

EXPLANATORY STATEMENT

Telecommunications (Interception) Act 1979

Declaration of the Tasmania Police Service

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

- the police services of each State and of the Northern Territory;
- in New South Wales - the Independent Commission Against Corruption, the New South Wales Crime Commission, the Police Integrity Commission and the Inspector of the Police Integrity Commission;
- in Queensland, the Crime and Misconduct Commission; and
- in Western Australia – the Anti-Corruption Commission, the Royal Commission into Police Corruption, and the Corruption and Crime Commission.

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

A declaration may only be made under subsection 34(1) where the law of the relevant State makes satisfactory provision in relation to the matters enumerated in subsection 35(1) of the Act and the relevant State has entered into an agreement relating to costs arising from the issue of warrants to, and the execution of warrants issued to, the relevant eligible authority.

The *Telecommunications (Interception) Tasmania Act 1999* makes provision complying with the requirements of subsection 35(1) of the Act and Tasmania has entered into an agreement with the Commonwealth undertaking to pay the costs set out in subsection 35(2) as regards the Tasmania Police. Accordingly, the Attorney-General has executed an instrument declaring the Tasmania Police Service to be an agency for the purposes of the Act.

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

Victoria Police Service	28 October 1988
New South Wales Crime Commission	30 January 1989
New South Wales Police Service	30 January 1989
Independent Commission Against Corruption	6 June 1990
Police Force of South Australia	10 July 1991
Western Australia Police Service	15 July 1997
New South Wales Police Integrity Commission	14 July 1998
Western Australian Anti-Corruption Commission	24 September 2001
Western Australia Corruption and Crime Commission	24 March 2004