

# EXPLANATORY STATEMENT

## COMMONWEALTH OF AUSTRALIA

### AUSTRALIAN FEDERAL POLICE REGULATIONS (AMENDMENT)

1990 NO. 23

The Australian Federal Police Regulations (Amendment) prescribe the Listening Devices Act, 1972 (South Australia) for the purpose of subsection 12C(1) of the Australian Federal Police Act 1979 to preserve the operation of the South Australian Act to the extent that it provides for the application by members of the Australian Federal Police who are members of the staff of the National Crime Authority for listening device warrants "for the purposes of the investigation of a matter". The circumstances prescribed for the purposes of subsection 12C(1) are limited to the situation where a warrant is issued to such a member in relation to the investigation by the National Crime Authority of a Commonwealth offence that is not a class 1 or class 2 general offence in relation to which a warrant may be sought under section 12G of the Australian Federal Police Act 1979.

The Regulations also prescribe forms of warrant for the purposes of subsections 12G(2) and (4) of the Australian Federal Police Act 1979. Those provisions, which were inserted in the Act by the Law and Justice Legislation Amendment Act 1989, provide for the issue of warrants authorising the use, for the purpose of inquiries into specified serious offences against the law of the Commonwealth or of the Australian Capital Territory, of a listening device in relation to a particular person (subsection 12G(2)) or in relation to particular premises (subsection 12G(4)). Subsection 12G(8) provides that a warrant issued under section 12G must be in accordance with the appropriate prescribed form.

Authorised by the Attorney-General