Appeals Tribunal in respect of whom a nomination is in force under clause 17 to issue international production orders under Part 4 of this Schedule.

"operates in" a foreign country has the meaning given by clause 10A.
Part 5.3 IPO agency means a Part 5.3 warrant agency to the extent that the agency applies for warrants issued in relation to Part 5.3 supervisory orders in force in relation to persons.

"posted" on a general electronic content service has the meaning given by clause 9.

"prescribed communications provider" means:

(a) a network entity; or

(b) a transmission service provider; or

(c) a message/call application service provider; or

(d) a storage/back-up service provider; or

(e) a general electronic content service provider.

"protected information" means:

(a) information obtained in accordance with an international production order; or

(b) information about any of the following:

(i) an application for an international production order;

(ii) the issue of an international production order;

(iii) the existence or non-existence of an international production order;

(iv) compliance or non-compliance with an international production order;

(v) the revocation of an international production order;

(vi) the cancellation of an international production order.

"relevant agency" means:

(a) an interception agency; or

(b) a criminal law-enforcement agency; or

(c) an enforcement agency; or

(d) a Part 5.3 IPO agency.

"relevant statistics", in relation to applications of a particular kind, means the following statistics:

(a) how many applications of that kind were made;

(b) how many applications of that kind were withdrawn;

(c) how many applications of that kind were refused;

(d) how many international production orders were issued in response to applications of that kind.

"senior position-holder" has the same meaning as in the Australian Security Intelligence Organisation Act 1979.
serious category 1 offence means:

(a) an offence that is punishable by a maximum term of imprisonment of 3 years or more; or

(b) an offence that is punishable by imprisonment for life.

Note: For the definition of offence, see section 5.

serious category 2 offence means:

(a) a serious offence (see section 5D); or

(b) an offence that is punishable by a maximum term of imprisonment of 7 years or more; or

(c) an offence that is punishable by imprisonment for life.

Note: For the definition of offence, see section 5.

"service" includes a website. This definition does not apply to the definition of transmission service.

"statutory requirements certificate" means a certificate under subclause 3B(2).

"storage/back-up service" has the meaning given by clause 7.

"storage/back-up service provider" means a person who provides a storage/back-up service to the public or a section of the public.

"stored communication" means:

(a) a communication that:

(i) has been carried by a transmission service; and

(ii) is not being carried by a transmission service; and

(iii) is held on equipment that is operated by, and is in the possession of, the transmission service provider who supplied the transmission service; or

(b) a communication that:

(i) has been carried by a transmission service; and

(ii) is not being carried by a transmission service; and

(iii) is held on equipment that is operated by, and is in the possession of, the network entity who owns or operates a telecommunications network used to supply the transmission service; or

(c) a message that:

(i) has been sent or received using a message/call application service provided by a message/call application service provider; and

(ii) is held on equipment that is operated by, and is in the possession of, the message/call application service provider; or

(d) a recording of a voice call that:

(i) has been made or received using a message/call application service provided by a message/call application service provider; and

(ii) is held on equipment that is operated by, and is in the possession of, the message/call application service provider; or

(e) a recording of a video call that:

(i) has been made or received using a message/call application service provided by a message/call application service provider; and

(ii) is held on equipment that is operated by, and is in the possession of, the message/call application service provider; or

(f) material that:

(i) has been uploaded by an end-user for storage or back-up by a storage/back-up service provided by a storage/back-up service provider; and

(ii) is held on equipment that is operated by, and is in the possession of, the storage/back-up service provider; or

(g) material that:

(i) is accessible to, or deliverable to, one or more of the end-users using a general electronic content service provided by a general electronic content service provider; and

(ii) is held on equipment that is operated by, and is in the possession of, the general electronic content service provider.

"telecommunications data":

(a) when used in relation to a communication carried by an individual transmission service--means information about the communication (other than information that is the contents or substance of the communication); or

(b) when used in relation to an individual transmission service--means information about the individual transmission service; or

(c) when used in relation to a message sent or received using an individual message/call application service--means information about the message (other than information that is the contents or substance of the message); or

(d) when used in relation to a voice call made or received using an individual message/call application service--means information about the voice call (other than information that is the contents or substance of the voice call); or

(e) when used in relation to a video call made or received using an individual message/call application service--means information about the video call (other than information that is the contents or substance of the video call); or

(f) when used in relation to an individual message/call application service--means information about the individual message/call application service; or

(g) when used in relation to material that has been uploaded by an end-user for storage or back-up by a storage/back-up service--means information about the material (other than information that is the content or substance of the material); or

(h) when used in relation to an account that a person has with a storage/back-up service--means information relating to the account; or

(i) when used in relation to material that has been posted on a general electronic content service--means information about the material (other than information that is the content or substance of the material); or

(j) when used in relation to an account that a person has with a general electronic content service--means information relating to the account; or

(k) when used otherwise than in relation to a matter or thing mentioned in any of the preceding paragraphs--means:

(i) information about a communication carried by an individual transmission service (other than information that is the contents or substance of the communication); or

(ii) information about an individual transmission service; or

(iii) information about a message sent or received using an individual message/call application service (other than information that is the contents or substance of the message); or

(iv) information about a voice call made or received using an individual message/call application service (other than information that is the contents or substance of the voice call); or

(v) information about a video call made or received using an individual message/call application service (other than information that is the contents or substance of the video call); or

(vi) information about an individual message/call application service; or

(vii) information about material that has been uploaded by an end-user for storage or back-up by a storage/back-up service (other than information that is the content or substance of the material); or

(viii) information relating to an account that a person has with a storage/back-up service; or

(ix) information about material that has been posted on a general electronic content service (other than information that is the content or substance of the material); or

(x) information relating to an account that a person has with a general electronic content service.

"telecommunications identifier" means:

(a) the address or identifier used by a network entity or a transmission service provider for the purposes of:

(i) directing a communication to its intended destination; or

(ii) identifying the origin of a communication; or

(b) the address or identifier used by a message/call application service provider for the purposes of:

(i) directing a message to its intended destination; or

(ii) identifying the origin of a message; or

(c) the address or identifier used by a message/call application service provider for the purposes of:

(i) directing a voice call to its intended destination; or

(ii) identifying the origin of a voice call; or

(d) the address or identifier used by a message/call application service provider for the purposes of:

(i) directing a video call to its intended destination; or

(ii) identifying the origin of a video call;

and includes (for example):

(e) a telephone number; and

(f) a unique identifier for a device (for example, an electronic serial number or a Media Access Control address); and

(g) a user account identifier; and

(h) an internet protocol address; and

(i) an email address.

"telecommunications network" means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided and/or unguided electromagnetic energy.

"telephone application" means an application made by telephone for an international production order.

"telephone number" includes a mobile telephone number.

"transmission service" means a service for carrying communications by means of guided and/or unguided electromagnetic energy.

"transmission service provider" means a person who supplies a transmission service to the public or a section of the public.

"uploaded" has a meaning affected by clause 10.

"urgent circumstances" has a meaning affected by clause 17A.

"use" has a meaning affected by clause 12.

"video call" includes a video call that has an audio component.

"video call application service" has the meaning given by clause 6.

"voice call" includes a call that involves a recorded or synthetic voice.

"voice call application service" has the meaning given by clause 5.

3
Designated international agreement

Bilateral agreement

(1) For the purposes of this Schedule, if:

(a) there is an agreement between Australia and a foreign country; and

(b) a copy of the English text of the agreement is set out in the regulations; and

(c) the agreement has entered into force for Australia and the foreign country;

then:

(d) if the agreement is affected by an amendment, where:

(i) a copy of the English text of the amendment is set out in the regulations; and

(ii) the amendment has entered into force for Australia and the foreign country;

the agreement, as affected by such an amendment, is a designated international agreement; or

(e) if paragraph (d) does not apply--the agreement is a designated international agreement.

Note: An agreement mentioned in paragraph (a) is a treaty to which Australia is a party. Proposed treaty actions, such as amendments of treaties and extensions of the duration of treaties, are subject to Australia's treaty-making process. In 2021, the parliamentary scrutiny process for proposed treaty actions included tabling in both Houses of the Parliament and consideration by the Joint Standing Committee on Treaties.

(1A) If:

(a) there is an agreement between Australia and a foreign country; and

(b) the agreement deals with (among other things) the issue of orders (however described) by a competent authority (however described) of the foreign country;

a copy of the English text of the agreement must not be set out in regulations made for the purposes of paragraph (1)(b) unless a statutory requirements certificate is in force under clause 3B in relation to the foreign country and the agreement.

(2) If:

(a) there is an agreement between Australia and a foreign country; and

(b) the agreement deals with (among other things) the issue of orders (however described) by a competent authority (however described) of the foreign country; and

(c) one or more offences against the law of the foreign country are death penalty offences;

a copy of the English text of the agreement must not be set out in regulations made for the purposes of paragraph (1)(b) unless the Minister has received a written assurance from the government of the foreign country, relating to the use or non-use of Australian-sourced information obtained by virtue of the agreement, in connection with any proceeding by way of a prosecution for a death penalty offence in the foreign country. For the purposes of this subclause, information is obtained by virtue of the agreement if it is obtained in accordance with such an order.

Note 1: For Australian-sourced information, see subclause (8).

Note 2: For death penalty offence, see subclause (7A).

Multilateral agreement

(3) For the purposes of this Schedule, if:

(a) there is an agreement between Australia and 2 or more foreign countries; and

(b) a copy of the English text of the agreement is set out in the regulations; and

(c) the agreement has entered into force for Australia;

then:

(d) if the agreement is affected by an amendment, where:

(i) a copy of the English text of the amendment is set out in the regulations; and

(ii) the amendment has entered into force for Australia;

the agreement, as affected by such an amendment, is a designated international agreement; or

(e) if paragraph (d) does not apply--the agreement is a designated international agreement.

Note: An agreement mentioned in paragraph (a) is a treaty to which Australia is a party. Proposed treaty actions, such as amendments of treaties and extensions of the duration of treaties, are subject to Australia's treaty-making process. In 2021, the parliamentary scrutiny process for proposed treaty actions included tabling in both Houses of the Parliament and consideration by the Joint Standing Committee on Treaties.

(4) If there is an agreement between Australia and 2 or more foreign countries, the regulations may declare that one or more of those foreign countries are recognised parties to the agreement for the purposes of this Schedule.

(4A) If:

(a) there is an agreement between Australia and 2 or more foreign countries; and

(b) the agreement deals with (among other things) the issue of orders (however described) by a competent authority (however described) of each of the foreign countries;

a foreign country that is a party to the agreement must not be declared under subclause (4) unless a statutory requirements certificate is in force under clause 3B in relation to the foreign country and the agreement.

(5) If:

(a) there is an agreement between Australia and 2 or more foreign countries; and

(b) the agreement deals with (among other things) the issue of orders (however described) by a competent authority (however described) of each of the foreign countries; and

(c) one or more offences against the law of one or more of those foreign countries are death penalty offences;

a foreign country covered by paragraph (c) must not be declared under subclause (4) unless the Minister has received a written assurance from the government of the foreign country, relating to the use or non-use of Australian-sourced information obtained by virtue of the agreement, in connection with any proceeding by way of a prosecution for a death penalty offence in the foreign country. For the purposes of this subclause, information is obtained by virtue of the agreement if it is obtained in accordance with such an order.

Note 1: For Australian-sourced information, see subclause (8).

Note 1: [illegible]

Note 2: The Hague general rules, and, subsidiarily, the [illegible]

Article 2

Subject to the provisions of this convention, the rules of a Hague-Visby international agreement become applicable and have effect irrespective of

(a) whether or not the bill of lading or similar document of title has been issued in a Hague-Visby contracting state or pursuant to the provisions of a Hague-Visby international agreement, or

(b) the contractual particulars, but subsidiarily to

(c) [illegible]

(d) the Hague-Visby rules become, by ratification, [illegible], the law of a Hague-Visby contracting state, or

(e) [illegible]

Article 3

(a) for the purposes of this clause, Hague-Visby rules means an offence against a law of a foreign country that is punishable by imprisonment or a fine of [illegible]

Article 4

Notwithstanding anything in the Hague-Visby rules, the Hague-Visby rules do not apply to a contract of carriage in respect of a voyage [illegible]

(a) [illegible]

(b) [illegible]

(c) [illegible]

(d) [illegible]

(e) [illegible]

(f) [illegible]

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(i) intercept messages sent or received, voice calls made or received, or video calls made or received, using those individual message/call application services during a specified period; and

(ii) make those intercepted messages, voice calls or video calls available to the interception agency; and

(iii) disclose to the interception agency specified telecommunications data that relates to those intercepted messages, voice calls or video calls; and

(iv) disclose to the interception agency specified telecommunications data that relates to those individual message/call application services.

Note: Subclauses (6) and (7) restrict the issuing of international production orders if subparagraph (2)(g)(ii) or (h)(ii) applies.

Period specified in international production order

(3) A period specified in an international production order for the purposes of subparagraph (2)(i)(i) or (j)(i) must not begin before the time when the order is given to the prescribed communications provider.

Note: International production orders are given under clause 111.

(4) The period specified in an international production order for the purposes of subparagraph (2)(i)(i) or (j)(i) must not be longer than:

(a) if subparagraph (2)(g)(ii) or (h)(ii) applies (as the case requires)--45 days; or

(b) otherwise--90 days.

Matters to which eligible Judge or nominated AAT member must have regard

(5) In deciding whether to issue an international production order under subclause (2), the eligible Judge or nominated AAT member must have regard to the following matters:

(a) in the case of an application for an international production order that is in respect of one or more individual transmission services:

(i) how much the privacy of any person or persons would be likely to be interfered with by intercepting, under an international production order, communications that are being carried by those individual transmission services; and

(ii) the gravity of the conduct constituting the serious category 2 offence or serious category 2 offences being investigated; and

(iii) how much the information mentioned in paragraph (2)(g) would be likely to assist in connection with the investigation by the interception agency of the serious category 2 offence or serious category 2 offences; and

(iv) to what extent methods of investigating the serious category 2 offence or serious category 2 offences that do not involve so intercepting communications have been used by, or are available to, the interception agency; and

(v) how much the use of such methods would be likely to assist in connection with the investigation by the interception agency of the serious category 2 offence or serious category 2 offences; and

(vi) how much the use of such methods would be likely to prejudice the investigation by the interception agency of the serious category 2 offence or serious category 2 offences, whether because of delay or for any other reason; and

(vii) in relation to an application by an interception agency of Victoria--any submissions made by a Victorian PIM under clause 28 to the eligible Judge or nominated AAT member; and

(viii) in relation to an application by an interception agency of Queensland--any submissions made by a Queensland PIM under clause 29 to the eligible Judge or nominated AAT member; and

(ix) such other matters (if any) as the eligible Judge or nominated AAT member considers relevant;

(b) in the case of an application for an international production order that is in respect of one or more individual message/call application services:

(i) how much the privacy of any person or persons would be likely to be interfered with by intercepting, under an international production order, messages sent or received, voice calls made or received, or video calls made or received, using those individual message/call application services; and

(ii) the gravity of the conduct constituting the serious category 2 offence or serious category 2 offences being investigated; and

(iii) how much the information mentioned in paragraph (2)(h) would be likely to assist in connection with the investigation by the interception agency of the serious category 2 offence or serious category 2 offences; and

(iv) to what extent methods of investigating the serious category 2 offence or serious category 2 offences that do not involve so intercepting messages, voice calls or video calls have been used by, or are available to, the interception agency; and

(v) how much the use of such methods would be likely to assist in connection with the investigation by the interception agency of the serious category 2 offence or serious category 2 offences; and

(vi) how much the use of such methods would be likely to prejudice the investigation by the interception agency of the serious category 2 offence or serious category 2 offences, whether because of delay or for any other reason; and

(vii) in relation to an application by an interception agency of Victoria--any submissions made by a Victorian PIM under clause 28 to the eligible Judge or nominated AAT member; and

(viii) in relation to an application by an interception agency of Queensland--any submissions made by a Queensland PIM under clause 29 to the eligible Judge or nominated AAT member; and

(ix) such other matters (if any) as the eligible Judge or nominated AAT member considers relevant.

Restriction on issuing order

(6) The eligible Judge or nominated AAT member must not issue an international production order under subclause (2) in a case where subparagraph (2)(g)(ii) applies unless the eligible Judge or nominated AAT member is satisfied that:

(a) the interception agency has exhausted all other practicable methods of identifying the individual transmission services used, or likely to be used, by the person involved in the serious category 2 offence or serious category 2 offences mentioned in paragraph (2)(g); or

(b) interception of communications carried by individual transmission services used or likely to be used by that person would not otherwise be possible.

(7) The eligible Judge or nominated AAT member must not issue an international production order under subclause (2) in a case where subparagraph (2)(h)(ii) applies unless the eligible Judge or nominated AAT member is satisfied that:

(a) the interception agency has exhausted all other practicable methods of identifying the individual message/call application services used, or likely to be used, by the person involved in the serious category 2 offence or serious category 2 offences mentioned in paragraph (2)(h); or

(b) interception of messages sent or received, voice calls made or received, or video calls made or received, using individual message/call application services used or likely to be used by that person would not otherwise be possible.

31
Content of international production order

Scope

(1) This clause applies to an international production order issued under clause 30 in response to an application made by an interception agency.

Content

(2) The order must be signed by the eligible Judge or nominated AAT member who issued it.

(3) The order must set out the following:

(a) the date on which the order was issued;

(b) the name of the interception agency;

(c) the name of the prescribed communications provider to whom the order is directed;

(d) the name of the designated international agreement nominated in the application for the order;

(e) the applicable telecommunications identifiers:

(i) in the case of an order that is in respect of one or more individual transmission services--to which those individual transmission services relate; or

(ii) in the case of an order that is in respect of one or more individual message/call application services--to which those individual message/call application services relate;

(f) short particulars of each serious category 2 offence in relation to which the eligible Judge or nominated AAT member issuing the order was satisfied, on the application for the order, as mentioned in paragraph 30(2)(g) or (h) of this Schedule (as the case requires).

(4) If the order directs a prescribed communications provider to intercept communications, the order may require the provider to:

(a) intercept those communications in a specified way; and

(b) make those intercepted communications available to the interception agency in a specified way.

(5) A requirement under subclause (4) may:

(a) require that intercepted communications be made available to the interception agency directly; or

(b) require that intercepted communications be made available to the interception agency indirectly via the Australian Designated Authority.

(6) If the order directs a prescribed communications provider to intercept messages, voice calls or video calls, the order may require the provider to:

(a) intercept those messages, voice calls or video calls in a specified way; and

(b) make those intercepted messages, voice calls or video calls available to the interception agency in a specified way.

(7) A requirement under subclause (6) may:

(a) require that intercepted messages, voice calls or video calls be made available to the interception agency directly; or

(b) require that intercepted messages, voice calls or video calls be made available to the interception agency indirectly via the Australian Designated Authority.

(8) If the order directs a prescribed communications provider to disclose telecommunications data to the interception agency, the order may require the provider to disclose that data to the agency in a specified way.

(9) A requirement under subclause (8) may:

(a) require that the telecommunications data be disclosed to the interception agency directly; or

(b) require that the telecommunications data be disclosed to the interception agency indirectly via the Australian Designated Authority.

(10) For the purposes of this clause, a specified way may deal with matters of timing.

Example: A requirement under subclause (4) may require that an intercepted communication be made available to the interception agency within 30 minutes after the communication was completed.

32
Issue of further international production order

(1) If:

(a) an international production order (the original order) was issued under clause 30; and

(b) the original order was in respect of one or more individual transmission services; and

(c) the original order was directed to a prescribed communications provider;

this Schedule does not prevent the issue of a further international production order under clause 30 that is:

(d) in respect of any or all of those services; and

(e) directed to the provider;

so long as the period specified in the further order for the purposes of subparagraph 30(2)(i)(i) of this Schedule begins after the end of the period specified in the original order for the purposes of that subparagraph.

(2) If:

(a) an international production order (the original order) was issued under clause 30; and

(b) the original order was in respect of one or more individual message/call application services; and

(c) the original order was directed to a prescribed communications provider;

this Schedule does not prevent the issue of a further international production order under clause 30 that is:

(d) in respect of any or all of those services; and

(e) directed to the provider;

so long as the period specified in the further order for the purposes of subparagraph 30(2)(j)(i) of this Schedule begins after the end of the period specified in the original order for the purposes of that subparagraph.

Division 3
--International production orders relating to stored communications: enforcement of the criminal law

Subdivision A
--Applications

33
Application for international production order--enforcement of the criminal law

(1) A criminal law-enforcement agency may apply to an issuing authority for an international production order under clause 39 that:

(a) is in respect of a particular person; and

(b) is directed to a prescribed communications provider.

(2) The application must nominate a designated international agreement.

(3) The application must be made on the criminal law-enforcement agency's behalf by:

(a) if the agency is referred to in subclause 22(3)--a person referred to in that subclause in relation to the agency; or

(b) otherwise:

(i) the chief officer of the agency; or

(ii) an officer of the agency (by whatever name called) who holds, or is acting in, an office or position in the agency nominated under subclause (4).

