



# **Crimes and Other Legislation Amendment (Omnibus No. 1) Act 2024**

**No. 93, 2024**

**An Act to amend legislation relating to the criminal  
law, law enforcement and telecommunications, 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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## Contents

1	Short title.....	1
2	Commencement .....	2
3	Schedules .....	3
<b>Schedule 1—Seizing digital assets</b>		<b>4</b>
Part 1—Main amendments		4
<i>Crimes Act 1914</i>		4
<i>Proceeds of Crime Act 2002</i>		14
Part 2—Other amendments		22
<i>National Anti-Corruption Commission Act 2022</i>		22
<b>Schedule 2—Digital currency exchanges</b>		<b>24</b>
<i>Proceeds of Crime Act 2002</i>		24
<b>Schedule 3—Penalty unit</b>		<b>27</b>
<i>Crimes Act 1914</i>		27
<b>Schedule 4—Communications Access Coordinator and Communications Security Coordinator</b>		<b>28</b>
Part 1—Amendments		28
<i>Telecommunications Act 1997</i>		28
<i>Telecommunications (Interception and Access) Act 1979</i>		35
Part 2—Application, saving and transitional provisions		48
Division 1—Telecommunications Act 1997		48
Division 2—Telecommunications (Interception and Access) Act 1979		52
<b>Schedule 5—Information sharing between integrity agencies and oversight bodies</b>		<b>55</b>
<i>Telecommunications (Interception and Access) Act 1979</i>		55
<b>Schedule 6—Unauthorised disclosure of information by current and former Commonwealth officers etc.— sunsetting extension</b>		<b>89</b>
<i>Criminal Code Act 1995</i>		89
<b>Schedule 7—Meaning of hors de combat</b>		<b>90</b>

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Part 1—Amendments	90
<i>Criminal Code Act 1995</i>	90
Part 2—Application of amendment	91



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No. 93, 2024

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**An Act to amend legislation relating to the criminal law, law enforcement and telecommunications, and for related purposes**

*[Assented to 24 October 2024]*

The Parliament of Australia enacts:

## **1 Short title**

This Act is the *Crimes and Other Legislation Amendment (Omnibus No. 1) Act 2024*.

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## 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.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	24 October 2024
2. Schedule 1	The day after the end of the period of 1 month beginning on the day this Act receives the Royal Assent.	24 November 2024
3. Schedule 2	The day after this Act receives the Royal Assent.	25 October 2024
4. Schedule 3	The 14th day after this Act receives the Royal Assent.	7 November 2024
5. Schedules 4 to 6	The day after this Act receives the Royal Assent.	25 October 2024
6. Schedule 7, Part 1	26 September 2002.	26 September 2002
7. Schedule 7, Part 2	The day after this Act receives the Royal Assent.	25 October 2024

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.

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### **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—Seizing digital assets

### Part 1—Main amendments

#### *Crimes Act 1914*

##### 1 Subsection 3C(1)

Insert:

*digital asset* means:

- (a) a digital representation of value or rights (including rights to property), the ownership of which is evidenced cryptographically and that is held and transferred electronically by:
    - (i) a type of distributed ledger technology; or
    - (ii) another distributed cryptographically verifiable data structure; or
  - (b) a right or thing prescribed by the regulations;
- but does not include any right or thing that, under the regulations, is taken not to be a digital asset for the purposes of this Part.

*seize*, for a digital asset, has a meaning affected by subsection 3FA(8).

##### 2 At the end of subsection 3E(5)

Add:

Note: The power to seize a digital asset under the warrant and certain other powers may be exercised after the warrant expires: see subsection 3FA(10).

##### 3 After paragraph 3E(6)(a)

Insert:

- (aa) that the warrant authorises the seizure of a digital asset if paragraphs 3FA(1)(a) to (c) are satisfied; and

##### 4 After paragraph 3E(7)(a)

Insert:



- (aa) that the warrant authorises the seizure of a digital asset if paragraphs 3FA(2)(a) to (c) are satisfied; and

## **5 Section 3F (heading)**

Repeal the heading, substitute:

### **3F The things authorised by a search warrant—general**

## **6 After section 3F**

Insert:

### **3FA The things authorised by a search warrant—additional things for digital assets**

*Warrant in relation to premises—authority to seize digital assets*

- (1) A warrant that is in force in relation to premises authorises the executing officer or a constable assisting to seize a digital asset if:
- (a) in the course of exercising powers under this Part, the executing officer or a constable assisting finds one or more things that suggest the existence of the digital asset; and
  - (b) the executing officer or a constable assisting reasonably suspects the digital asset to be:
    - (i) evidential material in relation to an offence to which the warrant relates; or
    - (ii) evidential material in relation to another offence that is an indictable offence; or
    - (iii) evidential material (within the meaning of the *Proceeds of Crime Act 2002*) or tainted property (within the meaning of that Act); and
  - (c) the executing officer or a constable assisting reasonably suspects that seizing the digital asset is necessary to prevent the digital asset's concealment, loss or destruction or its use in committing an offence.

Note: For the purposes of paragraph (a), the digital asset need not be found at the premises. Data accessed using powers under this Part may suggest the existence of the digital asset. For example, a thing suggesting the existence of the digital asset could be found by accessing data using electronic equipment moved from the premises: see section 3LAA.

*Warrant in relation to person—authority to seize digital assets*

- (2) A warrant that is in force in relation to a person authorises the executing officer or a constable assisting to seize a digital asset if:
- (a) in the course of exercising powers under this Part, the executing officer or a constable assisting finds one or more things that suggest the existence of the digital asset; and
  - (b) the executing officer or a constable assisting reasonably suspects the digital asset to be:
    - (i) evidential material in relation to an offence to which the warrant relates; or
    - (ii) evidential material in relation to another offence that is an indictable offence; or
    - (iii) evidential material (within the meaning of the *Proceeds of Crime Act 2002*) or tainted property (within the meaning of that Act); and
  - (c) the executing officer or a constable assisting reasonably suspects that seizing the digital asset is necessary to prevent the digital asset's concealment, loss or destruction or its use in committing an offence.

Note: For the purposes of paragraph (a), the digital asset need not be found in the person's possession. Data accessed using powers under this Part may suggest the existence of the digital asset. For example, a thing suggesting the existence of the digital asset could be found by accessing data using electronic equipment moved from the person's possession: see section 3LAA.

*Use of electronic equipment etc. to seize a digital asset etc.*

- (3) A warrant that is in force authorises the executing officer or a constable assisting:
- (a) to use:
    - (i) a computer, or data storage device, found in the course of a search authorised under the warrant; or
    - (ii) a telecommunications facility operated or provided by the Commonwealth or a carrier; or
    - (iii) any other electronic equipment; or
    - (iv) a data storage device;for the purpose of seizing a digital asset under the warrant; and

- (b) if necessary to achieve that purpose—to add, copy, delete or alter data in the computer or device mentioned in subparagraph (a)(i); and
- (c) if it is reasonable in all the circumstances to do so for the purpose of seizing a digital asset under the warrant:
  - (i) to use any other computer or a communication in transit; and
  - (ii) if necessary to achieve that purpose—to add, copy, delete or alter data in the other computer or the communication in transit; and
- (d) to do any other thing reasonably incidental to any of the above.

*Use of electronic equipment etc. to access data to determine the existence of a digital asset that may be seized etc.*

- (4) A warrant that is in force authorises the executing officer or a constable assisting:
  - (a) to use:
    - (i) a computer, or data storage device, found in the course of a search authorised under the warrant; or
    - (ii) a telecommunications facility operated or provided by the Commonwealth or a carrier; or
    - (iii) any other electronic equipment; or
    - (iv) a data storage device;for the purpose of obtaining access to data (the **relevant data**) that is held in the computer or device mentioned in subparagraph (i) at any time when the warrant is in force, in order to determine whether the relevant data suggests the existence of a digital asset that may be seized under the warrant; and
  - (b) if necessary to achieve that purpose—to add, copy, delete or alter other data in the computer or device mentioned in subparagraph (a)(i); and
  - (c) if, having regard to other methods (if any) of obtaining access to the relevant data which are likely to be as effective, it is reasonable in all the circumstances to do so:
    - (i) to use any other computer or a communication in transit to access the relevant data; and

- (ii) if necessary to achieve that purpose—to add, copy, delete or alter other data in the other computer or the communication in transit; and
- (d) to copy any data to which access has been obtained, and that:
  - (i) appears to be relevant for the purposes of determining whether the relevant data suggests the existence of a digital asset that may be seized under the warrant; or
  - (ii) suggests the existence of a digital asset that may be seized under the warrant; and
- (e) to do any other thing reasonably incidental to any of the above.

Note: As a result of the warrant, a person who, by means of a telecommunications facility, obtains access to data stored in a computer etc. will not commit an offence under Part 10.7 of the *Criminal Code* or equivalent State or Territory laws (provided that the person acts within the authority of the warrant).

- (5) A warrant that is in force authorises the executing officer or a constable assisting:
  - (a) to use:
    - (i) a computer found in the course of a search authorised under the warrant; or
    - (ii) a telecommunications facility operated or provided by the Commonwealth or a carrier; or
    - (iii) any other electronic equipment;for the purpose of obtaining access to data (the ***relevant account-based data***) that is account-based data in relation to:
    - (iv) a person who is the owner or lessee of the computer mentioned in subparagraph (i); or
    - (v) a person who uses or has used the computer mentioned in subparagraph (i); or
    - (vi) a deceased person who, before the person's death, was the owner or lessee of the computer mentioned in subparagraph (i); or
    - (vii) a deceased person who, before the person's death, used the computer mentioned in subparagraph (i);in order to determine whether the relevant account-based data suggests the existence of a digital asset that may be seized under the warrant; and

- (b) if necessary to achieve the purpose mentioned in paragraph (a)—to add, copy, delete or alter other data in the computer mentioned in subparagraph (a)(i); and
- (c) if, having regard to other methods (if any) of obtaining access to the relevant account-based data which are likely to be as effective, it is reasonable in all the circumstances to do so:
  - (i) to use any other computer or a communication in transit to access the relevant account-based data; and
  - (ii) if necessary to achieve that purpose—to add, copy, delete or alter other data in the other computer or the communication in transit; and
- (d) to copy any data to which access has been obtained, and that:
  - (i) appears to be relevant for the purposes of determining whether the relevant account-based data suggests the existence of a digital asset that may be seized under the warrant; or
  - (ii) suggests the existence of a digital asset that may be seized under the warrant; and
- (e) to do any other thing reasonably incidental to any of the above.

*Limitation*

- (6) Subsections (3), (4) and (5) do not authorise the addition, deletion or alteration of data, or the doing of any thing, that is likely to:
  - (a) materially interfere with, interrupt or obstruct:
    - (i) a communication in transit; or
    - (ii) the lawful use by other persons of a computer;unless the addition, deletion or alteration, or the doing of the thing, is necessary to do one or more of the things specified in the warrant; or
  - (b) cause any other material loss or damage to other persons lawfully using a computer.

*Operation of electronic equipment to seize a digital asset*

- (7) A warrant that is in force also authorises the executing officer or a constable assisting:

- (a) for a warrant in relation to premises—to operate electronic equipment at the premises for the purpose of seizing a digital asset under the warrant; and
- (b) if electronic equipment is moved to another place under subsection 3K(2)—to operate the equipment for the purpose of seizing a digital asset under the warrant.

*Additional ways of seizing digital assets*

- (8) **Seizing** a digital asset under a warrant includes any of the following:
- (a) transferring the digital asset from an existing digital wallet (or some other thing) to a digital wallet (or other thing) controlled by the Australian Federal Police or a police force or police service of a State or Territory;
  - (b) transferring the digital asset:
    - (i) from a digital wallet (or some other thing) recreated or recovered by the Australian Federal Police or a police force or police service of a State or Territory using things found in the course of the search authorised by the warrant; and
    - (ii) to a digital wallet (or other thing) controlled by the Australian Federal Police or a police force or police service of a State or Territory;
  - (c) transferring the digital asset in circumstances prescribed by regulations made for the purposes of this paragraph.

Note: The ordinary meaning of seizing a digital asset is extended by the additional ways mentioned in this subsection.

*Time limit for seizing digital assets etc.*

- (9) The power to seize a digital asset under the warrant, or a power covered by subsection (3) or paragraph (7)(b) relating to seizing a digital asset under the warrant, may be exercised, to the extent that the exercise of the power relates to a thing referred to in paragraph (1)(a) or (2)(a) for the warrant, only during the period starting when the warrant is issued and ending at:
- (a) if the thing is moved to another place under subsection 3K(2)—the time applicable under

subsection 3K(3A) or that time as previously extended as described in subsection 3K(3B); or

- (b) if the thing is seized under this Division—any time that the thing must be returned as described in Subdivision B of Division 4C of this Part; or
- (c) if the thing is data that is copied under this Division—the time the Commissioner is satisfied that the data is not required (or is no longer required):
  - (i) for a purpose mentioned in section 3ZQU; or
  - (ii) for other judicial or administrative review proceedings;  
or
- (d) otherwise—the end of the period of 30 days starting on the day the warrant is issued.

Note: This means the power to seize the digital asset may be exercised at different times if there is more than one thing referred to in paragraph (1)(a) or (2)(a) that suggests the existence of the digital asset.

For example, if 2 or more things referred to in paragraph (1)(a) or (2)(a) suggest the existence of the digital asset, seizure of the digital asset may occur during the longest period that applies to the digital asset as a result of the application of this subsection in relation to each of those things.

- (10) If the period applicable under subsection (9) ends after the warrant expires, the powers referred to in that subsection may be exercised during that period as if the warrant were still in force.

*Things done in relation to warrants may be done remotely etc.*

- (11) For a warrant related to premises, it is immaterial whether:
  - (a) a digital asset is seized, as described in this section, at the premises or at any other place; or
  - (b) a thing mentioned in subsection (3), (4) or (5) is done at the premises or at any other place.
- (12) For a warrant related to a person, it is immaterial whether:
  - (a) a digital asset is seized, as described in this section, in the presence of the person or at any other place; or
  - (b) a thing mentioned in subsection (3), (4) or (5) is done in the presence of the person or at any other place.

