



# **Telecommunications and Other Legislation Amendment Act 2025**

**No. 53, 2025**

**An Act to amend the law relating to  
telecommunications interception and access and  
law enforcement, and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation  
(<https://www.legislation.gov.au/>)



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## **An Act to amend the law relating to telecommunications interception and access and law enforcement, and for related purposes**

*[Assented to 4 November 2025]*

The Parliament of Australia enacts:

### **1 Short title**

This Act is the *Telecommunications and Other Legislation  
Amendment Act 2025*.

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day after this Act receives the Royal Assent.	5 November 2025

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

## 3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## **Schedule 1—Amendments relating to network activity warrants**

### **Part 1—Amendments**

#### ***Surveillance Devices Act 2004***

##### **1 After subsection 45B(9)**

Insert:

- (9A) Protected network activity warrant information may be used, recorded or communicated for the purposes of the making of a decision whether or not to bring, or continue, a prosecution for a relevant offence.
- (9B) Protected network activity warrant information may be used, recorded or communicated:
  - (a) for the purposes of complying with any applicable common law or statutory disclosure duty or obligation in a criminal proceeding for a relevant offence; or
  - (b) if, under paragraph (a), the information is communicated to the legal representative of a defendant in a proceeding—by the legal representative for the purposes of representing the defendant in the proceeding.

##### **2 After paragraph 45B(10)(a)**

Insert:

- (ab) a criminal proceeding for a relevant offence if the circumstances in subsection (10A) apply; or

##### **3 After subsection 45B(10)**

Insert:

- (10A) For the purposes of paragraph (10)(ab), the circumstances are:
  - (a) both of the following apply:
    - (i) the protected network activity warrant information is adduced or given in evidence in the proceeding by a defendant in the proceeding;

- (ii) the admission into evidence of the information is necessary for the fair trial of the defendant; or
- (b) the protected network activity warrant information is adduced or given in evidence in the proceeding by the prosecution in the proceeding in response to other protected network activity warrant information admitted into evidence in that proceeding in the circumstances mentioned in paragraph (a).

***Telecommunications (Interception and Access) Act 1979***

**4 After subsection 63AE(2)**

Insert:

- (2A) Network activity warrant intercept information may be used, recorded or communicated for the purposes of the making of a decision whether or not to bring, or continue, a prosecution for a prescribed offence.
- (2B) Network activity warrant intercept information may be used, recorded or communicated:
  - (a) for the purposes of complying with any applicable common law or statutory disclosure duty or obligation in a criminal proceeding for a prescribed offence; or
  - (b) if, under paragraph (a), the information is communicated to the legal representative of a defendant in a proceeding—by the legal representative for the purposes of representing the defendant in the proceeding.
- (2C) Network activity warrant intercept information may be admitted into evidence in a criminal proceeding for a prescribed offence if:
  - (a) both of the following apply:
    - (i) the network activity warrant intercept information is adduced or given in evidence in the proceeding by a defendant in the proceeding;
    - (ii) the admission into evidence of the information is necessary for the fair trial of the defendant; or
  - (b) the network activity warrant intercept information is adduced or given in evidence in the proceeding by the prosecution in the proceeding in response to other network activity warrant



intercept information admitted into evidence in that  
proceeding in the circumstances mentioned in paragraph (a).

## Part 2—Application of amendments

### 5 Application of amendments

- (1) Subsection 45B(9A) of the *Surveillance Devices Act 2004* as inserted by this Schedule applies in relation to the use, recording or communication of protected network activity warrant information after the commencement of this Schedule, whether that information was obtained or generated before or after that commencement.
- (2) Subsection 45B(9B) of the *Surveillance Devices Act 2004* as inserted by this Schedule applies in relation to the use, recording or communication of protected network activity warrant information after the commencement of this Schedule for the purpose of any step in a proceeding taken after that commencement:
  - (a) whether that information was obtained or generated before or after that commencement; and
  - (b) whether the proceeding was instituted before or after that commencement.
- (3) Subsection 45B(10) of the *Surveillance Devices Act 2004* as amended by this Schedule and subsection 45B(10A) of that Act as inserted by this Schedule apply in relation to the admission into evidence of protected network activity warrant information after the commencement of this Schedule:
  - (a) whether that information was obtained or generated before or after that commencement; and
  - (b) whether the proceeding was instituted before or after that commencement.
- (4) Subsection 63AE(2A) of the *Telecommunications (Interception and Access) Act 1979* as inserted by this Schedule applies in relation to the use, recording or communication of network activity warrant intercept information after the commencement of this Schedule, whether that information was obtained or generated before or after that commencement.
- (5) Subsection 63AE(2B) of the *Telecommunications (Interception and Access) Act 1979* as inserted by this Schedule applies in relation to the use, recording or communication of network activity

warrant intercept information after the commencement of this Schedule for the purpose of any step in a proceeding taken after that commencement:

- (a) whether that information was obtained or generated before or after that commencement; and
  - (b) whether the proceeding was instituted before or after that commencement.
- (6) Subsection 63AE(2C) of the *Telecommunications (Interception and Access) Act 1979* as inserted by this Schedule applies in relation to the admission into evidence of network activity warrant intercept information after the commencement of this Schedule:
- (a) whether that information was obtained or generated before or after that commencement; and
  - (b) whether the proceeding was instituted before or after that commencement.