(4) The chief officer of the criminal law-enforcement agency may, in writing, nominate for the purposes of subparagraph (3)(b)(ii) an office or position in the agency that is involved in the management of the agency.

(5) A nomination under subclause (4) is not a legislative instrument.

34
Form of application

(1) An application under clause 33 must be in writing.

(2) However, a person making the application on the criminal law-enforcement agency's behalf may make the application by telephone if the person:

(a) is the chief officer of the agency or a person in relation to whom an authorisation by the chief officer is in force under subclause (3); and

(b) thinks it necessary, because of urgent circumstances, to make the application by telephone.

Note: See also clause 17A (urgent circumstances) and clause 172 (action required).

(3) The chief officer of a criminal law-enforcement agency may, in writing, authorise persons (including classes of persons) for the purposes of subclause (2). However, each person must be entitled under clause 33 to make applications on the agency's behalf.

35
Contents of written application

An application under clause 33 must, if it is in writing, set out:

(a) the name of the criminal law-enforcement agency; and

(b) the name of the person making the application on the agency's behalf.

36
Affidavits to accompany written application

(1) An application under clause 33 must, if it is in writing, be accompanied by an affidavit complying with this clause.

(2) The affidavit must set out the facts and other grounds on which the application is based.

(3) Despite subclause (1), a written application may be accompanied by 2 or more affidavits that together set out each matter that, apart from this subclause, this clause would have required an affidavit accompanying the application to set out.

37
Information to be given on telephone application

The information given to an issuing authority in connection with a telephone application under clause 33 to the issuing authority:

(a) must include particulars of the urgent circumstances because of which the person making the application on the criminal law-enforcement agency's behalf thinks it necessary to make the application by telephone; and

(b) must include each matter that, if the application had been made in writing, clause 35 or 36 would have required the application, or an affidavit accompanying it, to set out; and

(c) must be given orally or in writing, as the issuing authority directs.

38
Giving further information to issuing authority

(1) An issuing authority may require further information to be given in connection with an application under clause 33 to the issuing authority for an international production order.

(2) The further information:

(a) must be given on oath if the application was made in writing; and

(b) must be given orally or otherwise, as the issuing authority directs.

Subdivision B
--International production orders relating to stored communications

39
Issue of international production order--enforcement of the criminal law

Scope

(1) This clause applies if a criminal law-enforcement agency applies, under clause 33, to an issuing authority for an international production order that:

(a) is in respect of a particular person (the relevant person); and

(b) is directed to a prescribed communications provider.

Issue of international production order

(2) If the issuing authority is satisfied, on the basis of the information given to the issuing authority under this Division in connection with the application, that:

(a) there are reasonable grounds for suspecting that the prescribed communications provider holds any of the following stored communications:

(i) stored communications that consist of communications that the relevant person has made using a telecommunications network owned or operated by the prescribed communications provider;

(ii) stored communications that consist of communications that another person has made using a telecommunications network owned or operated by the prescribed communications provider, and for which the relevant person is the intended recipient;

(iii) stored communications that consist of communications that the relevant person has made using a transmission service supplied by the prescribed communications provider;

(iv) stored communications that consist of communications that another person has made using a transmission service supplied by the prescribed communications provider, and for which the relevant person is the intended recipient;

(v) stored communications that consist of messages that the relevant person has sent or received using a message/call application service provided by the prescribed communications provider;

(vi) stored communications that consist of recordings of voice calls that the relevant person has made or received using a message/call application service provided by the prescribed communications provider;

(vii) stored communications that consist of recordings of video calls that the relevant person has made or received using a message/call application service provided by the prescribed communications provider;

(viii) stored communications that consist of material that the relevant person has uploaded for storage or back-up by a storage/back-up service provided by the prescribed communications provider;

(ix) stored communications that consist of material that the relevant person has posted to a general electronic content service provided by the prescribed communications provider; and

(aa) the person who made the application on behalf of the agency reasonably suspects that the prescribed communications provider is based in, or operates in, a foreign country that is a party to the designated international agreement nominated in the application; and

(b) Subdivision A has been complied with in relation to the application; and

(c) in the case of a telephone application--because of urgent circumstances, it was necessary to make the application by telephone; and

(d) information that would be likely to be obtained by making a copy, under an order issued under this clause, of the stored communications would be likely to assist in connection with the investigation by the criminal law-enforcement agency of a serious category 1 offence, or serious category 1 offences, in which the relevant person is involved;

the issuing authority may issue an order (to be known as an international production order) directing the prescribed communications provider to:

(e) make a copy of any such stored communications; and

(f) make the copy available to the criminal law-enforcement agency; and

(g) if the stored communications consist of communications carried by an individual transmission service--disclose to the agency:

(i) specified telecommunications data that relates to those communications; and

(ii) specified telecommunications data that relates to the individual transmission service; and

(h) if the stored communications consist of messages sent or received using an individual message/call application service--disclose to the agency:

(i) specified telecommunications data that relates to those messages; and

(ii) specified telecommunications data that relates to the individual message/call application service; and

(i) if the stored communications consist of recordings of voice calls made or received using an individual message/call application service--disclose to the agency:

(i) specified telecommunications data that relates to those voice calls; and

(ii) specified telecommunications data that relates to the individual message/call application service; and

(j) if the stored communications consist of recordings of video calls made or received using an individual message/call application service--disclose to the agency:

(i) specified telecommunications data that relates to those video calls; and

(ii) specified telecommunications data that relates to the individual message/call application service; and

(k) if the stored communications consist of material that has been uploaded by an end-user for storage or back-up by a storage/back-up service--disclose to the agency:

(i) specified telecommunications data that relates to that material; and

(ii) specified telecommunications data that relates to the end-user's account with the storage/back-up service; and

(l) if the stored communications consist of material posted to a general electronic content service by an end-user--disclose to the agency:

(i) specified telecommunications data that relates to that material; and

(ii) specified telecommunications data that relates to the end-user's account with the general electronic content service.

Matters to which issuing authority must have regard

(3) In deciding whether to issue an international production order under subclause (2), the issuing authority must have regard to the following matters:

(a) how much the privacy of any person or persons would be likely to be interfered with by the criminal law-enforcement agency obtaining, under an international production order, a copy of the stored communications;

(b) the gravity of the conduct constituting the serious category 1 offence or serious category 1 offences being investigated;

(c) how much the information mentioned in paragraph (2)(d) would be likely to assist in connection with the investigation by the criminal law-enforcement agency of the serious category 1 offence or serious category 1 offences;

(d) to what extent methods of investigating the serious category 1 offence or serious category 1 offences that do not involve so obtaining a copy of the stored communications have been used by, or are available to, the criminal law-enforcement agency;

(e) how much the use of such methods would be likely to assist in connection with the investigation by the criminal law-enforcement agency of the serious category 1 offence or serious category 1 offences;

(f) how much the use of such methods would be likely to prejudice the investigation by the criminal law-enforcement agency of the serious category 1 offence or serious category 1 offences, whether because of delay or for any other reason;

(g) such other matters (if any) as the issuing authority considers relevant.

40
Content of international production order

Scope

(1) This clause applies to an international production order issued under clause 39 in response to an application made by a criminal law-enforcement agency.

Content

(2) The order must be signed by the issuing authority who issued it.

(3) The order must set out the following:

(a) the date on which the order was issued;

(b) the name of the criminal law-enforcement agency;

(c) the name of the prescribed communications provider to whom the order is directed;

(d) the name of the designated international agreement nominated in the application for the order;

(e) short particulars of each serious category 1 offence in relation to which the issuing authority issuing the order was satisfied, on the application for the order, as mentioned in paragraph 39(2)(d) of this Schedule.

(4) If the order directs a prescribed communications provider to make a copy of stored communications available to the criminal law-enforcement agency, the order may require the provider to make that copy available to the agency in a specified way.

(5) A requirement under subclause (4) may:

(a) require that a copy of stored communications be made available to the criminal law-enforcement agency directly; or

(b) require that a copy of stored communications be made available to the criminal law-enforcement agency indirectly via the Australian Designated Authority.

(6) If the order directs a prescribed communications provider to disclose telecommunications data to the criminal law-enforcement agency, the order may require the provider to disclose that data to the agency in a specified way.

(7) A requirement under subclause (6) may:

(a) require that the telecommunications data be disclosed to the criminal law-enforcement agency directly; or

(b) require that the telecommunications data be disclosed to the criminal law-enforcement agency indirectly via the Australian Designated Authority.

(8) For the purposes of this clause, a specified way may deal with matters of timing.

41
Issue of further international production order

If:

(a) an international production order (the original order) was issued under clause 39; and

(b) the original order was in respect of a particular person; and

(c) the original order was directed to a prescribed communications provider;

this Schedule does not prevent the issue of a further international production order under clause 39 that:

(d) is in respect of the person; and

(e) is directed to the provider.

Division 4
--International production orders relating to telecommunications data: enforcement of the criminal law

Subdivision A
--Applications

42
Application for international production order--enforcement of the criminal law

(1) An enforcement agency may apply to an issuing authority for an international production order under clause 48 that is directed to a prescribed communications provider.

(2) The application must nominate a designated international agreement.

(3) The application must be made on the enforcement agency's behalf by an authorised officer of the agency.

43
Form of application

(1) An application under clause 42 must be in writing.

(2) However, a person making the application on the enforcement agency's behalf may make the application by telephone if the person:

(a) is the chief officer of the agency or a person in relation to whom an authorisation by the chief officer is in force under subclause (3); and

(b) thinks it necessary, because of urgent circumstances, to make the application by telephone.

Note: See also clause 17A (urgent circumstances) and clause 172 (action required).

(3) The chief officer of an enforcement agency may, in writing, authorise persons (including classes of persons) for the purposes of subclause (2). However, each person must be entitled under clause 42 to make applications on the agency's behalf.

44
Contents of written application

An application under clause 42 must, if it is in writing, set out:

(a) the name of the enforcement agency; and

(b) the name of the person making the application on the agency's behalf.

45
Affidavits to accompany written application

(1) An application under clause 42 must, if it is in writing, be accompanied by an affidavit complying with this clause.

(2) The affidavit must set out the facts and other grounds on which the application is based.

(3) Despite subclause (1), a written application may be accompanied by 2 or more affidavits that together set out each matter that, apart from this subclause, this clause would have required an affidavit accompanying the application to set out.

46
Information to be given on telephone application

The information given to an issuing authority in connection with a telephone application under clause 42 to the issuing authority:

(a) must include particulars of the urgent circumstances because of which the person making the application on the enforcement agency's behalf thinks it necessary to make the application by telephone; and

(b) must include each matter that, if the application had been made in writing, clause 44 or 45 would have required the application, or an affidavit accompanying it, to set out; and

(c) must be given orally or in writing, as the issuing authority directs.

47
Giving further information to issuing authority

(1) An issuing authority may require further information to be given in connection with an application under clause 42 to the issuing authority for an international production order.

(2) The further information:

(a) must be given on oath if the application was made in writing; and

(b) must be given orally or otherwise, as the issuing authority directs.

Subdivision B
--International production orders relating to telecommunications data

48
Issue of international production order--enforcement of the criminal law

Scope

(1) This clause applies if an enforcement agency applies, under clause 42, to an issuing authority for an international production order that is directed to a prescribed communications provider.

Issue of international production order

(2) If the issuing authority is satisfied, on the basis of the information given to the issuing authority under this Division in connection with the application, that:

(a) there are reasonable grounds for suspecting that the prescribed communications provider holds, or is likely to commence to hold, any of the following telecommunications data:

(i) telecommunications data that relates to communications carried by an individual transmission service supplied using a telecommunications network owned or operated by the prescribed communications provider;

(ii) telecommunications data that relates to an individual transmission service supplied using a telecommunications network owned or operated by the prescribed communications provider;

(iii) telecommunications data that relates to communications carried by an individual transmission service supplied by the prescribed communications provider;

(iv) telecommunications data that relates to an individual transmission service supplied by the prescribed communications provider;

(v) telecommunications data that relates to messages sent or received using an individual message/call application service provided by the prescribed communications provider;

(vi) telecommunications data that relates to voice calls made or received using an individual message/call application service provided by the prescribed communications provider;

(vii) telecommunications data that relates to video calls made or received using an individual message/call application service provided by the prescribed communications provider;

(viii) telecommunications data that relates to an individual message/call application service provided by the prescribed communications provider;

(ix) telecommunications data that relates to material that has been uploaded by an end-user for storage or back-up by a storage/back-up service provided by the prescribed communications provider;

(x) telecommunications data that relates to material that has been posted on a general electronic content service provided by the prescribed communications provider; and

(aa) the person who made the application on behalf of the agency reasonably suspects that the prescribed communications provider is based in, or operates in, a foreign country that is a party to the designated international agreement nominated in the application; and

(b) Subdivision A has been complied with in relation to the application; and

(c) in the case of a telephone application--because of urgent circumstances, it was necessary to make the application by telephone; and

(d) disclosing the telecommunications data to the enforcement agency, under an order issued under this clause, would be likely to assist in connection with the investigation by the enforcement agency of a serious category 1 offence, or serious category 1 offences;

the issuing authority may issue an order (to be known as an international production order) directing the prescribed communications provider to do either or both of the following:

(e) so far as the telecommunications data is held by the prescribed communications provider when the international production order comes into force--disclose any such telecommunications data to the agency;

(f) so far as the telecommunications data commences to be held by the prescribed communications provider during a specified period--disclose any such telecommunications data to the agency.

Period specified in international production order

(3) A period specified in an international production order for the purposes of paragraph (2)(f) must not begin before the time when the order is given to the prescribed communications provider.

Note: International production orders are given under clause 111.

(4) A period specified in an international production order for the purposes of paragraph (2)(f) must not be longer than 90 days.

Matters to which issuing authority must have regard

(5) In deciding whether to issue an international production order under subclause (2), the issuing authority must have regard to the following matters:

(a) how much the privacy of any person or persons would be likely to be interfered with by disclosing, under an international production order, the telecommunications data;

(b) the gravity of the conduct constituting the serious category 1 offence or serious category 1 offences being investigated;

(c) how much the telecommunications data would be likely to assist in connection with the investigation by the enforcement agency of the serious category 1 offence or serious category 1 offences;

(d) to what extent methods of investigating the serious category 1 offence or serious category 1 offences that do not involve so disclosing the telecommunications data have been used by, or are available to, the enforcement agency;

(e) how much the use of such methods would be likely to assist in connection with the investigation by the enforcement agency of the serious category 1 offence or serious category 1 offences;

(f) how much the use of such methods would be likely to prejudice the investigation by the enforcement agency of the serious category 1 offence or serious category 1 offences, whether because of delay or for any other reason;

(g) such other matters (if any) as the issuing authority considers relevant.

49
Content of international production order

Scope

(1) This clause applies to an international production order issued under clause 48 in response to an application made by an enforcement agency.

Content

(2) The order must be signed by the issuing authority who issued it.

(3) The order must set out the following:

(a) the date on which the order was issued;

(b) the name of the enforcement agency;

(c) the name of the prescribed communications provider to whom the order is directed;

(d) the name of the designated international agreement nominated in the application for the order;

(e) short particulars of each serious category 1 offence in relation to which the issuing authority issuing the order was satisfied, on the application for the order, as mentioned in paragraph 48(2)(d) of this Schedule.

(4) If the order directs a prescribed communications provider to disclose telecommunications data to the enforcement agency, the order may require the provider to disclose that data to the agency in a specified way.

(5) A requirement under subclause (4) may:

(a) require that the telecommunications data be disclosed to the enforcement agency directly; or

(b) require that the telecommunications data be disclosed to the enforcement agency indirectly via the Australian Designated Authority.

(6) For the purposes of this clause, a specified way may deal with matters of timing.

Example: If a requirement under subclause (4) relates to telecommunications data that commences to be held by a prescribed communications provider during a specified period, the requirement may require that the telecommunications data be disclosed to the enforcement agency within 30 minutes after the telecommunications data commences to be held.

50
Issue of further international production order

If:

(a) an international production order (the original order) was issued under clause 48; and

(b) the original order was directed to a prescribed communications provider; and

(c) the original order relates to the investigation by an enforcement agency of a serious category 1 offence, or serious category 1 offences;

this Schedule does not prevent the issue of a further international production order under clause 48 that:

(d) is directed to the provider; and

(e) relates to the investigation by the enforcement agency of that offence or those offences.

Part 3
--International production orders relating to Part 5.3 supervisory orders

Division 1
--Introduction

51
Simplified outline of this Part

• If a Part 5.3 supervisory order is in force in relation to a person, an international production order may be issued for purposes in connection with the monitoring of the person, so as to achieve a Part 5.3 object.

• There are 3 types of international production orders:

(a) international production orders relating to interception; and

(b) international production orders relating to stored communications; and

(c) international production orders relating to telecommunications data.

• An international production order is directed to a prescribed communications provider.

• An international production order may be issued in response to an application made by a Part 5.3 IPO agency.

• An application for an international production order must nominate a designated international agreement.

• If an international production order is issued in relation to an application made by a Part 5.3 IPO agency, the agency must notify the international production order to the Ombudsman.

Note: An international production order comes into force when it is given to a prescribed communications provider under clause 111.

Division 2
--International production orders relating to interception: Part 5.3 supervisory orders

Subdivision A
--Applications

52
Application for international production order--Part 5.3 supervisory order

(1) A Part 5.3 IPO agency may apply for an international production order under clause 60 that:

(a) is in respect of:

(i) one or more individual transmission services; or

(ii) one or more individual message/call application services; and

(b) is directed to a prescribed communications provider.

(1A) The Part 5.3 IPO agency may apply for the order to:

(a) for an application made by the National Anti-Corruption Commission--an eligible Judge; or

(b) otherwise--an eligible Judge or nominated AAT member.

(2) The application must nominate a designated international agreement.

(3) The application must be made on the Part 5.3 IPO agency's behalf by:

(a) if the agency is referred to in subclause 22(3)--a person referred to in that subclause in relation to the agency; or

(b) otherwise:

(i) the chief officer of the agency; or

(ii) an officer of the agency (by whatever name called) who holds, or is acting in, an office or position in the agency nominated under subclause (4).

(4) The chief officer of the Part 5.3 IPO agency may, in writing, nominate for the purposes of subparagraph (3)(b)(ii) an office or position in the agency that is involved in the management of the agency.

53
Form of application

(1) Subject to subclause (2), an application under clause 52 for an international production order must be in writing.

(2) If the person making an application under clause 52 for an international production order on a Part 5.3 IPO agency's behalf:

(a) is the chief officer of the agency or a person in relation to whom an authorisation by the chief officer is in force under subclause (3); and

(b) thinks it necessary, because of urgent circumstances, to make the application by telephone;

the person may make the application by telephone.

Note: See also clause 17A (urgent circumstances) and clause 172 (action required).

(3) The chief officer of a Part 5.3 IPO agency may authorise in writing, for the purposes of subclause (2), persons who, or classes of persons who, are entitled under clause 52 to make applications on the agency's behalf.

54
Contents of application

A written application under clause 52 by a Part 5.3 IPO agency for an international production order must set out:

(a) the name of the agency; and

(b) the name of the person making the application on the agency's behalf.

55
Affidavits to accompany written application

(1) A written application under clause 52 by a Part 5.3 IPO agency for an international production order must be accompanied by an affidavit complying with this clause.

(2) The affidavit must set out the facts and other grounds on which the application is based.

(3) If the application is for an international production order in respect of one or more individual transmission services, the affidavit must set out the following information, so far as it can be derived from the Part 5.3 IPO agency's records:

(a) the number of previous applications (if any) for international production orders that the agency has made under clause 52 in relation to those individual transmission services;

(b) the number of international production orders (if any) previously issued in response to such applications;

(c) particulars of the use made by the agency of intercepted communications made available to the agency under such orders.

(4) If the application is for an international production order in respect of one or more individual message/call application services, the affidavit must set out the following information, so far as it can be derived from the Part 5.3 IPO agency's records:

(a) the number of previous applications (if any) for international production orders that the agency has made under clause 52 in relation to those individual message/call application services;

(b) the number of international production orders (if any) previously issued in

response to such applications;

(c) particulars of the use made by the agency of intercepted messages, voice calls or video calls made available to the agency under such orders.

(5) Despite subclause (1), a written application may be accompanied by 2 or more affidavits that together set out each matter that, apart from this subclause, this clause would have required an affidavit accompanying the application to set out.

56
Information to be given on telephone application

The information given to an eligible Judge or nominated AAT member in connection with a telephone application under clause 52 to the eligible Judge or nominated AAT member:

(a) must include particulars of the urgent circumstances because of which the person making the application on the Part 5.3 IPO agency's behalf thinks it necessary to make the application by telephone; and

(b) must include each matter that, if the application had been made in writing, clause 54 or 55 would have required the application, or an affidavit accompanying it, to set out; and

(c) must be given orally or in writing, as the eligible Judge or nominated AAT member directs.