**7 At the end of subsection 3K(1)**

Add “or a thing that suggests the existence of a digital asset that may be seized under the warrant”.

**8 Subsection 3K(2)**

Omit “in order to determine whether it may be seized under a warrant”, substitute “in order to determine whether the thing may be seized under a warrant, or the thing suggests the existence of a digital asset that may be seized under a warrant,”.

**9 Subparagraph 3K(2)(a)(ii)**

After “evidential material”, insert “or the thing suggests the existence of a digital asset that may be seized under a warrant”.

**10 Subsection 3K(4)**

After “thing that may be seized under the warrant”, insert “, or a thing that suggests the existence of a digital asset that may be seized under the warrant,”.

**11 Paragraphs 3K(5)(a) and (d)**

After “is a thing that may be seized under the warrant”, insert “or a thing that suggests the existence of a digital asset that may be seized under the warrant”.

**12 Paragraphs 3K(6)(a) and (d)**

After “is a thing that may be seized under the warrant”, insert “or a thing that suggests the existence of a digital asset that may be seized under the warrant”.

**13 Subparagraphs 3K(7)(a)(iii) and (iv)**

After “is a thing that may be seized under the warrant”, insert “, or a thing that suggests the existence of a digital asset that may be seized under the warrant,”.

**14 At the end of subsection 3L(1)**

Add “or suggests the existence of a digital asset that may be seized under the warrant”.



**15 Subsection 3L(1A)**

After “constitutes evidential material”, insert “or suggests the existence of a digital asset that may be seized under the warrant”.

**16 Subsection 3L(2)**

After “doing so”, insert “or finds a thing (whether or not held on the equipment) that suggests the existence of a digital asset that may be seized under the warrant”.

**17 Paragraph 3L(2)(b)**

After “material” (wherever occurring), insert “or thing”.

**18 Paragraph 3L(3)(a)**

After “material”, insert “or thing”.

**19 Subsection 3LAA(2)**

After “constitutes evidential material,”, insert “or suggests the existence of a digital asset that may be seized under a warrant,”.

**20 Subsection 3LAA(4)**

After “doing so”, insert “or finds a thing (whether or not held on the equipment) that suggests the existence of a digital asset that may be seized under a warrant”.

**21 Paragraph 3LAA(4)(b)**

After “material” (wherever occurring), insert “or thing”.

**22 Paragraph 3LAA(5)(a)**

After “material”, insert “or thing”.

**23 Paragraph 3LAA(5)(b)**

Omit “paragraph 3K(2)(a) or (b)”, substitute “paragraph 3K(2)(b) or (c)”.

**24 Paragraph 3M(1)(a)**

Before “section 3K”, insert “subsection 3FA(7) or”.

**25 After paragraph 3N(2)(a)**

Insert:

(aaa) the thing that has been seized is a digital asset or a thing that suggests the existence of a digital asset; or

**26 Subsection 3ZQV(2)**

After “evidential material”, insert “, or whether data that suggests the existence of a digital asset that may be seized under a warrant,”.

***Proceeds of Crime Act 2002***

**27 After paragraph 227(1)(h)**

Insert:

(haa) that the warrant authorises the \*seizure of a \*digital asset if paragraphs 228A(1)(a) to (c) are satisfied; and

**28 At the end of subsection 227(1)**

Add:

Note: The power to seize a digital asset under the warrant and certain other powers may be exercised after the warrant expires: see subsection 228A(8).

**29 Section 228 (heading)**

Repeal the heading, substitute:

**228 The things authorised by a search warrant—general**

**30 At the end of Subdivision A of Division 1 of Part 3-5**

Add:

**228A The things authorised by a search warrant—additional things for digital assets**

*Authority to seize digital assets*

(1) A \*search warrant authorises the \*executing officer or a \*person assisting to \*seize a \*digital asset if:

- (a) in the course of exercising powers under this Part, the executing officer or a person assisting finds one or more things that suggest the existence of the digital asset; and
- (b) the executing officer or a person assisting reasonably suspects the digital asset to be:
  - (i) \*tainted property to which the warrant relates; or
  - (ii) \*evidential material in relation to property to which the warrant relates; or
  - (iii) evidential material (within the meaning of the *Crimes Act 1914*) relating to an \*indictable offence; and
- (c) the executing officer or a person assisting reasonably suspects that seizing the digital asset is necessary to prevent the digital asset's concealment, loss or destruction or its use in committing an offence.

Note: For the purposes of paragraph (a), the digital asset need not be found at the premises. Data accessed using powers under this Part may suggest the existence of the digital asset. For example, a thing suggesting the existence of the digital asset could be found by accessing data not held at the premises: see section 245.

*Use of electronic equipment etc. to seize a digital asset etc.*

- (2) A \*search warrant authorises the \*executing officer or a \*person assisting:
  - (a) to use:
    - (i) a computer, or \*data storage device, found in the course of a search authorised under the warrant; or
    - (ii) a \*telecommunications facility operated or provided by the Commonwealth or a \*carrier; or
    - (iii) any other electronic equipment; or
    - (iv) a data storage device;for the purpose of \*seizing a \*digital asset under the warrant; and
  - (b) if necessary to achieve that purpose—to add, copy, delete or alter \*data in the computer or device mentioned in subparagraph (a)(i); and
  - (c) if it is reasonable in all the circumstances to do so for the purpose of seizing a digital asset under the warrant:

- (i) to use any other computer or a \*communication in transit; and
- (ii) if necessary to achieve that purpose—to add, copy, delete or alter data in the other computer or the communication in transit; and
- (d) to do any other thing reasonably incidental to any of the above.

*Use of electronic equipment etc. to access data to determine the existence of a digital asset that may be seized etc.*

- (3) A \*search warrant authorises the \*executing officer or a \*person assisting:
- (a) to use:
    - (i) a computer, or \*data storage device, found in the course of a search authorised under the warrant; or
    - (ii) a \*telecommunications facility operated or provided by the Commonwealth or a \*carrier; or
    - (iii) any other electronic equipment; or
    - (iv) a data storage device;for the purpose of obtaining access to \*data (the ***relevant data***) that is held in the computer or device mentioned in subparagraph (i) at any time when the warrant is in force, in order to determine whether the relevant data suggests the existence of a \*digital asset that may be \*seized under the warrant; and
  - (b) if necessary to achieve that purpose—to add, copy, delete or alter other data in the computer or device mentioned in subparagraph (a)(i); and
  - (c) if, having regard to other methods (if any) of obtaining access to the relevant data which are likely to be as effective, it is reasonable in all the circumstances to do so:
    - (i) to use any other computer or a \*communication in transit to access the relevant data; and
    - (ii) if necessary to achieve that purpose—to add, copy, delete or alter other data in the other computer or the communication in transit; and
  - (d) to copy any data to which access has been obtained, and that:

- (i) appears to be relevant for the purposes of determining whether the relevant data suggests the existence of a digital asset that may be seized under the warrant; or
  - (ii) suggests the existence of a digital asset that may be seized under the warrant; and
- (e) to do any other thing reasonably incidental to any of the above.

Note: As a result of the warrant, a person who, by means of a telecommunications facility, obtains access to data stored in a computer etc. will not commit an offence under Part 10.7 of the *Criminal Code* or equivalent State or Territory laws (provided that the person acts within the authority of the warrant).

*Limitation*

- (4) Subsections (2) and (3) do not authorise the addition, deletion or alteration of \*data, or the doing of any thing, that is likely to:
- (a) materially interfere with, interrupt or obstruct:
    - (i) a \*communication in transit; or
    - (ii) the lawful use by other persons of a computer;unless the addition, deletion or alteration, or the doing of the thing, is necessary to do one or more of the things specified in the warrant; or
  - (b) cause any other material loss or damage to other persons lawfully using a computer.

*Operation of electronic equipment to seize a digital asset*

- (5) A \*search warrant also authorises the \*executing officer or a \*person assisting:
- (a) to operate electronic equipment at the \*premises for the purpose of \*seizing a \*digital asset under the warrant; and
  - (b) if electronic equipment is moved to another place under subsection 244(1)—to operate the equipment for the purpose of seizing a digital asset under the warrant.

*Additional ways of seizing digital assets*

- (6) **Seizing** a \*digital asset under a \*search warrant includes any of the following:

- (a) transferring the digital asset from an existing digital wallet (or some other thing) to a digital wallet (or other thing) controlled by an \*enforcement agency;
- (b) transferring the digital asset:
  - (i) from a digital wallet (or some other thing) recreated or recovered by an enforcement agency using things found in the course of the search authorised by the warrant; and
  - (ii) to a digital wallet (or other thing) controlled by an enforcement agency;
- (c) transferring the digital asset in circumstances prescribed by regulations made for the purposes of this paragraph.

Note: The ordinary meaning of seizing a digital asset is extended by the additional ways mentioned in this subsection.

*Time limit for seizing digital assets etc.*

- (7) The power to \*seize a \*digital asset under the \*search warrant, or a power covered by subsection (2) or paragraph (5)(b) relating to seizing a digital asset under the search warrant, may be exercised, to the extent that the exercise of the power relates to a thing referred to in paragraph (1)(a) for the warrant, only during the period starting when the warrant is issued and ending at:
  - (a) if the thing is moved to another place under subsection 244(1)—the time applicable under subsection 244(2) or that time as previously extended as described in subsection 244(3); or
  - (b) if the thing is seized under this Part—any time that the thing must be returned as described in Subdivision B or C of Division 3 of this Part; or
  - (c) if the thing is \*data that is copied under this Division—the time the head of the \*enforcement agency covered by subsection 225(3) is satisfied that the data is not required (or is no longer required):
    - (i) for a purpose mentioned in section 266A; or
    - (ii) for other judicial or administrative review proceedings; or
  - (d) otherwise—the end of the period of 30 days starting on the day the warrant is issued.

Note: This means the power to seize the digital asset may be exercised at different times if there is more than one thing referred to in paragraph (1)(a) that suggests the existence of the digital asset.

For example, if 2 or more things referred to in paragraph (1)(a) suggest the existence of the digital asset, seizure of the digital asset may occur during the longest period that applies to the digital asset as a result of the application of this subsection in relation to each of those things.

- (8) If the period applicable under subsection (7) ends after the \*search warrant expires, the powers referred to in that subsection may be exercised during that period as if the warrant were still in force.

*Things done in relation to warrants may be done remotely etc.*

- (9) It is immaterial whether:
- (a) a \*digital asset is \*seized, as described in this section, at the \*premises that are the subject of the \*search warrant or at any other place; or
  - (b) a thing mentioned in subsection (2) or (3) is done at the premises that are the subject of the search warrant or at any other place.

### **31 At the end of subsection 243(1)**

Add “or it is a thing that suggests the existence of a \*digital asset that may be \*seized under the search warrant in question”.

### **32 Subsection 244(1)**

Omit “in order to determine whether it may be seized under a \*search warrant”, substitute “in order to determine whether the thing may be seized under a \*search warrant, or the thing suggests the existence of a \*digital asset that may be \*seized under a search warrant.”.

### **33 Subparagraph 244(1)(a)(i)**

After “\*evidential material”, insert “or the thing suggests the existence of a digital asset that may be seized under a search warrant”.

### **34 Paragraph 245(1)(a)**

After “\*evidential material”, insert “or might suggest the existence of a \*digital asset that may be \*seized under a \*search warrant”.

**35 Subsection 245(2)**

After “\*evidential material”, insert “or might suggest the existence of a \*digital asset that may be \*seized under a \*search warrant”.

**36 Subsection 245(3)**

After “accessible using the equipment”, insert “or finds a thing (whether or not held on the equipment) that suggests the existence of a \*digital asset that may be \*seized under a \*search warrant”.

**37 Paragraph 245(3)(b)**

After “material” (wherever occurring), insert “or thing”.

**38 Subsection 245(4)**

Omit “An \*authorised officer”, substitute “The \*executing officer or a \*person assisting”.

**39 Paragraph 245(4)(a)**

After “material”, insert “or thing”.

**40 Paragraph 248(1)(a)**

Before “section 243”, insert “subsection 228A(5) or”.

**41 After paragraph 249(3)(a)**

Insert:

- (aa) the thing that has been \*seized is a \*digital asset or a thing that suggests the existence of a digital asset; or

**42 Section 338**

Insert:

*carrier* means:

- (a) a carrier within the meaning of the *Telecommunications Act 1997*; or
- (b) a carriage service provider within the meaning of that Act.

*communication in transit* means a communication (within the meaning of the *Telecommunications Act 1997*) passing over a telecommunications network (within the meaning of that Act).



**digital asset** means:

- (a) a digital representation of value or rights (including rights to property), the ownership of which is evidenced cryptographically and that is held and transferred electronically by:
    - (i) a type of distributed ledger technology; or
    - (ii) another distributed cryptographically verifiable data structure; or
  - (b) a right or thing prescribed by the regulations;
- but does not include any right or thing that, under the regulations, is taken not to be a digital asset for the purposes of this Act.

**seize**, for a \*digital asset, has a meaning affected by subsection 228A(6).

**telecommunications facility** means a facility within the meaning of the *Telecommunications Act 1997*.

### **43 Application of amendments**

- (1) The amendments of the *Crimes Act 1914* made by this Part apply in relation to an application for a warrant under Division 2 of Part IAA of that Act made on or after the commencement of this item:
  - (a) whether the conduct or offence to which the application relates occurred before, on or after that commencement; and
  - (b) whether property or other things to which the application relates were acquired or came into existence before, on or after that commencement.
- (2) The amendments of the *Proceeds of Crime Act 2002* made by this Part apply in relation to an application for a search warrant under Part 3-5 of that Act made on or after the commencement of this item:
  - (a) whether the conduct or offence to which the application relates occurred before, on or after that commencement; and
  - (b) whether property or other things to which the application relates were acquired or came into existence before, on or after that commencement.