## **Schedule 2—Amendments relating to Communications Access Coordinator**

### ***Telecommunications (Interception and Access) Act 1979***

#### **1 Paragraph 6R(1)(a)**

Omit “Attorney-General’s”.

#### **2 Subsection 6R(2)**

Omit “Attorney-General”, substitute “Minister”.

#### **3 Subsection 6R(2A)**

Repeal the subsection, substitute:

- (2A) The Minister must only specify a person or class of persons in an instrument made under subsection (2) if the person is an APS employee, or the class of persons consists wholly of APS employees, in the Department.

## **Schedule 3—Amendments relating to developing and testing interception capabilities**

### **Part 1—Amendments**

#### ***Telecommunications (Interception and Access) Act 1979***

##### **1 Section 5 (definition of lawfully accessed information)**

Repeal the definition, substitute:

*lawfully accessed information* means information obtained by accessing a stored communication otherwise than in contravention of subsection 108(1), but does not include:

- (a) information obtained by accessing a stored communication under a section 31A authorisation; or
- (b) information obtained in accordance with an international production order (within the meaning of Schedule 1).

##### **2 Subsection 6E(1)**

After “(2)”, insert “, (2A)”.

##### **3 After subsection 6E(2)**

Insert:

- (2A) A reference in this Act to lawfully intercepted information includes a reference to information obtained by accessing a stored communication under a section 31A authorisation.

##### **4 At the end of section 31**

Add:

- (3) The reference in subsection (1) and paragraph (2)(c) to interception of communications passing over a telecommunications system includes a reference to the accessing of the communications as stored communications after they have ceased to pass over a telecommunications system.

**5 After subsection 31A(4A)**

Insert:

- (4B) To avoid doubt, subparagraph (2)(a)(ii) has the effect that lawfully intercepted information obtained under the authorisation may be communicated, used or recorded for the purposes of development or testing of technologies, or interception capabilities.
- (4C) The reference in subsection (1) and subparagraph (2)(a)(i) to interception of communications passing over a telecommunications system includes a reference to the accessing of the communications as stored communications after they have ceased to pass over a telecommunications system.

**6 After section 31AA**

Insert:

**31AB Access to stored communications under section 31A authorisations**

In addition to authorising interception of communications, a section 31A authorisation also authorises a person to access a stored communication if the section 31A authorisation would have authorised interception of the communication if it were still passing over a telecommunications system.

**7 Section 31C**

Before “If”, insert “(1)”.

**8 At the end of section 31C**

Add:

- (2) The reference in paragraph (1)(a) to interception of communications passing over a telecommunications system includes a reference to the accessing of the communications as stored communications after they have ceased to pass over a telecommunications system.

**9 After paragraph 108(2)(cd)**

Insert:

(ce) accessing a stored communication under a section 31A  
authorisation; or

**10 After subsection 108(3)**

Insert:

- (3A) For the purposes of paragraph (2)(ce), access to a stored communication is taken to be under a section 31A authorisation if, and only if, the authorisation would have authorised interception of the communication if it were still passing over a telecommunications system.

## **Part 2—Application provisions**

### **11 Application of amendments**

- (1) Subsection 31(3) of the *Telecommunications (Interception and Access) Act 1979* as inserted by this Schedule applies in relation to a request made on or after the commencement of this Schedule.
- (2) Subsection 31A(4C) and section 31AB of the *Telecommunications (Interception and Access) Act 1979* as inserted by this Schedule apply in relation to an authorisation under section 31A of that Act given on or after the commencement of this Schedule.



## **Schedule 4—Amendments relating to international production orders**

### ***Telecommunications (Interception and Access) Act 1979***

#### **1 Paragraphs 30(2)(g) and (h) of Schedule 1**

Omit “intercepting”, substitute “accessing”.

#### **2 Subparagraphs 30(5)(a)(i) and (iv) and 30(5)(b)(i) and (iv) of Schedule 1**

Omit “intercepting”, substitute “accessing”.

#### **3 Paragraph 30(6)(b) of Schedule 1**

After “interception”, insert “(as permitted under an international production order)”.

#### **4 Paragraph 30(7)(b) of Schedule 1**

After “interception”, insert “(as permitted under an international production order)”.

#### **5 At the end of clause 30 of Schedule 1**

Add:

##### *Copying stored communications*

- (8) If an international production order issued under subclause (2) directs a prescribed communications provider to intercept communications, messages, voice calls or video calls:
  - (a) the prescribed communications provider may comply with the order by copying stored communications that consist of the communications, messages, voice calls or video calls; and
  - (b) a copy of a stored communication made for that purpose is taken to be a communication, message, voice call or video call (as the case may be) intercepted under the international production order.

**6 Paragraphs 60(2)(i) and (j), 60(5)(a), (c) and (f), 60(6)(a), (c) and (f) of Schedule 1**

Omit “intercepting”, substitute “accessing”.

