

Australian Federal Police Amendment Regulations 2002 (No. 1) 2002 No. 4

EXPLANATORY STATEMENT

STATUTORY RULES 2002 No. 4

Issued by the Authority of the Attorney-General

Australian Federal Police Act 1979

Australian Federal Police Amendment Regulations 2002 (No. 1)

Part II of the *Australian Federal Police Act 1979* (the Act) provides for the issue of warrants authorising the use of listening devices in connection with the investigation of certain serious offences. Section 12G permits the issue of warrants authorising the use of a listening device in relation to particular persons, premises or items by a Judge or nominated Administrative Appeal Tribunal (AAT) member in accordance with the prescribed form. Section 70 empowers the Governor-General to make regulations prescribing matters required or permitted to be prescribed by the Act.

Section 12G originally provided that warrants could only be issued for the use of listening devices in relation to particular persons or premises. Schedule 1 of the *Australian Federal Police Regulations* provides prescribed forms for warrants for the use of a listening device in relation to particular persons issued under s 12G(2) or in relation to particular premises issued under s 12G(4).

Section 12G of the Act was amended in 2001 by the *Measures to Combat Serious and Organised Crime Act 2001* to permit warrants to be issued authorising the use of a listening device in relation to a particular item. The new Regulations prescribe the form for warrants authorising the use of a listening device in relation to a particular item issued under s 12G(5A) of the Act and update the drafting style of the existing prescribed forms for warrants in Schedule 1.

Details of the Regulations are in the attachment.

The Regulations commence on gazettal.

Attachment

NOTES ON PROPOSED REGULATIONS

The details of the proposed regulations are as follows:

Regulation 1 cites the regulations as the *Australian Federal Police Amendment Regulations 2002 (No. 1)*.

Regulation 2 provides that the Regulations commence on gazettal.

Regulation 3 provides that Schedule 1 amends the *Australian Federal Police Regulations 1979*.

Item 1 of Schedule 1 inserts the words "; and" into paragraph 27(b) to permit the addition of paragraph 27(c).

Item 2 of Schedule 1 provides that the form for a warrant authorising the use of a listening device in relation to a particular item is Form 6 of Schedule 1.

Item 3 of Schedule 1 updates the drafting style of Forms 4 and 5 to provide simplified, plain English warrant forms and inserts Form 6 which is the prescribed form of warrant for the purposes of s 12G(5A) of the *Australian Federal Police Act 1979* authorising the use of a listening device in relation to a particular item.