57
Giving further information to eligible Judge or nominated AAT member

(1) An eligible Judge or nominated AAT member may require further information to be given in connection with an application under clause 52 to the eligible Judge or nominated AAT member for an international production order.

(2) The further information:

(a) must be given on oath if the application was made in writing; and

(b) must be given orally or otherwise, as the eligible Judge or nominated AAT member directs.

58
Application by Part 5.3 IPO agency of Victoria
Scope

(1) This clause applies if a Part 5.3 IPO agency of Victoria applies, under clause 52, to an eligible Judge or nominated AAT member for an international production order under clause 60 that is in respect of:

(a) one or more individual transmission services; or

(b) one or more individual message/call application services.

PIM may make submissions

(2) A Victorian PIM may, orally or in writing, make submissions to the eligible Judge or nominated AAT member about the following matters:

(a) in the case of an application for an international production order that is in respect of one or more individual transmission services--the matters mentioned in paragraphs 60(5)(a) to (gb) and paragraph 60(5)(j);

(b) in the case of an application for an international production order that is in respect of one or more individual message/call application services--the matters mentioned in paragraphs 60(6)(a) to (gb) and paragraph 60(6)(j).

PIM may question certain persons

(3) The Victorian PIM may, for the purpose of making submissions under subclause (2), question:

(a) the person making the application for the international production order on the Part 5.3 IPO agency's behalf; or

(b) a person who, under clause 57, is required by the eligible Judge or nominated AAT member to give further information to the eligible Judge or nominated AAT member in connection with the application.

However, the Victorian PIM may only do so in the presence of the eligible Judge or nominated AAT member.

59
Application by Part 5.3 IPO agency of Queensland
Scope

(1) This clause applies if a Part 5.3 IPO agency of Queensland applies, under clause 52, to an eligible Judge or nominated AAT member for an international production order under clause 60 that is in respect of:

(a) one or more individual transmission services; or

(b) one or more individual message/call application services.

PIM may make submissions

(2) A Queensland PIM may, orally or in writing, make submissions to the eligible Judge or nominated AAT member about the following matters:

(a) in the case of an application for an international production order that is in respect of one or more individual transmission services--the matters mentioned in paragraphs 60(5)(a) to (gb) and paragraph 60(5)(j);

(b) in the case of an application for an international production order that is in respect of one or more individual message/call application services--the matters mentioned in paragraphs 60(6)(a) to (gb) and paragraph 60(6)(j).

PIM may question certain persons

(3) The Queensland PIM may, for the purpose of making submissions under subclause (2), question:

(a) the person making the application for the international production order on the Part 5.3 IPO agency's behalf; or

(b) a person who, under clause 57, is required by the eligible Judge or nominated AAT member to give further information to the eligible Judge or nominated AAT member in connection with the application.

However, the Queensland PIM may only do so in the presence of the eligible Judge or nominated AAT member.

(4) A Queensland PIM may, by writing, delegate to a Queensland deputy PIM the Queensland PIM's power under subclause (2) or (3), or both.

(5) In exercising powers under the delegation, the Queensland deputy PIM must comply with any directions of the Queensland PIM.

Subdivision B
--International production orders relating to interception

60
Issue of international production order--Part 5.3 supervisory order
Scope

(1) This clause applies if a Part 5.3 IPO agency applies, under clause 52, to an eligible Judge or nominated AAT member for an international production order that:

(a) is in respect of:

(i) one or more individual transmission services; or

(ii) one or more individual message/call application services; and

(b) is directed to a prescribed communications provider.

Issue of international production order

(2) If the eligible Judge or nominated AAT member is satisfied, on the basis of the information given to the eligible Judge or nominated AAT member under this Division in connection with the application, that:

(a) in the case of an application for an international production order that is in respect of one or more individual transmission services--there are reasonable grounds for suspecting that:

(i) the prescribed communications provider owns or operates a telecommunications network that is, or is likely to be, used to supply those individual transmission services; or

(ii) the prescribed communications provider supplies those individual transmission services; and

(b) in the case of an application for an international production order that is in respect of one or more individual message/call application services--there are reasonable grounds for suspecting that the prescribed communications provider provides those individual message/call application services; and

(ba) the person who made the application on behalf of the agency reasonably suspects that the prescribed communications provider is based in, or operates in, a foreign country that is a party to the designated international agreement nominated in the application; and

(c) Subdivision A has been complied with in relation to the application; and

(d) in the case of a telephone application--because of urgent circumstances, it was necessary to make the application by telephone; and

(e) in the case of an application for an international production order that is in respect of one or more individual transmission services--there are reasonable grounds for suspecting that a particular person is using, or is likely to use, those individual transmission services; and

(f) in the case of an application for an international production order that is in respect of one or more individual message/call application services--there are reasonable grounds for suspecting that a particular person is using, or is likely to use, those individual message/call application services; and

(g) in the case of an application for an international production order that is in respect of one or more individual transmission services:

(i) a Part 5.3 supervisory order is in force in relation to the particular person; or

(ii) a Part 5.3 supervisory order is in force in relation to another person, and the particular person is likely to communicate with the other person using those individual transmission services; and

(h) in the case of an application for an international production order that is in respect of one or more individual message/call application services:

(i) a Part 5.3 supervisory order is in force in relation to the particular person; or

(ii) a Part 5.3 supervisory order is in force in relation to another person, and the particular person is likely to communicate with the other person using those individual message/call application services; and

(i) in the case of an application for an international production order that is in respect of one or more individual transmission services--information that would be likely to be obtained by intercepting, under an order issued under this clause, communications that are being carried by those individual transmission services would be likely to substantially assist in connection with:

(i) achieving a Part 5.3 object; or

(ii) determining whether the Part 5.3 supervisory order, or any succeeding Part 5.3 supervisory order, has been, or is being, complied with; and

(j) in the case of an application for an international production order that is in respect of one or more individual message/call application services--information that would be likely to be obtained by intercepting, under an order issued under this clause, messages sent or received, voice calls made or received, or video calls made or received, using those individual message/call application services would be likely to substantially assist in connection with:

(i) achieving a Part 5.3 object; or

(ii) determining whether the Part 5.3 supervisory order, or any succeeding Part 5.3 supervisory order, has been, or is being, complied with;

the eligible Judge or nominated AAT member may issue an order (to be known as an international production order) directing the prescribed communications provider to:

(k) in the case of an application for an international production order that is in respect of one or more individual transmission services:

(i) intercept communications carried by those individual transmission services during a specified period; and

(ii) make those intercepted communications available to the Part 5.3 IPO agency; and

(iii) disclose to the Part 5.3 IPO agency specified telecommunications data that relates to those intercepted communications; and

(iv) disclose to the Part 5.3 IPO agency specified telecommunications data that relates to those individual transmission services; or

(l) in the case of an application for an international production order that is in respect of one or more individual message/call application services:

(i) intercept messages sent or received, voice calls made or received, or video calls made or received, using those individual message/call application services during a specified period; and

(ii) make those intercepted messages, voice calls or video calls available to the Part 5.3 IPO agency; and

(iii) disclose to the Part 5.3 IPO agency specified telecommunications data that relates to those intercepted messages, voice calls or video calls; and

(iv) disclose to the Part 5.3 IPO agency specified telecommunications data that relates to those individual message/call application services.

Note 1: Part 5.3 of the Criminal Code creates offences relating to terrorist acts.

Note 2: Part 5.5 of the Criminal Code creates offences relating to engaging in a hostile activity in a foreign country.

Note 3: Sections 104.27 and 105A.18A of the Criminal Code create offences for contravening Part 5.3 supervisory orders.

Note 4: Subclauses (7) and (8) restrict the issuing of international production orders if subparagraph (2)(g)(ii) or (h)(ii) applies.

Period specified in international production order

(3) A period specified in an international production order for the purposes of subparagraph (2)(k)(i) or (l)(i) must not begin before the time when the order is given to the prescribed communications provider.

Note: International production orders are given under clause 111.

(4) The period specified in an international production order for the purposes of subparagraph (2)(k)(i) or (l)(i) must not be longer than:

(a) if subparagraph (2)(g)(ii) or (h)(ii) applies (as the case requires)--45 days; or

(b) otherwise--90 days.

Matters to which eligible Judge or nominated AAT member must have regard

(5) In deciding whether to issue an international production order under subclause (2) (in the case of an application for an international production order that is in respect of one or more individual transmission services), the eligible Judge or nominated AAT member must have regard to the following matters:

(a) how much the privacy of any person or persons would be likely to be interfered with by intercepting, under an international production order, communications that are being carried by those individual transmission services;

(b) how much the information referred to in paragraph (2)(i) would be likely to assist in connection with:

(i) achieving a Part 5.3 object; or

(ii) determining whether the Part 5.3 supervisory order, or any succeeding Part 5.3 supervisory order, has been, or is being, complied with;

(c) to what extent methods for:

(i) achieving a Part 5.3 object; or

(ii) determining whether the Part 5.3 supervisory order, or any succeeding Part 5.3 supervisory order, has been, or is being, complied with;

that do not involve so intercepting communications have been used by, or are available to, the agency;

(d) how much the use of such methods would be likely to assist in connection with:

(i) achieving a Part 5.3 object; or

(ii) determining whether the Part 5.3 supervisory order, or any succeeding Part 5.3 supervisory order, has been, or is being, complied with;

(e) how much the use of such methods would be likely to prejudice:

(i) achieving a Part 5.3 object; or

(ii) determining whether the Part 5.3 supervisory order, or any succeeding Part 5.3 supervisory order, has been, or is being, complied with;

whether because of delay or for any other reason;

(f) whether intercepting, under an international production order, communications carried by those individual transmission services would be the method that is likely to have the least interference with any person's privacy;

(g) in relation to a Part 5.3 supervisory order that is a control order--the possibility that the person in relation to whom the control order is in force:

(i) has engaged, is engaging, or will engage, in a terrorist act; or

(ii) has provided, is providing, or will provide, support for a terrorist act; or

(iii) has facilitated, is facilitating, or will facilitate, a terrorist act; or

(iv) has provided, is providing, or will provide, support for the engagement in a hostile activity in a foreign country; or

(v) has facilitated, is facilitating, or will facilitate, the engagement in a hostile activity in a foreign country;

(ga) in relation to a Part 5.3 supervisory order that is an extended supervision order or an interim supervision order--the possibility that the person in relation to whom the order is in force has committed, is committing, or will commit, a serious Part 5.3 offence;

(gb) in relation to any Part 5.3 supervisory order--the possibility that the person in relation to whom the Part 5.3 supervisory order is in force:

(i) has contravened, is contravening, or will contravene, the Part 5.3 supervisory order; or

(ii) will contravene a succeeding Part 5.3 supervisory order;

(h) in relation to an application by a Part 5.3 IPO agency of Victoria--any submissions made by a Victorian PIM under clause 58 to the eligible Judge or nominated AAT member;

(i) in relation to an application by a Part 5.3 IPO agency of Queensland--any submissions made by a Queensland PIM under clause 59 to the eligible Judge or nominated AAT member;

(j) such other matters (if any) as the eligible Judge or nominated AAT member considers relevant.

(6) In deciding whether to issue an international production order under subclause (2) (in the case of an application for an international production order that is in respect of one or more individual message/call application services), the eligible Judge or nominated AAT member must have regard to the following matters:

(a) how much the privacy of any person or persons would be likely to be interfered with by intercepting, under an international production order, messages sent or received, voice calls made or received, or video calls made or received, using those individual message/call application services;

(b) how much the information referred to in paragraph (2)(j) would be likely to assist in connection with:

(i) achieving a Part 5.3 object; or

(ii) determining whether the Part 5.3 supervisory order, or any succeeding Part 5.3 supervisory order, has been, or is being, complied with;

(c) to what extent methods for:

(i) achieving a Part 5.3 object; or

(ii) determining whether the Part 5.3 supervisory order, or any succeeding Part 5.3 supervisory order, has been, or is being, complied with;

that do not involve so intercepting messages, voice calls or video calls have been used by, or are available to, the agency;

(d) how much the use of such methods would be likely to assist in connection with:

(i) achieving a Part 5.3 object; or

(ii) determining whether the Part 5.3 supervisory order, or any succeeding Part 5.3 supervisory order, has been, or is being, complied with;

(e) how much the use of such methods would be likely to prejudice:

(i) achieving a Part 5.3 object; or

(ii) determining whether the Part 5.3 supervisory order, or any succeeding Part 5.3 supervisory order, has been, or is being, complied with;

whether because of delay or for any other reason;

(f) whether intercepting, under an international production order, messages sent or received, voice calls made or received, or video calls made or received, using those individual message/call application services would be the method that is likely to have the least interference with any person's privacy;

(g) in relation to a Part 5.3 supervisory order that is a control order--the possibility that the person in relation to whom the control order is in force:

(i) has engaged, is engaging, or will engage, in a terrorist act; or

(ii) has provided, is providing, or will provide, support for a terrorist act; or

(iii) has facilitated, is facilitating, or will facilitate, a terrorist act; or

(iv) has provided, is providing, or will provide, support for the engagement in a hostile activity in a foreign country; or

(v) has facilitated, is facilitating, or will facilitate, the engagement in a hostile activity in a foreign country;

(ga) in relation to a Part 5.3 supervisory order that is an extended supervision order or an interim supervision order--the possibility that the person in relation to whom the order is in force has committed, is committing, or will commit, a serious Part 5.3 offence;

(gb) in relation to any Part 5.3 supervisory order--the possibility that the person in relation to whom the Part 5.3 supervisory order is in force:

(i) has contravened, is contravening, or will contravene, the Part 5.3 supervisory order; or

(ii) will contravene a succeeding Part 5.3 supervisory order;

(h) in relation to an application by a Part 5.3 IPO agency of Victoria--any submissions made by a Victorian PIM under clause 58 to the eligible Judge or nominated AAT member; and

(i) in relation to an application by a Part 5.3 IPO agency of Queensland--any submissions made by a Queensland PIM under clause 59 to the eligible Judge or nominated AAT member;

(j) such other matters (if any) as the eligible Judge or nominated AAT member considers relevant.

Restriction on issuing order

(7) The eligible Judge or nominated AAT member must not issue an international production order under subclause (2) in a case where subparagraph (2)(g)(ii) applies, unless the eligible Judge or nominated AAT member is satisfied that:

(a) the Part 5.3 IPO agency has exhausted all other practicable methods of identifying the individual transmission services used, or likely to be used, by the person to whom the Part 5.3 supervisory order referred to in subparagraph (2)(g)(ii) relates; or

(b) interception of communications carried by individual transmission services used or likely to be used by that person would not otherwise be possible.

(8) The eligible Judge or nominated AAT member must not issue an international production order under subclause (2) in a case where: subparagraph (2)(h)(ii) applies, unless the eligible Judge or nominated AAT member is satisfied that:

(a) the Part 5.3 IPO agency has exhausted all other practicable methods of identifying the individual message/call application services used, or likely to be used, by the person the person to whom the Part 5.3 supervisory order referred to in subparagraph (2)(h)(ii) relates; or

(b) interception of messages sent or received, voice calls made or received, or video calls made or received, using individual message/call application services used or likely to be used by that person would not otherwise be possible.

61
Content of international production order
Scope

(1) This clause applies to an international production order issued under clause 60 in response to an application made by a Part 5.3 IPO agency.

Content

(2) The order must be signed by the eligible Judge or nominated AAT member who issued it.

(3) The order must set out the following:

(a) the date on which the order was issued;

(b) the name of the Part 5.3 IPO agency;

(c) the name of the prescribed communications provider to whom the order is directed;

(d) the name of the designated international agreement nominated in the application for the order;

(e) the applicable telecommunications identifiers:

(i) in the case of an order that is in respect of one or more individual transmission services--to which those individual transmission services relate; or

(ii) in the case of an order that is in respect of one or more individual message/call application services--to which those individual message/call application services relate;

(f) a statement to the effect that the order is issued on the basis of a Part 5.3 supervisory order made in relation to a person;

(g) the name of the person;

(h) a statement to the effect that the Part 5.3 supervisory order is:

(i) an interim control order; or

(ii) a confirmed control order; or

(iii) an interim supervision order; or

(iv) an extended supervision order.

(4) If the order directs a prescribed communications provider to intercept communications, the order may require the provider to:

(a) intercept those communications in a specified way; and

(b) make those intercepted communications available to the Part 5.3 IPO agency in a specified way.

(5) A requirement under subclause (4) may:

(a) require that intercepted communications be made available to the Part 5.3 IPO agency directly; or

(b) require that intercepted communications be made available to the Part 5.3 IPO agency indirectly via the Australian Designated Authority.

(6) If the order directs a prescribed communications provider to intercept messages, voice calls or video calls, the order may require the provider to:

(a) intercept those messages, voice calls or video calls in a specified way; and

(b) make those intercepted messages, voice calls or video calls available to the Part 5.3 IPO agency in a specified way.

(7) A requirement under subclause (6) may:

(a) require that intercepted messages, voice calls or video calls be made available to the Part 5.3 IPO agency directly; or

(b) require that intercepted messages, voice calls or video calls be made available to the Part 5.3 IPO agency indirectly via the Australian Designated Authority.

(8) If the order directs a prescribed communications provider to disclose telecommunications data to the Part 5.3 IPO agency, the order may require the provider to disclose that data to the agency in a specified way.

(9) A requirement under subclause (8) may:

(a) require that the telecommunications data be disclosed to the Part 5.3 IPO agency directly; or

(b) require that the telecommunications data be disclosed to the Part 5.3 IPO agency indirectly via the Australian Designated Authority.

(10) For the purposes of this clause, a specified way may deal with matters of timing.

Example: A requirement under subclause (4) may require that an intercepted communication be made available to the Part 5.3 IPO agency within 30 minutes after the communication was completed.

62
Issue of further international production order

(1) If:

(a) an international production order (the original order) was issued under clause 60; and

(b) the original order was in respect of one or more individual transmission services; and

(c) the original order was directed to a prescribed communications provider;

this Schedule does not prevent the issue of a further international production order under clause 60 that is:

(d) in respect of any or all of those services; and

(e) directed to the provider;

so long as the period specified in the further order for the purposes of subparagraph 60(2)(k)(i) of this Schedule begins after the end of the period specified in the original order for the purposes of that subparagraph.

(2) If:

(a) an international production order (the original order) was issued under clause 60; and

(b) the original order was in respect of one or more individual message/call application services; and

(c) the original order was directed to a prescribed communications provider;

this Schedule does not prevent the issue of a further international production order under clause 60 that is:

(d) in respect of any or all of those services; and

(e) directed to the provider;

so long as the period specified in the further order for the purposes of subparagraph 60(2)(l)(i) of this Schedule begins after the end of the period specified in the original order for the purposes of that subparagraph.

Division 3
--International production orders relating to stored communications: Part 5.3 supervisory orders

Subdivision A
--Applications

63
Application for international production order--Part 5.3 supervisory order

(1) A Part 5.3 IPO agency may apply to an issuing authority for an international production order under clause 69 that:

(a) is in respect of a particular person; and

(b) is directed to a prescribed communications provider.

(2) The application must nominate a designated international agreement.

(3) The application must be made on the Part 5.3 IPO agency's behalf by:

(a) if the agency is referred to in subclause 22(3)--a person referred to in that subclause in relation to the agency; or

(b) otherwise:

(i) the chief officer of the agency; or

(ii) an officer of the agency (by whatever name called) who holds, or is acting in, an office or position in the agency nominated under subclause (4).

(4) The chief officer of the Part 5.3 IPO agency may, in writing, nominate for the purposes of subparagraph (3)(b)(ii) an office or position in the agency that is involved in the management of the agency.

(5) A nomination under subclause (4) is not a legislative instrument.

64
Form of application

(1) An application under clause 63 must be in writing.

(2) However, a person making the application on the Part 5.3 IPO agency's behalf may make the application by telephone if the person:

(a) is the chief officer of the agency or a person in relation to whom an authorisation by the chief officer is in force under subclause (3); and

(b) thinks it necessary, because of urgent circumstances, to make the application by telephone.

Note: See also clause 17A (urgent circumstances) and clause 172 (action required).

(3) The chief officer of a Part 5.3 IPO agency may, in writing, authorise persons (including classes of persons) for the purposes of subclause (2). However, each person must be entitled under clause 63 to make applications on the agency's behalf.

65
Contents of written application

An application under clause 63 must, if it is in writing, set out:

(a) the name of the Part 5.3 IPO agency; and

(b) the name of the person making the application on the agency's behalf.

66
Affidavits to accompany written application

(1) An application under clause 63 must, if it is in writing, be accompanied by an affidavit complying with this clause.

(2) The affidavit must set out the facts and other grounds on which the application is based.

(3) Despite subclause (1), a written application may be accompanied by 2 or more affidavits that together set out each matter that, apart from this subclause, this clause would have required an affidavit accompanying the application to set out.

