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2000B00189



# Telecommunications (Interception) Amendment Regulations 2000 (No. 1)

Statutory Rules 2000 No.       

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I, WILLIAM PATRICK DEANE, Governor-General of the  
Commonwealth of Australia, acting with the advice of the  
Federal Executive Council, make the following Regulations  
under the *Telecommunications (Interception) Act 1979*.

Dated            5 JUL 2000    2000

**WILLIAM DEANE**

Governor-General

By His Excellency's Command

DARYL WILLIAMS

Attorney-General



# Telecommunications (Interception) Amendment Regulations 2000 (No. 1)<sup>1</sup>

Statutory Rules 2000 No. 1<sup>2</sup>

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made under the

*Telecommunications (Interception) Act 1979*

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## Regulation 1

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### 1 Name of Regulations

These Regulations are the *Telecommunications (Interception) Amendment Regulations 2000 (No. 1)*.

### 2 Commencement

These Regulations commence on gazettal.

### 3 Amendment of Telecommunications (Interception) Regulations

Schedule 1 amends the Telecommunications (Interception) Regulations.

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2 *Telecommunications (Interception) Amendment Regulations 2000 (No. 1)* 2000, 1

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## Schedule 1      Amendments

(regulation 3)

### [1]      Regulation 1

*substitute*

#### 1      Name of Regulations

These Regulations are the *Telecommunications (Interception) Regulations 1987*.

### [2]      Regulation 3

*substitute*

#### 3      Warrants

- (1) The form of warrant for section 45 of the Act is the form in Schedule 3.
- (2) The form of warrant for section 45A of the Act is the form in Schedule 3A.
- (3) The form of warrant for section 46 of the Act is the form in Schedule 4.
- (4) The form of warrant for section 46A of the Act is the form in Schedule 4A.
- (5) The form of warrant for section 48 of the Act is the form in Schedule 5.

**[3] Schedule 3, heading***substitute***Schedule 3 Warrant under section 45  
for the interception of  
communications**

(subregulation 3 (1))

**[4] After Schedule 3***insert***Schedule 3A Named person warrant  
under section 45A**

(subregulation 3 (2))

**Commonwealth of Australia***Telecommunications (Interception) Act 1979***Warrant for interception of communications of named  
person****Named person** [*full known name, other known names,  
other known identifying information (e.g.,  
date of birth)*]**Applicant agency** [*name*]

I, \_\_\_\_\_, \*an eligible Judge,/\*a  
nominated AAT member, within the meaning of the  
*Telecommunications (Interception) Act 1979*, acting under  
section 45A of that Act, and being satisfied, on the basis of the  
information given to me by the applicant agency, that:

- (a) Division 3 of Part VI of the Act has been complied with in  
relation to the application; and

- #(b) because of urgent circumstances, it was necessary to make the application by telephone; and
- (c) there are reasonable grounds for suspecting that the named person is using, or is likely to use, more than 1 telecommunications service; and
- (d) information that would be likely to be obtained by intercepting under a warrant communications made to or from any telecommunications service that the named person is using, or is likely to use, would be likely to assist in connection with the investigation by the agency of the following class 1 \*offence/\*offences, in which that person is involved:  
[*short particulars of the class 1 \*offence/\*offences*]; and
- (e) having regard to:
- (i) the extent to which methods (including the use of a warrant issued under section 45 of the Act) of investigating the \*offence/\*offences that do not involve the use of a warrant issued under section 45A of the Act in relation to the named person have been used by, or are available to, the applicant agency; and
  - (ii) how much of the information referred to in paragraph (d) would be likely to be obtained by such methods; and
  - (iii) how much the use of such methods would be likely to prejudice the investigation by that agency of the \*offence/\*offences, whether because of a delay in obtaining some or all of that information or for any other reason;  
some or all of that information cannot appropriately be obtained by such methods;
- authorise interceptions of communications made to or from any telecommunications service that the named person is using, or is likely to use.

***Period of validity***

This warrant is in force until [*specify a date not more than 90 days away*].

