

EXPLANATORY STATEMENT

Issued by the authority of the Communications Access Co-ordinator

Telecommunications (Interception and Access) Act 1979

Telecommunications (Interception and Access) (Requirements for Authorisations, Notifications and Revocations) Determination 2018

Introduction

Purpose

1. Chapter 4 of the *Telecommunications (Interception and Access) Act 1979* (TIA Act) permits the disclosure of telecommunications information or documents to criminal law-enforcement agencies and enforcement agencies for limited purposes.
2. The TIA Act distinguishes between information that has already come into existence ('existing information') and information that will come into existence during the period that the authorisation is in force ('prospective information').
3. The TIA Act permits the Australian Federal Police (AFP) to authorise the disclosure of information or documents on behalf of foreign law enforcement agencies where that disclosure is reasonably necessary for the enforcement of foreign or international laws. The AFP may authorise disclosures for either existing or prospective information and further authorise the disclosure of the obtained information to the requesting foreign law enforcement agency.
4. Section 183 of the TIA Act provides that the Communications Access Co-ordinator (the Coordinator), a statutory position within the Department of Home Affairs, may by legislative instrument, determine requirements for the form of these authorisations, notifications of authorisations, revocations of authorisations and notifications of revocations.
5. Schedule 1 to the *Telecommunications (Interception and Access) (Requirements for Authorisations, Notifications and Revocations) Determination 2015* (2015 Determination) sets out the requirements relating to an authorisation made under Division 3, 4 or 4A of Part 4-1 of Chapter 4 of the TIA Act, and relating to the notification of an authorisation, the revocation of an authorisation and the notification of a revocation.
6. The *Telecommunications (Interception and Access) (Requirements for Authorisations, Notifications and Revocations) Determination 2018* (Principal Determination) revokes the 2015 Determination.
7. The requirements for authorisations, notifications and revocations made in the Principal Determination are substantially the same as those in the 2015 Determination with the exception of changes to reflect amendments made to the TIA Act as a result of the passage of the *Crimes Legislation Amendment (International Crime Cooperation and Other Measures) Act 2018* (the Amendment Act). Amongst other

things, the Amendment Act amended the TIA Act to ensure that both the formal and informal assistance that Australia can provide to foreign countries for the enforcement of foreign or international laws can also be provided to the International Criminal Court (ICC) and international war crimes tribunals (IWCTs). The Principal Determination also makes formatting and other minor changes to the 2015 Determination.

Operation

8. The Principal Determination is necessary to:
 - a. reflect amendments to the TIA Act that ensure that Australia can effectively respond to requests from the ICC and IWCTs relating to the investigation and prosecution of offences within their jurisdiction, and
 - b. ensure consistency between the Principal Determination and the TIA Act.

Financial Impact Statement

9. The Principal Determination does not have a financial impact.

Regulation Impact Statement

10. The Office of Best Practice Regulation has advised that a Regulation Impact Statement was not required (OBPR Reference 23565).

Statement of Compatibility with Human Rights

11. Under section 42 of the *Legislation Act 2003*, the Principal Determination is subject to disallowance and therefore a Statement of Compatibility with Human Rights is included at Attachment A.

Consultation

12. Subsection 183(3) of the TIA Act provides that the Coordinator must consult with the Australian Communications and Media Authority and the Information Commissioner in relation to privacy functions before making a determination under subsection 183(2) of the TIA Act. The Coordinator consulted with those two agencies in 2018 and took their comments into account prior to making the Principal Determination. The Australian Federal Police and Attorney-General's Department were also consulted. No significant issues were raised during this consultation.

Details of the instrument

13. Details of the instrument are set out in Attachment B.
14. The Principal Determination is a legislative instrument for the purposes of the *Legislation Act 2003*.
15. The Determination commences at the same time as Schedule 1 to the Amendment Act commences.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