67
Information to be given on telephone application

The information given to an issuing authority in connection with a telephone application under clause 63 to the issuing authority:

(a) must include particulars of the urgent circumstances because of which the person making the application on the Part 5.3 IPO agency's behalf thinks it necessary to make the application by telephone; and

(b) must include each matter that, if the application had been made in writing, clause 65 or 66 would have required the application, or an affidavit accompanying it, to set out; and

(c) must be given orally or in writing, as the issuing authority directs.

68
Giving further information to issuing authority

(1) An issuing authority may require further information to be given in connection with an application under clause 63 to the issuing authority for an international production order.

(2) The further information:

(a) must be given on oath if the application was made in writing; and

(b) must be given orally or otherwise, as the issuing authority directs.

Subdivision B
--International production orders relating to stored communications

69
Issue of international production order--Part 5.3 supervisory order
Scope

(1) This clause applies if a Part 5.3 IPO agency applies, under clause 63, to an issuing authority for an international production order that:

(a) is in respect of a particular person (the relevant person); and

(b) is directed to a prescribed communications provider.

Issue of international production order

(2) If the issuing authority is satisfied, on the basis of the information given to the issuing authority under this Division in connection with the application, that:

(a) a Part 5.3 supervisory order is in force in relation to the relevant person; and

(b) there are reasonable grounds for suspecting that the prescribed communications provider holds any of the following stored communications:

(i) stored communications that consist of communications that the relevant person has made using a telecommunications network owned or operated by the prescribed communications provider;

(ii) stored communications that consist of communications that another person has made using a telecommunications network owned or operated by the prescribed communications provider, and for which the relevant person is the intended recipient;

(iii) stored communications that consist of communications that the relevant person has made using a transmission service supplied by the prescribed communications provider;

(iv) stored communications that consist of communications that another person has made using a transmission service supplied by the prescribed communications provider, and for which the relevant person is the intended recipient;

(v) stored communications that consist of messages that the relevant person has sent or received using a message/call application service provided by the prescribed communications provider;

(vi) stored communications that consist of recordings of voice calls that the relevant person has made or received using a message/call application service provided by the prescribed communications provider;

(vii) stored communications that consist of recordings of video calls that the relevant person has made or received using a message/call application service provided by the prescribed communications provider;

(viii) stored communications that consist of material that the relevant person has uploaded for storage or back-up by a storage/back-up service provided by the prescribed communications provider;

(ix) stored communications that consist of material that the relevant person has posted to a general electronic content service provided by the prescribed communications provider; and

(ba) the person who made the application on behalf of the agency reasonably suspects that the prescribed communications provider is based in, or operates in, a foreign country that is a party to the designated international agreement nominated in the application; and

(c) Subdivision A has been complied with in relation to the application; and

(d) in the case of a telephone application--because of urgent circumstances, it was necessary to make the application by telephone; and

(e) information that would be likely to be obtained by making a copy, under an order issued under this clause, of the stored communications would be likely to substantially assist in connection with:

(i) achieving a Part 5.3 object; or

(ii) determining whether the Part 5.3 supervisory order has been, or is being, complied with;

the issuing authority may issue an order (to be known as an international production order) directing the prescribed communications provider to:

(f) make a copy of any such stored communications; and

(g) make the copy available to the Part 5.3 IPO agency; and

(h) if the stored communications consist of communications carried by an individual transmission service--disclose to the agency:

(i) specified telecommunications data that relates to those communications; and

(ii) specified telecommunications data that relates to the individual transmission service; and

(i) if the stored communications consist of messages sent or received using an individual message/call application service--disclose to the agency:

(i) specified telecommunications data that relates to those messages; and

(ii) specified telecommunications data that relates to the individual message/call application service; or

(j) if the stored communications consist of recordings of voice calls made or received using an individual message/call application service--disclose to the agency:

(i) specified telecommunications data that relates to those voice calls; and

(ii) specified telecommunications data that relates to the individual message/call application service; and

(k) if the stored communications consist of recordings of video calls made or received using an individual message/call application service--disclose to the agency:

(i) specified telecommunications data that relates to those video calls; and

(ii) specified telecommunications data that relates to the individual message/call application service; and

(l) if the stored communications consist of material that has been uploaded by an end-user for storage or back-up by a storage/back-up service--disclose to the agency:

(i) specified telecommunications data that relates to that material; and

(ii) specified telecommunications data that relates to the end-user's account with the storage/back-up service; and

(m) if the stored communications consist of material posted to a general electronic content service by an end-user--disclose to the agency:

(i) specified telecommunications data that relates to that material; and

(ii) specified telecommunications data that relates to the end-user's account with the general electronic content service.

Matters to which issuing authority must have regard

(3) In deciding whether to issue an international production order under subclause (2), the issuing authority must have regard to the following matters:

(a) how much the privacy of any person or persons would be likely to be interfered with by the Part 5.3 IPO agency obtaining, under an international production order, a copy of the stored communications;

(b) how much the information mentioned in paragraph (2)(e) would be likely to assist in connection with:

(i) achieving a Part 5.3 object; or

(ii) determining whether the Part 5.3 supervisory order has been, or is being, complied with;

(c) to what extent methods for:

(i) achieving a Part 5.3 object; or

(ii) determining whether the Part 5.3 supervisory order has been, or is being, complied with;

that do not involve so obtaining a copy of the stored communications have been used by, or are available to, the Part 5.3 IPO agency;

(d) how much the use of such methods would be likely to assist in connection with:

(i) achieving a Part 5.3 object; or

(ii) determining whether the Part 5.3 supervisory order has been, or is being, complied with;

(e) how much the use of such methods would be likely to prejudice:

(i) achieving a Part 5.3 object; or

(ii) determining whether the Part 5.3 supervisory order has been, or is being, complied with;

whether because of delay or for any other reason;

(f) such other matters (if any) as the issuing authority considers relevant.

70
Content of international production order
Scope

(1) This clause applies to an international production order issued under clause 69 in response to an application made by a Part 5.3 IPO agency.

Content

(2) The order must be signed by the issuing authority who issued it.

(3) The order must set out the following:

(a) the date on which the order was issued;

(b) the name of the Part 5.3 IPO agency;

(c) the name of the prescribed communications provider to whom the order is directed;

(d) the name of the designated international agreement nominated in the application for the order;

(e) a statement to the effect that the order is issued on the basis of a Part 5.3 supervisory order made in relation to a person;

(f) the name of the person;

(g) a statement to the effect that the Part 5.3 supervisory order is:

(i) an interim control order; or

(ii) a confirmed control order; or

(iii) an interim supervision order; or

(iv) an extended supervision order.

(4) If the order directs a prescribed communications provider to make a copy of stored communications available to the Part 5.3 IPO agency, the order may require the provider to make that copy available to the agency in a specified way.

(5) A requirement under subclause (4) may:

(a) require that a copy of stored communications be made available to the Part 5.3 IPO agency directly; or

(b) require that a copy of stored communications be made available to the Part 5.3 IPO agency indirectly via the Australian Designated Authority.

(6) If the order directs a prescribed communications provider to disclose telecommunications data to the Part 5.3 IPO agency, the order may require the provider to disclose that data to the agency in a specified way.

(7) A requirement under subclause (6) may:

(a) require that the telecommunications data be disclosed to the Part 5.3 IPO agency directly; or

Form of further international protection order

under Clause 3(1) or 4(1) of the International protection order (the original order) and issued

under Clause 3(2) or 4(2) of the International protection order (the original order) and issued

(1) the original order was issued for a specified international protection order (the first extension period) and

this Extension Notice was issued during the period of a further international protection order (the second extension period) and

(2) the requirements of the original order and

(3) the requirements of this Extension Notice

Extension of international protection order (the original order) and issued

Extension of international protection order (the second extension period) and

Extension of international protection order (the second extension period) and

(1) the original international protection order (the first extension period) and

(2) the requirements of the original order and

(3) the requirements of this Extension Notice

Form of Extension Notice

(1) the application for an extension of the first extension period (the first extension period) and

(2) the application for an extension of the second extension period (the second extension period) and

(3) the application for an extension of the third extension period (the third extension period) and

(4) the application for an extension of the fourth extension period (the fourth extension period) and

(5) the application for an extension of the fifth extension period (the fifth extension period) and

(6) the application for an extension of the sixth extension period (the sixth extension period) and

(7) the application for an extension of the seventh extension period (the seventh extension period) and

(8) the application for an extension of the eighth extension period (the eighth extension period) and

(9) the application for an extension of the ninth extension period (the ninth extension period) and

(10) the application for an extension of the tenth extension period (the tenth extension period) and

(11) the application for an extension of the eleventh extension period (the eleventh extension period) and

(12) the application for an extension of the twelfth extension period (the twelfth extension period) and

(13) the application for an extension of the thirteenth extension period (the thirteenth extension period) and

(14) the application for an extension of the fourteenth extension period (the fourteenth extension period) and

(15) the application for an extension of the fifteenth extension period (the fifth extension period) and

(16) the application for an extension of the sixteenth extension period (the sixteenth extension period) and

(17) the application for an extension of the seventeenth extension period (the seventeenth extension period) and

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(30) the application for an extension of the thirtieth extension period (the thirtieth extension period) and

(31) the application for an extension of the thirty-first extension period (the thirty-first extension period) and

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(40) the application for an extension of the fortieth extension period (the fortieth extension period) and

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(130) the application for an extension of the hundred and thirtieth extension period (the hundred and thirtieth extension period) and

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(270) the application for an extension of the two hundred and seventieth extension period (the two hundred and seventieth extension period) and

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(284) the application for an extension of the two hundred and eighty-fourth extension period (the two hundred and eighty-fourth extension period) and

(285) the application for an extension of the two hundred and eighty-fifth extension period (the two hundred and eighty-fifth extension period) and

(286) the application for an extension of the two hundred and eighty-sixth extension period (the two hundred and eighty-sixth extension period) and

(287) the application for an extension of the two hundred and eighty-seventh extension period (the two hundred and eighty-seventh extension period) and

(288) the application for an extension of the two hundred and eighty-eighth extension period (the two hundred and eighty-eighth extension period) and

(289) the application for an extension of the two hundred and eighty-ninth extension period (the two hundred and eighty-ninth extension period) and

(290) the application for an extension of the two hundred and ninetieth extension period (the two hundred and ninetieth extension period) and

(291) the application for an extension of the two hundred and ninety-first extension period (the two hundred and ninety-first extension period) and

(292) the application for an extension of the two hundred and ninety-second extension period (the two hundred and ninety-second extension period) and

(293) the application for an extension of the two hundred and ninety-third extension period (the two hundred and ninety-third extension period) and

(294) the application for an extension of the two hundred and ninety-fourth extension period (the two hundred and ninety-fourth extension period) and

(295) the application for an extension of the two hundred and ninety-fifth extension period (the two hundred and ninety-fifth extension period) and

(296) the application for an extension of the two hundred and ninety-sixth extension period (the two hundred and ninety-sixth extension period) and

(297) the application for an extension of the two hundred and ninety-seventh extension period (the two hundred and ninety-seventh extension period) and

(298) the application for an extension of the two hundred and ninety-eighth extension period (the two hundred and ninety-eighth extension period) and

(299) the application for an extension of the two hundred and ninety-ninth extension period (the two hundred and ninety-ninth extension period) and

(300) the application for an extension of the three hundredth extension period (the three hundredth extension period) and

(301) the application for an extension of the three hundred and first extension period (the three hundred and first extension period) and

(302) the application for an extension of the three hundred and second extension period (the three hundred and second extension period) and

(303) the application for an extension of the three hundred and third extension period (the three hundred and third extension period) and

(304) the application for an extension of the three hundred and fourth extension period (the three hundred and fourth extension period) and

(305) the application for an extension of the three hundred and fifth extension period (the three hundred and fifth extension period) and

(306) the application for an extension of the three hundred and sixth extension period (the three hundred and sixth extension period) and

(307) the application for an extension of the three hundred and seventh extension period (the three hundred and seventh extension period) and

(308) the application for an extension of the three hundred and eighth extension period (the three hundred and eighth extension period) and

(309) the application for an extension of the three hundred and ninth extension period (the three hundred and ninth extension period) and

(310) the application for an extension of the three hundred and tenth extension period (the three hundred and tenth extension period) and

(311) the application for an extension of the three hundred and eleventh extension period (the three hundred and eleventh extension period) and

(312) the application for an extension of the three hundred and twelfth extension period (the three hundred and twelfth extension period) and

(313) the application for an extension of the three hundred and thirteenth extension period (the three hundred and thirteenth extension period) and

(314) the application for an extension of the three hundred and fourteenth extension period (the three hundred and fourteenth extension period) and

(315) the application for an extension of the three hundred and fifteenth extension period (the three hundred and fifteenth extension period) and

(316) the application for an extension of the three hundred and sixteenth extension period (the three hundred and sixteenth extension period) and

(317) the application for an extension of the three hundred and seventeenth extension period (the three hundred and seventeenth extension period) and

(318) the application for an extension of the three hundred and eighteenth extension period (the three hundred and eighteenth extension period) and

(319) the application for an extension of the three hundred and nineteenth extension period (the three hundred and nineteenth extension period) and

(320) the application for an extension of the three hundred and twentieth extension period (the three hundred and twentieth extension period) and

(321) the application for an extension of the three hundred and twenty-first extension period (the three hundred and twenty-first extension period) and

(322) the application for an extension of the three hundred and twenty-second extension period (the three hundred and twenty-second extension period) and

(323) the application for an extension of the three hundred and twenty-third extension period (the three hundred and twenty-third extension period) and

(324) the application for an extension of the three hundred and twenty-fourth extension period (the three hundred and twenty-fourth extension period) and

(325) the application for an extension of the three hundred and twenty-fifth extension period (the three hundred and twenty-fifth extension period) and

(326) the application for an extension of the three hundred and twenty-sixth extension period (the three hundred and twenty-sixth extension period) and

(327) the application for an extension of the three hundred and twenty-seventh extension period (the three hundred and twenty-seventh extension period) and

(328) the application for an extension of the three hundred and twenty-eighth extension period (the three hundred and twenty-eighth extension period) and

(329) the application for an extension of the three hundred and twenty-ninth extension period (the three hundred and twenty-ninth extension period) and

(330) the application for an extension of the three hundred and thirtieth extension period (the three hundred and thirtieth extension period) and

(331) the application for an extension of the three hundred and thirty-first extension period (the three hundred and thirty-first extension period) and

(332) the application for an extension of the three hundred and thirty-second extension period (the three hundred and thirty-second extension period) and

(333) the application for an extension of the three hundred and thirty-third extension period (the three hundred and thirty-third extension period) and

(334) the application for an extension of the three hundred and thirty-fourth extension period (the three hundred and thirty-fourth extension period) and

(335) the application for an extension of the three hundred and thirty-fifth extension period (the three hundred and thirty-fifth extension period) and

(336) the application for an extension of the three hundred and thirty-sixth extension period (the three hundred and thirty-sixth extension period) and

(337) the application for an extension of the three hundred and thirty-seventh extension period (the three hundred and thirty-seventh extension period) and

(338) the application for an extension of the three hundred and thirty-eighth extension period (the three hundred and thirty-eighth extension period) and

(339) the application for an extension of the three hundred and thirty-ninth extension period (the three hundred and thirty-ninth extension period) and

(340) the application for an extension of the three hundred and fortieth extension period (the three hundred and fortieth extension period) and

(341) the application for an extension of the three hundred and forty-first extension period (the three hundred and forty-first extension period) and

(342) the application for an extension of the three hundred and forty-second extension period (the three hundred and forty-second extension period) and

(343) the application for an extension of the three hundred and forty-third extension period (the three hundred and forty-third extension period) and

(344) the application for an extension of the three hundred and forty-fourth extension period (the three hundred and forty-fourth extension period) and

(345) the application for an extension of the three hundred and forty-fifth extension period (the three hundred and forty-fifth extension period) and

(346) the application for an extension of the three hundred and forty-sixth extension period (the three hundred and forty-sixth extension period) and

(347) the application for an extension of the three hundred and forty-seventh extension period (the three hundred and forty-seventh extension period) and

(348) the application for an extension of the three hundred and forty-eighth extension period (the three hundred and forty-eighth extension period) and

(349) the application for an extension of the three hundred and forty-ninth extension period (the three hundred and forty-ninth extension period) and

(350) the application for an extension of the three hundred and fiftieth extension period (the three hundred and fiftieth extension period) and

(351) the application for an extension of the three hundred and fifty-first extension period (the three hundred and fifty-first extension period) and

(352) the application for an extension of the three hundred and fifty-second extension period (the three hundred and fifty-second extension period) and

(353) the application for an extension of the three hundred and fifty-third extension period (the three hundred and fifty-third extension period) and

(354) the application for an extension of the three hundred and fifty-fourth extension period (the three hundred and fifty-fourth extension period) and

(355) the application for an extension of the three hundred and fifty-fifth extension period (the three hundred and fifty-fifth extension period) and

(356) the application for an extension of the three hundred and fifty-sixth extension period (the three hundred and fifty-sixth extension period) and

(357) the application for an extension of the three hundred and fifty-seventh extension period (the three hundred and fifty-seventh extension period) and

(358) the application for an extension of the three hundred and fifty-eighth extension period (the three hundred and fifty-eighth extension period) and

(359) the application for an extension of the three hundred and fifty-ninth extension period (the three hundred and fifty-ninth extension period) and

(360) the application for an extension of the three hundred and sixtieth extension period (the three hundred and sixtieth extension period) and

(361) the application for an extension of the three hundred and sixty-first extension period (the three hundred and sixty-first extension period) and

(362) the application for an extension of the three hundred and sixty-second extension period (the three hundred and sixty-second extension period) and

(363) the application for an extension of the three hundred and sixty-third extension period (the three hundred and sixty-third extension period) and

(364) the application for an extension of the three hundred and sixty-fourth extension period (the three hundred and sixty-fourth extension period) and

(365) the application for an extension of the three hundred and sixty-fifth extension period (the three hundred and sixty-fifth extension period) and

(366) the application for an extension of the three hundred and sixty-sixth extension period (the three hundred and sixty-sixth extension period) and

(367) the application for an extension of the three hundred and sixty-seventh extension period (the three hundred and sixty-seventh extension period) and

(368) the application for an extension of the three hundred and sixty-eighth extension period (the three hundred and sixty-eighth extension period) and

(369) the application for an extension of the three hundred and sixty-ninth extension period (the three hundred and sixty-ninth extension period) and

(370) the application for an extension of the three hundred and seventieth extension period (the three hundred and seventieth extension period) and

(371) the application for an extension of the three hundred and seventy-first extension period (the three hundred and seventy-first extension period) and

(372) the application for an extension of the three hundred and seventy-second extension period (the three hundred and seventy-second extension period) and

(373) the application for an extension of the three hundred and seventy-third extension period (the three hundred and seventy-third extension period) and

(374) the application for an extension of the three hundred and seventy-fourth extension period (the three hundred and seventy-fourth extension period) and

(375) the application for an extension of the three hundred and seventy-fifth extension period (the three hundred and seventy-fifth extension period) and

(376) the application for an extension of the three hundred and seventy-sixth extension period (the three hundred and seventy-sixth extension period) and

(377) the application for an extension of the three hundred and seventy-seventh extension period (the three hundred and seventy-seventh extension period) and

(378) the application for an extension of the three hundred and seventy-eighth extension period (the three hundred and seventy-eighth extension period) and

(379) the application for an extension of the three hundred and seventy-ninth extension period (the three hundred and seventy-ninth extension period) and

(380) the application for an extension of the three hundred and eightieth extension period (the three hundred and eightieth extension period) and

(381) the application for an extension of the three hundred and eighty-first extension period (the three hundred and eighty-first extension period) and

(382) the application for an extension of the three hundred and eighty-second extension period (the three hundred and eighty-second extension period) and

(383) the application for an extension of the three hundred and eighty-third extension period (the three hundred and eighty-third extension period) and

(384) the application for an extension of the three hundred and eighty-fourth extension period (the three hundred and eighty-fourth extension period) and

(385) the application for an extension of the three hundred and eighty-fifth extension period (the three hundred and eighty-fifth extension period) and

(386) the application for an extension of the three hundred and eighty-sixth extension period (the three hundred and eighty-sixth extension period) and

(387) the application for an extension of the three hundred and eighty-seventh extension period (the three hundred and eighty-seventh extension period) and

(388) the application for an extension of the three hundred and eighty-eighth extension period (the three hundred and eighty-eighth extension period) and

(389) the application for an extension of the three hundred and eighty-ninth extension period (the three hundred and eighty-ninth extension period) and

(390) the application for an extension of the three hundred and ninetieth extension period (the three hundred and ninetieth extension period) and

(391) the application for an extension of the three hundred and ninety-first extension period (the three hundred and ninety-first extension period) and

(392) the application for an extension of the three hundred and ninety-second extension period (the three hundred and ninety-second extension period) and

(393) the application for an extension of the three hundred and ninety-third extension period (the three hundred and ninety-third extension period) and

(394) the application for an extension of the three hundred and ninety-fourth extension period (

(2) The Arbitral Tribunal shall not consent to the entry of an application under subsection (1) for an international protection order unless it is satisfied that the international protection order is in the interests of justice.

