



TRIPPLICAT

2002B00004

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Australian Federal Police Amendment Regulations 2002 (No. 1)¹

Statutory Rules 2002 No. ²

4

I, PETER JOHN HOLLINGWORTH, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Australian Federal Police Act 1979*.

Dated 14 FEB 2002 2002

PETER HOLLINGWORTH
Governor-General

By His Excellency's Command

DARYL WILLIAMS
Attorney-General

1 Name of Regulations

These Regulations are the *Australian Federal Police Amendment Regulations 2002* (No. 4).

2 Commencement

These Regulations commence on gazettal.

3 Amendment of *Australian Federal Police Regulations 1979*

Schedule 1 amends the *Australian Federal Police Regulations 1979*.

Schedule 1 Amendments

(regulation 3)

[1] Paragraph 27 (b)

omit

prescribed.

insert

prescribed; and

[2] After paragraph 27 (b)

insert

- (c) in respect of a warrant authorising officials to use a listening device in relation to a particular item, Form 6 in that Schedule is prescribed.

[3] Schedule 1, Forms 4 and 5*substitute***Form 4 Listening device warrant in relation
to a particular person (Act
s 12G (2))**

(paragraph 27 (a))

Commonwealth of Australia

*Australian Federal Police Act 1979***WARRANT UNDER SUBSECTION 12G (2) IN RELATION TO
A PARTICULAR PERSON**

To:

Members of the Australian Federal Police who may, under subsection 12J (1) of the *Australian Federal Police Act 1979*, exercise the authority conferred by this warrant.

1. I, ¹, [an eligible Judge/a nominated AAT member]^{*} (within the meaning of section 12B of the *Australian Federal Police Act 1979*), having been satisfied by information on oath of the matters specified in paragraph 12G (2) (b) of that Act, authorise you as follows:
 - (a) to use a listening device for the purpose of listening to, or recording, words spoken by, to, or in the presence of, ², anywhere in Australia;
 - [(b) [at any time of the day or night/between the hours of ³] to enter[, without permission first being sought or demand first being made,][#] any premises in which the person mentioned in paragraph 1 (a) of this warrant is, or is likely to be, for the purpose of installing, maintaining, testing, using or recovering the listening device or a part of the listening device;][#]
 - [(c) to take the following measures to effect entry:
 - ⁴.][#]

2. This warrant is issued on the basis of information given to me by ⁵, a member of the Australian Federal Police, in respect of an application for the issue of a warrant under subsection 12G (2) of the Act authorising the use of a listening device within the meaning of Division 2 of Part II of that Act in relation to the person mentioned in paragraph 1 (a) of this warrant.
- [3. This warrant is issued subject to the following conditions and restrictions:
- ^{6.]#}
4. This warrant takes effect from the time of its issue and remains in force until the end of ⁷.
- Issued on ⁸ at ⁹.

.....
 [Judge/nominated AAT member]*.

* *omit whichever is inapplicable*

omit if inapplicable

1 *insert full name of Judge or nominated AAT member*

2 *insert full name of person and, if known, his or her address and occupation*

3 *if applicable, insert times of day*

4 *if applicable, insert measures necessary to effect entry*

5 *insert full name and rank (if any) of applicant for warrant*

6 *if applicable, insert conditions/restrictions*

7 *insert a date within the period of 6 months that commences at the beginning of the day of issue of the warrant*

8 *insert date of issue*

9 *insert time of issue*

**Form 5 Listening device warrant in relation
to particular premises (Act
s 12G (4))**

(paragraph 27 (b))

Commonwealth of Australia

Australian Federal Police Act 1979

**WARRANT UNDER SUBSECTION 12G (4) IN RELATION TO
PARTICULAR PREMISES**

To:

Members of the Australian Federal Police who may, under subsection 12J (1) of the *Australian Federal Police Act 1979*, exercise the authority conferred by this warrant.

1. I, ¹, [an eligible Judge/a nominated AAT member]^{*} (within the meaning of section 12B of the *Australian Federal Police Act 1979*), having been satisfied by information on oath of the matters specified in paragraph 12G (4) (b) of that Act, authorise you as follows:
 - (a) to use a listening device for the purpose of listening to, or recording, words spoken by, or to, any person while the person is in ²,
 - [(b) [at any time of the day or night/between the hours of ³]^{*} to enter those premises[, without permission first being sought or demand first being made,][#] for the purpose of installing, maintaining, testing, using or recovering the listening device or a part of the listening device;][#]
 - [(c) to take the following measures to effect entry:
 - ⁴.][#]
2. This warrant is issued on the basis of information given to me by ⁵, a member of the Australian Federal Police, in respect of an application for the issue of a warrant under subsection 12G (4) of the Act authorising the use of a listening device within the meaning of

Division 2 of Part II of that Act in relation to the premises mentioned in paragraph 1 (a) of this warrant.