## Part 2—Other amendments

### *National Anti-Corruption Commission Act 2022*

#### **44 Section 126 (heading)**

After “3F,” insert “3FA,”.

#### **45 At the end of subsection 126(1)**

Add:

; (d) subparagraphs 3FA(1)(b)(i) and (2)(b)(i).

#### **46 After subsection 126(4)**

Insert:

*Subparagraphs 3FA(1)(b)(ii) and (2)(b)(ii)—evidential material*

(4A) The *Crimes Act 1914* has effect as if subparagraphs 3FA(1)(b)(ii) and (2)(b)(ii) of that Act were substituted with the following subparagraph:

“(ii) evidential material in relation to an offence that is an indictable offence, or to a corruption issue that the Commissioner is investigating; or”

*Subsection 3FA(8)*

(4B) The *Crimes Act 1914* has effect as if the references in subsection 3FA(8) of that Act to the Australian Federal Police included references to the National Anti-Corruption Commission.

#### **47 Application of amendments**

The amendments of the *National Anti-Corruption Commission Act 2022* (the *NACC Act*) made by this Part apply in relation to an application for a warrant under Division 2 of Part IAA of the *Crimes Act 1914* (as that Part has effect for the purposes of the *NACC Act*) made on or after the commencement of this item:

- (a) whether the conduct, offence or corruption issue to which the application relates occurred before, on or after that commencement; and

- (b) whether property or other things to which the application relates were acquired or came into existence before, on or after that commencement.

## Schedule 2—Digital currency exchanges

### *Proceeds of Crime Act 2002*

#### **1 Paragraph 7(aa)**

After “withdrawals from”, insert “or transactions involving”.

#### **2 Subsection 15B(1)**

After “withdrawal from”, insert “or transaction involving”.

#### **3 Section 15K (heading)**

Omit “**withdrawal**”, substitute “**withdrawals or transactions**”.

#### **4 Section 15K**

After “withdrawal from”, insert “or transaction involving”.

#### **5 Paragraph 15L(a)**

After “withdrawal from”, insert “or transaction involving”.

#### **6 Paragraph 15L(c)**

After “withdrawal”, insert “or transaction”.

#### **7 Section 15Q (heading)**

Omit “**withdrawal**”, substitute “**withdrawals or transactions**”.

#### **8 Subsection 15Q(1)**

After “withdrawal from”, insert “or transaction involving”.

#### **9 Section 338 (definition of *account*)**

Omit “or allows withdrawals”, substitute “, or allows withdrawals or transactions,”.

#### **10 Section 338 (after paragraph (e) of the definition of *account*)**

Insert:

; and (ea) an account relating to \*digital currency, including:

- (i) an account representing an amount of digital currency;  
and
- (ii) an account provided as part of a \*digital currency exchange.

**11 Section 338 (at the end of the definition of *account*)**

Add:

- ; or (h) in the case of an account relating to digital currency—the balance of the account is expressed as an amount of digital currency, Australian currency or any other currency.

**12 Section 338**

Insert:

*digital currency* has the meaning given by the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*.

*digital currency exchange* means a registrable digital currency exchange service (within the meaning of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*).

**13 Section 338 (at the end of the definition of *financial institution*)**

Add:

- ; or (i) a corporation to which paragraph 51(xx) of the Constitution applies that provides a \*digital currency exchange.

**14 At the end of Schedule 2**

Add:

**Part 3—Crimes and Other Legislation Amendment (Omnibus No. 1) Act 2024**

**9 Amendments made by Schedule 2 to the *Crimes and Other Legislation Amendment (Omnibus No. 1) Act 2024***

The amendments made by Schedule 2 to the *Crimes and Other Legislation Amendment (Omnibus No. 1) Act 2024* apply in relation

to a notice given under clause 12 of Schedule 1 to this Act on or after the commencement of this clause:

- (a) whether currency, property or a thing to which the notice relates was acquired before, on or after that commencement; and
- (b) whether conduct or a crime to which the notice relates happened before, on or after that commencement.

## 15 Application of amendments

- (1) The amendments made by this Schedule, to the extent that they relate to an order under Part 2-1A or 3-4 of the *Proceeds of Crime Act 2002*, apply in relation to an application made under that Part on or after the commencement of this item:
  - (a) whether currency, property or a thing to which the application relates was acquired before, on or after that commencement; and
  - (b) whether conduct or a crime to which the application relates happened before, on or after that commencement.
- (2) The amendments made by this Schedule apply in relation to a notice given under section 213 of the *Proceeds of Crime Act 2002* on or after the commencement of this item:
  - (a) whether currency, property or a thing to which the notice relates was acquired before, on or after that commencement; and
  - (b) whether conduct or a crime to which the notice relates happened before, on or after that commencement.

## **Schedule 3—Penalty unit**

### *Crimes Act 1914*

#### **1 Subsection 4AA(1) (definition of *penalty unit*)**

Omit “\$275”, substitute “\$330”.

#### **2 Subsection 4AA(3)**

Omit “2023”, substitute “2026”.

#### **3 Application of amendments**

The amendments made by this Schedule apply in relation to offences committed on or after the commencement of this Schedule.

## Schedule 4—Communications Access Coordinator and Communications Security Coordinator

### Part 1—Amendments

#### *Telecommunications Act 1997*

#### **1 Section 7 (definition of *Communications Access Co-ordinator*)**

Repeal the definition, substitute:

*Communications Access Coordinator* has the meaning given by section 6R of the *Telecommunications (Interception and Access) Act 1979*.

#### **2 Section 7**

Insert:

*Communications Security Coordinator* has the meaning given by section 7A.

#### **2A Section 7 (definition of *Home Affairs Minister*)**

Omit “*Australian Security Intelligence Organisation Act 1979*”, substitute “*Security of Critical Infrastructure Act 2018*”.

#### **3 After section 7**

Insert:

#### **7A Communications Security Coordinator**

(1) In this Act:

*Communications Security Coordinator* means:

- (a) the Home Affairs Secretary; or
- (b) if a person or body is covered by an instrument made under subsection (2)—that person or body.



- (2) The Home Affairs Minister may, by legislative instrument, specify one or more persons or bodies, or one or more classes of persons or bodies, for the purposes of paragraph (b) of the definition of *Communications Security Coordinator* in subsection (1).
- (3) The Home Affairs Minister must only specify a person or class of persons in an instrument made under subsection (2) if the person is an APS employee, or the class consists wholly of APS employees, in the Home Affairs Department.

*Instrument must specify certain functions or powers*

- (4) An instrument made under subsection (2) must specify the functions or powers of a Communications Security Coordinator under this Act or any other Act that a person or body, or a class of persons or bodies, specified in the instrument may perform or exercise.
- (5) A person or body, or a class of persons or bodies, specified in an instrument made under subsection (2) may only perform the functions or exercise the powers specified in that instrument in relation to that person or body, or class of persons or bodies.

#### **4 Section 53A (heading)**

Omit “Co-ordinator”, substitute “Coordinator”.

#### **5 Subsections 53A(1) and (2)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

#### **6 Section 56A (heading)**

Omit “Co-ordinator”, substitute “Coordinator”.

#### **7 Subsection 56A(1)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**8 Subsection 56A(2)**

Omit “the Communications Access Co-ordinator may give a written notice to the ACMA, stating that the Communications Access Co-ordinator does not require any further consultation about the application”, substitute “a Communications Access Coordinator may give a written notice to the ACMA, stating that no further consultation about the application is required”.

**9 Subsection 56A(2) (note)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**10 Subsections 56A(3) and (4)**

Omit “the Communications Access Co-ordinator” (wherever occurring), substitute “a Communications Access Coordinator”.

**11 Subsections 56A(5) and (6)**

Omit “The Communications Access Co-ordinator”, substitute “A Communications Access Coordinator”.

**12 Subsection 56A(6)**

Omit “it has revoked”, substitute “a Communications Access Coordinator has revoked”.

**13 Subsection 56A(7)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**14 Subsection 59(8) (note to the definition of *application day*)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**15 Subsection 314A(2B)**

Omit “The Communications Access Co-ordinator”, substitute “A Communications Security Coordinator”.

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**16 Subsection 314A(3)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Security Coordinator”.

**17 Subsections 314A(4) to (5A)**

Omit “The Communications Access Co-ordinator”, substitute “A Communications Security Coordinator”.

**18 Subsections 314A(5B) and (5C)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Security Coordinator”.

**19 Paragraph 314B(1)(a)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Security Coordinator”.

**20 Paragraph 314B(1)(b)**

Omit “the Co-ordinator” (wherever occurring), substitute “a Communications Security Coordinator”.

**21 Subsection 314B(1)**

Omit “the Co-ordinator” (third occurring), substitute “a Communications Security Coordinator”.

**22 Subsection 314B(1)**

Omit “the Co-ordinator requires”, substitute “that is required”.

**23 Subsection 314B(2)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Security Coordinator”.

**24 Paragraph 314B(3)(a)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Security Coordinator”.

**25 Subsection 314B(3)**

Omit “the Co-ordinator” (wherever occurring), substitute “a Communications Security Coordinator”.

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**26 Subsection 314B(4)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Security Coordinator”.

**27 Paragraph 314B(5)(a)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Security Coordinator”.

**28 Subsection 314B(5)**

Omit “the Co-ordinator” (wherever occurring), substitute “a Communications Security Coordinator”.

**29 Subsection 314B(6)**

Omit “the Communications Access Co-ordinator” (wherever occurring), substitute “a Communications Security Coordinator”.

**30 Subsection 314C(1)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Security Coordinator”.

**31 Subsection 314C(5)**

Omit “The Communications Access Co-ordinator”, substitute “A Communications Security Coordinator”.

**32 Paragraph 314D(1)(a)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Security Coordinator”.

**33 Paragraph 314D(1)(b)**

Omit “the Co-ordinator” (wherever occurring), substitute “a Communications Security Coordinator”.

**34 Subsection 314D(1)**

Omit “the Co-ordinator” (third occurring), substitute “a Communications Security Coordinator”.

**35 Subsection 314D(1)**

Omit “the Co-ordinator requires”, substitute “that is required”.

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**36 Subsection 314D(2)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Security Coordinator”.

**37 Paragraph 314D(3)(a)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Security Coordinator”.

**38 Subsection 314D(3)**

Omit “the Co-ordinator” (wherever occurring), substitute “a Communications Security Coordinator”.

**39 Subsection 314D(4)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Security Coordinator”.

**40 Paragraph 314D(5)(a)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Security Coordinator”.

**41 Subsection 314D(5)**

Omit “the Co-ordinator” (wherever occurring), substitute “a Communications Security Coordinator”.

**42 Paragraphs 314D(6)(a) and (b)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Security Coordinator”.

**43 Subparagraph 315J(1A)(c)(i)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Security Coordinator”.

**44 Subparagraphs 315J(1A)(c)(ii) and (iii)**

Omit “the Co-ordinator”, substitute “a Communications Security Coordinator”.

**45 Subparagraph 315J(1A)(d)(i)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Security Coordinator”.

**46 Subparagraphs 315J(1A)(d)(ii) and (iii)**

Omit “the Co-ordinator”, substitute “a Communications Security Coordinator”.

**47 Subparagraph 315J(1A)(e)(i)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Security Coordinator”.

**48 Subparagraphs 315J(1A)(e)(ii) and (iii)**

Omit “the Co-ordinator”, substitute “a Communications Security Coordinator”.

**49 Subsection 317ZC(2)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**50 Subsections 317ZD(2) and 317ZE(2)**

Omit “The Communications Access Co-ordinator”, substitute “A Communications Access Coordinator”.

**51 Subsection 317ZF(6)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**52 Subsection 317ZF(10)**

Omit “The Communications Access Co-ordinator”, substitute “A Communications Access Coordinator”.

**53 Subsection 317ZF(11)**

Omit “the Communications Access Co-ordinator” (wherever occurring), substitute “a Communications Access Coordinator”.

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**54 Subsection 317ZF(12)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**55 Subsection 317ZF(12A) (heading)**

Omit “*Co-ordinator*”, substitute “*Coordinator*”.

**56 Subsection 317ZF(12A)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**57 Subparagraphs 317ZL(2)(b)(ii) and (3)(b)(ii)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

***Telecommunications (Interception and Access) Act 1979***

**58 Subsection 5(1)**

Insert:

*Attorney-General’s Department* means the Department administered by the Attorney-General.

**59 Subsection 5(1) (definition of *Communications Access Co-ordinator*)**

Repeal the definition, substitute:

*Communications Access Coordinator* has the meaning given by section 6R.

**60 Section 6R (heading)**

Omit “**Communications Access Co-ordinator**”, substitute “**Communications Access Coordinator**”.

**61 Subsection 6R(1) (definition of *Communications Access Co-ordinator*)**

Repeal the definition, substitute:

*Communications Access Coordinator* means:

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- (a) the Secretary of the Attorney-General’s Department; or
- (b) if a person or body is covered by an instrument made under subsection (2)—that person or body.

**62 Subsection 6R(2)**

Repeal the subsection, substitute:

- (2) The Attorney-General may, by legislative instrument, specify one or more persons or bodies, or one or more classes of persons or bodies, for the purposes of paragraph (b) of the definition of *Communications Access Coordinator* in subsection (1).
- (2A) The Attorney-General must only specify a person or class of persons in an instrument made under subsection (2) if the person is an APS employee, or the class of persons consists wholly of APS employees, in the Attorney-General’s Department.

*Instrument must specify certain functions or powers*

- (2B) An instrument made under subsection (2) must specify the functions or powers of a Communications Access Coordinator under this Act or any other Act that a person or body, or a class of persons or bodies, specified in the instrument may perform or exercise.
- (2C) A person or body, or a class of persons or bodies, specified in an instrument made under subsection (2) may only perform the functions or exercise the powers specified in that instrument in relation to that person or body, or class of persons or bodies.