(3) The Arbitral Tribunal may, in deciding whether to consent to the entry of an application under subsection (1) for an international protection order, take into account the following matters, and any other matters it considers relevant, in relation to the international protection order concerned:

(a) the extent to which the proceeds of crime to be specified in the international protection order are located in a country or countries other than the Irish State;

(b) the extent to which the Irish State is able to recover, or to assist in the recovery of, such proceeds of crime;

(c) the extent to which the Irish State is able to enforce, or to assist in the enforcement of, a pecuniary penalty or a forfeiture order in a country or countries other than the Irish State;

(d) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State;

(e) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement;

(f) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement;

(g) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party;

(h) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party;

(i) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party and in which the country or countries concerned are not a party;

(j) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party and in which the country or countries concerned are not a party.

(4) The Arbitral Tribunal shall not consent to the entry of an application under subsection (1) for an international protection order unless it is satisfied that the international protection order is in the interests of justice.

(5) The Arbitral Tribunal may, in deciding whether to consent to the entry of an application under subsection (1) for an international protection order, take into account the following matters, and any other matters it considers relevant, in relation to the international protection order concerned:

(a) the extent to which the proceeds of crime to be specified in the international protection order are located in a country or countries other than the Irish State;

(b) the extent to which the Irish State is able to recover, or to assist in the recovery of, such proceeds of crime;

(c) the extent to which the Irish State is able to enforce, or to assist in the enforcement of, a pecuniary penalty or a forfeiture order in a country or countries other than the Irish State;

(d) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State;

(e) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement;

(f) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement;

(g) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party;

(h) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party;

(i) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party and in which the country or countries concerned are not a party;

(j) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party and in which the country or countries concerned are not a party.

(6) The Arbitral Tribunal shall not consent to the entry of an application under subsection (1) for an international protection order unless it is satisfied that the international protection order is in the interests of justice.

(7) The Arbitral Tribunal may, in deciding whether to consent to the entry of an application under subsection (1) for an international protection order, take into account the following matters, and any other matters it considers relevant, in relation to the international protection order concerned:

(a) the extent to which the proceeds of crime to be specified in the international protection order are located in a country or countries other than the Irish State;

(b) the extent to which the Irish State is able to recover, or to assist in the recovery of, such proceeds of crime;

(c) the extent to which the Irish State is able to enforce, or to assist in the enforcement of, a pecuniary penalty or a forfeiture order in a country or countries other than the Irish State;

(d) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State;

(e) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement;

(f) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement;

(g) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party;

(h) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party;

(i) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party and in which the country or countries concerned are not a party;

(j) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party and in which the country or countries concerned are not a party.

(8) The Arbitral Tribunal shall not consent to the entry of an application under subsection (1) for an international protection order unless it is satisfied that the international protection order is in the interests of justice.

(9) The Arbitral Tribunal may, in deciding whether to consent to the entry of an application under subsection (1) for an international protection order, take into account the following matters, and any other matters it considers relevant, in relation to the international protection order concerned:

(a) the extent to which the proceeds of crime to be specified in the international protection order are located in a country or countries other than the Irish State;

(b) the extent to which the Irish State is able to recover, or to assist in the recovery of, such proceeds of crime;

(c) the extent to which the Irish State is able to enforce, or to assist in the enforcement of, a pecuniary penalty or a forfeiture order in a country or countries other than the Irish State;

(d) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State;

(e) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement;

(f) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement;

(g) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party;

(h) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party;

(i) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party and in which the country or countries concerned are not a party;

(j) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party and in which the country or countries concerned are not a party.

(10) The Arbitral Tribunal shall not consent to the entry of an application under subsection (1) for an international protection order unless it is satisfied that the international protection order is in the interests of justice.

(11) The Arbitral Tribunal may, in deciding whether to consent to the entry of an application under subsection (1) for an international protection order, take into account the following matters, and any other matters it considers relevant, in relation to the international protection order concerned:

(a) the extent to which the proceeds of crime to be specified in the international protection order are located in a country or countries other than the Irish State;

(b) the extent to which the Irish State is able to recover, or to assist in the recovery of, such proceeds of crime;

(c) the extent to which the Irish State is able to enforce, or to assist in the enforcement of, a pecuniary penalty or a forfeiture order in a country or countries other than the Irish State;

(d) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State;

(e) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement;

(f) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement;

(g) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party;

(h) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party;

(i) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party and in which the country or countries concerned are not a party;

(j) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party and in which the country or countries concerned are not a party.

(12) The Arbitral Tribunal shall not consent to the entry of an application under subsection (1) for an international protection order unless it is satisfied that the international protection order is in the interests of justice.

(13) The Arbitral Tribunal may, in deciding whether to consent to the entry of an application under subsection (1) for an international protection order, take into account the following matters, and any other matters it considers relevant, in relation to the international protection order concerned:

(a) the extent to which the proceeds of crime to be specified in the international protection order are located in a country or countries other than the Irish State;

(b) the extent to which the Irish State is able to recover, or to assist in the recovery of, such proceeds of crime;

(c) the extent to which the Irish State is able to enforce, or to assist in the enforcement of, a pecuniary penalty or a forfeiture order in a country or countries other than the Irish State;

(d) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State;

(e) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement;

(f) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement;

(g) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party;

(h) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party;

(i) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party and in which the country or countries concerned are not a party;

(j) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party and in which the country or countries concerned are not a party.

(14) The Arbitral Tribunal shall not consent to the entry of an application under subsection (1) for an international protection order unless it is satisfied that the international protection order is in the interests of justice.

(15) The Arbitral Tribunal may, in deciding whether to consent to the entry of an application under subsection (1) for an international protection order, take into account the following matters, and any other matters it considers relevant, in relation to the international protection order concerned:

(a) the extent to which the proceeds of crime to be specified in the international protection order are located in a country or countries other than the Irish State;

(b) the extent to which the Irish State is able to recover, or to assist in the recovery of, such proceeds of crime;

(c) the extent to which the Irish State is able to enforce, or to assist in the enforcement of, a pecuniary penalty or a forfeiture order in a country or countries other than the Irish State;

(d) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State;

(e) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement;

(f) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement;

(g) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party;

(h) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party;

(i) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party and in which the country or countries concerned are not a party;

(j) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party and in which the country or countries concerned are not a party.

(16) The Arbitral Tribunal shall not consent to the entry of an application under subsection (1) for an international protection order unless it is satisfied that the international protection order is in the interests of justice.

(17) The Arbitral Tribunal may, in deciding whether to consent to the entry of an application under subsection (1) for an international protection order, take into account the following matters, and any other matters it considers relevant, in relation to the international protection order concerned:

(a) the extent to which the proceeds of crime to be specified in the international protection order are located in a country or countries other than the Irish State;

(b) the extent to which the Irish State is able to recover, or to assist in the recovery of, such proceeds of crime;

(c) the extent to which the Irish State is able to enforce, or to assist in the enforcement of, a pecuniary penalty or a forfeiture order in a country or countries other than the Irish State;

(d) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State;

(e) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement;

(f) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement;

(g) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party;

(h) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party;

(i) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party and in which the country or countries concerned are not a party;

(j) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party and in which the country or countries concerned are not a party.

(18) The Arbitral Tribunal shall not consent to the entry of an application under subsection (1) for an international protection order unless it is satisfied that the international protection order is in the interests of justice.

(19) The Arbitral Tribunal may, in deciding whether to consent to the entry of an application under subsection (1) for an international protection order, take into account the following matters, and any other matters it considers relevant, in relation to the international protection order concerned:

(a) the extent to which the proceeds of crime to be specified in the international protection order are located in a country or countries other than the Irish State;

(b) the extent to which the Irish State is able to recover, or to assist in the recovery of, such proceeds of crime;

(c) the extent to which the Irish State is able to enforce, or to assist in the enforcement of, a pecuniary penalty or a forfeiture order in a country or countries other than the Irish State;

(d) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State;

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(20) The Arbitral Tribunal shall not consent to the entry of an application under subsection (1) for an international protection order unless it is satisfied that the international protection order is in the interests of justice.

(21) The Arbitral Tribunal may, in deciding whether to consent to the entry of an application under subsection (1) for an international protection order, take into account the following matters, and any other matters it considers relevant, in relation to the international protection order concerned:

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(g) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party;

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(22) The Arbitral Tribunal shall not consent to the entry of an application under subsection (1) for an international protection order unless it is satisfied that the international protection order is in the interests of justice.

(23) The Arbitral Tribunal may, in deciding whether to consent to the entry of an application under subsection (1) for an international protection order, take into account the following matters, and any other matters it considers relevant, in relation to the international protection order concerned:

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(24) The Arbitral Tribunal shall not consent to the entry of an application under subsection (1) for an international protection order unless it is satisfied that the international protection order is in the interests of justice.

(25) The Arbitral Tribunal may, in deciding whether to consent to the entry of an application under subsection (1) for an international protection order, take into account the following matters, and any other matters it considers relevant, in relation to the international protection order concerned:

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(26) The Arbitral Tribunal shall not consent to the entry of an application under subsection (1) for an international protection order unless it is satisfied that the international protection order is in the interests of justice.

(27) The Arbitral Tribunal may, in deciding whether to consent to the entry of an application under subsection (1) for an international protection order, take into account the following matters, and any other matters it considers relevant, in relation to the international protection order concerned:

(a) the extent to which the proceeds of crime to be specified in the international protection order are located in a country or countries other than the Irish State;

(b) the extent to which the Irish State is able to recover, or to assist in the recovery of, such proceeds of crime;

(c) the extent to which the Irish State is able to enforce, or to assist in the enforcement of, a pecuniary penalty or a forfeiture order in a country or countries other than the Irish State;

(d) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State;

(e) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement;

(f) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement;

(g) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party;

(h) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party;

(i) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party and in which the country or countries concerned are not a party;

(j) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party and in which the country or countries concerned are not a party.

(28) The Arbitral Tribunal shall not consent to the entry of an application under subsection (1) for an international protection order unless it is satisfied that the international protection order is in the interests of justice.

(29) The Arbitral Tribunal may, in deciding whether to consent to the entry of an application under subsection (1) for an international protection order, take into account the following matters, and any other matters it considers relevant, in relation to the international protection order concerned:

(a) the extent to which the proceeds of crime to be specified in the international protection order are located in a country or countries other than the Irish State;

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(c) the extent to which the Irish State is able to enforce, or to assist in the enforcement of, a pecuniary penalty or a forfeiture order in a country or countries other than the Irish State;

(d) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State;

(e) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement;

(f) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement;

(g) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party;

(h) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party;

(i) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party and in which the country or countries concerned are not a party;

(j) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party and in which the country or countries concerned are not a party.

(30) The Arbitral Tribunal shall not consent to the entry of an application under subsection (1) for an international protection order unless it is satisfied that the international protection order is in the interests of justice.

(31) The Arbitral Tribunal may, in deciding whether to consent to the entry of an application under subsection (1) for an international protection order, take into account the following matters, and any other matters it considers relevant, in relation to the international protection order concerned:

(a) the extent to which the proceeds of crime to be specified in the international protection order are located in a country or countries other than the Irish State;

(b) the extent to which the Irish State is able to recover, or to assist in the recovery of, such proceeds of crime;

(c) the extent to which the Irish State is able to enforce, or to assist in the enforcement of, a pecuniary penalty or a forfeiture order in a country or countries other than the Irish State;

(d) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State;

(e) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement;

(f) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement;

(g) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party;

(h) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party;

(i) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party and in which the country or countries concerned are not a party;

(j) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party and in which the country or countries concerned are not a party.

(32) The Arbitral Tribunal shall not consent to the entry of an application under subsection (1) for an international protection order unless it is satisfied that the international protection order is in the interests of justice.

(33) The Arbitral Tribunal may, in deciding whether to consent to the entry of an application under subsection (1) for an international protection order, take into account the following matters, and any other matters it considers relevant, in relation to the international protection order concerned:

(a) the extent to which the proceeds of crime to be specified in the international protection order are located in a country or countries other than the Irish State;

(b) the extent to which the Irish State is able to recover, or to assist in the recovery of, such proceeds of crime;

(c) the extent to which the Irish State is able to enforce, or to assist in the enforcement of, a pecuniary penalty or a forfeiture order in a country or countries other than the Irish State;

(d) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State;

(e) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement;

(f) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement;

(g) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party;

(h) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party;

(i) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party and in which the country or countries concerned are not a party;

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(34) The Arbitral Tribunal shall not consent to the entry of an application under subsection (1) for an international protection order unless it is satisfied that the international protection order is in the interests of justice.

(35) The Arbitral Tribunal may, in deciding whether to consent to the entry of an application under subsection (1) for an international protection order, take into account the following matters, and any other matters it considers relevant, in relation to the international protection order concerned:

(a) the extent to which the proceeds of crime to be specified in the international protection order are located in a country or countries other than the Irish State;

(b) the extent to which the Irish State is able to recover, or to assist in the recovery of, such proceeds of crime;

(c) the extent to which the Irish State is able to enforce, or to assist in the enforcement of, a pecuniary penalty or a forfeiture order in a country or countries other than the Irish State;

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(f) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement;

(g) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party;

(h) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party;

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(36) The Arbitral Tribunal shall not consent to the entry of an application under subsection (1) for an international protection order unless it is satisfied that the international protection order is in the interests of justice.

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(g) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party;

(h) the extent to which the Irish State is able to assist in the enforcement of such a pecuniary penalty or such a forfeiture order in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party;

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(38) The Arbitral Tribunal shall not consent to the entry of an application under subsection (1) for an international protection order unless it is satisfied that the international protection order is in the interests of justice.

(39) The Arbitral Tribunal may, in deciding whether to consent to the entry of an application under subsection (1) for an international protection order, take into account the following matters, and any other matters it considers relevant, in relation to the international protection order concerned:

(a) the extent to which the proceeds of crime to be specified in the international protection order are located in a country or countries other than the Irish State;

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(g) the extent to which the Irish State is able to assist in the recovery of such proceeds of crime in a country or countries other than the Irish State by means of a mutual assistance agreement or an international agreement in which the Irish State is not a party;

(h) the extent to which the Irish State is able to assist in the enforcement of such a p

Part 8--Compliance with international production orders

123 Simplified outline of this Part

• Civil penalties apply for failing to comply with international production orders.

124 Compliance with international production orders

If:

(a) an international production order is given to the prescribed communications provider to whom the order is directed; and

(b) the order is in force; and

(c) when the order is given, the prescribed communications provider meets the enforcement threshold;

the prescribed communications provider must comply with the order to the extent to which the prescribed communications provider is capable of doing so.

Civil penalty: 238 penalty units.

125 When a prescribed communications provider meets the enforcement threshold

(1) For the purposes of this Schedule, if:

(a) a prescribed communications provider owns or operates a telecommunications network that is used to supply a transmission service to one or more Australians; or

(b) a prescribed communications provider supplies a transmission service to one or more Australians; or

(c) a prescribed communications provider provides a message/call application service to one or more Australians; or

(d) a prescribed communications provider provides a storage/back-up service to one or more Australians; or

(e) one or more Australians have posted material on a general electronic content service provided by a prescribed communications provider;

the prescribed communications provider meets the enforcement threshold unless:

(f) if paragraph (a) applies--the provider of a transmission service supplied using the telecommunications network cannot reasonably be considered to have offered or provided the transmission service on the basis of the service being available to Australians; and

(g) if paragraph (b) applies--the prescribed communications provider cannot reasonably be considered to have offered or provided the transmission service on the basis of the service being available to Australians; and

(h) if paragraph (c) applies--the prescribed communications provider cannot reasonably be considered to have offered or provided the message/call application service on the basis of the service being available to Australians; and

(i) if paragraph (d) applies--the prescribed communications provider cannot reasonably be considered to have offered or provided the storage/back-up service on the basis of the service being available to Australians; and

(j) if paragraph (e) applies--the prescribed communications provider cannot reasonably be considered to have offered or provided the general electronic content service on the basis of the opportunity to post material on the service being available to Australians.

Australian

(2) For the purposes of this clause, Australian means an individual who is ordinarily resident in Australia.

126 Civil penalty provision--enforcement

Enforceable civil penalty provision

(1) A civil penalty provision in this Part is enforceable under Part 4 of the Regulatory Powers (Standard Provisions) Act 2014.

Note: Part 4 of the Regulatory Powers (Standard Provisions) Act 2014 allows a civil penalty provision to be enforced by obtaining an order for a person to pay a pecuniary penalty for the contravention of the provision.

Authorised applicant

(2) For the purposes of Part 4 of the Regulatory Powers (Standard Provisions) Act 2014, the Communications Access Co-ordinator is an authorised applicant in relation to a civil penalty provision in this Part.

Relevant court

(3) For the purposes of Part 4 of the Regulatory Powers (Standard Provisions) Act 2014, the Federal Court of Australia and the Federal Circuit and Family Court of Australia are relevant courts in relation to a civil penalty provision in this Part.

Penalty for a body corporate

(4) Paragraph 82(5)(a) of the Regulatory Powers (Standard Provisions) Act 2014, as it applies in relation to a civil penalty provision in this Part, has effect as if "5 times" were omitted and "200 times" were substituted.

Extra-territorial application

(5) Part 4 of the Regulatory Powers (Standard Provisions) Act 2014, as it applies in relation to a civil penalty provision in this Part, extends to acts, omissions, matters and things outside Australia.

Part 9--Reporting and record-keeping requirements

Division 1--Introduction

127 Simplified outline of this Part

• The chief officer of a relevant agency and the Australian Designated Authority must give the Minister annual reports about matters relating to international production orders.

• The Director-General of Security must give the Attorney-General a report on the extent to which compliance by a prescribed communications provider with an international production order has assisted the Organisation in carrying out its functions.

• The Minister must cause to be prepared annual reports about matters relating to international production orders that were issued in response to applications made by relevant agencies.

• The chief officer of a relevant agency, the Director-General of Security and the Australian Designated Authority must ensure that records are kept of matters relating to international production orders.

Division 2--Reporting requirements

128 Annual reports by relevant agencies

The chief officer of a relevant agency must, within 3 months after the end of each financial year, give the Minister a written report that sets out:

(a) the relevant statistics about applications made by the agency under clause 22 during the financial year; and

(b) the relevant statistics about applications made by the agency under clause 33 during the financial year; and

(c) the relevant statistics about applications made by the agency under clause 42 during the financial year; and

(d) the relevant statistics about applications made by the agency under clause 52 during the financial year; and

(e) the relevant statistics about applications made by the agency under clause 63 during the financial year; and

(f) the relevant statistics about applications made by the agency under clause 72 during the financial year; and

(g) for each designated international agreement--the number of applications made by the agency under Part 2 or 3 of this Schedule during the financial year that nominated the designated international agreement; and

(h) if one or more international production orders were issued before the end of the financial year in response to applications made by the agency:

(i) the number of occasions during the financial year on which protected information obtained in accordance with those orders was shared with other relevant agencies; and

(ii) the number of arrests that were made during the financial year on the basis of protected information obtained in accordance with those orders; and

(iii) the number of prosecutions where protected information obtained in accordance with those orders was used in evidence during the financial year; and

(iv) the number of convictions during the financial year where protected information obtained in accordance with those orders was used in evidence in the prosecutions that resulted in those convictions; and

(i) if one or more international production orders were issued under clause 30 during the financial year, in response to applications made by the agency, on grounds relating to the investigation of one or more offences--the type or types of those offences; and

(j) if one or more international production orders were issued under clause 39 during the financial year, in response to applications made by the agency, on grounds relating to the investigation of one or more offences--the type or types of those offences; and

(k) if one or more international production orders were issued under clause 48 during the financial year, in response to applications made by the agency, on grounds relating to the investigation of one or more offences--the type or types of those offences; and

(l) the number of international production orders revoked by the chief officer under clause 114 during the financial year; and

(m) if subparagraph 30(2)(g)(ii) or (h)(ii) applied to one or more international production orders issued under clause 30 during the financial year in response to applications made by the agency--the number of those orders; and

(n) if subparagraph 60(2)(g)(ii) or (h)(ii) applied to one or more international production orders issued under clause 60 during the financial year in response to applications made by the agency--the number of those orders.

129 Reports to be made to the Attorney-General by the Director-General of Security

The Director-General of Security must:

(a) give the Attorney-General, in respect of each international production order issued under clause 89, a written report on the extent to which compliance by a prescribed communications provider with the order has assisted the Organisation in carrying out its functions; and

(b) do so within 3 months after whichever of the following first occurs:

(i) the end of the last day on which the prescribed communications provider could have done an act or thing in compliance with the order;

(ii) the time when the order ceases to be in force because of the revocation or cancellation of the order.

