

EXPLANATORY STATEMENT

Telecommunications (Interception and Access) Act 1979

Telecommunications (Interception and Access) (Staff Members of Queensland Police Service) Declaration 2009 No. 2

The *Telecommunications (Interception and Access) Act 1979* (the Act) provides for the issue of interception warrants to an interception agency. Interception warrants authorise the listening to and recording of communications in their passage over the telecommunications system. The power to listen to or record a communication under an interception warrant may only be exercised by an officer or staff member of an interception agency in relation to whom an approval is in force pursuant to subsection 55(3) of the Act.

Subsection 55(3) of the Act allows the chief officer of an agency to approve officers or staff members, or classes of officers or staff members, of the agency or another agency to exercise the authority conferred by an interception warrant. The Act defines an 'officer' of the Police Force of a State as an officer of that Police Force. A 'staff member' is defined as an Australian Federal Police (AFP) employee who is not a 'member' of the AFP. Accordingly, the chief officer of an agency may not approve employees who are unsworn staff members of the Police Force to exercise the authority conferred by interception warrants.

Section 6N of the Act permits the Attorney-General to declare that a specified class of employees who are not members of an agency occupy comparable positions to unsworn AFP staff members. A declaration will allow the chief officer of an agency to approve unsworn staff members of a Police Force to execute the authority conferred by an interception warrant.

The Queensland Police Service requested that a declaration pursuant to section 6N of the Act be made for unsworn staff members of the Queensland Police Service

employed or seconded to the Telecommunications Interception Group, State Crime Operations Command. These unsworn staff members, when authorised by the Commissioner of the Queensland Police Service, will then be able to exercise the authority conferred by an interception warrant.

On reviewing the duties and conditions of employment, the Attorney-General is satisfied that unsworn staff members of the Queensland Police Service employed or seconded to the Telecommunications Interception Group, State Crime Operations Command, occupy corresponding positions to those of unsworn staff members of the Australian Federal Police.

The Attorney-General's Department has consulted with the Queensland Police Service about the Declaration. It was not considered appropriate to consult with other bodies about the declaration as the consultations concerned the specific employment conditions of the Queensland Police Service.

The Attorney-General has now executed an instrument declaring that unsworn staff members of the Queensland Police Service employed by, or seconded to, the Telecommunications Interception Group, State Operations Command, occupy positions corresponding to positions of unsworn staff members of the Australian Federal Police. The Commissioner of the Queensland Police Service is now able to authorise these unsworn staff members to exercise the authority conferred by an interception warrant.