**63 Subsection 6R(3)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**64 Subsection 6R(3)**

Omit “the Co-ordinator”, substitute “the Coordinator”.

**65 Subsection 183(2)**

Omit “The Communications Access Co-ordinator”, substitute “A Communications Access Coordinator”.

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**66 Subsection 183(3)**

Omit “The Co-ordinator”, substitute “A Communications Access Coordinator”.

**67 Subsection 183(3)**

Omit “making a determination”, substitute “a determination is made”.

**68 Subsection 187B(2)**

Omit “The Communications Access Co-ordinator”, substitute “A Communications Access Coordinator”.

**69 Subsection 187B(2A)**

Omit “making the declaration, the Communications Access Co-ordinator”, substitute “a declaration is made, a Communications Access Coordinator”.

**70 Subsection 187B(3)**

Omit “the declaration, the Communications Access Co-ordinator”, substitute “a declaration, a Communications Access Coordinator”.

**71 Paragraph 187B(3)(c)**

Omit “Communications Access Co-ordinator”, substitute “Coordinator”.

**72 Subsection 187B(6)**

Omit “making a declaration under subsection (2), the Communications Access Co-ordinator”, substitute “a declaration is made under subsection (2), a Communications Access Coordinator”.

**73 Subsections 187E(1) and 187F(1)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**74 Subsection 187F(2)**

Omit “Communications Access Co-ordinator”, substitute “Coordinator”.

**75 Paragraph 187F(2)(c)**

Omit “Co-ordinator receives the application”, substitute “application is received”.

**76 Paragraph 187F(2)(f)**

Omit “Co-ordinator”, substitute “Coordinator”.

**77 Subsection 187F(3)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**78 Subsection 187F(3)**

Omit “the Co-ordinator” (wherever occurring), substitute “a Communications Access Coordinator”.

**79 Subsection 187F(4)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**80 Subsection 187G(1)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**81 Paragraphs 187G(1)(a) and (b)**

Omit “the Co-ordinator”, substitute “a Communications Access Coordinator”.

**82 Subsection 187G(1)**

Omit “The Co-ordinator”, substitute “A Communications Access Coordinator”.

**83 Paragraph 187G(2)(a)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**84 Paragraph 187G(2)(b)**

Omit “the Co-ordinator”, substitute “a Communications Access Coordinator”.

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**85 Subsection 187G(2)**

Omit “the Co-ordinator” (second occurring), substitute “a Communications Access Coordinator”.

**86 Paragraph 187G(3)(a)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**87 Subsection 187G(4)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**88 Subsection 187G(6) (heading)**

Omit “*Co-ordinator*”, substitute “*Coordinator*”.

**89 Subsection 187G(6)**

Omit “The Communications Access Co-ordinator”, substitute “A Communications Access Coordinator”.

**90 Paragraph 187G(6)(a)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**91 Paragraphs 187H(1)(a) and 187J(1)(a)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**92 Paragraphs 187J(1)(a) and (b)**

Omit “the Co-ordinator”, substitute “a Communications Access Coordinator”.

**93 Subparagraphs 187J(3)(a)(i) and (ii)**

Omit “the Co-ordinator”, substitute “a Communications Access Coordinator”.

**94 Section 187K (heading)**

Omit “**The Communications Access Co-ordinator**”, substitute “**Communications Access Coordinator**”.

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**95 Subsection 187K(1)**

Omit “The Communications Access Co-ordinator”, substitute “A Communications Access Coordinator”.

**96 Subsection 187K(5)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**97 Paragraphs 187K(5)(a) and (b)**

Omit “the Co-ordinator” (wherever occurring), substitute “a Communications Access Coordinator”.

**98 Subsection 187K(6)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**99 Subsection 187K(7)**

Omit “making”, substitute “a Communications Access Coordinator makes”.

**100 Subsections 187K(7) and (8)**

Omit “Communications Access Co-ordinator”, substitute “Coordinator”.

**101 Subsection 187KA(2)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**102 Paragraph 187KA(3)(a)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**103 Subsection 187L(1)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**104 Subsection 187L(1)**

Omit “the Co-ordinator”, substitute “the Coordinator”.

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**105 Paragraph 187L(1)(b)**

After “other than”, insert “another Communications Access Coordinator,”.

**106 Paragraph 187L(1A)(b)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**107 Subsection 187L(2)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**108 Paragraph 187L(2)(b)**

After “body”, insert “(other than a Communications Access Coordinator)”.

**109 Paragraph 188(1)(b)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**110 Subsection 188(2)**

Omit “The Communications Access Co-ordinator”, substitute “A Communications Access Coordinator”.

**111 Subsections 188(3) and (4)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**112 Paragraphs 188(8)(d) and (9)(c) and (e)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**113 Section 192 (heading)**

Omit “**The Communications Access Co-ordinator**”, substitute “**Communications Access Coordinator**”.

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**114 Subsection 192(1)**

Omit “The Communications Access Co-ordinator”, substitute “A Communications Access Coordinator”.

**115 Paragraph 192(5)(a)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**116 Subsection 192(5)**

Omit “the Co-ordinator” (wherever occurring), substitute “a Communications Access Coordinator”.

**117 Subsection 192(6)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**118 Subsection 192(7)**

Omit “giving”, substitute “a Communications Access Coordinator gives”.

**119 Subsections 192(7) and (8)**

Omit “Communications Access Co-ordinator”, substitute “Coordinator”.

**120 Subsection 196(1)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**121 Paragraph 196(1)(b)**

Omit “the Co-ordinator”, substitute “a Communications Access Coordinator”.

**122 Subsection 196(1) (note)**

Omit “the Co-ordinator”, substitute “a Communications Access Coordinator”.

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**123 Subsection 196(2)**

Omit “The Communications Access Co-ordinator”, substitute “A Communications Access Coordinator”.

**124 Subsection 196(3)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**125 Subsection 197(1)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**126 Paragraph 197(1)(b)**

Omit “the Co-ordinator”, substitute “a Communications Access Coordinator”.

**127 Subsection 197(1) (note)**

Omit “the Co-ordinator”, substitute “a Communications Access Coordinator”.

**128 Subsection 197(2)**

Omit “The Communications Access Co-ordinator”, substitute “A Communications Access Coordinator”.

**129 Subsections 197(3) and 198(1)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**130 Subsection 198(1)**

Omit “the Co-ordinator must, within 60 days of receiving the plan”, substitute “a Communications Access Coordinator must, within 60 days of the plan being received”.

**131 Paragraph 198(1)(b)**

Omit “the Co-ordinator”, substitute “a Communications Access Coordinator”.

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**132 Subsection 198(2)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**133 Subsection 198(2)**

Omit “the Co-ordinator” (wherever occurring), substitute “a Communications Access Coordinator”.

**134 Paragraph 198(3)(a)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**135 Subsection 198(3)**

Omit “the Co-ordinator” (wherever occurring), substitute “a Communications Access Coordinator”.

**136 Paragraph 198(4)(a)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**137 Subsection 198(5)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**138 Paragraph 198(7)(b)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**139 Paragraph 199(a)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**140 Paragraph 199(b)**

Omit “the Co-ordinator”, substitute “a Communications Access Coordinator”.

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**141 Paragraph 201(1)(b)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**142 Section 202**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**143 Section 202**

Omit “the Co-ordinator”, substitute “the Coordinator”.

**144 Paragraph 202A(b)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**145 Subsection 202B(3)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**146 Subsection 202B(5)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**147 Subsection 202B(5)**

Omit “the Co-ordinator” (first occurring), substitute “a Communications Access Coordinator”.

**148 Subsection 202B(5)**

Omit “the Co-ordinator” (second occurring), substitute “a Communications Access Coordinator of the proposed change”.

**149 Paragraph 202B(6)(a)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**150 Paragraph 202B(6)(a)**

Omit “the Co-ordinator”, substitute “a Communications Access Coordinator of the proposed change”.

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**151 Paragraph 202B(6)(b)**

Omit “the Co-ordinator” (wherever occurring), substitute “a Communications Access Coordinator”.

**152 Subsection 202B(7)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**153 Subsection 202B(7)**

Omit “the Co-ordinator”, substitute “a Communications Access Coordinator”.

**154 Section 202C (heading)**

Omit “Co-ordinator”, substitute “Coordinator”.

**155 Subsection 202C(1)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**156 Subsection 202C(1)**

Omit “the Co-ordinator”, substitute “a Communications Access Coordinator”.

**157 Subsection 202C(2)**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

**158 Section 203 (heading)**

Omit “Co-ordinator”, substitute “Coordinator”.

**159 Subsections 203(1) and (3)**

Omit “The Communications Access Co-ordinator”, substitute “A Communications Access Coordinator”.

**160 Subsection 203(3)**

Omit “making a determination”, substitute “a determination is made”.

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**161 Subclause 126(2) of Schedule 1**

Omit “the Communications Access Co-ordinator”, substitute “a Communications Access Coordinator”.

## Part 2—Application, saving and transitional provisions

### Division 1—Telecommunications Act 1997

#### 162 General application—*Telecommunications Act 1997*

Subject to this Division, the amendments of the *Telecommunications Act 1997* made by this Schedule apply in relation to an exercise of power or the performance of a function or duty by a Communications Access Coordinator or a Communications Security Coordinator under that Act on or after the commencement of this Schedule.

#### 163 Carrier licence procedures—*Telecommunications Act 1997*

##### *Applications given to Communications Access Co-ordinator*

- (1) If:
- (a) a copy of an application for a carrier licence was received by the Communications Access Co-ordinator under subsection 53A(1) of the *Telecommunications Act 1997* on a day (the **relevant day**) before the commencement of this Schedule; and
  - (b) the ACMA had not granted, or refused to grant, the carrier licence before that commencement;

then, on and after that commencement, the copy of the application is taken to have been received by a Communications Access Coordinator on the relevant day.

##### *Consultation with Communications Access Co-ordinator*

- (2) If a copy of an application is taken, under subitem (1) of this item, to have been received by a Communications Access Coordinator before the commencement of this Schedule then, on and after that commencement:
- (a) section 56A of the *Telecommunications Act 1997*, as amended by this Schedule, applies in relation to the application; and

- (b) anything done by, or in relation to, the Communications Access Co-ordinator under that section at a time before that commencement is taken to have been done by, or in relation to, a Communications Access Coordinator at that time.

*Notices given by Communications Access Co-ordinator*

- (3) If a notice by the Communications Access Co-ordinator under subsection 56A(2), (3), (4) or (5) of the *Telecommunications Act 1997* was:
  - (a) given on a day (the *relevant day*) before the commencement of this Schedule; and
  - (b) in force immediately before that commencement;then the notice:
  - (c) continues in force on and after that commencement; and
  - (d) is taken, on and after that commencement, to have been given by a Communications Access Coordinator on the relevant day.

**164 National interest matter instruments—  
*Telecommunications Act 1997***

If an instrument under subsection 314A(2B) or 314C(5) of the *Telecommunications Act 1997* was:

- (a) made on a day (the *relevant day*) before the commencement of this Schedule; and
- (b) in force immediately before that commencement;

then the instrument:

- (c) continues in force on and after that commencement; and
- (d) is taken, on and after that commencement, to have been made by a Communications Security Coordinator on the relevant day.

**165 Notices in relation to national interest matters—  
*Telecommunications Act 1997***

If a notice under subsection 314A(4), (5) or (5B), 314B(1), (3) or (5) or 314D(1), (3) or (5) of the *Telecommunications Act 1997* was:

- (a) given on a day (the *relevant day*) before the commencement of this Schedule; and

(b) in force immediately before that commencement;

then the notice:

(c) continues in force on and after that commencement; and

(d) is taken, on and after that commencement, to have been given by a Communications Security Coordinator on the relevant day.

**166 Other actions in relation to national interest matters—  
*Telecommunications Act 1997***

*Notifications and plans given to Communications Access  
Co-ordinator*

- (1) A notification under subsection 314A(3) of the *Telecommunications Act 1997*, or a security capability plan under subsection 314C(1) of that Act, that was given to the Communications Access Co-ordinator on a day before the commencement of this Schedule is taken, on and after that commencement, to have been given to a Communications Security Coordinator on that day.

*Applications made to Communications Access Co-ordinator*

- (2) If an application was given to the Communications Access Co-ordinator under subsection 314A(5A) of the *Telecommunications Act 1997* on a day before the commencement of this Schedule, the application is taken, on and after that commencement, to have been given to a Communications Security Coordinator on that day.

*Refusal of applications*

- (3) An application refused by the Communications Access Co-ordinator before the commencement of this Schedule under paragraph 314A(5B)(b) of the *Telecommunications Act 1997* is taken, on and after that commencement, to be an application refused by a Communications Security Coordinator.
- (4) An application made before the commencement of this Schedule under subsection 314A(5C) of the *Telecommunications Act 1997* for review of a decision of the Communications Access Co-ordinator is taken, on and after that commencement, to be an application for review of a decision of a Communications Security Coordinator.

**167 Annual report—*Telecommunications Act 1997***

For the purposes of the annual report for the financial year ending on 30 June 2024, a reference in section 315J of the *Telecommunications Act 1997*, as amended by this Schedule, to a Communications Security Coordinator is taken to be a reference to the Communications Access Co-ordinator or a Communications Security Coordinator.

**168 Industry assistance—*Telecommunications Act 1997***

If, before the commencement of this Schedule, a power was exercised or a function or duty was performed by the Communications Access Co-ordinator under Part 15 of the *Telecommunications Act 1997* on a day, then, on and after that commencement, a Communications Access Coordinator is taken to have exercised the power or performed the function or duty on that day.