[3. This warrant is issued subject to the following conditions and restrictions:

• ^{6.]#}

4. This warrant takes effect from the time of its issue and remains in force until the end of ^{7.}

Issued on ⁸ at ^{9.}

.....
[Judge/nominated AAT member]*.

-
- * *omit whichever is inapplicable*
 - # *omit if inapplicable*
 - 1 *insert full name of Judge or nominated AAT member*
 - 2 *insert identifying details of premises in Australia*
 - 3 *if applicable, insert times of day*
 - 4 *if applicable, insert measures necessary to effect entry*
 - 5 *insert full name and rank (if any) of applicant for warrant*
 - 6 *if applicable, insert conditions/restrictions*
 - 7 *insert a date within the period of 6 months that commences at the beginning of the day of issue of the warrant*
 - 8 *insert date of issue*
 - 9 *insert time of issue*

Form 6 **Listening device warrant in relation to a particular item (Act s 12G (5A))**

(paragraph 27 (c))

Commonwealth of Australia

Australian Federal Police Act 1979

WARRANT UNDER SUBSECTION 12G (5A) IN RELATION TO A PARTICULAR ITEM

To:

Members of the Australian Federal Police who may, under subsection 12J (1) of the *Australian Federal Police Act 1979*, exercise the authority conferred by this warrant.

1. I, ¹, [an eligible Judge/a nominated AAT member]* (within the meaning of section 12B of the *Australian Federal Police Act 1979*), having been satisfied by information on oath of the matters specified in paragraph 12G (5A) (b) of that Act, authorise you as follows:
 - (a) to use a listening device for the purpose of listening to, or recording, words spoken by, or to, any person while the person is in the vicinity ² of (which may be located anywhere in Australia);
 - [(b) [at any time of the day or night/between the hours of ³* to enter[, without permission first being sought or demand first being made,]*# any premises in which that item is, or is likely to be, for the purpose of installing the listening device, or a part of the listening device, in or on that item, or for the purpose of maintaining, testing, using or recovering the listening device or a part of the listening device;]*#
 - [(c) to take the following measures to effect entry:
 - ⁴.]*#
2. This warrant is issued on the basis of information given to me by ⁵, a member of the Australian Federal Police, in respect of an application for

the issue of a warrant under subsection 12G (5A) of the Act authorising the use of a listening device within the meaning of Division 2 of Part II of that Act in relation to the item mentioned in paragraph 1 (a) of this warrant.

[3. This warrant is issued subject to the following conditions and restrictions:

- ^{6.}]

4. This warrant takes effect from the time of its issue and remains in force until the end of ^{7.}

Issued on ⁸ at ^{9.}

.....
[Judge/nominated AAT member]*.

* *omit whichever is inapplicable*

omit if inapplicable

1 *insert full name of Judge or nominated AAT member*

2 *insert description of item*

3 *if applicable, insert times of day*

4 *if applicable, insert measures necessary to effect entry*

5 *insert full name and rank (if any) of applicant for warrant*

6 *if applicable, insert conditions/restrictions*

7 *insert a date within the period of 6 months that commences at the beginning of the day of issue of the warrant*

8 *insert date of issue*

9 *insert time of issue*

Notes

1. These Regulations amend Statutory Rules 1979 No. 210, as amended by 1980 No. 140; 1981 Nos. 161 and 192; 1982 Nos. 199 and 282; 1983 No. 158; 1984 Nos. 164, 296 (as amended by 1985 No. 82) and 297; 1985 Nos. 82 and 293; 1986 No. 299; 1987 No. 14; 1988 Nos. 83, 84 and 363; 1989 Nos. 1, 139, 343, 344, 361 and 362; 1990 Nos. 23, 87, 273 and 409; 1992 No. 298; 1993 No. 60; 1994 No. 113; 1995 No. 324; 1996 Nos. 171 and 330; 1997 No. 375; 1998 No. 232; 2000 Nos. 137 and 138; 2001 No. 77.
2. Notified in the *Commonwealth of Australia Gazette* on *L* 2002. *21 February*