1. This Determination is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

2. The *Telecommunications (Interception and Access) (Requirements for Authorisations, Notifications and Revocations) Determination 2018* (Principal Determination) reflects amendments to the *Telecommunications (Interception and Access) Act 1979* (TIA Act) as a result of the *Crimes Legislation Amendment (International Crime Cooperation and Other Measures) Act 2018* (Amendment Act) relating to the provision of assistance to the ICC and IWCTs relating to the investigation and prosecution of offences within their jurisdiction.
3. The amendments to the TIA Act align Australia's powers to assist the International Criminal Court (ICC) and international war crimes tribunals (IWCTs) with Australia's powers to share information with foreign countries. The assistance is subject to similar safeguards as those that apply to accessing such information for domestic use and for sharing with foreign countries. The relevant amendments were made to:
 - enable the ICC and IWCTs to request and receive stored communications subject to Attorney-General authorisation and the normal process for applying for a stored communication warrant for domestic purposes under the TIA Act;
 - enable existing telecommunications assistance to be provided to the investigative organs within the ICC and IWCTs on an agency-to-agency basis, in the same way as it is currently provided to foreign countries;
 - enable the collection of prospective telecommunications data for foreign and international law enforcement purposes, following a formal request from the ICC or IWCT and the Attorney-General's approval. Prospective telecommunications data is data that comes into existence during the period in which an authorisation is in force.
4. The Principal Determination establishes the form requirements for authorisations, including authorisations made to assist the ICC or IWCTs.

Human rights implications

5. Paragraphs 72 to 90 of the Explanatory Memorandum to the *Crimes Legislation Amendment (International Crime Cooperation and Other Measures) Bill 2016* set out the human rights implications of the relevant amendments to the TIA Act and concluded that, while the amendments engage with human rights, they do so in a reasonable and proportionate way and do not operate to limit or restrict those rights.

6. The Principal Determination engages the right to protection against arbitrary and unlawful interferences with privacy (Article 17 of the International Covenant on Civil and Political Rights (ICCPR)).
7. Article 17 of the ICCPR provides that no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence and that everyone has the right to the protection of the law against such interference or attacks. Interference with privacy is not arbitrary if it is in accordance with the provisions, aims and objectives of the ICCPR, is authorised by law and is reasonable in the particular circumstances. Reasonableness, in this context, incorporates notions of proportionality to the end sought and necessity in the circumstances.
8. The Principal Determination sets out form requirements for authorisations, notifications and revocations in relation to the release of information, including to the ICC and IWCTs. It also requires authorised officers to state that they are satisfied the elements in section 180F regarding privacy have been met in every authorisation and notification of authorisation that is issued. This ensures that the consideration of privacy is a central element of the authorisation-making process.
9. The Principal Determination also requires authorised officers to state that the disclosure of the information or documents is reasonably necessary for enforcing a foreign or international offence. To the extent that the right to privacy is affected, the interference corresponds to the need for law enforcement agencies to effectively investigate and prosecute crimes of the most serious nature. The limitation is proportionate because the measures are directly linked to this aim.

Conclusion

10. The Principal Determination is compatible with human rights given it promotes the protection of human rights, specifically the rights to privacy and freedom of expression. To the extent that it may limit human rights, those limitations are reasonable, necessary and proportionate.

Details of the *Telecommunications (Interception and Access) (Requirements for Authorisations, Notifications and Revocations) Determination 2018*

Part 1 – Preliminary

Section 1 – Name of Determination

1. Subsection 1(1) provides that the name of the Determination is the *Telecommunications (Interception and Access) (Requirements for Authorisations, Notifications and Revocations) Determination 2018* (the Principal Determination).
2. Subsection 1(2) provides that the Principal Determination may be cited as LIN 18/199.

Section 2 – Commencement

3. This section provides that the Principal Determination commences at the same time as Schedule 1 to the *Crimes Legislation Amendment (International Crime Cooperation and Other Measures) Act 2018* commences.

Section 3 – Authority

4. This section provides that the Principal Determination is made under subsection 183(2) of the *Telecommunications (Interception and Access) Act 1979* (the TIA Act). Subsection 183(2) of the TIA Act provides that the Communications Access Co-ordinator may, by legislative instrument, determine requirements for the purposes of paragraph 183(1)(f) of the TIA Act.
5. Paragraph 183(1)(f) of the TIA Act provides that an authorisation under Division 3, 4 or 4A of Part 4-1, the notification of such an authorisation, the revocation of such an authorisation and the notification of such a revocation, must comply with such requirements as are determined in a legislative instrument under subsection 183(2) of the TIA Act.

Section 4 – Definitions

6. This section provides that a reference to ‘Act’ in the Principal Determination refers to the *Telecommunications (Interception and Access) Act 1979*.
7. Note 1 lists key terms in the Principal Determination as defined under subsection 5(1) of the TIA Act. Note 2 refers to the definition of ‘eligible person’ in subsections 175(2) and 176(2) of the TIA Act. Note 3 refers to the definition of ‘international offence’ in subsection 162(3) of the TIA Act.