**169 Enforcement applications—*Telecommunications Act 1997***

- (1) If, immediately before the commencement of this Schedule, the Communications Access Co-ordinator was an applicant under the *Regulatory Powers (Standard Provisions) Act 2014* for:
  - (a) a civil penalty; or
  - (b) enforcement of an undertaking; or
  - (c) an injunction;in relation to section 317ZB of the *Telecommunications Act 1997*, the Communications Access Coordinator is substituted for the Communications Access Co-ordinator as the applicant on and after that commencement.
- (2) A thing done by the Communications Access Co-ordinator before the commencement of this Schedule as an authorised person in relation to section 317ZB of the *Telecommunications Act 1997* for the purposes of Part 6 of the *Regulatory Powers (Standard Provisions) Act 2014* is taken, on and after that commencement, to have been done by the Communications Access Coordinator as an authorised person.

## **Division 2—Telecommunications (Interception and Access) Act 1979**

### **170 General application—*Telecommunications (Interception and Access) Act 1979***

Subject to this Division, the amendments of the *Telecommunications (Interception and Access) Act 1979* made by this Schedule apply in relation to an exercise of power or the performance of a function or duty by a Communications Access Coordinator under that Act on and after the commencement of this Schedule.

### **171 Specification instruments—*Telecommunications (Interception and Access) Act 1979***

The amendments of section 6R of the *Telecommunications (Interception and Access) Act 1979* made by this Schedule apply in relation to instruments made under that section on or after the commencement of this Schedule.

### **172 Section 183 determinations—*Telecommunications (Interception and Access) Act 1979***

- (1) If a determination under subsection 183(2) of the *Telecommunications (Interception and Access) Act 1979* was:
    - (a) made by the Communications Access Co-ordinator on a day (the *relevant day*) before the commencement of this Schedule; and
    - (b) in force immediately before that commencement;then the determination:
    - (c) continues in force on and after that commencement; and
    - (d) is taken, on and after that commencement, to have been made by a Communications Access Coordinator on the relevant day.
  - (2) If, before the commencement of this Schedule:
    - (a) the Communications Access Co-ordinator consulted the ACMA and the Information Commissioner under subsection 183(3) of the *Telecommunications (Interception and Access) Act 1979* in relation to a proposed determination under subsection 183(2) of that Act; and
-



(b) that determination had not been made by the Co-ordinator;  
then, on and after that commencement, a Communications Access  
Coordinator is taken to have so consulted.

**173 Other decisions—Telecommunications (Interception and Access) Act 1979**

- (1) If a declaration, decision or determination to which this item applies was:
- (a) made by the Communications Access Co-ordinator on a day (the *relevant day*) before the commencement of this Schedule; and
  - (b) in force immediately before that commencement;
- then the declaration, decision or determination:
- (c) continues in force on and after that commencement; and
  - (d) is taken, on and after that commencement, to have been made by a Communications Access Coordinator on the relevant day.
- (2) This item applies to the following:
- (a) a declaration made under subsection 187B(2) of the *Telecommunications (Interception and Access) Act 1979*;
  - (b) a decision to grant an exemption or make a variation under subsection 187K(1) of that Act;
  - (c) a decision to grant an exemption under subsection 192(1) of that Act;
  - (d) a determination made under subsection 203(1) of that Act.

**174 Co-operation with agencies—Telecommunications (Interception and Access) Act 1979**

If, before the commencement of this Schedule, a power was exercised or a function or duty was performed by the Communications Access Co-ordinator under Chapter 5 of the *Telecommunications (Interception and Access) Act 1979* on a day, then, on and after that commencement, a Communications Access Coordinator is taken to have exercised the power or performed the function or duty on that day.

**175 Civil penalty proceedings—*Telecommunications (Interception and Access) Act 1979***

If, immediately before the commencement of this Schedule, the Communications Access Co-ordinator was an applicant for a civil penalty under the *Regulatory Powers (Standard Provisions) Act 2014* in relation to a provision of Part 8 of Schedule 1 to the *Telecommunications (Interception and Access) Act 1979*, the Communications Access Coordinator is substituted for the Communications Access Co-ordinator as the applicant on and after that commencement.

## **Schedule 5—Information sharing between integrity agencies and oversight bodies**

### *Telecommunications (Interception and Access) Act 1979*

**1 Subsection 5(1) (paragraph (d) of the definition of *certifying officer*)**

Omit “Crime Commission” (wherever occurring), substitute “Crime Commission (NSW)”.

**2 Subsection 5(1) (paragraph (e) of the definition of *certifying officer*)**

Omit “Independent Commission Against Corruption” (wherever occurring), substitute “Independent Commission Against Corruption (NSW)”.

**3 Subsection 5(1) (paragraph (ea) of the definition of *certifying officer*)**

Omit “IBAC” (wherever occurring), substitute “IBAC (Vic.)”.

**4 Subsection 5(1) (paragraph (f) of the definition of *certifying officer*)**

Omit “Crime and Corruption Commission”, substitute “Crime and Corruption Commission (Qld)”.

**5 Subsection 5(1) (subparagraph (f)(i) of the definition of *certifying officer*)**

Repeal the subparagraph, substitute:

- (i) the chairperson (as defined by the Crime and Corruption Act (Qld)); or

**6 Subsection 5(1) (subparagraph (f)(ii) of the definition of *certifying officer*)**

Omit “Crime and Corruption Act”, substitute “Crime and Corruption Act (Qld)”.

**7 Subsection 5(1) (paragraph (g) of the definition of *certifying officer*)**

Omit “Law Enforcement Conduct Commission”, substitute “Law Enforcement Conduct Commission (NSW)”.

**8 Subsection 5(1) (subparagraphs (g)(i), (ii) and (iii) of the definition of *certifying officer*)**

Omit “Commission”, substitute “Law Enforcement Conduct Commission (NSW)”.

**9 Subsection 5(1) (paragraph (i) of the definition of *certifying officer*)**

Omit “Corruption and Crime Commission” (wherever occurring), substitute “Corruption and Crime Commission (WA)”.

**10 Subsection 5(1) (paragraph (d) of the definition of *chief officer*)**

Omit “Crime Commission” (wherever occurring), substitute “Crime Commission (NSW)”.

**11 Subsection 5(1) (paragraphs (e) and (ea) of the definition of *chief officer*)**

Omit “Independent Commission Against Corruption” (wherever occurring), substitute “Independent Commission Against Corruption (NSW)”.

**12 Subsection 5(1) (paragraph (eb) of the definition of *chief officer*)**

Omit “IBAC” (wherever occurring), substitute “IBAC (Vic.)”.

**13 Subsection 5(1) (paragraph (f) of the definition of *chief officer*)**

Repeal the paragraph, substitute:

- (f) in the case of the Crime and Corruption Commission (Qld)—  
the chairperson of the Crime and Corruption Commission (Qld); or

**14 Subsection 5(1) (paragraphs (h) to (k) of the definition of *chief officer*)**

Repeal the paragraphs, substitute:

- (h) in the case of the Law Enforcement Conduct Commission (NSW)—the Chief Commissioner of the Law Enforcement Conduct Commission (NSW); or
- (ha) in the case of the Inspector of the Law Enforcement Conduct Commission (NSW)—the Inspector of the Law Enforcement Conduct Commission (NSW); or
- (k) in the case of the Corruption and Crime Commission (WA)—the Commissioner of the Corruption and Crime Commission (WA); or

**15 Subsection 5(1) (paragraph (l) of the definition of *chief officer*)**

Omit “Corruption and Crime Commission” (wherever occurring), substitute “Corruption and Crime Commission (WA)”.

**16 Subsection 5(1) (after paragraph (la) of the definition of *chief officer*)**

Insert:

- (lb) in the case of the Inspector of the Independent Commission Against Corruption (SA)—the Inspector of the Independent Commission Against Corruption (SA); or

**17 Subsection 5(1) (paragraph (b) of the definition of *Commissioner*)**

Repeal the paragraph, substitute:

- (b) in relation to the Crime and Corruption Commission (Qld)—a commissioner (within the meaning of the Crime and Corruption Act (Qld)).

**18 Subsection 5(1)**

Repeal the following definitions:

- (a) definition of *Corruption and Crime Commission*;
- (b) definition of *Corruption and Crime Commission Act*.

**19 Subsection 5(1)**

Insert:

*Corruption and Crime Commission (WA)* means the commission referred to in section 8 of the Corruption, Crime and Misconduct Act (WA).

*Corruption, Crime and Misconduct Act (WA)* means the *Corruption, Crime and Misconduct Act 2003* (WA).

**20 Subsection 5(1) (definition of *Crime and Corruption Act*)**

Repeal the definition, substitute:

*Crime and Corruption Act (Qld)* means the *Crime and Corruption Act 2001* (Qld).

**21 Subsection 5(1) (definition of *Crime and Corruption Commission*)**

Repeal the definition, substitute:

*Crime and Corruption Commission (Qld)* means the commission referred to in section 7 of the Crime and Corruption Act (Qld).

**22 Subsection 5(1) (definition of *Crime Commission*)**

Repeal the definition.

**23 Subsection 5(1) (definition of *Crime Commission Act*)**

Repeal the definition, substitute:

*Crime Commission Act (NSW)* means the *Crime Commission Act 2012* (NSW).

**24 Subsection 5(1)**

Insert:

*Crime Commission (NSW)* means the commission referred to in section 7 of the Crime Commission Act (NSW).

**25 Subsection 5(1) (paragraph (a) of the definition of *deputy PIM*)**

Omit “*Crime and Corruption Act 2001* of Queensland”, substitute “Crime and Corruption Act (Qld)”.

**26 Subsection 5(1) (subparagraph (b)(i) of the definition of *eligible authority*)**

Omit “Crime Commission”, substitute “Crime Commission (NSW)”.

**27 Subsection 5(1) (subparagraphs (b)(ii) and (iii) of the definition of *eligible authority*)**

Omit “Independent Commission Against Corruption”, substitute “Independent Commission Against Corruption (NSW)”.

**28 Subsection 5(1) (subparagraphs (b)(iv) and (v) of the definition of *eligible authority*)**

Omit “Law Enforcement Conduct Commission”, substitute “Law Enforcement Conduct Commission (NSW)”.

**29 Subsection 5(1) (paragraph (ba) of the definition of *eligible authority*)**

Omit “IBAC”, substitute “IBAC (Vic.)”.

**30 Subsection 5(1) (paragraph (c) of the definition of *eligible authority*)**

Repeal the paragraph, substitute:

(c) in the case of Queensland—the Crime and Corruption Commission (Qld); or

**31 Subsection 5(1) (paragraph (d) of the definition of *eligible authority*)**

Omit “Corruption and Crime Commission” (wherever occurring), substitute “Corruption and Crime Commission (WA)”.

**32 Subsection 5(1) (at the end of paragraph (e) of the definition of *eligible authority*)**

Add “or the Inspector of the Independent Commission Against Corruption (SA)”.

**33 Subsection 5(1) (definition of *IBAC*)**

Repeal the definition.

**34 Subsection 5(1) (definition of *IBAC Act*)**

Repeal the definition, substitute:

*IBAC Act (Vic.)* means the *Independent Broad-based Anti-corruption Commission Act 2011* (Vic.).

**35 Subsection 5(1) (definition of *IBAC officer*)**

Repeal the definition.

**36 Subsection 5(1)**

Insert:

*IBAC (Vic.)* means the Independent Broad-based Anti-corruption Commission established by the *IBAC Act (Vic.)*.

*IBAC (Vic.) officer* means a person who is an IBAC Officer (within the meaning of the *IBAC Act (Vic.)*).

**37 Subsection 5(1)**

Repeal the following definitions:

- (a) definition of *Independent Commission Against Corruption*;
- (b) definition of *Independent Commission Against Corruption Act*.

**38 Subsection 5(1)**

Insert:

*Independent Commission Against Corruption Act (NSW)* means the *Independent Commission Against Corruption Act 1988* (NSW).

*Independent Commission Against Corruption (NSW)* means the commission referred to in section 4 of the *Independent Commission Against Corruption Act (NSW)*.

**39 Subsection 5(1) (definition of *Inspector of the Independent Commission Against Corruption*)**

Repeal the definition, substitute:

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***Inspector of the Independent Commission Against Corruption (NSW)*** means the inspector referred to in section 57A of the Independent Commission Against Corruption Act (NSW).

**40 Subsection 5(1)**

Insert:

***Inspector of the Independent Commission Against Corruption (SA)*** means the inspector referred to in clause 2 of Schedule 4 to the Independent Commission Against Corruption Act (SA).

**41 Subsection 5(1) (definition of *Inspector of the Law Enforcement Conduct Commission*)**

Repeal the definition, substitute:

***Inspector of the Law Enforcement Conduct Commission (NSW)*** means the inspector referred to in section 120 of the Law Enforcement Conduct Commission Act (NSW).

**42 Subsection 5(1) (definition of *Law Enforcement Conduct Commission*)**

Repeal the definition.

**43 Subsection 5(1)**

Insert:

***Law Enforcement Conduct Commission Act (NSW)*** means the *Law Enforcement Conduct Commission Act 2016* (NSW).

***Law Enforcement Conduct Commission (NSW)*** means the commission referred to in section 17 of the Law Enforcement Conduct Commission Act (NSW).

**44 Subsection 5(1) (definition of *member of the Crime Commission*)**

Repeal the definition, substitute:

***member of the Crime Commission (NSW)*** means the commissioner referred to in section 8, or an assistant commissioner referred to in section 9, of the Crime Commission Act (NSW).

**45 Subsection 5(1) (definition of *member of the staff of the Crime Commission*)**

Repeal the definition, substitute:

*member of the staff of the Crime Commission (NSW)* means a person who is covered by paragraph 74(1)(a) or (b) of the Crime Commission Act (NSW).

**46 Subsection 5(1) (definition of *member of the staff of the Inspector of the Independent Commission Against Corruption*)**

Repeal the definition, substitute:

*member of the staff of the Inspector of the Independent Commission Against Corruption (NSW)* means:

- (a) a member of the staff referred to in subsection 57E(1) or (2) of the Independent Commission Against Corruption Act (NSW); or
- (b) a person engaged under subsection 57E(3) of that Act; or
- (c) a person whose services are used under subsection 57E(4) of that Act.

