

EXPLANATORY STATEMENT

Telecommunications (Interception and Access) Act 1979

Declaration of the Office of Police Integrity

Under the *Telecommunications (Interception and Access) Act 1979* (the Act), the power to intercept telecommunications under a warrant for the purposes of law enforcement is confined to the Australian Federal Police, the Australian Crime Commission or to an ‘eligible authority’ of a State in relation to which a declaration under subsection 34(1) is in force. The eligible authorities specified in the Act are:

- the police services of each State and of the Northern Territory;
- in New South Wales - the Crime Commission, the Independent Commission Against Corruption, the Inspector of the Independent Commission Against Corruption, the Police Integrity Commission or the Inspector of the Police Integrity Commission;
- in Victoria - the Office of Police Integrity;
- in Queensland - the Crime and Misconduct Commission; and
- in Western Australia - the Corruption and Crime Commission or the Parliamentary Inspector of the Corruption and Crime Commission.

Subsection 34(1) gives the Attorney-General, as the Minister responsible for the administration of the Act, a discretion to declare an eligible authority of a State to be an agency for the purposes of the Act. Acquiring the status of an agency means that the eligible authority concerned may then apply for and execute telecommunications interception warrants in its own right.

A declaration may only be made under subsection 34(1) where the law of the relevant State makes satisfactory provision in relation to the matters enumerated in subsection 35(1) of the Act and the relevant State has entered into an agreement relating to costs

arising from the issue of warrants to, and the execution of warrants issued to, the relevant eligible authority.

The *Telecommunications (Interception) (State Provisions) Act 1988 (Vic)* makes provision complying with the requirements of subsection 35(1) of the Act and Victoria has entered into an agreement with the Commonwealth undertaking to pay the costs set out in subsection 35(2) as regards the Office of Police Integrity. Accordingly, the Attorney-General has executed an instrument declaring the Office of Police Integrity to be an agency for the purposes of the Act.

The details of previous declarations under subsection 34(1) are as follows:

Victoria Police Service	28 October 1988
New South Wales Crime Commission	30 January 1989
New South Wales Police Service	30 January 1989
Independent Commission Against Corruption	6 June 1990
Police Force of South Australia	10 July 1991
Western Australia Police Service	15 July 1997
New South Wales Police Integrity Commission	14 July 1998
Western Australian Corruption and Crime Commission	29 March 2004
Tasmania Police Service	5 February 2005
Northern Territory Police	25 October 2006
Corruption and Crime Commission of Western Australia	27 October 2006