130 Annual reports by the Australian Designated Authority

(1) The Australian Designated Authority must, within 3 months after the end of each financial year, give the Minister a written report that sets out, for each relevant agency:

(a) if one or more international production orders issued in response to applications made by the agency were given by the Australian Designated Authority to prescribed communications providers during the financial year:

(i) the number of those orders; and

(ii) the number of each type of those orders; and

(iii) for each designated international agreement--the number of those orders that invoked the designated international agreement; and

(b) if subparagraph 30(2)(g)(ii) or (h)(ii) applied to one or more international production orders that were:

(i) issued under clause 30 in response to applications made by the agency; and

(ii) given by the Australian Designated Authority to prescribed communications providers during the financial year;

the number of those orders; and

(c) if subparagraph 60(2)(g)(ii) or (h)(ii) applied to one or more international production orders that were:

(i) issued under clause 60 in response to applications made by the agency; and

(ii) given by the Australian Designated Authority to prescribed communications providers during the financial year;

the number of those orders; and

(d) if one or more international production orders issued in response to applications made by the agency were cancelled by the Australian Designated Authority under clause 111 during the financial year--the number of those orders; and

(e) if one or more international production orders issued in response to applications made by the agency were cancelled by the Australian Designated Authority under clause 122 during the financial year--the number of those orders; and

(f) if one or more instruments of revocation of international production orders issued in response to applications made by the agency were given by the Australian Designated Authority to prescribed communications providers during the financial year--the number of those instruments; and

(g) if one or more objections were received by the Australian Designated Authority under clause 121 during the financial year in relation to international production orders issued in response to applications made by the agency:

(i) the number of international production orders to which those objections relate; and

(ii) the number of each type of those orders; and

(iii) for each designated international agreement--the number of those orders that invoked the designated international agreement.

(2) The Minister must:

(a) cause a copy of a report under subclause (1) to be given to the Attorney-General; and

(b) do so as soon as practicable after receiving the report.

131 Annual reports by the Minister

(1) The Minister must, as soon as practicable after the end of each financial year, cause to be prepared a written report that:

(a) sets out, for each relevant agency, the information contained in the report by the chief officer of the agency under clause 128 for the financial year; and

(b) sets out the information contained in the report by the Australian Designated Authority under clause 130 for the financial year.

Report to be tabled

(2) The Minister must cause a copy of a report under subclause (1) to be tabled in each House of the Parliament within 15 sitting days of that House after the report is prepared.

(3) A report under subclause (1) must not be made in a manner that is likely to enable the identification of a person.

(4) For the purposes of section 34C of the Acts Interpretation Act 1901, a report that subclause (1) requires to be prepared as soon as practicable after the end of a financial year is taken to be a periodic report that this Act requires a person to furnish to the Minister and that relates to the administration of this Schedule during the financial year.

132 Deferral of inclusion of information in Ministerial report

Scope

(1) This clause applies to information:

(a) included in a report given to the Minister:

(i) under clause 128 by the chief officer of a relevant agency; or

(ii) under clause 130 by the Australian Designated Authority; and

(b) that the Minister would, apart from this clause, be required to include in the next Ministerial report.

Exclusion of information--relevant agency

(2) If:

(a) subparagraph (1)(a)(i) applies; and

(b) the chief officer of the relevant agency is satisfied that the information is Part 5.3 information;

the chief officer must advise the Minister in writing not to include the information in the next Ministerial report.

(3) If the Minister is satisfied, on the advice of the chief officer, that the information is Part 5.3 information, the Minister must:

(a) notify the chief officer in writing; and

(b) not include the information in any Ministerial report until the Minister decides otherwise under subclause (5).

Inclusion of information in subsequent report--relevant agency

(4) If the information has not been included in a Ministerial report because of subclause (3), the chief officer must, before the Minister prepares the next Ministerial report:

(a) reconsider whether the information is Part 5.3 information; and

(b) if the chief officer is satisfied that the information is not Part 5.3 information--advise the Minister in writing to include the information in the next Ministerial report.

(5) If the Minister is satisfied, on the advice of the chief officer, that the information is not Part 5.3 information, the Minister must:

(a) notify the chief officer in writing; and

(b) include the information in the next Ministerial report.

Exclusion of information--Australian Designated Authority

(6) If:

(a) subparagraph (1)(a)(ii) applies; and

(b) the Australian Designated Authority is satisfied that the information is Part 5.3 information;

the Australian Designated Authority must advise the Minister in writing not to include the information in the next Ministerial report.

(7) If the Minister is satisfied, on the advice of the Australian Designated Authority, that the information is Part 5.3 information, the Minister must:

(a) notify the Australian Designated Authority in writing; and

(b) not include the information in any Ministerial report until the Minister decides otherwise under subclause (9).

Inclusion of information in subsequent report--Australian Designated Authority

(8) If the information has not been included in a Ministerial report because of subclause (7), the Australian Designated Authority must, before the Minister prepares the next Ministerial report:

(a) reconsider whether the information is Part 5.3 information; and

(b) if the Australian Designated Authority is satisfied that the information is not Part 5.3 information--advise the Minister in writing to include the information in the next Ministerial report.

(9) If the Minister is satisfied, on the advice of the Australian Designated Authority, that the information is not Part 5.3 information, the Minister must:

(a) notify the chief officer in writing; and

(b) include the information in the next Ministerial report.

Definitions

(10) In this clause:

"Ministerial report" means a report the Minister causes to be prepared under clause 131.

Part 5.3 information means information that, if made public, could reasonably be expected to enable a reasonable person to conclude that:

(a) an international production order is likely to be, or is not likely to be, in force under Part 3 of this Schedule in relation to:

(i) an individual carriage service used, or likely to be used, by a particular person; or

(ii) an individual message/call application service used, or likely to be used, by a particular person; or

(iii) stored communications that consist of communications that a particular person has made has made using an individual carriage service; or

(iv) stored communications that consist of messages that a particular person has sent or received using an individual message/call application service; or

(v) stored communications that consist of recordings of voice calls that a particular person has made or received using an individual message/call application service; or

(vi) stored communications that consist of recordings of video calls that a particular person has made or received using an individual message/call application service; or

(vii) stored communications that consist of material that a particular person has uploaded for storage or back-up by a storage/back-up service; or

(viii) stored communications that consist of material that a particular person has posted to a general electronic content service; or

(ix) telecommunications data that relates to communications that a particular person has made using an individual carriage service; or

(x) telecommunications data that relates to an individual carriage service used, or likely to be used, by a particular person; or

(xi) telecommunications data that relates to messages sent or received by a particular person using an individual message/call application service; or

(xii) telecommunications data that relates to voice calls made or received by a particular person using an individual message/call application service; or

(xiii) telecommunications data that relates to video calls made or received by a particular person using an individual message/call application service; or

(xiv) telecommunications data that relates to an individual message/call application service used, or likely to be used, by a particular person; or

(xv) telecommunications data that relates to material that has been uploaded by a particular person for storage or back-up by a storage/back-up service; or

(xvi) telecommunications data that relates to material that has been posted by a particular person on a general electronic content service; or

(b) an international production order is likely to be, or is not likely to be, in force under Part 3 of this Schedule in relation to a particular person.

Division 3--Record-keeping requirements

133 Keeping documents associated with international production orders--relevant agencies

(1) The chief officer of a relevant agency must cause the following to be kept in the agency's records:

(a) a copy of each written application made by the agency for an international production order;

(b) a copy of each affidavit that accompanied a written application made by the agency for an international production order;

(c) a copy of each international production order issued in response to an application made by the agency;

(d) a copy of each authorisation given by the chief officer under subclause 23(3);

(e) a copy of each authorisation given by the chief officer under subclause 34(3);

(f) a copy of each authorisation given by the chief officer under subclause 43(3);

(g) a copy of each authorisation given by the chief officer under subclause 53(3);

(h) a copy of each authorisation given by the chief officer under subclause 64(3);

(i) a copy of each authorisation given by the chief officer under subclause 73(3);

(j) if the chief officer revokes an international production order under clause 114--a copy of the instrument of revocation.

(2) The period for which the chief officer of a relevant agency must cause a copy of a particular document to be kept in the agency's records under subclause (1) is the period:

(a) starting when the document came into existence; and

(b) ending:

(i) when 3 years have elapsed since the document came into existence; or

(ii) when the Ombudsman gives a report to the Minister under clause 150 that is about records that include the copy;

whichever happens earlier.

134 Other records to be kept--relevant agencies

(1) The chief officer of a relevant agency must cause the following to be kept in the agency's records:

(a) details of each telephone application made by the agency for an international production order;

(b) for each application made by the agency for an international production order--a statement as to whether the application was granted, refused or withdrawn;

(c) for each international production order issued in response to an application made by the agency:

(i) a record of the type of order; and

(ii) a record of the designated international agreement nominated in the application; and

(iii) a statement as to whether the international production order was issued on grounds relating to the investigation of one or more offences and, if so, the type or types of those offences; and

(iv) if subparagraph 30(2)(g)(ii) or (h)(ii) applied to the order--a statement to that effect; and

(v) if subparagraph 60(2)(g)(ii) or (h)(ii) applied to the order--a statement to that effect; and

(vi) if a period was specified in the order--details of that period; and

(vii) a record of the agency giving the order, or a certified copy of the order, to the Australian Designated Authority; and

(viii) details of each communication by an officer of the agency to a person other than an officer of the agency of protected information obtained in accordance with the order; and

(ix) a record of the prescribed communications provider to whom the order was directed; and

(x) a statement as to whether the prescribed communications provider complied with the order; and

(xi) if the prescribed communications provider made intercepted communications, messages, voice calls or video calls available to the agency directly--a statement to that effect; and

(xii) if the prescribed communications provider made stored communications or telecommunications data available to the agency directly--a statement to that effect; and

(xiii) if the agency used protected information obtained in accordance with the order--a statement setting out details of that use of the protected information; and

(xiv) if the chief officer revoked the order under clause 114--a statement setting out the reasons for the revocation; and

(xv) if the Australian Designated Authority cancelled the order under clause 122--a record of the cancellation; and

(xvi) if a certifying officer of the agency certified a document to be a true copy of the order--a statement to that effect;

(d) documents indicating whether a record was destroyed in accordance with subclause 140(1) or (3);

(e) documents and other materials of a kind prescribed under subclause (2).

(2) The Minister may, by legislative instrument, prescribe kinds of documents and other materials that the chief officer of a relevant agency must cause to be kept in the agency's records.

(3) The period for which the chief officer of a relevant agency must cause a particular item to be kept in the agency's records under subclause (1) is the period:

(a) starting when the item came into existence; and

(b) ending:

(i) when 3 years have elapsed since the item came into existence; or

(ii) when the Ombudsman gives a report to the Minister under clause 150 that is about records that include the item;

whichever happens earlier.

135 Keeping documents associated with international production orders--the Organisation

(1) The Director-General of Security must cause the following to be kept in the Organisation's records:

(a) a copy of each written application made under Part 4 of this Schedule for an international production order;

(b) a copy of each affidavit that accompanied a written application under Part 4 of this Schedule for an international production order;

(ba) a copy of each written request that the Attorney-General consent orally to the making of an application under Part 4 of this Schedule for an international production order;

(bb) a copy of each written consent by the Attorney-General to the making of an application under Part 4 of this Schedule for an international production order;

(bc) a copy of each report given to the Attorney-General under subclause 83(9) or 92(9);

(bd) a copy of each document of a kind specified in a written agreement between the Director-General of Security and the Inspector-General of Intelligence and Security;

(c) a copy of each international production order issued under Part 4 of this Schedule;

(d) a copy of each authorisation given by the Director-General of Security under subclause 83(4);

(e) a copy of each authorisation given by the Director-General of Security under subclause 92(4);

(f) a copy of each authorisation given by the Director-General of Security under subclause 101(4);

(g) if the Director-General of Security revoked an international production order under clause 116--a copy of the instrument of revocation.

(2) The period for which the Director-General of Security must cause a copy of a particular document to be kept in the Organisation's records under subclause (1) is the period:

(a) starting when the document came into existence; and

(b) if:

(i) the document relates to an international production order that was issued under Part 4 of this Schedule; and

(ii) information was obtained in accordance with the order;

ending at the later of the following times:

(iii) when 3 years have elapsed since the document came into existence;

(iv) when the Organisation ceases to retain the information that was obtained in accordance with the order; and

(c) if paragraph (b) does not apply--ending when 3 years have elapsed since the document came into existence.

(3) An agreement under paragraph (1)(bd) is not a legislative instrument.

136 Other records to be kept--the Organisation

(1) The Director-General of Security must cause the following to be kept in the Organisation's records:

(a) details of each telephone application made under Part 4 of this Schedule for an international production order;

(b) for each application made under Part 4 of this Schedule for an international production order--a statement as to whether the application was granted, refused or withdrawn;

(ba) a record of each oral request that the Attorney-General consent orally to the making of an application under Part 4 of this Schedule for an international production order;

(bb) a record of each oral consent by the Attorney-General to the making of an application under Part 4 of this Schedule for an international production order;

(bc) each record of a kind specified in a written agreement between the Director-General of Security and the Inspector-General of Intelligence and Security;

(c) for each international production order issued under Part 4 of this Schedule:

(i) a record of the type of order; and

(ii) a record of the designated international agreement nominated in the application for the order; and

(iii) if a period was specified in the order--details of that period; and

(iv) a record of the Organisation giving the order, or a certified copy of the order, to the Australian Designated Authority; and

(v) details of each communication by an ASIO official to a person other than an ASIO official of protected information obtained in accordance with the order; and

(vi) a record of the prescribed communications provider to whom the order was directed; and

(vii) a statement as to whether the prescribed communications provider complied with the order; and

(viii) if the prescribed communications provider made intercepted communications, messages, voice calls, video calls, stored communications or telecommunications data available to the Organisation directly--a statement to that effect; and

(ix) if the Organisation used protected information obtained in accordance with the order--a statement setting out details of that use of the protected information; and

(x) if the Director-General of Security revokes the order under clause 116--a statement setting out the reasons for the revocation; and

(xi) if the Australian Designated Authority cancelled the order under clause 122--a record of the cancellation; and

(xii) if a certifying person certified a document to be a true copy of the order--a statement to that effect;

(d) documents indicating whether a record was destroyed in accordance with subclause 140(2) or (4).

(2) The period for which the Director-General of Security must cause a particular record to be kept in the Organisation's records under subclause (1) is the period:

(a) starting when the record came into existence; and

(b) if:

(i) the record relates to an international production order that was issued under Part 4 of this Schedule; and

(ii) information was obtained in accordance with the order;

ending at the later of the following times:

(iii) when 3 years have elapsed since the record came into existence;

(iv) when the Organisation ceases to retain the information that was obtained in accordance with the order; and

(c) if paragraph (b) does not apply--ending when 3 years have elapsed since the record came into existence.

(3) An agreement under paragraph (1)(bc) is not a legislative instrument.

137 Keeping documents associated with international production orders--Australian Designated Authority

(1) The Australian Designated authority must cause the following to be kept in the Australian Designated Authority's records:

(a) a copy of each international production order given by the Australian Designated Authority to a prescribed communications provider;

(b) if an instrument of revocation of an international production order was given by the Australian Designated Authority to a prescribed communications provider--a copy of the instrument of revocation;

(c) if an instrument of cancellation of an international production order was given by the Australian Designated Authority to a prescribed communications provider--a copy of the instrument of cancellation;

(d) a copy of each objection received by the Australian Designated Authority under clause 121.

(2) The period for which the Australian Designated Authority must cause a document to be kept in the Australian Designated Authority's records under subclause (1) is the period:

(a) starting when the document came into existence; and

(b) ending when 3 years have elapsed since the document came into existence.

138 Other records to be kept--Australian Designated Authority

(1) The Australian Designated Authority must cause the following to be kept in the Australian Designated Authority's records:

(a) for each international production order given by the Australian Designated Authority to a prescribed communications provider:

(i) a record of the type of order; and

(ii) a record of the Australian entity that applied for the order; and

(iii) the name of the designated international agreement invoked by the order; and

(iv) the name of the prescribed communications provider; and

(v) if, in compliance with the order, the prescribed communications provider made intercepted communications, messages, voice calls or video calls available to an Australian entity directly--a statement to that effect; and

(vi) if, in compliance with the order, the prescribed communications provider made stored communications or telecommunications data available to an Australian entity directly--a statement to that effect;

(b) if an international production order is cancelled by the Australian Designated Authority under clause 111, 112 or 122--a record of the cancellation and the reasons for the cancellation;

(c) if an instrument of revocation of an international production order is given by the Australian Designated Authority to a prescribed communications provider--a record of the giving of the instrument;

(d) if an instrument of cancellation of an international production order is given by the Australian Designated Authority to a prescribed communications provider--a record of the giving of the instrument;

(e) if an objection is received by the Australian Designated Authority under clause 121:

(i) a record of the receipt of the objection; and

(ii) a record of the international production order to which the objection relates; and

(iii) a record of the type of order; and

(iv) the name of the designated international agreement invoked by the order; and

(v) the name of the prescribed communications provider to whom the order is directed; and

(vi) the name of the Australian entity that applied for the order; and

(vii) if the objection was referred to an authority (however described) of a foreign country--a record of the referral.

(2) If:

(a) there is a designated international agreement between Australia and one or more foreign countries; and

(b) the agreement deals with (among other things) the issue of orders (however described) by a competent authority (however described) of such a foreign country; and

(c) such an order (the incoming order) is directed to a prescribed communications provider that:

(i) carries on activities in Australia; or

(ii) provides one or more services to end-users who are physically present in Australia; and

(d) the provider notifies an authority (however described) of the foreign country that the provider objects to the incoming order:

(i) on the grounds that the incoming order does not comply with the designated international agreement; or

(ii) on similar grounds; and

(e) the Australian Designated Authority is aware of the objection;

the Australian Designated Authority must cause the following to be kept in the Australian Designated Authority's records:

(f) a record of the objection;

(g) the name of the foreign entity that applied for the incoming order;

(h) the name of the designated international agreement;

(i) the name of the provider;

(j) a record of whether the incoming order was cancelled (however described), withdrawn or set aside as a result of the objection;

(k) if the Australian Designated Authority made one or more representations to an authority (however described) of the foreign country that resulted in the incoming order being cancelled (however described), withdrawn or set aside--a record of those representations.

(3) The period for which the Australian Designated Authority must cause a particular record to be kept in the Australian Designated Authority's records under subclause (1) or (2) is the period:

(a) starting when the record came into existence; and

(b) ending when 3 years have elapsed since the record came into existence.

(4) For the purposes of this clause, Australian entity means:

(a) a relevant agency; or

(b) the Organisation.

(5) For the purposes of this clause, foreign entity means an agency or authority of a foreign country.

Division 4--Register of international production orders

139 Register of international production orders

(1) The Australian Designated Authority must cause to be kept a register of international production orders.

(2) The Australian Designated Authority must cause each of the following to be recorded in the register in relation to each international production order:

(a) the date of issue of the order;

(b) the type of order;

(c) particulars of the person who issued the order;

(d) if a relevant agency applied for the order--the name of the relevant agency;

(e) if the order was issued under Part 4 of this Schedule--the fact that the Organisation applied for the order;

(f) the name of the prescribed communications provider to whom the order is directed;

(g) the name of the designated international agreement nominated in the application for the order;

(h) if the order was issued under clause 30--the period that was specified in the order for the purposes of subparagraph 30(2)(i)(i) or (j)(i);

(i) if the order was issued under clause 60--the period that was specified in the order for the purposes of subparagraph 60(2)(k)(i) or (l)(i);

(j) if the order was issued under clause 89--the period that was specified in the order for the purposes of subparagraph 89(2)(i)(i) or (j)(i);

(k) if:

(i) the order was issued under clause 48; and

(ii) a period was specified in the order for the purposes of paragraph 48(2)(f);

that period;

(l) if:

(i) the order was issued under clause 78; and

(ii) a period was specified in the order for the purposes of paragraph 78(2)(g);

that period;

(m) if:

(i) the order was issued under clause 107; and

(ii) a period was specified in the order for the purposes of paragraph 107(2)(f);

that period;

(n) if the order was issued under Part 2 of this Schedule in response to an application made on grounds relating to the investigation of one or more offences--the type or types of those offences;

(o) if the order was issued under Part 3 of this Schedule in relation to a Part 5.3 supervisory order--the name of the person to whom the Part 5.3 supervisory order relates.