**47 Subsection 5(1)**

Insert:

*member of the staff of the Inspector of the Independent Commission Against Corruption (SA)* means a person covered by an arrangement referred to in clause 4 of Schedule 4 to the Independent Commission Against Corruption Act (SA).

**48 Subsection 5(1) (definition of *member of the staff of the Inspector of the Law Enforcement Conduct Commission*)**

Repeal the definition, substitute:

*member of the staff of the Inspector of the Law Enforcement Conduct Commission (NSW)* means:

- (a) a member of the staff referred to in subsection 128(1) of the Law Enforcement Conduct Commission Act (NSW); or

- (b) a person engaged, or whose services are used, under subsection 128(4) of that Act.

**49 Subsection 5(1) (definition of *member of the staff of the Law Enforcement Conduct Commission*)**

Repeal the definition, substitute:

*member of the staff of the Law Enforcement Conduct Commission (NSW)* means:

- (a) a member of the staff referred to in subsection 21(1) of the Law Enforcement Conduct Commission Act (NSW); or
- (b) a person engaged, or whose services are used, under subsection 21(2) or (3) of that Act.

**50 Subsection 5(1) (paragraph (d) of the definition of *officer*)**

Omit “Crime Commission” (wherever occurring), substitute “Crime Commission (NSW)”.

**51 Subsection 5(1) (paragraph (e) of the definition of *officer*)**

Repeal the paragraph, substitute:

- (e) in the case of the Independent Commission Against Corruption (NSW)—an officer of the Independent Commission Against Corruption (NSW); or

**52 Subsection 5(1) (paragraph (ea) of the definition of *officer*)**

Omit “Independent Commission Against Corruption” (wherever occurring), substitute “Independent Commission Against Corruption (NSW)”.

**53 Subsection 5(1) (paragraph (eb) of the definition of *officer*)**

Omit “IBAC” (wherever occurring), substitute “IBAC (Vic.)”.

**54 Subsection 5(1) (paragraph (f) of the definition of *officer*)**

Repeal the paragraph, substitute:

- (f) in the case of the Crime and Corruption Commission (Qld)—a commission officer (within the meaning of the Crime and Corruption Act (Qld)); or

**55 Subsection 5(1) (paragraphs (h) and (ha) of the definition of officer)**

Repeal the paragraphs, substitute:

- (h) in the case of the Law Enforcement Conduct Commission (NSW):
  - (i) the Chief Commissioner of the Law Enforcement Conduct Commission (NSW); or
  - (ii) the Commissioner for Integrity of the Law Enforcement Conduct Commission (NSW); or
  - (iii) an Assistant Commissioner of the Law Enforcement Conduct Commission (NSW); or
  - (iv) a member of the staff of the Law Enforcement Conduct Commission (NSW); or
- (ha) in the case of the Inspector of the Law Enforcement Conduct Commission (NSW):
  - (i) the Inspector of the Law Enforcement Conduct Commission (NSW); or
  - (ii) an Assistant Inspector of the Law Enforcement Conduct Commission (NSW); or
  - (iii) a member of the staff of the Inspector of the Law Enforcement Conduct Commission (NSW); or

**56 Subsection 5(1) (paragraph (k) of the definition of officer)**

Omit “Corruption and Crime Commission” (wherever occurring), substitute “Corruption and Crime Commission (WA)”.

**57 Subsection 5(1) (paragraph (l) of the definition of officer)**

Repeal the paragraph, substitute:

- (l) in the case of the Parliamentary Inspector of the Corruption and Crime Commission (WA)—the Parliamentary Inspector of the Corruption and Crime Commission (WA) or an officer of the Parliamentary Inspector of the Corruption and Crime Commission (WA); or

**58 Subsection 5(1) (after paragraph (m) of the definition of officer)**

Insert:

- (ma) in the case of the Inspector of the Independent Commission Against Corruption (SA):
- (i) the Inspector of the Independent Commission Against Corruption (SA); or
  - (ii) the Deputy Inspector of the Independent Commission Against Corruption (SA); or
  - (iii) a member of the staff of the Inspector of the Independent Commission Against Corruption (SA); or

**59 Subsection 5(1) (definition of *officer of the Corruption and Crime Commission*)**

Repeal the definition, substitute:

*officer of the Corruption and Crime Commission (WA)* means an officer of the Commission (within the meaning of the Corruption, Crime and Misconduct Act (WA)).

**60 Subsection 5(1)**

Insert:

*officer of the Independent Commission Against Corruption (NSW)* means an officer (within the meaning of the Independent Commission Against Corruption Act (NSW)) of that Commission.

*officer of the Law Enforcement Conduct Commission (NSW)* means an officer of the Commission (within the meaning of the Law Enforcement Conduct Commission Act (NSW)).

**61 Subsection 5(1) (definition of *officer of the Parliamentary Inspector*)**

Repeal the definition, substitute:

*officer of the Parliamentary Inspector of the Corruption and Crime Commission (WA)* means an officer of the Parliamentary Inspector (within the meaning of the Corruption, Crime and Misconduct Act (WA)).

**62 Subsection 5(1) (definition of *Parliamentary Inspector of the Corruption and Crime Commission*)**

Repeal the definition, substitute:

*Parliamentary Inspector of the Corruption and Crime Commission (WA)* means the inspector referred to in section 188 of the Corruption, Crime and Misconduct Act (WA).

**63 Subsection 5(1) (paragraph (da) of the definition of permitted purpose)**

Omit “Independent Commission Against Corruption” (first occurring), substitute “Independent Commission Against Corruption (NSW)”.

**64 Subsection 5(1) (subparagraph (da)(i) of the definition of permitted purpose)**

Omit “Independent Commission Against Corruption Act”, substitute “Independent Commission Against Corruption Act (NSW)”.

**65 Subsection 5(1) (paragraphs (db) and (dc) of the definition of permitted purpose)**

Repeal the paragraphs, substitute:

- (db) in the case of the Inspector of the Independent Commission Against Corruption (NSW):
  - (ia) auditing the operations of the Independent Commission Against Corruption (NSW) for the purpose of monitoring compliance with the law of New South Wales; or
  - (i) dealing with (by reports and recommendations) complaints of abuse of power, impropriety or other forms of misconduct (within the meaning of the Independent Commission Against Corruption Act (NSW)) on the part of the Independent Commission Against Corruption (NSW) or an officer of the Independent Commission Against Corruption (NSW); or
  - (ii) dealing with (by reports and recommendations) conduct amounting to maladministration (within the meaning of the Independent Commission Against Corruption Act (NSW)) by the Independent Commission Against Corruption (NSW) or an officer of the Independent Commission Against Corruption (NSW); or
  - (iii) assessing the effectiveness and appropriateness of the procedures of the Independent Commission Against

- Corruption (NSW) relating to the legality or propriety of that Commission's activities; or
- (dc) in the case of the Inspector of the Law Enforcement Conduct Commission (NSW):
- (ia) auditing the operations of the Law Enforcement Conduct Commission (NSW) for the purpose of monitoring compliance with the law of New South Wales; or
  - (i) dealing with (by reports and recommendations) conduct amounting to agency maladministration (within the meaning of subsection 122(3) of the Law Enforcement Conduct Commission Act (NSW)) on the part of the Law Enforcement Conduct Commission (NSW), whether or not the subject of a complaint; or
  - (ii) dealing with (by reports and recommendations) conduct amounting to officer misconduct (within the meaning of subsection 122(3) of the Law Enforcement Conduct Commission Act (NSW)) or officer maladministration (within the meaning of that subsection) on the part of an officer of the Law Enforcement Conduct Commission (NSW), whether or not the subject of a complaint; or
  - (iii) assessing the effectiveness and appropriateness of the policies and procedures of the Law Enforcement Conduct Commission (NSW) relating to the legality or propriety of that Commission's activities; or

**66 Subsection 5(1) (paragraph (e) of the definition of *permitted purpose*)**

Omit "Law Enforcement Conduct Commission", substitute "Law Enforcement Conduct Commission (NSW)".

**67 Subsection 5(1) (subparagraph (e)(i) of the definition of *permitted purpose*)**

Omit "*Law Enforcement Conduct Commission Act 2016* (NSW)", substitute "Law Enforcement Conduct Commission Act (NSW)".

**68 Subsection 5(1) (paragraph (f) of the definition of *permitted purpose*)**

Omit "IBAC" (first occurring), substitute "IBAC (Vic.)".

**69 Subsection 5(1) (subparagraphs (f)(i) and (ii) of the definition of *permitted purpose*)**

Omit “IBAC Act”, substitute “IBAC Act (Vic.)”.

**70 Subsection 5(1) (subparagraphs (fa)(i) and (ii) of the definition of *permitted purpose*)**

Repeal the subparagraphs, substitute:

- (i) monitoring the compliance of the IBAC (Vic.) and IBAC personnel (within the meaning of the Victorian Inspectorate Act) with the IBAC Act (Vic.) and other laws; or
- (ii) overseeing the performance by the IBAC (Vic.) of its functions under the *Public Interest Disclosures Act 2012* (Vic.); or
- (iii) assessing the effectiveness and appropriateness of the policies and procedures of the IBAC (Vic.) which relate to the legality and propriety of IBAC (Vic.)’s activities; or
- (iv) receiving complaints in accordance with the Victorian Inspectorate Act about the conduct of the IBAC (Vic.) and IBAC personnel (within the meaning of that Act); or
- (v) investigating and assessing the conduct of the IBAC (Vic.) and IBAC personnel (within the meaning of the Victorian Inspectorate Act) in the performance or exercise or purported performance or purported exercise of their duties, functions and powers; or
- (vi) reporting or making recommendations on an investigation covered by subparagraph (v) of this paragraph; or
- (vii) monitoring the interaction between the IBAC (Vic.) and other integrity bodies to ensure compliance with relevant laws; or

**71 Subsection 5(1) (paragraph (g) of the definition of *permitted purpose*)**

Omit “Corruption and Crime Commission” (first occurring), substitute “Corruption and Crime Commission (WA)”.

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**72 Subsection 5(1) (subparagraph (g)(i) of the definition of *permitted purpose*)**

Omit “Corruption and Crime Commission Act”, substitute “Corruption, Crime and Misconduct Act (WA)”.

**73 Subsection 5(1) (paragraph (ga) of the definition of *permitted purpose*)**

Omit “Crime and Corruption Commission”, substitute “Crime and Corruption Commission (Qld)”.

**74 Subsection 5(1) (subparagraph (ga)(i) of the definition of *permitted purpose*)**

Omit “Crime and Corruption Act”, substitute “Crime and Corruption Act (Qld)”.

**75 Subsection 5(1) (paragraph (h) of the definition of *permitted purpose*)**

Repeal the paragraph, substitute:

- (h) in the case of the Parliamentary Inspector of the Corruption and Crime Commission (WA):
  - (i) auditing the operation of the Corruption, Crime and Misconduct Act (WA); or
  - (ii) auditing the operations of the Corruption and Crime Commission (WA) for the purpose of monitoring compliance with the laws of Western Australia; or
  - (iii) dealing with matters of misconduct (within the meaning of the Corruption, Crime and Misconduct Act (WA)) on the part of the Corruption and Crime Commission (WA), an officer of the Corruption and Crime Commission (WA) or an officer of the Parliamentary Inspector of the Corruption and Crime Commission (WA); or
  - (iv) auditing any operation carried out pursuant to the powers conferred or made available by the Corruption, Crime and Misconduct Act (WA); or
  - (v) assessing the effectiveness and appropriateness of the Corruption and Crime Commission (WA)’s procedures; or

- (vi) making recommendations to the Corruption and Crime Commission (WA), independent agencies (within the meaning of the Corruption, Crime and Misconduct Act (WA)) and appropriate authorities (within the meaning of that Act); or
- (vii) reporting and making recommendations to either House of Parliament of Western Australia and the Standing Committee (within the meaning of the Corruption, Crime and Misconduct Act (WA)); or
- (viii) performing any other function given to the Parliamentary Inspector of the Corruption and Crime Commission (WA) under the Corruption, Crime and Misconduct Act (WA) or another law of Western Australia; or

**76 Subsection 5(1) (after paragraph (i) of the definition of *permitted purpose*)**

Insert:

- (ia) in the case of the Inspector of the Independent Commission Against Corruption (SA):
  - (i) conducting annual reviews examining the operations of the Office for Public Integrity (SA) established by section 17 of the Independent Commission Against Corruption Act (SA), and the Independent Commission Against Corruption (SA), during each financial year; or
  - (ii) conducting reviews relating to relevant complaints (within the meaning of Schedule 4 to the Independent Commission Against Corruption Act (SA)) received by the Inspector of the Independent Commission Against Corruption (SA); or
  - (iii) conducting other reviews on the Inspector of the Independent Commission Against Corruption (SA)'s own motion or at the request of the Attorney-General of South Australia or the Committee (within the meaning of Schedule 4 to the Independent Commission Against Corruption Act (SA)); or
  - (iv) performing any other functions conferred on the Inspector of the Independent Commission Against Corruption (SA) by other laws of South Australia; or

**77 Subsection 5(1) (subparagraph (b)(i) of the definition of *PIM*)**

Omit “*Crime and Corruption Act 2001* of Queensland”, substitute “Crime and Corruption Act (Qld)”.

**78 Subsection 5(1) (paragraph (b) of the definition of *prescribed investigation*)**

Omit “Crime Commission” (first and second occurring), substitute “Crime Commission (NSW)”.

**79 Subsection 5(1) (paragraph (b) of the definition of *prescribed investigation*)**

Omit “Crime Commission Act”, substitute “Crime Commission Act (NSW)”.

**80 Subsection 5(1) (paragraph (c) of the definition of *prescribed investigation*)**

Omit “Independent Commission Against Corruption” (first and second occurring), substitute “Independent Commission Against Corruption (NSW)”.

