



Telecommunications (Interception and Access) Amendment Act 2023

No. 51, 2023

An Act to amend the *Telecommunications (Interception and Access) Act 1979*, and for related purposes

Note: An electronic version of this Act is available on the Federal Register of Legislation (<https://www.legislation.gov.au/>)

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Telecommunications (Interception and Access) Amendment Act 2023

No. 51, 2023

An Act to amend the *Telecommunications (Interception and Access) Act 1979*, and for related purposes

[Assented to 10 August 2023]

The Parliament of Australia enacts:

1 Short title

This Act is the *Telecommunications (Interception and Access) Amendment Act 2023*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of the Act	The day this Act receives the Royal Assent.	10 August 2023

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Telecommunications (Interception and Access) Act 1979

1 After subsection 65(1)

Insert:

- (1A) The Director-General of Security may:
- (a) personally, or by a person authorised by the Director-General of Security; and
 - (b) for the purposes (if any) approved by the Attorney-General in writing; and
 - (c) subject to the conditions (if any) specified by the Attorney-General in writing;
- communicate foreign intelligence information to another person (the *second person*), other than a person to whom the Director-General could communicate the information under subsection (1) or 64(2).
- (1B) The second person to whom the foreign intelligence information is communicated under subsection (1A), and any other person to whom that information is communicated under this subsection, may communicate it to another person, and use and make a record of it.

2 Subsection 65(2)

Omit “in accordance with subsection (1), or in accordance with an approval given under this subsection, may”, substitute “under subsection (1) may, in the proper performance or exercise of the person’s functions, duties or powers”.

3 Paragraphs 65(2)(a) and (b)

Repeal the paragraphs, substitute:

- (a) for the purposes (if any) approved, and subject to the conditions (if any) specified, by the Attorney-General in writing:
 - (i) communicate that information to another person (the *second person*); and

(ii) use that information; and

4 At the end of subsection 65(2)

Add:

; and the second person, and any other person to whom that information is communicated under this subsection may communicate it to another person, and use and make a record of it.

5 Subsection 65(3)

After “(1)”, insert “, (1A), (1B)”.

6 Subsection 65(6A)

Omit “under subsection (2)”, substitute “or a condition under subsection (1A) or (2)”.

7 After subsection 137(1)

Insert:

(1A) The Director-General of Security may:

(a) for the purposes (if any) approved by the Attorney-General in writing; and

(b) subject to the conditions (if any) specified by the Attorney-General in writing;

communicate foreign intelligence information to another person (the *second person*), other than a person to whom the Director-General could communicate the information under subsection (1) or 136(2).

(1B) The second person to whom the foreign intelligence information is communicated under subsection (1A), and any other person to whom that information is communicated under this subsection, may communicate it to another person, and use and make a record of it.

8 Subsection 137(2)

After “communication”, insert “under subsection (1) or (1A)”.

9 Subsection 137(3)

Repeal the subsection, substitute:

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- (3) A person to whom foreign intelligence information has been communicated under subsection (1) may, in the proper performance or exercise of the person's functions, duties or powers:
- (a) for the purposes (if any) approved, and subject to the conditions (if any) specified, by the Attorney-General in writing:
 - (i) communicate that information to another person (the ***second person***); and
 - (ii) use that information; and
 - (b) make a record of that information;
- and the second person, and any other person to whom that information is communicated under this subsection, may communicate it to another person, and use and make a record of it.

10 Subsection 137(4)

Omit "under subsection (3)", substitute "or a condition under subsection (1A) or (3)".

11 Application of amendments

The amendments made by this Schedule apply in relation to the communication, use or making of records of foreign intelligence information that occurs after the commencement of this Schedule, whether the foreign intelligence information was obtained from interceptions made before or after that commencement.

*[Minister's second reading speech made in—
House of Representatives on 7 August 2023
Senate on 9 August 2023]*

(104/23)