Section 5 – Consultation

8. Subsection 183(3) of the TIA Act requires the Communications Access Co-ordinator to consult with the Australian Communications Media Authority and the Australian Information Commissioner prior to making a determination regarding the form of authorisations, notifications and revocations under section 183(2) of the TIA Act.

9. The Coordinator consulted with these agencies in 2018 and took their comments into account prior to making the Principal Determination.

Section 6 – Schedules

10. Section 6 provides that each instrument that is specified in a Schedule to the Principal Determination is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to the Principal Determination has effect according to its terms.
11. Schedule 1 to the instrument provides for the repeal of the 2015 Determination.

Section 7 – Purpose

12. This section states that for the purposes of paragraph 183(1)(f) of the TIA Act, the Principal Determination determines the requirements relating to an authorisation made under Division 3, 4 or 4A of Part 4-1 of Chapter 4 of the TIA Act, and the requirements relating to the notification of an authorisation, the revocation of an authorisation and the notification of such a revocation.

Part 2 – Requirements relating to authorisations, notifications and revocations

Division 1 – Authorisations made by the Organisation

Section 8 – Authorisation for access to existing information or documents

Subsection 8(1)

13. Subsection 8(1) specifies information that must be included in an authorisation made by the Australian Security Intelligence Organisation (the Organisation) for access to existing information or documents under subsection 175(2) of the TIA Act. This subclause replicates subclause 1.01(1) of Schedule 1 to the 2015 Determination, with minor changes to the formatting and wording that do not change the effect of the provision.

Subsection 8(2)

14. Subsection 8(2) provides that an authorisation, whether in written or electronic form, must be signed by its maker. Subsection 8(2) is substantively the same as subclause 1.01(2) of Schedule 1 to the 2015 Determination

Section 9 – Authorisation for access to prospective information or documents

Subsection 9(1)

15. Subsection 9(1) specifies information that must be included in an authorisation made by the Organisation for access to prospective information or documents under subsections 176(2) and 176(3) of the TIA Act. This subclause replicates subclause 1.02(1) of Schedule 1 to the 2015 Determination, with minor changes to the formatting and wording that do not change the effect of the provision.

Subsection 9(2)

16. Subsection 9(2) provides that an authorisation, whether in written or electronic form, must be signed by its maker. Subsection 9(2) is substantively the same as subclause 1.02(2) of Schedule 1 to the 2015 Determination.

Division 2 – Authorisations made by enforcement agencies

Section 10 – Authorisation for access to existing information or documents

Subsection 10(1)

17. Subsection 10(1) specifies information that must be included in an authorisation made by enforcement agencies for access to existing information or documents under subsections 178(2) and 179(2) of the TIA Act. This subclause replicates subclause 2.01(1) of Schedule 1 to the 2015 Determination, with minor changes to the formatting and wording that do not change the effect of the provision.

Subsection 10(2)

18. Subsection 10(2) r provides that an authorisation, whether in written or electronic form, must be signed by its maker. Subsection 10(2) is substantively the same as subclause 2.01(2) of Schedule 1 to the 2015 Determination.

Section 11 - Authorisations for access to existing information or documents by the Australian Federal Police – enforcing foreign or international laws

19. The heading of this section reflects the wording of section 180A of the TIA Act, as amended by the Amendment Act. It replaces ‘enforcement of the criminal law of a foreign country’ from the heading of clause 2.01A of Schedule 1 to the 2015 Determination with ‘enforcing foreign or international laws’, to make it clear that the clause extends to authorisations issued in response to requests from the ICC and IWCTs, in addition to foreign countries.

Subsection 11(1)

20. Subsection 11(1) specifies information that must be included in an authorisation made by the AFP for access to existing information or documents for the purposes of enforcing foreign or international laws under subsection 180A(2) of the TIA Act.
21. This subsection replicates subclause 2.01A(1) of Schedule 1 to the 2015 Determination with the exception of paragraph 11(1)(f) (equivalent to item 6 of the table in subclause 2.01A(2) in Schedule 1 to the 2015 Determination) which was modified to reflect the wording of section 180A of the TIA Act by replacing the reference to ‘the enforcement of the criminal law of a foreign country’ with a reference to:
- the enforcement of the criminal law of a foreign country; or
 - an investigation or prosecution of a crime within the jurisdiction of the ICC; or
 - an investigation or prosecution of a War Crimes Tribunal offence.

