

# **Australian Federal Police Regulations (Amendment) 1997 No. 375**

## EXPLANATORY STATEMENT

Statutory Rules 1997 No. 375

Issued by the authority of the Attorney-General

*Australian Federal Police Act 1979*

Australian Federal Police Regulations (Amendment)

The Australian Federal Police Regulations prescribe the forms of judicial warrant authorising the use of listening devices by members of the Australian Federal Police under Division 2 of Part II of the Act. The *Telecommunications (Interception) and Listening Device Amendment Act 1997* (the Amendment Act) amends the Act to provide, among other things, that the Minister administering the Act - at present either the Attorney-General or the Minister for Justice - may nominate certain members of the Administrative Appeals Tribunal (the AAT) to undertake the work of issuing listening device warrants to the Australian Federal Police. Other amendments of the Act confer on AAT members the power to issue warrants once they have been duly nominated.

The Australian Federal Police Regulations (Amendment) amend the forms of warrant to refer to nominated AAT members as persons capable of exercising the statutory authority to issue listening device warrants to members of the Australian Federal Police. The amendments are required because the existing prescribed forms are based on the premise that only eligible judges may issue warrants under the Act. References to eligible judges will remain in the prescribed forms of warrant.

Details of the regulations are attached.

The regulations commence on the same day the provisions listed in subsection 2(2) of the Amendment Act are proclaimed to come into effect (1 February 1998).

## DETAILS OF THE AUSTRALIAN FEDERAL POLICE REGULATIONS (AMENDMENT)

### **Regulation 1: Commencement**

This regulation specifies that the proposed regulations commence on 1 February 1998.

### **Regulation 2: Amendment**

This regulation gives effect to the amendments.

### **Regulation 3: Schedule 4 (Forms):**

This regulation amends Form 6 of Schedule 4 to insert in several places reference to 'a nominated AAT member within the meaning of the Australian *Federal Police Act 1979*' in addition to the existing references to 'an eligible judge'. Form 6 is the form prescribed for listening device warrants issued in respect of a particular person. As a result of the amendment, the prescribed form of warrant refers to both 'an eligible judge' and 'a nominated AAT member' as alternative persons capable of exercising the statutory power to issue a listening device warrant under Division 2 of Part 2 of the Act.

### **Regulation 4: Schedule 4 (Forms)**

This regulation makes the same amendments to Form 7 of Schedule 4. Form 7 is the form prescribed for listening device warrants issued in respect of particular premises.