**81 Subsection 5(1) (paragraph (c) of the definition of *prescribed investigation*)**

Omit “Independent Commission Against Corruption Act”, substitute “Independent Commission Against Corruption Act (NSW)”.

**82 Subsection 5(1) (paragraph (ca) of the definition of *prescribed investigation*)**

Omit “Inspector of the Independent Commission Against Corruption”, substitute “Inspector of the Independent Commission Against Corruption (NSW)”.

**83 Subsection 5(1) (paragraph (ca) of the definition of *prescribed investigation*)**

Omit “Independent Commission Against Corruption Act”, substitute “Independent Commission Against Corruption Act (NSW)”.

**84 Subsection 5(1) (paragraph (cb) of the definition of *prescribed investigation*)**

Omit “IBAC” (first and second occurring), substitute “IBAC (Vic.)”.

**85 Subsection 5(1) (paragraph (cb) of the definition of *prescribed investigation*)**

Omit “IBAC Act”, substitute “IBAC Act (Vic.)”.

**86 Subsection 5(1) (paragraph (d) of the definition of *prescribed investigation*)**

Omit “Crime and Corruption Commission”, substitute “Crime and Corruption Commission (Qld)”.

**87 Subsection 5(1) (paragraph (d) of the definition of *prescribed investigation*)**

Omit “Crime and Corruption Act”, substitute “Crime and Corruption Act (Qld)”.

**88 Subsection 5(1) (paragraph (f) of the definition of *prescribed investigation*)**

Omit “Law Enforcement Conduct Commission”, substitute “Law Enforcement Conduct Commission (NSW)”.

**89 Subsection 5(1) (paragraph (f) of the definition of *prescribed investigation*)**

Omit “*Law Enforcement Conduct Commission Act 2016* (NSW)”, substitute “Law Enforcement Conduct Commission Act (NSW)”.

**90 Subsection 5(1) (paragraph (fa) of the definition of *prescribed investigation*)**

Omit “Law Enforcement Conduct Commission”, substitute “Law Enforcement Conduct Commission (NSW)”.

**91 Subsection 5(1) (paragraph (fa) of the definition of *prescribed investigation*)**

Omit “*Law Enforcement Conduct Commission Act 2016* (NSW)”, substitute “Law Enforcement Conduct Commission Act (NSW)”.

**92 Subsection 5(1) (paragraph (i) of the definition of *prescribed investigation*)**

Omit “Corruption and Crime Commission” (first occurring), substitute “Corruption and Crime Commission (WA)”.

**93 Subsection 5(1) (paragraph (i) of the definition of *prescribed investigation*)**

Omit “Corruption and Crime Commission Act”, substitute “Corruption, Crime and Misconduct Act (WA)”.

**94 Subsection 5(1) (paragraph (j) of the definition of *prescribed investigation*)**

Repeal the paragraph, substitute:

- (j) in the case of the Parliamentary Inspector of the Corruption and Crime Commission (WA)—means an investigation that the Parliamentary Inspector of the Corruption and Crime Commission (WA) is conducting in the performance of the Parliamentary Inspector’s functions under the Corruption, Crime and Misconduct Act (WA); or

**96 Subsection 5(1) (at the end of the definition of *prescribed investigation*)**

Add:

- ; or (l) in the case of the Inspector of the Independent Commission Against Corruption (SA)—means an investigation that the Inspector of the Independent Commission Against Corruption (SA) is conducting in the performance of the Inspector’s functions under the Independent Commission Against Corruption Act (SA).

**97 Subsection 5(1) (paragraph (d) of the definition of *relevant offence*)**

Omit “Crime Commission”, substitute “Crime Commission (NSW)”.

**98 Subsection 5(1) (paragraphs (e) and (ea) of the definition of *relevant offence*)**

Omit “Independent Commission Against Corruption”, substitute “Independent Commission Against Corruption (NSW)”.

**99 Subsection 5(1) (paragraph (eb) of the definition of *relevant offence*)**

Omit “IBAC”, substitute “IBAC (Vic.)”.

**100 Subsection 5(1) (paragraph (f) of the definition of *relevant offence*)**

Omit “Crime and Corruption Commission”, substitute “Crime and Corruption Commission (Qld)”.

**101 Subsection 5(1) (paragraphs (h) and (ha) of the definition of *relevant offence*)**

Omit “Law Enforcement Conduct Commission”, substitute “Law Enforcement Conduct Commission (NSW)”.

**102 Subsection 5(1) (paragraphs (k) and (l) of the definition of *relevant offence*)**

Omit “Corruption and Crime Commission”, substitute “Corruption and Crime Commission (WA)”.

**103 Subsection 5(1) (at the end of the definition of *relevant offence*)**

Add:

; or (n) in the case of the Inspector of the Independent Commission Against Corruption (SA)—a prescribed offence that is an offence against the law of South Australia and to which a prescribed investigation relates.

**104 Subsection 5(6A)**

Repeal the subsection.

**105 Subsection 5(7) (heading)**

Omit “*Law Enforcement Conduct Commission*”, substitute “*Law Enforcement Conduct Commission (NSW)*”.

**106 Subparagraph 5(7)(a)(i)**

Omit “Crime Commission”, substitute “Crime Commission (NSW)”.

**107 Subparagraph 5(7)(a)(ii)**

Omit “Law Enforcement Conduct Commission”, substitute “Law Enforcement Conduct Commission (NSW)”.

**108 Subparagraphs 5(7)(c)(i) and (ii)**

Omit “Crime Commission”, substitute “Crime Commission (NSW)”.

**109 Paragraph 5(7)(d)**

Omit “*Law Enforcement Conduct Commission Act 2016* (NSW)”, substitute “Law Enforcement Conduct Commission Act (NSW)”.

**110 Subsection 5(8)**

Omit “*Law Enforcement Conduct Commission Act 2016* (NSW)”, substitute “Law Enforcement Conduct Commission Act (NSW)”.

**111 Subsection 5AC(5)**

Omit “Crime Commission” (wherever occurring), substitute “Crime Commission (NSW)”.

**112 Subsection 5AC(6)**

Omit “Independent Commission Against Corruption” (wherever occurring), substitute “Independent Commission Against Corruption (NSW)”.

**113 Subsection 5AC(7)**

Omit “IBAC” (wherever occurring), substitute “IBAC (Vic.)”.

**114 Subsection 5AC(8)**

Omit “Law Enforcement Conduct Commission” (wherever occurring), substitute “Law Enforcement Conduct Commission (NSW)”.

**115 Subsection 5AC(9)**

Omit “Corruption and Crime Commission” (wherever occurring), substitute “Corruption and Crime Commission (WA)”.

**116 Paragraphs 5B(1)(hb) and (hc)**

Omit “Independent Commission Against Corruption”, substitute “Independent Commission Against Corruption (NSW)”.

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**117 Paragraph 5B(1)(i)**

Omit “IBAC”, substitute “IBAC (Vic.)”.

**118 Paragraphs 5B(1)(ia) and (ib)**

Omit “Corruption and Crime Commission”, substitute “Corruption and Crime Commission (WA)”.

**119 Paragraphs 5B(1)(k) and (ka)**

Omit “Law Enforcement Conduct Commission”, substitute “Law Enforcement Conduct Commission (NSW)”.

**120 Paragraph 5B(1)(kb)**

Omit “Crime and Corruption Commission”, substitute “Crime and Corruption Commission (Qld)”.

**121 Before paragraph 5B(1)(kd)**

Insert:

(kca) a proceeding of the Inspector of the Independent Commission Against Corruption (SA); or

**122 Subparagraph 6A(1)(c)(ii)**

Omit “Crime Commission”, substitute “Crime Commission (NSW)”.

**123 Subparagraph 6A(1)(c)(iii)**

Omit “Crime and Corruption Commission”, substitute “Crime and Corruption Commission (Qld)”.

**124 Subparagraphs 6A(1)(c)(v) and (va)**

Omit “Independent Commission Against Corruption”, substitute “Independent Commission Against Corruption (NSW)”.

**125 Subparagraphs 6A(1)(c)(vi) and (vii)**

Omit “Law Enforcement Conduct Commission”, substitute “Law Enforcement Conduct Commission (NSW)”.

**126 Subparagraph 6A(1)(c)(viii)**

Omit “IBAC”, substitute “IBAC (Vic.)”.

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**127 Subparagraphs 6A(1)(c)(x) and (xi)**

Omit “Corruption and Crime Commission”, substitute “Corruption and Crime Commission (WA)”.

**128 At the end of paragraph 6A(1)(c)**

Add:

; (xiii) the Inspector of the Independent Commission Against Corruption (SA).

**129 Paragraph 6L(2)(aa)**

Omit “Crime Commission”, substitute “Crime Commission (NSW)”.

**130 Paragraph 6L(2)(b)**

Omit “Independent Commission Against Corruption” (wherever occurring), substitute “Independent Commission Against Corruption (NSW)”.

**131 Paragraph 6L(2)(b)**

Omit “Law Enforcement Conduct Commission” (wherever occurring), substitute “Law Enforcement Conduct Commission (NSW)”.

**132 Paragraph 6L(2)(ba)**

Omit “IBAC”, substitute “IBAC (Vic.)”.

**133 Paragraph 6L(2)(c)**

Omit “Crime and Corruption Commission”, substitute “Crime and Corruption Commission (Qld)”.

**134 Paragraph 6L(2)(d)**

Omit “Corruption and Crime Commission” (wherever occurring), substitute “Corruption and Crime Commission (WA)”.

**135 Paragraph 6L(2)(e)**

Before “—a reference”, add “or the Inspector of the Independent Commission Against Corruption (SA)”.

**136 Paragraph 39(2)(d)**

Omit “Crime Commission” (wherever occurring), substitute “Crime Commission (NSW)”.

**137 Paragraph 39(2)(e)**

Repeal the paragraph, substitute:

- (e) in the case of the Independent Commission Against Corruption (NSW)—an officer of the Independent Commission Against Corruption (NSW); or

**138 Paragraph 39(2)(ea)**

Omit “IBAC” (wherever occurring), substitute “IBAC (Vic.)”.

**139 Paragraph 39(2)(f)**

Repeal the paragraph, substitute:

- (f) in the case of the Crime and Corruption Commission (Qld)—a commission officer (within the meaning of the Crime and Corruption Act (Qld)); or

**140 Paragraph 39(2)(g)**

Omit “Law Enforcement Conduct Commission” (wherever occurring), substitute “Law Enforcement Conduct Commission (NSW)”.

**141 Paragraph 39(2)(i)**

Omit “Corruption and Crime Commission” (wherever occurring), substitute “Corruption and Crime Commission (WA)”.

**142 Paragraph 68(ea)**

Omit “Independent Commission Against Corruption” (wherever occurring), substitute “Independent Commission Against Corruption (NSW)”.

**143 Paragraph 68(eb)**

Repeal the paragraph, substitute:

- (eb) if the information relates, or appears to relate, to a matter referred to in paragraph (db) of the definition of *permitted purpose* in subsection 5(1)—to the Inspector of the Independent Commission Against Corruption (NSW); and

**144 Paragraph 68(ec)**

Omit “IBAC” (wherever occurring), substitute “IBAC (Vic.)”.

**145 Paragraph 68(ed)**

Repeal the paragraph, substitute:

- (ed) if the information relates, or appears to relate, to a matter referred to in paragraph (fa) of the definition of *permitted purpose* in subsection 5(1)—to the Inspector of the Victorian Inspectorate; and

**146 Paragraph 68(f)**

Omit “Law Enforcement Conduct Commission”, substitute “Law Enforcement Conduct Commission (NSW)”.

**147 Paragraph 68(f)**

Omit “the Commission”, substitute “the Law Enforcement Conduct Commission (NSW)”.

**148 Paragraph 68(fa)**

Repeal the paragraph, substitute:

- (fa) if the information relates, or appears to relate, to a matter referred to in paragraph (dc) of the definition of *permitted purpose* in subsection 5(1)—to the Inspector of the Law Enforcement Conduct Commission (NSW); and

**149 Paragraph 68(h)**

Omit “Crime and Corruption Commission” (wherever occurring), substitute “Crime and Corruption Commission (Qld)”.

**150 Paragraph 68(j)**

Omit “Corruption and Crime Commission” (wherever occurring), substitute “Corruption and Crime Commission (WA)”.

**151 After paragraph 68(ja)**

Insert:

- (jb) if the information relates, or appears to relate, to a matter referred to in paragraph (ia) of the definition of *permitted*

*purpose* in subsection 5(1)—to the Inspector of the Independent Commission Against Corruption (SA); and

**152 Paragraph 68(k)**

Repeal the paragraph, substitute:

- (k) if the information relates, or appears to relate, to a matter referred to in paragraph (h) of the definition of *permitted purpose* in subsection 5(1)—to the Parliamentary Inspector of the Corruption and Crime Commission (WA); and

**153 Paragraph 110A(1)(f)**

Omit “Crime Commission”, substitute “Crime Commission (NSW)”.

**154 Paragraph 110A(1)(g)**

Omit “Independent Commission Against Corruption”, substitute “Independent Commission Against Corruption (NSW)”.

**155 Paragraph 110A(1)(h)**

Omit “Law Enforcement Conduct Commission”, substitute “Law Enforcement Conduct Commission (NSW)”.

**156 Paragraph 110A(1)(i)**

Omit “IBAC”, substitute “IBAC (Vic.)”.

**157 Paragraph 110A(1)(j)**

Omit “Crime and Corruption Commission”, substitute “Crime and Corruption Commission (Qld)”.

**158 Paragraph 110A(1)(k)**

Omit “Corruption and Crime Commission”, substitute “Corruption and Crime Commission (WA)”.

**159 Paragraph 22(3)(e) of Schedule 1**

Omit “Crime Commission” (wherever occurring), substitute “Crime Commission (NSW)”.