Subsection 11(2)

22. Subsection 180A(4) of the TIA Act enables an authorised officer of the AFP to authorise the disclosure of information or documents obtained under subsection 180A(2) to a foreign law enforcement agency. Subsection 11(2) prescribes the information that must be included when authorising such a disclosure.
23. This subsection replicates subclause 2.01(A)(2) of Schedule 1 to the 2015 Determination with the exception of paragraph 11(2)(j) (equivalent to item 10 of the table in subclause 2.01A(2) in Schedule 1 to the 2015 Determination) which has been modified to reflect the wording in the TIA Act as amended by the Amending Act by omitting ‘the criminal law of a foreign country’ and inserting:
 - the enforcement of the criminal law of a foreign country; or
 - an investigation or prosecution of a crime within the jurisdiction of the ICC; or
 - an investigation or prosecution of a War Crimes Tribunal offence.

Subsection 11(3)

24. Subsection 11(3) provides that an authorisation, whether in written or electronic form, must be signed by its maker. Subsection 11(3) is substantively the same as subclause 2.01A(3) of Schedule 1 to the 2015 Determination.

Section 12 – Authorisation for access to prospective information or documents by criminal law-enforcement agencies

Subsection 12(1)

25. Subsection 12(1) prescribes information that must be included in an authorisation made by a criminal law enforcement agency for access to prospective information or documents under subsections 180(2) and 180(3) of the TIA Act. Subsection 12(1) replicates subclause 2.02(1) of Schedule 1 to the 2015 Determination with minor changes to the formatting and wording that do not change the effect of the provision.

Subsection 12(2)

26. Subsection 12(2) provides that an authorisation, whether in written or electronic form, must be signed by its maker. Subsection 12(2) is substantively the same as subclause 2.02(2) of Schedule 1 to the 2015 Determination.

Section 13 – Authorisations for access to prospective information or documents by the Australian Federal Police – enforcing international laws

27. The heading of this section reflects the wording of section 180B of the TIA Act as amended by the Amending Act. It replaces ‘enforcement of the criminal law of a foreign country’ from the heading of clause 2.03 of Schedule 1 to the 2015 Determination with ‘enforcing international laws’, to ensure coverage of the ICC and IWCTs in addition to foreign countries.

Subsection 13(1)

28. Subsection 13(1) prescribes the information that must be included in an authorisation made by the AFP for access to prospective information or documents for the purposes of enforcing foreign or international laws under subsection 180B(2) of the TIA Act.
29. This subsection replicates subclause 2.03(1) of Schedule 1 to the 2015 Determination with the exception of modifications made to paragraphs 13(1)(f) and (j) (equivalent to items 6 and 9 of the table in subclause 2.03(1) in Schedule 1 to the 2015 Determination) to reflect amendments made by the Amending Act.
30. The modification in paragraph 13(1)(f) reflects the changes to section 180B of the TIA Act by omitting the words ‘the law of a foreign country’ and replacing them with the table from subsection 180B(3) of the TIA Act regarding investigations or proceedings under the *Mutual Assistance in Criminal Matters Act 1987*, the *International Criminal Court Act 2002* or the *International War Crimes Tribunals Act 1995*. This change ensures coverage of the ICC and IWCTs.
31. Paragraph 13(1)(j) provides that the authorisation must include a statement that the Attorney-General has authorised the making of the authorisation under the *Mutual Assistance in Criminal Matters Act 1987*, the *International Criminal Court Act 2002* or the *International War Crimes Tribunals Act 1995* to make clear that authorisations may now be made in response to requests from the ICC and IWCTs as well as requests from foreign countries.

Subsection 13(2)—Extension of an authorisation to disclose prospective information or documents

32. Subsection 13(2) prescribes the information that must be included in an extension of an authorisation made by the AFP under subsection 180B(6) of the TIA Act for access to prospective information or documents for the purposes of enforcing foreign or international laws.
33. This subsection replicates subclause 2.03(2) of Schedule 1 to the 2015 Determination with the exception of a change to paragraph 13(2)(e) (equivalent to item 5 of the table in subclause 2.03(2) in Schedule 1 to the 2015 Determination) to reflect the amendments to section 180B of the TIA Act by replacing the words ‘the law of a foreign country’ with the table from subsection 180B(3) of the TIA Act regarding investigations or proceedings under the *Mutual Assistance in Criminal Matters Act 1987*, the *International Criminal Court Act 2002* or the *International War Crimes Tribunals Act 1995*. This change ensures coverage of the ICC and IWCTs in addition to foreign countries.