(2) The data processing agreement referred to in paragraph 1 shall be in writing, including in an electronic form, and shall contain at least the following information:

(a) the subject-matter and duration of the processing;

(b) the nature and purpose of the processing;

(c) the type of personal data and categories of data subjects;

(d) the obligations and rights of the controller and the processor, including the measures to be taken to ensure that the personal data processed by the processor are treated in a secure manner and not disclosed to unauthorised persons;

(e) the conditions for the processor to engage another processor;

(f) the processor's assistance to the controller in ensuring compliance with the obligations pursuant to Articles 32 to 36 of Regulation (EU) 2016/679, taking into account the nature of processing and the information available to the processor;

(g) the processor's assistance to the controller in ensuring compliance with the obligations pursuant to Article 32 of Regulation (EU) 2016/679, taking into account the nature of processing and the information available to the processor;

(h) the processor's assistance to the controller in ensuring compliance with the obligations pursuant to Article 36 of Regulation (EU) 2016/679, taking into account the nature of processing and the information available to the processor;

(i) the processor's assistance to the controller in ensuring compliance with the obligations pursuant to Article 32 of Regulation (EU) 2016/679, taking into account the nature of processing and the information available to the processor;

(j) the processor's assistance to the controller in ensuring compliance with the obligations pursuant to Article 36 of Regulation (EU) 2016/679, taking into account the nature of processing and the information available to the processor;

(k) the processor's assistance to the controller in ensuring compliance with the obligations pursuant to Article 32 of Regulation (EU) 2016/679, taking into account the nature of processing and the information available to the processor;

(l) the processor's assistance to the controller in ensuring compliance with the obligations pursuant to Article 36 of Regulation (EU) 2016/679, taking into account the nature of processing and the information available to the processor;

(m) the processor's assistance to the controller in ensuring compliance with the obligations pursuant to Article 32 of Regulation (EU) 2016/679, taking into account the nature of processing and the information available to the processor;

(n) the processor's assistance to the controller in ensuring compliance with the obligations pursuant to Article 36 of Regulation (EU) 2016/679, taking into account the nature of processing and the information available to the processor;

(o) the processor's assistance to the controller in ensuring compliance with the obligations pursuant to Article 32 of Regulation (EU) 2016/679, taking into account the nature of processing and the information available to the processor;

(p) the processor's assistance to the controller in ensuring compliance with the obligations pursuant to Article 36 of Regulation (EU) 2016/679, taking into account the nature of processing and the information available to the processor;

(q) the processor's assistance to the controller in ensuring compliance with the obligations pursuant to Article 32 of Regulation (EU) 2016/679, taking into account the nature of processing and the information available to the processor;

(r) the processor's assistance to the controller in ensuring compliance with the obligations pursuant to Article 36 of Regulation (EU) 2016/679, taking into account the nature of processing and the information available to the processor;

(s) the processor's assistance to the controller in ensuring compliance with the obligations pursuant to Article 32 of Regulation (EU) 2016/679, taking into account the nature of processing and the information available to the processor;

(t) the processor's assistance to the controller in ensuring compliance with the obligations pursuant to Article 36 of Regulation (EU) 2016/679, taking into account the nature of processing and the information available to the processor;

(u) the processor's assistance to the controller in ensuring compliance with the obligations pursuant to Article 32 of Regulation (EU) 2016/679, taking into account the nature of processing and the information available to the processor;

(v) the processor's assistance to the controller in ensuring compliance with the obligations pursuant to Article 36 of Regulation (EU) 2016/679, taking into account the nature of processing and the information available to the processor;

(w) the processor's assistance to the controller in ensuring compliance with the obligations pursuant to Article 32 of Regulation (EU) 2016/679, taking into account the nature of processing and the information available to the processor;

(x) the processor's assistance to the controller in ensuring compliance with the obligations pursuant to Article 36 of Regulation (EU) 2016/679, taking into account the nature of processing and the information available to the processor;

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(nnnnnnnn) the processor's assistance to the controller in ensuring compliance with the obligations pursuant to Article 36 of Regulation (EU) 2016/679, taking into account the nature of processing and the information available to the processor;

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(pppppppp) the processor's assistance to the controller in ensuring compliance with the obligations pursuant to Article 36 of Regulation (EU) 2016/679, taking into account the nature of processing and the information available to the processor;

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(ggggggggg) the processor's assistance to the controller in ensuring compliance with the obligations pursuant to Article 32 of Regulation (EU) 2016/679,

(c) a Contracting State;
(d) a national or a resident of a Contracting State;
(e) any company or other legal entity or any association or partnership is identified as an individual or
identified as an individual resident of a Contracting State or a Member State, or
(f) any citizen of a Contracting State or a Member State, or
(g) any trust that can be identified as an individual resident of a Contracting State or a Member State;
(h) a qualified governmental entity;
(i) any qualified retirement pension fund;
(j) any qualified retirement fund;
(k) any qualified stock exchange;
(l) any qualified dealer in securities;
(m) any qualified regulated investment company;
(n) any qualified real estate investment trust;
(o) any qualified pension fund;
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or if it was the original international protection order;

(b) a document specified in article 6 (1) (b) or (c) or (2) (b) or (c) or (3) (b) or (c) or (4) (b) or (c) or (5) (b) or (c) or (6) (b) or (c) or (7) (b) or (c) or (8) (b) or (c) or

Section 1. Short Title
Section 2. Definitions
Section 3. Scope of Application
Section 4. Relationship to Other Laws
Section 5. Relationship to Other Agreements
Section 6. Electronic Records: Legal Recognition
Section 7. Telecommunications Providers Not Liable for the Content of Electronic Records
Section 8. Telecommunications Providers Not Liable for Other Acts
Section 9. Telecommunications Providers Not Liable for Failure to Block Electronic Records
Section 10. Telecommunications Providers Not Liable for Failure to Block Electronic Records
Section 11. Telecommunications Providers Not Liable for Failure to Block Electronic Records
Section

Sch 2 (item 15): 3 Nov 2006 (s 2(1) item 40)

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Telecommunications (Interception and Access) Amendment Act 2007

177, 2007

28 Sept 2007

Sch 2 (item 1): 3 Nov 2006 (s 2(1) item 3)

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Law Enforcement Integrity Commissioner (Consequential Amendments) Act 2006

86, 2006

30 June 2006

Sch 1 (items 76–85, 88–92): 30 Dec 2006 (s 2(1) items 2, 5)
Sch 1 (items 86, 93–95): never commenced (s 2(1) item 3, 6)
Sch 1 (items 87): 1 July 2006 (s 2(1) item 4)
Sch 1 (item 96): 13 June 2006 (s 2(1) item 7)

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Law and Justice Legislation Amendment (Marking of Plastic Explosives) Act 2007

3, 2007

19 Feb 2007

Schedules 1–3: 25 Aug 2007
Remainder: Royal Assent

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Telecommunications (Interception and Access) Amendment Act 2007

177, 2007

28 Sept 2007

Sch 1 (items 1–12, 55–68): 1 Nov 2007 (s 2(1) item 2)
Sch 2 (items 2–26): 29 Sept 2007 (s 2(1) item 4)

Sch 1 (items 57–68) and Sch 2 (items 22–26)

Telecommunications (Interception and Access) Amendment Act 2008

23, 2008

26 May 2008

Schedule 1 (items 1–19): 27 May 2008
Schedule 1 (items 20–25, 35, 37, 39A): 1 July 2008 (see F2008L02096)
Schedule 1 (items 43A, 46A): 1 July 2008
Remainder: Royal Assent

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Telecommunications Interception Legislation Amendment Act 2008

95, 2008

3 Oct 2008

Sch 2 (items 1–11, 13, 21, 25–27): 4 Oct 2008 (s 2(1) items 3, 5, 7, 10)
Sch 2 (items 12, 14–20, 22): 5 Dec 2008 (s 2(1) items 4, 6, 8)
Sch 2 (items 23, 24): 3 Oct 2008 (s 2(1) item 9)

Sch 2 (items 25–27)

Telecommunications Interception Legislation Amendment Act (No. 1) 2009

32, 2009

22 May 2009

Schedule 1: 18 June 2009 (see s. 2(1))
Schedule 2 (items 2–4): 23 May 2009

Sch 2 (item 4)

Trade Practices Amendment (Cartel Conduct and Other Measures) Act 2009

59, 2009

26 June 2009

Schedule 1 (item 2): 24 July 2009

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Telecommunications (Interception and Access) Amendment Act 2010

2, 2010

12 Feb 2010

13 Feb 2010

Sch. 2 (items 14–17)

Crimes Legislation Amendment (Serious and Organised Crime) Act 2010

3, 2010

19 Feb 2010

Schedule 4 (items 14–16, 16A, 17, 18, 18A–18H, 18J): Royal Assent

Sch 4 (items 18, 18J)

Crimes Legislation Amendment (Serious and Organised Crime) Act (No. 2) 2010

4, 2010

19 Feb 2010

Schedule 4 (item 4) and Schedule 7 (items 25, 29): 20 Feb 2010

Sch 7 (item 29)

Statute Law Revision Act 2010

8, 2010

1 Mar 2010

Schedule 1 (items 48–52) and Schedule 5 (item 123): Royal Assent

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Crimes Legislation Amendment (Sexual Offences Against Children) Act 2010

42, 2010

14 Apr 2010

Schedule 1 (items 75–78): 15 Apr 2010

Sch. 1 (item 78)

Trade Practices Amendment (Australian Consumer Law) Act (No. 1) 2010

44, 2010

14 Apr 2010

Schedule 4 (item 2): 1 July 2010

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Anti-People Smuggling and Other Measures Act 2010

50, 2010

31 May 2010

Schedule 1 (items 17, 18) and Schedule 3: 1 June 2010

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Freedom of Information Amendment (Reform) Act 2010

51, 2010

31 May 2010

Sch 5 (item 76) and Sch 7: 1 Nov 2010 (s 2(1) item 7)

Sch 7

Trade Practices Amendment (Australian Consumer Law) Act (No. 2) 2010

103, 2010

13 July 2010

Schedule 6 (items 1, 140): 1 Jan 2011

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Corporations Amendment (No. 1) Act 2010

131, 2010

24 Nov 2010

Schedule 1 (item 21): 13 Dec 2010 (see F2010L03188)

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Crimes Legislation Amendment Act 2011

2, 2011

2 Mar 2011

Schedule 1 (items 5–8): Royal Assent

Sch. 1 (items 7, 8)

Law and Justice Legislation Amendment (Identity Crimes and Other Measures) Act 2011

3, 2011

2 Mar 2011

Schedule 2 (item 28): 3 Mar 2011

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Telecommunications Interception and Intelligence Services Legislation Amendment Act 2011

4, 2011

22 Mar 2011

Schedules 1–5, Schedule 6 (items 28, 29) and Schedule 7: 23 Mar 2011

Sch 1 (items 28, 29), Sch 2 (item 9), Sch 3 (item 9), Sch 4 (item 4), Sch 5 (item 37) and Sch 6 (item 29)

Acts Interpretation Amendment Act 2011

46, 2011

27 June 2011

Schedule 2 (item 1140) and Schedule 3 (items 10, 11): 27 Dec 2011

Sch 3 (items 10, 11)

Extradition and Mutual Assistance in Criminal Matters Legislation Amendment Act 2012

7, 2012

20 Mar 2012

Sch 3 (items 42–49): 20 Sept 2012 (s 2(1) item 6)

Sch 3 (item 49)

Telecommunications Interception and Other Legislation Amendment (State Bodies) Act 2012

74, 2012

27 June 2012

Sch 1 (items 4–25), Sch 2 and 3: 10 Feb 2013 (s 2(1) items 2, 9, 10)
Sch 4: 20 Dec 2012 (s 2(1) item 11)

Sch 3 (item 13)

Cybercrime Legislation Amendment Act 2012

120, 2012

12 Sept 2012

Sch 1 (items 2–5, 8–34), Sch 2 (items 5–24, 32–53), Sch 4 and Sch 5: 10 Oct 2012 (s 2(1) items 2, 4)

Sch 1 (item 34), Sch 2 (items 24, 51–53), Sch 4 (item 4) and Sch 5 (item 4)

Law Enforcement Integrity Legislation Amendment Act 2012

194, 2012

12 Dec 2012

Sch 1 (items 79–90, 91(3)–(6)): 13 Dec 2012 (s 2(1) item 4)

Sch 1 (item 91(3)–(6))

Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013

6, 2013

7 Mar 2013

Sch 2 (item 15) and Sch 3: 8 Mar 2013 (s 2)

Sch 3

Federal Circuit Court of Australia (Consequential Amendments) Act 2013

13, 2013

14 Mar 2013

Sch 1 (items 512–514): 12 Apr 2013 (s 2(1) item 2)

Sch 1 (item 514)

Crimes Legislation Amendment (Law Enforcement Integrity, Vulnerable Witness Protection and Other Measures) Act 2013

74, 2013

28 June 2013

Sch 6 (items 5–8): 29 June 2013 (s 2(1) item 7)

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Statute Law Revision Act 2013

103, 2013

29 June 2013

Sch 1 (items 65–68): 29 June 2013 (s 2(1) item 2)

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National Security Legislation Amendment Act (No. 1) 2014

108, 2014

2 Oct 2014

Sch 1 (items 57–87) and Sch 2 (items 48–50): 30 Oct 2014 (s 2(1) item 2)

Sch 1 (items 78–87) and Sch 2 (item 50)

Counter-Terrorism Legislation Amendment (Foreign Fighters) Act 2014

116, 2014

3 Nov 2014

Sch 1 (items 138, 139): 1 Dec 2014 (s 2(1) item 2)

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Telecommunications (Interception and Access) Amendment (Data Retention) Act 2015

39, 2015

13 April 2015

Sch 1 (items 1, 5–7), Sch 2 and Sch 3: 13 Oct 2015 (s 2(1) items 2, 4)
Sch 1 (items 8–12): 13 Apr 2015 (s 2(1) items 1, 3)

Sch 1 (items 7–12), Sch 2 (items 48–51) and Sch 3 (items 8–10)

Customs and Other Legislation Amendment (Australian Border Force) Act 2015

41, 2015

20 May 2015

Sch 5 (items 162–170), Sch 6 (items 188, 189) and Sch 9: 1 July 2015 (s 2(1) items 2, 7)
Sch 8 (items 10–13): 13 Oct 2015 (s 2(1) item 6)

Sch 6 (item 189) and Sch 9

as amended by

Australian Border Force Amendment (Protected Information) Act 2017

115, 2017

30 Oct 2017

Sch 1 (item 26): 1 July 2015 (s 2(1) item 2)

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Tribunals Amalgamation Act 2015

60, 2015

26 May 2015

Sch 8 (items 51, 52) and Sch 9: 1 July 2015 (s 2(1) items 19, 22)

Sch 9

Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015

126, 2015

10 Sept 2015

Sch 1 (items 626, 627): 5 Mar 2016 (s 2(1) item 2)

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Statute Law Revision Act (No. 2) 2015

145, 2015

12 Nov 2015

Sch 3 (item 38): 10 Dec 2015 (s 2(1) item 7)

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Crimes Legislation Amendment (Powers, Offences and Other Measures) Act 2015

153, 2015

26 Nov 2015

Sch 15 (items 34–51, 53): 27 Nov 2015 (s 2(1) items 3, 5)
Sch 15 (item 52): never commenced (s 2(1) item 4)

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Territories Legislation Amendment Act 2016

33, 2016

23 Mar 2016

Sch 5 (item 93): 1 July 2016 (s 2(1) item 7)

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Counter-Terrorism Legislation Amendment Act (No. 1) 2016

82, 2016

29 Nov 2016

Sch 9: 30 Nov 2016 (s 2(1) item 2)

Sch 9 (items 59, 60)

as amended by

Criminal Code Amendment (High Risk Terrorist Offenders) Act 2016

95, 2016

7 Dec 2016

Sch 2 (items 16, 17): never commenced (s 2(1) item 5)

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Law Enforcement Legislation Amendment (State Bodies and Other Measures) Act 2016

86, 2016

30 Nov 2016

Sch 1 (items 1, 56–58): 1 Dec 2016 (s 2(1) items 2, 4)
Sch 1 (items 2–36, 54, 55): 1 July 2017 (s 2(1) item 3)

Sch 1 (items 1, 29–36, 54–58)

Criminal Code Amendment (High Risk Terrorist Offenders) Act 2016

95, 2016

7 Dec 2016

Sch 2 (items 2–11, 18–23): 7 June 2017 (s 2(1) items 3, 6, 7)
Sch 2 (items 12–15): never commenced (s 2(1) item 4)

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Criminal Code Amendment (Protecting Minors Online) Act 2017

50, 2017

22 June 2017

Sch 2 (item 3): 23 June 2017 (s 2(1) item 1)

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Statute Update (Winter 2017) Act 2017

93, 2017

23 Aug 2017

Sch 1 (items 19, 20): 20 Sept 2017 (s 2(1) item 2)

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Telecommunications and Other Legislation Amendment Act 2017

111, 2017

18 Sept 2017

Sch 1 (items 30, 31, 35): 18 Sept 2018 (s 2(1) item 2)

Sch 1 (item 35)

as amended by

Home Affairs and Integrity Agencies Legislation Amendment Act 2018

31, 2018

9 May 2018

Sch 2 (item 283): 18 Sept 2018 (s 2(1) item 6)
Sch 2 (item 284): 11 May 2018 (s 2(1) item 7)

Sch 2 (item 284)

Home Affairs and Integrity Agencies Legislation Amendment Act 2018

31, 2018

9 May 2018

Sch 2 (items 224–239, 284): 11 May 2018 (s 2(1) items 3, 7)
Sch 2 (items 242–249): 22 Nov 2018 (s 2(1) item 4)

Sch 2 (item 284)

Crimes Legislation Amendment (International Crime Cooperation and Other Measures) Act 2018

34, 2018

22 May 2018

Sch 1 (items 7–11, 30–70, 75–79): 22 Nov 2018 (s 2(1) item 2)
Sch 6 (items 20–22, 31, 32): 23 May 2018 (s 2(1) item 8)

Sch 1 (items 11, 60, 70, 79) and Sch 6 (items 31, 32)

Investigation and Prosecution Measures Act 2018

37, 2018

22 May 2018

Sch 1 (items 1–10, 16–18): 22 May 2018 (s 2(1) item 2)

Sch 1 (items 1, 6–10, 16–18)

National Security Legislation Amendment (Espionage and Foreign Interference) Act 2018

67, 2018

29 June 2018

Sch 4 (items 1, 2): 30 June 2018 (s 2(1) item 5)
Sch 4 (item 3): 29 Dec 2018 (s 2(1) item 6)

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Unexplained Wealth Legislation Amendment Act 2018

126, 2018

3 Oct 2018

Sch 6: 10 Dec 2018 (s 2(1) item 2)

Sch 6 (item 9)

Telecommunications and Other Legislation Amendment (Assistance and Access) Act 2018

148, 2018

8 Dec 2018

Sch 1 (items 7C–7G) and Sch 2 (items 120–123, 123A, 123B, 123BA, 123C, 123D, 124, 124A, 125, 126, 126AA, 126A, 127–131, 131A, 132): 9 Dec 2018 (s 2(1) items 2, 4)

Sch 2 (item 132)

Combatting Child Sexual Exploitation Legislation Amendment Act 2019

72, 2019

20 Sept 2019

Sch 2 (item 9) and Sch 7 (items 42–48): 21 Sept 2019 (s 2(1) items 3, 4)

Sch 7 (items 45–48)

Australian Crime Commission Amendment (Special Operations and Special Investigations) Act 2019

114, 2019

10 Dec 2019

Sch 1 (items 63–68): 10 Dec 2019 (s 2(1) item 1)

Sch 1 (item 68)

Telecommunications (Interception and Access) Amendment (Assistance and Access Amendments Review) Act 2019

124, 2019

12 Dec 2019

Sch 1 (items 2–4): 13 Dec 2019 (s 2(1) item 1)

Sch 1 (item 4)

Financial Sector Reform (Hayne Royal Commission Response--Stronger Regulators (2019 Measures)) Act 2020

3, 2020

17 Feb 2020

Sch 2: 18 Feb 2020 (s 2(1) item 1)

Sch 2 (item 12)

Radiocommunications Legislation Amendment (Reform and Modernisation) Act 2020

151, 2020

17 Dec 2020

Sch 6 (items 37, 38, 41–49): 17 June 2021 (s 2(1) items 8, 10)
Sch 6 (item 50): 18 Dec 2020 (s 2(1) item 11)

Sch 6 (items 41–50)

Online Safety (Transitional Provisions and Consequential Amendments) Act 2021

77, 2021

23 July 2021

Sch 2 (item 98): 23 Jan 2022 (s 2(1) item 3)

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Telecommunications Legislation Amendment (International Production Orders) Act 2021

78, 2021

23 July 2021

Sch 1 (items 14, 15, 19–44, 47–49): 24 July 2021 (s 2(1) items 2, 4)
Sch 1 (item 45): 1 Sept 2021 (s 2(1) item 3)

Sch 1 (items 44, 49)

Foreign Intelligence Legislation Amendment Act 2021

95, 2021

2 Sept 2021

Sch 1, Sch 2 (items 3–9) and Sch 3: 21 Dec 2021 (s 2(1) item 1)

Sch 1 (item 14), Sch 2 (item 9) and Sch 3 (item 7)

Surveillance Legislation Amendment (Identify and Disrupt) Act 2021

98, 2021

3 Sept 2021

Sch 1 (items 52–62), Sch 2 (items 112–122) and Sch 5 (items 7, 8): 4 Sept 2021 (s 2(1) items 2–4)

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Counter-Terrorism Legislation Amendment (High Risk Terrorist Offenders) Act 2021

131, 2021

8 Dec 2021

Sch 1 (items 313–392, 394–397) and Sch 2: 9 Dec 2021 (s 2(1) items 2, 3)

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National Security Legislation Amendment (Comprehensive Review and Other Measures No. 1) Act 2022