**\*Conditions or restrictions**

Interceptions under this warrant are subject to the following  
\*conditions/\*restrictions:

[*details of conditions or restrictions*]

**\*Excluded services**

This warrant does not authorise the interception of  
communications made to or from the following  
telecommunications service/\*s:

[*details and location of service*]

Dated

\*Judge/\*nominated AAT member

\* Omit word, words or provision if inapplicable

# Omit paragraph if inapplicable

*Note* The authority conferred by this warrant may be exercised only by an  
officer or staff member of an agency in relation to whom an approval under  
subsection 55 (3) of the *Telecommunications (Interception) Act 1979* is in  
force in relation to the warrant.

**[5] Schedule 4, heading**

*substitute*

**Schedule 4      Warrant under section 46  
for the interception of  
communications**

(subregulation 3 (3))

**[6] After Schedule 4***insert***Schedule 4A Named person warrant  
under section 46A**

(subregulation 3 (4))

**Commonwealth of Australia***Telecommunications (Interception) Act 1979***Warrant for interception of communications of named  
person****Named person** *[full known name, other known names,  
other known identifying information (e.g.,  
date of birth)]***Applicant agency** *[name]*

I, \_\_\_\_\_, \*an eligible Judge,/\*a  
nominated AAT member, within the meaning of the  
*Telecommunications (Interception) Act 1979*, acting under  
section 46A of that Act, and being satisfied, on the basis of the  
information given to me by the applicant agency, that:

- (a) Division 3 of Part VI of the Act has been complied with in  
relation to the application; and
- ##(b) because of urgent circumstances, it was necessary to make  
the application by telephone; and
- (c) there are reasonable grounds for suspecting that the named  
person is using, or is likely to use, more than 1  
telecommunications service; and



- (d) information that would be likely to be obtained by intercepting under a warrant communications made to or from any telecommunications service that the named person is using, or is likely to use, would be likely to assist in connection with the investigation by the agency of the following class 2 \*offence/\*offences, in which that person is involved:

*[short particulars of the class 2 \*offence/\*offences]; and*

- (e) having regard to:

- (i) 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 any telecommunications service used, or likely to be used, by the named person; and
- (ii) the gravity of the conduct constituting the \*offence/\*offences being investigated; and
- (iii) how much of the information referred to in paragraph (d) would be likely to assist in connection with the investigation by that agency of the \*offence/\*offences; and
- (iv) the extent to which methods (including the use of a warrant issued under section 46 of the Act) of investigating the \*offence/\*offences that do not involve the use of a warrant issued under section 46A of the Act in relation to the named person have been used by, or are available to, the agency; and
- (v) how much the use of such methods would be likely to assist in connection with the investigation by the agency of the \*offence/\*offences; and
- (vi) how much the use of such methods would be likely to prejudice the investigation by that agency of the \*offence/\*offences, whether because of a delay in obtaining some or all of that information or for any other reason;

some or all of that information cannot appropriately be obtained by such methods;

authorise interceptions of communications made to or from any telecommunications service that the named person is using, or is likely to use.

***Period of validity***

This warrant is in force until [*specify a date not more than 90 days away*].

***\*Conditions or restrictions***

Interceptions under this warrant are subject to the following \*conditions/\*restrictions:

[*details of conditions or restrictions*]

***\*Excluded services***

This warrant does not authorise the interception of communications made to or from the following telecommunications service/\*s:

[*details and location of service*]

Dated

\*Judge/\*nominated AAT member

- \* Omit word, words or provision if inapplicable
- # Omit paragraph if inapplicable

*Note* The authority conferred by this warrant may be exercised only by an officer or staff member of an agency in relation to whom an approval under subsection 55 (3) of the *Telecommunications (Interception) Act 1979* is in force in relation to the warrant.

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**[7] Schedule 5**

*omit*

Members of the Australian Federal Police

*insert*

The \*officers/\*staff members (*or as the case may be*)

**[8] Schedule 5**

*omit*

members of the Australian Federal Police

*insert*

the \*officers/\*staff members (*or as the case may be*)

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**Notes**

1. These Regulations amend Statutory Rules 1987 No. 329, as amended by 1994 No. 5; 1997 No. 421.
2. Made by the Governor-General on *5* 2000, and notified in the *Commonwealth of Australia Gazette* on *12* 2000.

*5 July*  
*12 July*