Subsection 13(3)—Disclosure to a foreign law enforcement agency

34. Subsection 180B(8) of the TIA Act enables an authorised officer to authorise the disclosure of prospective information or documents obtained under subsection 180B(2) for enforcing international laws. Subsection 13(3) of the Principal Determination specifies information that must be included when authorising such a disclosure.

35. This subsection replicates subclause 2.03(3) of Schedule 1 to the 2015 Determination with the exception of a modification to paragraph 13(3)(g) (equivalent to item 7 of the table in subclause 2.03(3) in Schedule 1 to the 2015 Determination). The modification to paragraph 13(3)(g) reflects section 180B of the TIA Act as amended; it omits the words ‘the law of a foreign country’ and replaces them with the table from subsection 180B(3) of the TIA Act regarding investigations or proceedings under the *Mutual Assistance in Criminal Matters Act 1987*, the *International Criminal Court Act 2002* or the *International War Crimes Tribunals Act 1995*. This modification ensures coverage of the ICC and IWCTs in addition to foreign countries.

Subsection 13(4)

36. Subsection 13(4) provides that an authorisation, whether in written or electronic form, must be signed by its maker. Subsection 13(4) is substantively the same as subclause 2.03(4) of Schedule 1 to the 2015 Determination

Section 14 - Secondary disclosure authorisations for the Australian Federal Police to disclose information or documents – enforcing foreign or international laws

37. The heading of this section reflects the wording of section 180C of the TIA Act as amended by the Amending Act. It replaces ‘enforcement of the criminal law of a foreign country’ from the heading to clause 2.04 of Schedule 1 to the 2015 Determination with ‘enforcing foreign or international laws’, to ensure coverage of the ICC and IWCTs in addition to foreign countries.

Subsection 14(1)

38. Subsection 14(1) specifies information that must be included in an authorisation made by the AFP for secondary disclosure of information or documents under section 180C of the TIA Act.
39. This subsection replicates subclause 2.04(1) of Schedule 1 to the 2015 Determination with the exception of a modification to paragraph 14(1)(g) (equivalent to item 7 of the table in subclause 2.04(1) in Schedule 1 to the 2015 Determination) which reflects section 180C of the TIA Act as amended. It omits the words ‘the criminal law of a foreign country’ and replaces them with the new words in section 180C regarding where disclosure of information or documents is appropriate in all the circumstances and reasonably necessary for:
- the enforcement of the criminal law of a foreign country; or
 - an investigation or prosecution of a crime within the jurisdiction of the ICC; or
 - an investigation or prosecution of a War Crimes Tribunal offence.

This modification ensures coverage of the ICC and IWCTs in addition to foreign countries.

Subsection 14(2)

40. Subsection 14(2) provides that an authorisation, whether in written or electronic form, must be signed by its maker. Subsection 14(2) is substantively the same as subclause 2.04(2) of Schedule 1 to the 2015 Determination.

Section 15 - Secondary disclosure authorisations for the Australian Federal Police to disclose information or documents – enforcement of the criminal law

Subsection 15(1)

41. Subsection 15(1) specifies information that must be included in an authorisation made by the AFP for secondary disclosure of information or documents for the purposes of enforcing the criminal law under subsection 180D of the TIA Act. This subsection replicates subclause 2.05(1) of Schedule 1 to the 2015 Determination, with minor changes to the formatting and wording that do not change the effect of the provision.

Subsection 15(2)

42. Subsection 15(2) provides that an authorisation, whether in written or electronic form, must be signed by its maker. Subsection 15(2) is substantively the same as subclause 2.05(2) of Schedule 1 to the 2015 Determination.

Division 3 – Notifications of Authorisations

Section 16 – Notification of an authorisation

Subsection 16(1)

43. Subsection 16(1) specifies information that must be included in a notification of an authorisation made by the Organisation, an enforcement agency, or the Australian Federal Police under Division 3 of Part 4-1 of the TIA Act. Section 184 of the TIA Act provides the requirements for notification of authorisations and revocations.
44. Subsection 16(1) simplifies the former Part 3 of Schedule 1 to the 2015 Determination by providing that the notification must include either a copy of the authorisation, or a statement that specifies “all the information that is required to be included in the authorisation under Part 2” of the Principal Determination. This avoids the need to replicate all the information in Part 2 of the Principal Determination, and allows the three provisions in the old Part 3 of Schedule 1 to the 2015 Determination to be condensed into one provision, which simplifies the instrument without changing its meaning.
45. Subsection 16(1) replaces clauses 3.01, 3.02 and 3.03 in Part 3 of Schedule 1 to the 2015 Determination.