**7 Paragraph 60(7)(b) of Schedule 1**

After “interception”, insert “(as permitted under an international production order)”.

**8 Paragraph 60(8)(b) of Schedule 1**

After “interception”, insert “(as permitted under an international production order)”.

**9 At the end of clause 60 of Schedule 1**

Add:

*Copying stored communications*

- (9) If an international production order issued under subclause (2) directs a prescribed communications provider to intercept communications, messages, voice calls or video calls:
- (a) the prescribed communications provider may comply with the order by copying stored communications that consist of the communications, messages, voice calls or video calls; and
  - (b) a copy of a stored communication made for that purpose is taken to be a communication, message, voice call or video call (as the case may be) intercepted under the international production order.

**10 Paragraphs 83(6)(b), 83(7)(b) and 89(2)(g) and (h) of Schedule 1**

Omit “intercepting”, substitute “accessing”.

**11 Subparagraphs 89(5)(a)(i) and 89(5)(b)(i) of Schedule 1**

Omit “intercepting”, substitute “accessing”.

**12 Paragraph 89(6)(b) of Schedule 1**

After “interception”, insert “(as permitted under an international production order)”.

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**13 Paragraph 89(7)(b) of Schedule 1**

After “interception”, insert “(as permitted under an international production order)”.

**14 After subclause 89(7) of Schedule 1**

Insert:

*Copying stored communications*

- (7A) If an international production order issued under subclause (2) directs a prescribed communications provider to intercept communications, messages, voice calls or video calls:
- (a) the prescribed communications provider may comply with the order by copying stored communications that consist of the communications, messages, voice calls or video calls; and
  - (b) a copy of a stored communication made for that purpose is taken to be a communication, message, voice call or video call (as the case may be) intercepted under the international production order.

## **Schedule 5—Amendments relating to controlled operations**

### ***Crimes Act 1914***

#### **1 After subsection 15GI(2)**

Insert:

(2A) To avoid doubt:

- (a) paragraph (2)(g) only requires an authorising officer to be satisfied as to the direct and reasonably foreseeable consequences of the unlawful conduct of participants in the controlled operation; and
- (b) nothing in subparagraph (2)(g)(iii) is intended to prevent an authorising officer from granting an authority to conduct a controlled operation that will involve a participant:
  - (i) dealing with material depicting, material describing or material otherwise involving a sexual offence against any person; or
  - (ii) facilitating a person to deal with such material.

(2B) For the purposes of paragraph (2A)(a), a consequence is a direct consequence of unlawful conduct if the unlawful conduct causes or produces (and is not merely a minor influence on) the consequence without there being any intervening conduct or events.

#### **2 After subsection 15GQ(2)**

Insert:

(2A) To avoid doubt:

- (a) paragraph (2)(g) only requires an appropriate authorising officer to be satisfied as to the direct and reasonably foreseeable consequences of the unlawful conduct of participants in the controlled operation; and
- (b) nothing in subparagraph (2)(g)(iii) is intended to prevent an appropriate authorising officer from varying an authority to conduct a controlled operation that will involve a participant:

- (i) dealing with material depicting, material describing or material otherwise involving a sexual offence against any person; or
- (ii) facilitating a person to deal with such material.

(2B) For the purposes of paragraph (2A)(a), a consequence is a direct consequence of unlawful conduct if the unlawful conduct causes or produces (and is not merely a minor influence on) the consequence without there being any intervening conduct or events.

### **3 After subsection 15GV(2)**

Insert:

(2A) To avoid doubt:

- (a) paragraph (2)(g) only requires the nominated Tribunal member to be satisfied as to the direct and reasonably foreseeable consequences of the unlawful conduct of participants in the controlled operation; and
- (b) nothing in subparagraph (2)(g)(iii) is intended to prevent the nominated Tribunal member from varying a formal authority to conduct a controlled operation that will involve a participant:
  - (i) dealing with material depicting, material describing or material otherwise involving a sexual offence against any person; or
  - (ii) facilitating a person to deal with such material.

(2B) For the purposes of paragraph (2A)(a), a consequence is a direct consequence of unlawful conduct if the unlawful conduct causes or produces (and is not merely a minor influence on) the consequence without there being any intervening conduct or events.

### **4 At the end of section 15HA**

Add:

- (3) To avoid doubt, nothing in subparagraph (2)(d)(ii) is intended to prevent the participant being protected from criminal responsibility if the conduct involves the participant:

- (a) dealing with material depicting, material describing or material otherwise involving a sexual offence against any person; or
- (b) facilitating a person to deal with such material.

**5 Subsection 15HB**

Before “The Commonwealth must indemnify”, insert “(1)”.

**6 At the end of section 15HB**

Add:

- (2) To avoid doubt, nothing in subparagraph (1)(d)(ii) is intended to prevent the participant being indemnified against civil liability if the conduct involves the participant:
  - (a) dealing with material depicting, material describing or material otherwise involving a sexual offence against any person; or
  - (b) facilitating a person to deal with such material.

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*[Minister’s second reading speech made in—  
House of Representatives on 27 August 2025  
Senate on 27 October 2025]*