31, 2022

1 Apr 2022

Sch 13 (items 3–6): 2 Apr 2022 (s 2(1) item 8)

Sch 13 (item 6)

Australian Crime Commission Amendment (Special Operations and Special Investigations) Act 2022

80, 2022

9 Dec 2022

Sch 1 (items 42–44, 48): 10 Dec 2022 (s 2(1) item 1)

Sch 1 (items 44, 48)

National Anti-Corruption Commission (Consequential and Transitional Provisions) Act 2022

89, 2022

12 Dec 2022

Sch 1 (items 206–260) and Sch 2 (items 1, 32–35): 1 July 2023 (s 2(1) items 2, 3)

Sch 2 (items 1, 32–35)

Telecommunications (Interception and Access) Amendment Act 2023

51, 2023

10 Aug 2023

10 Aug 2023 (s 2(1) item 1)

Sch 1 (item 11)

National Security Legislation Amendment (Comprehensive Review and Other Measures No. 2) Act 2023

53, 2023

11 Aug 2023

Sch 1 (item 4): 12 Aug 2023 (s 2(1) item 1)

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Crimes and Other Legislation Amendment (Omnibus) Act 2023

63, 2023

13 Sept 2023

Sch 8 and Sch 10 (items 9–30): 14 Sept 2023 (s 2(1) items 6, 8)

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Inspector-General of Intelligence and Security and Other Legislation Amendment (Modernisation) Act 2023

73, 2023

20 Sept 2023

Sch 1 (items 205–222) and Sch 3 (item 2): 21 Sept 2023 (s 2(1) items 2, 5)

Sch 3 (item 2)

Statute Law Amendment (Prescribed Forms and Other Updates) Act 2023

74, 2023

20 Sept 2023

Sch 3 (items 15, 16): 18 Oct 2023 (s 2(1) item 3)

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Endnote 4--Amendment history

Provision affected

How affected

Title...

am No 63, 1985; No 102, 1986 (as am by No 28, 1991); No 40, 2006; No 78, 2021

Chapter 1

Part I heading...........................

rep No 40, 2006

Chapter 1 heading...................

ad No 40, 2006

Part 1-1

Part 1-1 heading......................

ad No 40, 2006

s 1...

am No 40, 2006

s 2...

am No 161, 1999

s 3...

rep No 89, 1987

s 4...

rs No 145, 2015

s 4A..

ad No 24, 2001

s 4B..

ad No 33, 2016

(1) exp (s 4B(2))

Part 1-2

Part IA heading.......................

ad No 89, 1987

rep No 40, 2006

Part 1-2 heading......................

ad No 40, 2006

s 5...

am No 181, 1979; No 102, 1986; No 89, 1987; No 120, 1987; No 121, 1988; No 63, 1989; No 11, 1990; No 28, 1991; No 99, 1991; No 103, 1993; No 170, 1994; No 141, 1995; No
59, 1997; No 160, 1997; No 89, 1999; No 146, 1999; No 151, 1999; No 161, 1999; No 9, 2000; No 63, 2000; No 55, 2001; No 135, 2001; No 166, 2001; No 67, 2002; No 125, 2002; No 113, 2003; No 55, 2004; No 127, 2004; No 95, 2005; No 100, 2005; No 129,
2005; No 152, 2005; No 40, 2006; No 86, 2006; No 177, 2007; No 95, 2008; No 32, 2009; No 2, 2010; No 3, 2010; No 8, 2010; No 50, 2010; No 2, 2011; No 4, 2011; No 74, 2012; No 120, 2012; No 194, 2012; No 74, 2013; No 103, 2013;
No 108, 2014; No 39, 2015; No 41, 2015; No 153, 2015; No 82, 2016; No 86, 2016; No 95, 2016; No 31, 2018; No 34, 2018; No 37, 2018; No 126, 2018; No 148, 2018

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am No 114, 2019; No 3, 2020; No 78, 2021; No 95, 2021; No 98, 2021; No 131, 2021; No 80, 2022; No 89, 2022; No 63, 2023; No 74, 2023

s 5AA.....................................

ad No 166, 2001

s 5AB......................................

ad No 177, 2007

am No 120, 2012

s 5AC......................................

ad No 95, 2008

am No 32, 2009; No 74, 2012; No 86, 2016; No 37, 2018; No 89, 2022; No 63, 2023

s 5AD.....................................

ad No 95, 2008

am No 108, 2014

s 5AE......................................

ad No 95, 2008

s 5A.......................................

ad No 89, 1987

am No 103, 1993; No 78, 2021

s 5B.......................................

ad No 89, 1987

am No 5, 1988; No 11, 1990; No 170, 1994; No 19, 1995; No 160, 1997; No 63, 2000; No 166, 2001; No 42, 2002; No 67, 2002; No 113, 2003; No 100,
No 40, 2006; No 177, 2007; No 2, 2010; No 3, 2010; No 4, 2010; No 74, 2012; No 194, 2012; No 153, 2015; No 82, 2016; No 86, 2016, No 95, 2016; No 126, 2018; No 131, 2021; No 89, 2022; No 63, 2023

s 5C.......................................

ad No 89, 1987

am No 40, 2006; No 39, 2015

s 5D.......................................

ad No 141, 1995

am No 89, 1999; No 137, 2000; No 161, 2001; No 67, 2002; No 86, 2002; No 113, 2003; No 55, 2004; No 127, 2004; No 96, 2005; No 129, 2005; No 152, 2005; No 40, 2006; No 86, 2006; No 3, 2007;
No 177, 2007; No 59, 2009; No 3, 2010; No 4, 2010; No 42, 2010; No 44, 2010; No 50, 2010; No 103, 2010; No 131, 2010; No 3, 2011; No 6, 2013; No 116, 2014; No 50, 2017; No 93, 2017; No 34, 2018; No 67, 2018; No 72, 2019; No 114, 2019; No
3, 2020; No 131, 2021; No 80, 2022; No 74, 2023

s 5E.......................................

ad No 40, 2006

s 5EA......................................

ad No 120, 2012

rep No 34, 2018

s 5F.......................................

ad No 40, 2006

am No 177, 2007; No 23, 2008; No 2, 2010; No 78, 2021

s 5G..

ad No 40, 2006

am No 177, 2007; No 23, 2008; No 2, 2010; No 78, 2021

s 5H..

ad No 40, 2006

s 6...

am No 89, 1987; No 121, 1988; No 63, 1989; No 103, 1993; No 67, 2002; No 55, 2004; No 95, 2005; No 40, 2006; No 126, 2015; No 151, 2020; No 78, 2021

s 6AAA....................................

ad No 2, 2010

s 6AA.....................................

ad No 40, 2006

s 6A..

ad No 89, 1987

am No 11, 1990; No 28, 1991; No 103, 1993; No 170, 1994; No 160, 1997; No 151, 1999; No 63, 2000; No 67, 2002; No 125, 2002; No 113, 2003; No 100, 2005; No 152, 2005; No 86, 2006; No 74, 2012; No 153, 2015; No 86, 2016; No 89, 2022; No 63, 2023

s 6B..

ad No 89, 1987

s 6C..

ad No 89, 1987

s 6D..

ad No 89, 1987

am No 120, 1987; No 65, 1988; No 31, 2018; No 78, 2021; No 89, 2022

s 6DA.....................................

ad No 160, 1997

am No 55, 2004; No 40, 2006; No 60, 2015; No 31, 2018; No 78, 2021; No 89, 2022

s 6DB......................................

ad No 40, 2006

am No 13, 2013; No 60, 2015; No 31, 2018; No 78, 2021

s 6DC......................................

ad No 39, 2015

am No 31, 2018

s 6E..

ad No 89, 1987

am No 120, 1987; No 66, 1988; No 103, 1993; No 148, 2004; No 152, 2005; No 40, 2006; No 2, 2010; No 78, 2021

s 6EA......................................

ad No 141, 1995

am No 40, 2006

s 6EAA...................................

ad No 120, 2012

s 6EB......................................

ad No 40, 2006

s 6F...

ad No 89, 1987

s 6G..

ad No 89, 1987

am No 152, 2005

s 6H..

ad No 89, 1987

am No 160, 1997; No 63, 2000; No 67, 2002; No 40, 2006; No 120, 2012; No 82, 2016; No 131, 2021

s 6J...

ad No 89, 1987

s 6K..

ad No 89, 1987

am No 160, 1997; Nos 67 and 86, 2002; Nos 95 and 129, 2005

s 6L..

ad No 89, 1987

am No 11, 1990; No 28, 1991; No 103, 1993; No 170, 1994; No 160, 1997; No 151, 1999; No 63, 2000; No 67, 2002; No 86, 2002; No 125, 2002; No 113, 2003; No 100, 2005; No 152, 2005; No 40, 2006; No 86, 2006; No 3, 2010; No 74, 2012; No 153, 2015; No 86, 2016; No 126, 2018; No 89, 2022; No 63, 2023

s 6M.......................................

ad No 89, 1987

s 6N..

ad No 103, 1993

am No 9, 2000

s 6P...

ad No 63, 2000

am No 78, 2021

s 6Q..

ad No 40, 2006

s 6R...

ad No 177, 2007

am No 39, 2015

s 6S...

ad No 194, 2012

am No 41, 2015; No 89, 2022

s 6T..

ad No 82, 2016

rs No 131, 2021

s 6U..

ad No 82, 2016

rs No 131, 2021

s 6V..

ad No 53, 2023

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Part II heading..........................

am No 103, 1993

rep No 40, 2006

Chapter 2 heading...................

ad No 40, 2006

Part 2-1

Part 2-1 heading......................

ad No 40, 2006

s 7...

am No 181, 1979; No 114, 1983; No 63, 1985; No 102, 1986; No 89, 1987; No 121, 1988; No 63, 1989; No 28, 1991; No 103, 1993; No 141, 1995; No 43, 1996; No 160, 1997; No 161, 1999; Nos 127 and 148, 2004; No 152, 2005; No 40, 2006; No 177, 2007; No 2, 2010; No 108, 2014; No 82, 2016; No 148, 2018; No 78, 2021; No 98, 2021; No 131, 2021

s 7A..

ad No 116, 1983

am No 6, 1984

rep No 89, 1987

s 7B..

ad No 116, 1984

am No 8, 1985

rep No 89, 1987

s 7BA......................................

ad No 8, 1985

am No 63, 1985

rep No 89, 1987

s 7C..

ad No 116, 1984

rep No 89, 1987

s 8...

am No 181, 1979; No 89, 1987; No 65, 1988; No 121, 1988; No 99, 1991

rep No 103, 1993

Part IIA...................................

ad No 120, 1987

rep No 103, 1993

s 8A, 8B..................................

ad No 120, 1987

rep No 103, 1993

s 8C..

ad No 120, 1987

am No 120, 1987

rep No 103, 1993

s 8D–8H.................................

ad No 120, 1987

rep No 103, 1993

s 8J...

ad No 120, 1987

am No 120, 1987

rep No 103, 1993

Part 2-2

Part III heading.......................

am No 103, 1993

rs No 161, 1999

rep No 40, 2006

Part 2-2 heading......................

ad No 40, 2006

s 9...

am No 121, 1988; No 63, 1989; No 43, 1996; No 161, 1999; No 63, 2000; No 40, 2006; No 31, 2018

s 9A..

ad No 63, 2000

am No 40, 2006; No 177, 2007; No 23, 2008; No 31, 2018

s 9B..

ad No 63, 2000

am No 40, 2006; No 31, 2018

s 10...

am No 43, 1996; No 161, 1999; No 63, 2000; No 128, 2005; No 40, 2006; No 31, 2018

s 11...

am No 89, 1987; No 121, 1988; No 63, 1989; No 99, 1991

rep No 103, 1993

s 11A......................................

ad No 102, 1986

am No 89, 1987; No 121, 1988; No 63, 1989; No 99, 1991; No 103, 1993; No 161, 1999; No 63, 2000; No 50, 2010; No 31, 2018; No 95, 2021

s 11B......................................

ad No 63, 2000

am No 40, 2006; No 23, 2008; No 50, 2010; No 31, 2018; No 95, 2021

s 11C......................................

ad No 63, 2000

am No 50, 2010; No 31, 2018; No 95, 2021

s 11D......................................

ad No 63, 2000

am No 127, 2004; No 31, 2018; No 95, 2021

s 12...

am No 102, 1986; No 43, 1996; No 161, 1999; No 63, 2000; No 40, 2006; No 108, 2014; No 31, 2022

s 13...

am No 102, 1986; No 89, 1987; No 103, 1993; No 43, 1996; No 63, 2000; No 40, 2006; No 31, 2018

s 14...

rs No 102, 1986

am No 89, 1987; No 103, 1993; No 161, 1999; No 63, 2000; No 40, 2006; No 95, 2021

s 15...

am No 102, 1986; No 89, 1987; No 121, 1988; No 63, 1989 (as am by No 11, 1991); No 99, 1991; No 103, 1993; No 43, 1996; No 161, 1999; No 63, 2000; No 55, 2004; No 40, 2006; No 4, 2011; No 31, 2018; No 95, 2021

s 16...

am No 102, 1986

rep No 89, 1987

ad No 63, 2000

am No 40, 2006; No 23, 2008; No 4, 2011

s 17...

am No 102, 1986; No 89, 1987; No 28, 1991; No 103, 1993; No 161, 1999; No 63, 2000; No 40, 2006; No 31, 2018

s 18...

ad No 103, 1993

am No 161, 1999; No 55, 2001; No 2, 2010; No 108, 2014

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Part IV heading.......................

am No 181, 1979; No 89, 1987

rep No 103, 1993

Part IV....................................

rep No 103, 1993

s 18, 19...................................

rep No 89, 1987

s 20...

am No 181, 1979

rep No 89, 1987

s 20A, 20B..............................

ad No 89, 1987

am No 121, 1988; No 99, 1991

rep No 103, 1993

s 21...

am No 181, 1979; No 89, 1987; No 121, 1988; No 63, 1989; No 99, 1991

rep No 103, 1993

s 22...

am No 181, 1979

rep No 89, 1987

s 23...

am No 181, 1979

rs No 89, 1987

rep No 103, 1993

s 24...

am No 181, 1979

rep No 89, 1987

s 25...

am No 181, 1979; No 89, 1987; No 63, 1989; No 99, 1991

rep No 103, 1993

s 25A......................................

ad No 63, 1985

rep No 89, 1987

s 26...

rep No 89, 1987

s 27...

am No 181, 1979

rep No 89, 1987

s 28...

rep No 89, 1987

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Part V heading.........................

am No 121, 1988

rs No 67, 2002

rep No 40, 2006

Part 2-3 heading......................

ad No 40, 2006

Part V......................................

ad No 63, 1985

s 29...

ad No 63, 1985

rep No 89, 1987

s 30...

ad No 63, 1985

am No 89, 1987; No 121, 1988; No 63, 1989

Part 2-4

Part 2-4...................................

ad No 177, 2007

s 31...

ad No 63, 1985

rep No 89, 1987

ad No 177, 2007

am No 31, 2018; No 148, 2018

s 31A......................................

ad No 177, 2007

am No 31, 2018; No 148, 2018

s 31AA...................................

ad No 148, 2018

s 31B......................................

ad No 177, 2007

s 31C......................................

ad No 177, 2007

s 31D......................................

ad No 177, 2007

am No 31, 2018

s 31E......................................

ad No 148, 2018

Part 2-5

Part VI heading.......................

rs No 67, 2002

rep No 40, 2006

Part 2-5 heading......................

ad No 40, 2006

Part VI....................................

ad No 89, 1987

Division 1...............................

rep No 40, 2006

s 32...

ad No 89, 1987

rep No 40, 2006

s 33...

ad No 89, 1987

rs No 103, 1993

am No 67, 2002

rep No 40, 2006

Division 2

s 34...

ad No 89, 1987

am No 3, 1995; No 152, 2005; No 82, 2016; No 131, 2021

s 35...

ad No 89, 1987

am No 121, 1988; No 63, 1989; No 11, 1990; No 28, 1991; No 63, 2000; No 135, 2001; No 125, 2002; No 40, 2006; No 23, 2008; No 32, 2009; Nos 2 and 8, 2010; No 74, 2012; No 82, 2016

s 36...

ad No 89, 1987

am No 99, 1988

rep No 152, 2005

ad No 23, 2008

s 37...

ad No 89, 1987

s 38...

ad No 89, 1987

s 38A......................................

ad No 82, 2016

am No 131, 2021

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Division 3

s 39...

ad No 89, 1987

am No 11, 1990; No 28, 1991; No 103, 1993; No 160, 1997; No 151, 1999; No 63, 2000; No 67, 2002; No 125, 2002; No 113, 2003; No 100, 2005; No 152, 2005; No 86, 2006; No 95, 2008; No 74, 2012; No 103, 2013; No 153, 2015; No 86, 2016; No 89, 2022; No 63, 2023

s 40, 41...................................

ad No 89, 1987

s 42...

ad No 89, 1987

am No 63, 2000; No 40, 2006; No 23, 2008

s 43...

ad No 89, 1987

am No 160, 1997

s 44...

ad No 89, 1987 (as am by No 11, 1991)

am No 160, 1997

s 44A......................................

ad No 74, 2012

am No 82, 2016; No 131, 2021; No 63, 2023

s 45...

ad No 89, 1987

am No 160, 1997; No 63, 2000

rep No 40, 2006

ad No 32, 2009

am No 74, 2012; No 82, 2016; No 131, 2021; No 63, 2023

s 45A......................................

ad No 63, 2000

rep No 40, 2006

ad No 32, 2009

rs No 74, 2012

Division 4

s 46...

ad No 89, 1987

am No 160, 1997; No 63, 2000; No 40, 2006; No 32, 2009; No 74, 2012; No 82, 2016; No 131, 2021

s 46A......................................

ad No 63, 2000

am No 40, 2006; No 23, 2008; No 32, 2009; No 74, 2012; No 82, 2016; No 131, 2021

s 47...

ad No 89, 1987

am No 121, 1988

rs No 63, 1989

am No 103, 1993; Nos 9 and 63, 2000; No 67, 2002; No 40, 2006

rs No 40, 2006

am No 4, 2011

s 48...

ad No 89, 1987

am No 121, 1988; No 63, 1989; No 28, 1991; No 160, 1997; No 63, 2000; No 67, 2002; No 40, 2006; No 82, 2016; No 131, 2021

s 49...

ad No 89, 1987

am No 160, 1997; No 63, 2000; No 67, 2002; No 40, 2006; No 82, 2016; No 131, 2021

s 50...

ad No 89, 1987

am No 11, 1990; No 160, 1997

s 51...

ad No 89, 1987

am No 160, 1997

s 52...

ad No 89, 1987

am No 103, 1993; No 160, 1997; No 63, 2000; No 40, 2006; No 23, 2008; No 4, 2011

s 53...

ad No 89, 1987

am No 103, 1993; No 160, 1997; No 63, 2000; No 40, 2006

Aug No 11, 2008

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Ch 12, 2007

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Ch 12, 2013

Ch 12, 2014

Ch 12, 2015

Ch 12, 2016

Ch 12,

ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022

4.230.1.

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ad 04.01, 2013

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ad 04.01, 2008

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ad 04.01, 2013

4.231.1.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015, 2016

Division 2

4.232.

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ad 04.01, 2004

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ad 04.01, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014

4.232.1. (omis)

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015, 2016

Division 3

4.233.

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ad 04.01, 2004

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015

4.233.1.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015, 2016

Division 4

4.234.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015

4.234.1.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015, 2016

Division 5

4.235.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015

4.235.1.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015, 2016

4.236.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015

4.236.1.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015, 2016

Division 6

4.237.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015

4.237.1.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015, 2016

4.238.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015

4.238.1.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015, 2016

Division 7

4.239.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015

4.239.1.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015, 2016

Division 8

4.240.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015

4.240.1.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015, 2016

Division 9

4.241.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015

4.241.1.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015, 2016

Division 10

4.242.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015

4.242.1.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015, 2016

Division 11

4.243.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015

4.243.1.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015, 2016

Division 12

4.244.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015

4.244.1.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015, 2016

Division 13

4.245.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015

4.245.1.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015, 2016

Division 14

4.246.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015

4.246.1.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015, 2016

Division 15

4.247.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015

4.247.1.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015, 2016

Division 16

4.248.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015

4.248.1.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015, 2016

Division 17

4.249.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015

4.249.1.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015, 2016

Division 18

4.250.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015

4.250.1.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015, 2016

Division 19

4.251.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015

4.251.1.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015, 2016

Division 20

4.252.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015

4.252.1.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015, 2016

Division 21

4.253.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015

4.253.1.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015, 2016

Division 22

4.254.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015

4.254.1.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015, 2016

Division 23

4.255.

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ad 04.01, 2004

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ad 04.01, 2008

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ad 04.01, 2013

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ad 04.01, 2014

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ad 04.01, 2015

4.255.1.

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4.303.

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4.304.

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4.305.

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4.309.

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4.314.

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Division 83

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Subdivision A

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