Subsection 16(2)

46. Subsection 16(2) provides that the notification of an authorisation must be signed by its maker if it is in written form or state a unique identifier of the relevant agency if it is in electronic form. Subsection 16(2) is substantively the same as subclause 3.01(2) of Schedule 1 to the 2015 Determination

Division 4 – Revocations of authorisations

Section 17 – Revocation of an authorisation made by the Organisation

Subsection 17(1)

47. Subsection 17(1) specifies information that must be included in a revocation of an authorisation made by the Organisation under section 176(6) of the Act. Subsection 17(1) replicates subclause 4.01(1) of Schedule 1 to the 2015 Determination, with minor changes to the formatting and wording.

Subsection 17(2)

48. Subsection 17(2) provides that a revocation, whether in written or electronic form, must be signed by its maker. Subsection 17(2) is substantively the same as subclause 4.01(2) of Schedule 1 to the 2015 Determination

Section 18 – Revocation of an authorisation made by a criminal law-enforcement agency

Subsection 18(1)

49. Subsection 18(1) specifies information that must be included in a revocation of an authorisation made by a criminal law-enforcement agency under section 180(7) of the Act. This subsection replicates subclause 4.02(1) of Schedule 1 to the 2015 Determination, with minor changes to the formatting and wording that do not change the effect of the provision.

Subsection 18(2)

50. Subsection 18(2) provides that a revocation, whether in written or electronic form, must be signed by its maker. Subsection 18(2) is substantively the same as subclause 4.02(2) of Schedule 1 to the 2015 Determination.

Section 19 - Revocation of an authorisation made by the Australian Federal Police – enforcing international laws

51. The heading of this clause reflects the wording of section 180B of the TIA Act as amended by the Amending Act. It replaces ‘enforcement of the criminal law of a foreign country’ from the heading to clause 4.03 of Schedule 1 to the 2015 Determination with ‘enforcing international laws’, to ensure coverage of the ICC and IWCTs in addition to foreign countries.

Subsection 19(1)

52. Subsection 19(1) specifies information that must be included in a revocation of an authorisation made by the AFP in relation to the enforcement of a foreign or international law under section 180B(4) of the TIA Act. Subsection 19(1) replicates subclause 4.03(1) of Schedule 1 to the 2015 Determination, with minor changes to the formatting and wording.

Subsection 19(2)

53. Subsection 19(2) provides that a revocation, whether in written or electronic form, must be signed by its maker. Subsection 19(2) is substantively the same as subclause 4.03(2) of Schedule 1 to the 2015 Determination.

Division 5 – Notification of revocations

Section 20 – Notification of a revocation

Subsection 20(1)

54. Subsection 20(1) specifies information that must be included in a notification of a revocation made by the Organisation, an enforcement agency or the Australian Federal Police under subsection 176(6), 180(7) or 180B(4) of the TIA Act. Section 184 of the TIA Act provides the requirements for notification of revocations. Subsection 20(1) replaces clauses 5.01, 5.02 and 5.03 in Part 5 of Schedule 1 to the 2015 Determination.
55. Subsection 20(1) simplifies the former Part 5 of Schedule 1 to the 2015 Determination by providing that the notification must include either a copy of the revocation, or a statement that specifies “all of the information that is required to be included in the revocation under Part 4” of the Principal Determination. This avoids the need to replicate all of the information in Part 4 of the Principal Determination, and allows the three provisions in the old Part 5 of Schedule 1 to the 2015 Determination to be condensed into one provision, which simplifies the instrument without changing its meaning.

Subsection 20(2)

56. Subsection 20(2) provides that a revocation must be signed by its maker if it is in a written form, or state a unique identifier of the relevant agency if it is in electronic form. Subsection 20(2) is substantively the same as subclause 5.01(2) of Schedule 1 to the 2015 Determination.

Schedule 1

57. Schedule 1 provides for the repeal of the 2015 Determination in its entirety, as the substance of this instrument is replaced by the Principal Determination.