**160 Paragraph 22(3)(f) of Schedule 1**

Repeal the paragraph, substitute:

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(f) in the case of the Independent Commission Against Corruption (NSW)—an officer of the Independent Commission Against Corruption (NSW); or

**161 Paragraph 22(3)(g) of Schedule 1**

Omit “IBAC” (wherever occurring), substitute “IBAC (Vic.)”.

**162 Paragraph 22(3)(h) of Schedule 1**

Repeal the paragraph, substitute:

(h) in the case of the Crime and Corruption Commission (Qld)—a commission officer (within the meaning of the Crime and Corruption Act (Qld)); or

**163 Paragraph 22(3)(i) of Schedule 1**

Omit “Law Enforcement Conduct Commission” (first occurring), substitute “Law Enforcement Conduct Commission (NSW)”.

**164 Subparagraphs 22(3)(i)(i), (ii) and (iii) of Schedule 1**

Omit “the Commission”, substitute “the Law Enforcement Conduct Commission (NSW)”.

**165 Subparagraph 22(3)(i)(iv) of Schedule 1**

Omit “Law Enforcement Conduct Commission”, substitute “Law Enforcement Conduct Commission (NSW)”.

**166 Paragraph 22(3)(j) of Schedule 1**

Omit “Corruption and Crime Commission” (wherever occurring), substitute “Corruption and Crime Commission (WA)”.

**167 Paragraphs 157(1)(p) and (q) of Schedule 1**

Omit “Independent Commission Against Corruption”, substitute “Independent Commission Against Corruption (NSW)”.

**168 Paragraph 157(1)(s) of Schedule 1**

Omit “IBAC”, substitute “IBAC (Vic.)”.

**169 Paragraphs 157(1)(u) and (v) of Schedule 1**

Omit “Corruption and Crime Commission”, substitute “Corruption and Crime Commission (WA)”.

**170 Paragraphs 157(1)(w) and (x) of Schedule 1**

Omit “Law Enforcement Conduct Commission”, substitute “Law Enforcement Conduct Commission (NSW)”.

**171 Paragraph 157(1)(y) of Schedule 1**

Omit “Crime and Corruption Commission”, substitute “Crime and Corruption Commission (Qld)”.

**172 After paragraph 157(1)(z) of Schedule 1**

Insert:

(zaa) a proceeding of the Inspector of the Independent Commission Against Corruption (SA);

**173 Paragraphs 157(1)(zg) and (zh) of Schedule 1**

Omit “Independent Commission Against Corruption”, substitute “Independent Commission Against Corruption (NSW)”.

**174 Paragraphs 157(1)(zi) and (zj) of Schedule 1**

Omit “Law Enforcement Conduct Commission”, substitute “Law Enforcement Conduct Commission (NSW)”.

**175 Paragraph 157(1)(zk) of Schedule 1**

Omit “IBAC”, substitute “IBAC (Vic.)”.

**176 Paragraph 157(1)(zm) of Schedule 1**

Omit “Corruption and Crime Commission”, substitute “Corruption and Crime Commission (WA)”.

**177 Paragraph 157(1)(zn) of Schedule 1**

Omit “Crime and Corruption Commission”, substitute “Crime and Corruption Commission (Qld)”.

**178 Paragraph 157(1)(zo) of Schedule 1**

Omit “Corruption and Crime Commission”, substitute “Corruption and Crime Commission (WA)”.

**179 At the end of subclause 157(1) of Schedule 1**

Add:

; (zq) an eligible purpose of the Inspector of the Independent Commission Against Corruption (SA).

**180 Paragraph 157(2)(g) of Schedule 1**

Omit “Independent Commission Against Corruption” (first occurring), substitute “Independent Commission Against Corruption (NSW)”.

**181 Subparagraph 157(2)(g)(i) of Schedule 1**

Omit “Independent Commission Against Corruption Act”, substitute “Independent Commission Against Corruption Act (NSW)”.

**182 Paragraphs 157(2)(h) and (i) of Schedule 1**

Repeal the paragraphs, substitute:

- (h) each of the following is an *eligible purpose* of the Inspector of the Independent Commission Against Corruption (NSW):
  - (i) auditing the operations of the Independent Commission Against Corruption (NSW) for the purpose of monitoring compliance with the law of New South Wales;
  - (ii) dealing with (by reports and recommendations) complaints of abuse of power, impropriety or other forms of misconduct (within the meaning of the Independent Commission Against Corruption Act (NSW)) on the part of the Independent Commission Against Corruption (NSW) or an officer of the Independent Commission Against Corruption (NSW);
  - (iii) dealing with (by reports and recommendations) conduct amounting to maladministration (within the meaning of the Independent Commission Against Corruption Act (NSW)) by the Independent Commission Against Corruption (NSW) or an officer of the Independent Commission Against Corruption (NSW);

- (iv) assessing the effectiveness and appropriateness of the procedures of the Independent Commission Against Corruption (NSW) relating to the legality or propriety of that Commission's activities; and
- (i) each of the following is an *eligible purpose* of the Inspector of the Law Enforcement Conduct Commission (NSW):
  - (i) auditing the operations of the Law Enforcement Conduct Commission (NSW) for the purpose of monitoring compliance with the law of New South Wales;
  - (ii) dealing with (by reports and recommendations) conduct amounting to agency maladministration (within the meaning of subsection 122(3) of the Law Enforcement Conduct Commission Act (NSW)) on the part of the Law Enforcement Conduct Commission (NSW), whether or not the subject of a complaint;
  - (iii) dealing with (by reports and recommendations) conduct amounting to officer misconduct (within the meaning of subsection 122(3) of the Law Enforcement Conduct Commission Act (NSW)) or officer maladministration (within the meaning of that subsection) on the part of an officer of the Law Enforcement Conduct Commission (NSW), whether or not the subject of a complaint;
  - (iv) assessing the effectiveness and appropriateness of the policies and procedures of the Law Enforcement Conduct Commission (NSW) relating to the legality or propriety of that Commission's activities; and

**183 Paragraph 157(2)(j) of Schedule 1**

Omit "Law Enforcement Conduct Commission", substitute "Law Enforcement Conduct Commission (NSW)".

**184 Subparagraph 157(2)(j)(i) of Schedule 1**

Omit "*Law Enforcement Conduct Commission Act 2016* (NSW)", substitute "Law Enforcement Conduct Commission Act (NSW)".

**185 Paragraph 157(2)(k) of Schedule 1**

Omit "IBAC" (first occurring), substitute "IBAC (Vic.)".



**186 Subparagraphs 157(2)(k)(i) and (ii) of Schedule 1**

Omit “IBAC Act”, substitute “IBAC Act (Vic.)”.

**187 Subparagraphs 157(2)(l)(i) and (ii) of Schedule 1**

Repeal the subparagraphs, substitute:

- (i) monitoring the compliance of the IBAC (Vic.) and IBAC personnel (within the meaning of the Victorian Inspectorate Act) with the IBAC Act (Vic.) and other laws;
- (ii) overseeing the performance by the IBAC (Vic.) of its functions under the *Public Interest Disclosures Act 2012* (Vic.);
- (iii) assessing the effectiveness and appropriateness of the policies and procedures of the IBAC (Vic.) which relate to the legality and propriety of IBAC (Vic.)’s activities;
- (iv) receiving complaints in accordance with the Victorian Inspectorate Act about the conduct of the IBAC (Vic.) and IBAC personnel (within the meaning of that Act);
- (v) investigating and assessing the conduct of the IBAC (Vic.) and IBAC personnel (within the meaning of the Victorian Inspectorate Act) in the performance or exercise or purported performance or purported exercise of their duties, functions and powers;
- (vi) reporting or making recommendations on an investigation covered by subparagraph (v) of this paragraph;
- (vii) monitoring the interaction between the IBAC (Vic.) and other integrity bodies to ensure compliance with relevant laws; and

**188 Paragraph 157(2)(m) of Schedule 1**

Omit “Corruption and Crime Commission” (first occurring), substitute “Corruption and Crime Commission (WA)”.

**189 Subparagraph 157(2)(m)(i) of Schedule 1**

Omit “Corruption and Crime Commission Act”, substitute “Corruption, Crime and Misconduct Act (WA)”.

**190 Paragraph 157(2)(n) of Schedule 1**

Omit “Crime and Corruption Commission”, substitute “Crime and Corruption Commission (Qld)”.

**191 Subparagraph 157(2)(n)(i) of Schedule 1**

Omit “Crime and Corruption Act”, substitute “Crime and Corruption Act (Qld)”.

**192 Paragraph 157(2)(o) of Schedule 1**

Repeal the paragraph, substitute:

- (o) each of the following is an *eligible purpose* of the Parliamentary Inspector of the Corruption and Crime Commission (WA):
  - (i) auditing the operation of the Corruption, Crime and Misconduct Act (WA);
  - (ii) auditing the operations of the Corruption and Crime Commission (WA) for the purpose of monitoring compliance with the laws of Western Australia;
  - (iii) dealing with matters of misconduct (within the meaning of the Corruption, Crime and Misconduct Act (WA)) on the part of the Corruption and Crime Commission (WA), an officer of the Corruption and Crime Commission (WA) or an officer of the Parliamentary Inspector of the Corruption and Crime Commission (WA);
  - (iv) auditing any operation carried out pursuant to the powers conferred or made available by the Corruption, Crime and Misconduct Act (WA);
  - (v) assessing the effectiveness and appropriateness of the Corruption and Crime Commission (WA)’s procedures;
  - (vi) making recommendations to the Corruption and Crime Commission (WA), independent agencies (within the meaning of the Corruption, Crime and Misconduct Act (WA)) and appropriate authorities (within the meaning of that Act);
  - (vii) reporting and making recommendations to either House of Parliament of Western Australia and the Standing Committee (within the meaning of the Corruption, Crime and Misconduct Act (WA));

- (viii) performing any other function given to the Parliamentary Inspector of the Corruption and Crime Commission (WA) under the Corruption, Crime and Misconduct Act (WA) or another law of Western Australia; and

**193 At the end of subclause 157(2) of Schedule 1**

Add:

- ; (q) each of the following is an *eligible purpose* of the Inspector of the Independent Commission Against Corruption (SA):
  - (i) conducting annual reviews examining the operations of the Office for Public Integrity (SA) established by section 17 of the Independent Commission Against Corruption Act (SA), and the Independent Commission Against Corruption (SA), during each financial year;
  - (ii) conducting reviews relating to relevant complaints (within the meaning of Schedule 4 to the Independent Commission Against Corruption Act (SA)) received by the Inspector of the Independent Commission Against Corruption (SA);
  - (iii) conducting other reviews on the Inspector of the Independent Commission Against Corruption (SA)'s own motion or at the request of the Attorney-General of South Australia or the Committee (within the meaning of Schedule 4 to the Independent Commission Against Corruption Act (SA));
  - (iv) performing any other functions conferred on the Inspector of the Independent Commission Against Corruption (SA) by other laws of South Australia.

**194 Application provision—Inspector of the Independent Commission Against Corruption (SA)**

The amendments made by this Schedule apply in relation to an exercise of power or the performance of a function or duty by the Inspector of the Independent Commission Against Corruption (SA) that occurs on or after the commencement of this Schedule.

**195 Application provision—expansion of permitted purposes of oversight bodies**

- (1) The amendments made by this Schedule to the definition of *permitted purpose* in subsection 5(1) of the *Telecommunications (Interception and Access) Act 1979* apply in relation to:
- (a) a determination of whether the Minister is satisfied that the law of a State makes satisfactory provision in relation to the matters referred to in paragraph 35(1)(g); or
  - (b) information communicated to another person, used or recorded under subsection 67(1); or
  - (c) a determination of whether a chief officer shall cause a restricted record to be destroyed under subsection 79(1);
- of that Act on or after the commencement of this Schedule (whether, in the case of paragraph (b) of this subitem, that information was obtained before, on or after that commencement).
- (2) The amendments made by this Schedule to section 68 of the *Telecommunications (Interception and Access) Act 1979* apply in relation to information communicated under that section on or after the commencement of this Schedule (whether that information was obtained before, on or after that commencement).

**196 Application provision—expansion of eligible purposes of oversight bodies**

The amendments made by this Schedule of clause 157 of Schedule 1 to the *Telecommunications (Interception and Access) Act 1979* apply in relation to protected information used, recorded, disclosed or admitted in evidence under that clause on or after the commencement of this Schedule (whether that information was obtained before, on or after that commencement).

**Schedule 6—Unauthorised disclosure of  
information by current and former  
Commonwealth officers etc.—  
sunsetting extension**

*Criminal Code Act 1995*

**1 Subsection 122.4(3) of the *Criminal Code***

Omit “29 December 2024”, substitute “29 June 2026”.

## Schedule 7—Meaning of hors de combat

### Part 1—Amendments

#### *Criminal Code Act 1995*

#### 1 Dictionary in the *Criminal Code* (definition of *hors de combat*)

Repeal the definition, substitute:

*hors de combat*: a person is *hors de combat* if:

- (a) any of the following apply:
  - (i) the person is in the power of an adverse party;
  - (ii) the person clearly expresses an intention to surrender;
  - (iii) the person has been rendered unconscious or is otherwise incapacitated by wounds or sickness and is therefore incapable of defending himself or herself; and
- (b) the person abstains from any hostile act and does not attempt to escape.

## **Part 2—Application of amendment**

### **2 Application of amendment**

- (1) The definition of *hors de combat* in the Dictionary in the *Criminal Code*, as inserted by this Schedule, applies in relation to:
  - (a) any conduct engaged in on or after 26 September 2002; and
  - (b) any legal proceedings that are commenced on or after that day, if the proceedings have not been finally determined before the commencement of this Part.
- (2) In this item, *legal proceedings* include any proceedings before a court or tribunal, and include proceedings that are pending.

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[*Minister's second reading speech made in—  
House of Representatives on 27 March 2024  
Senate on 16 September 2024*]

(37/24)

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