

## EXPLANATORY STATEMENT

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

Under the *Telecommunications (Interception and Access) Act 1979* (the Act) warrants may be issued to agencies to permit the interception of communications. The power to exercise the authority conferred by an interception warrant may only be exercised by an officer or staff member of an agency in relation to whom an approval is in force pursuant to subsection 55(3) of the Act.

Subsection 55(3) provides that the chief officer of an agency may approve officers or staff members, or classes of officers or staff members, of the agency or another agency to exercise the authority conferred by warrants. An ‘officer’ in relation to the Police Force of a State is defined as an officer of that Police Force and 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 approve sworn members of the Police Force to exercise the authority conferred by warrants.

Section 6N of the Act enables the Attorney-General to declare that members of an agency included in a specified class of members occupy positions corresponding to those of AFP employees who are not members of the AFP. The effect of such a declaration is to enable the chief officer of an agency to approve unsworn staff members of a Police Force to execute the authority conferred by warrants.

The Tasmania Police requested that a declaration pursuant to section 6N of the Act be made for unsworn members of Telecommunications Interception Services. Also, South Australia Police requested for a 6N declaration be made for unsworn members of the Telecommunication Interception Section and the Anti-Corruption Branch.

On reviewing the duties and conditions of employment, the Attorney-General is satisfied that unsworn members of the Tasmania Police employed or seconded to Telecommunications Interception Services, and unsworn member of the South Australia Police employed or seconded to the Telecommunications Interception

Section and Anti-Corruption Branch occupy sufficiently corresponding positions to those of staff members of the Australian Federal Police.

The Attorney-General's Department has consulted with and the Tasmania Police and South Australia Police about the declaration. It was not considered appropriate to consult with other bodies as consultations concerned specific employment conditions of each of the services.

Accordingly, the Attorney-General has executed an instrument declaring that persons employed or seconded to the Tasmania Police Telecommunications Interception Services and to the South Australia Police Telecommunication Interception Section and Anti-Corruption Branch occupy corresponding positions to employees who are not members of the AFP. This means that the Commissioner of the Tasmania Police and the Commissioner of South Australia Police are able to approve these unsworn members in these teams to exercise the authority conferred by an interception warrant.