



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

I, Daniel Mossop, Communications Access Co-ordinator, make the following Determination.

Dated 20/11/2018

Daniel Mossop

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Part 1 - Preliminary

1 Name

- (1) This instrument is the *Telecommunications (Interceptions and Access) (Requirements for Authorisations, Notifications and Revocations) Determination 2018*.
- (2) This instrument may be cited as LIN 18/199.

2 Commencement

This instrument commences immediately after Schedule 1 to the *Crimes Legislation Amendment (International Crime Cooperation and Other Measures) Act 2018* commences.

3 Authority

This instrument is made under subsection 183(2) of the *Telecommunications (Interception and Access) Act 1979*.

4 Definitions

Note 1: A number of expressions used in this instrument are defined in subsection 5(1) of the Act, including the following:

- (a) ACMA;
- (b) ASIO affiliate;
- (c) ASIO employee;
- (d) authorised officer;
- (e) Communications Access Co-ordinator;
- (f) crime within the jurisdiction of the ICC;
- (g) criminal law-enforcement agency;
- (h) enforcement agency;
- (i) foreign law enforcement agency;
- (j) International Criminal Court;
- (k) journalist information warrant;
- (l) Organisation;
- (m) relevant staff member;
- (n) serious offence;
- (o) War Crimes Tribunal offence.

Note 2: *Eligible person* is defined in subsection 175(2) of the Act for the purposes of section 175 and in subsection 176(2) for the purposes of section 176.

Note 3: *International offence* is defined in subsection 162(3) of the Act.

In this instrument:

Act means the *Telecommunications (Interception and Access) Act 1979*.

5 Consultation

Pursuant to subsection 183(3) of the Act, the ACMA and the Information Commissioner were consulted before the making of this instrument.

Note: Subsection 183(3) of the Act states that the Communications Access Co-ordinator must consult with the ACMA and the Information Commissioner in relation to matters that relate to the privacy functions (within the meaning of the *Australian Information Commissioner Act 2010*) before making a determination under subsection 183(2) of the Act.

6 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

7 Purpose

For the purposes of paragraph 183(1)(f), this instrument determines the requirements relating to each of the following:

- (a) an authorisation under Division 3, 4 or 4A of Part 4-1 of the Act;
- (b) the notification of such an authorisation;
- (c) the revocation of such an authorisation;
- (d) the notification of such a revocation.

Part 2—Requirements relating to authorisations, notifications and revocations

Division 1 – Authorisations made by the Organisation

8 Authorisation for access to existing information or documents

- (1) An authorisation made under subsection 175(2) of the Act must include all of the following information:
 - (a) the identity of the eligible person who is making the authorisation;
 - (b) the basis on which the person is an eligible person;
 - (c) the provision of the Act under which the authorisation is made;
 - (d) the name of the person from whom disclosure is sought;
 - (e) details of the information or documents to be disclosed;
 - (f) a statement that the eligible person is satisfied that the disclosure of the information or documents would be in connection with the performance by the Organisation of its functions;
 - (g) the date on which the authorisation is made.
- (2) An authorisation mentioned in subsection (1), whether in written or electronic form, must be signed by its maker.

Note: Section 10 of the *Electronic Transactions Act 1999* sets out how the requirement for signature is taken to have been met in relation to an electronic communication.

9 Authorisation for access to prospective information or documents

- (1) An authorisation made under subsection 176(2) or (3) of the Act must include all of the following information:
 - (a) the identity of the eligible person who is making the authorisation;
 - (b) the basis on which the person is an eligible person;
 - (c) the provisions of the Act under which the authorisation is made;
 - (d) the name of the person from whom disclosure is sought;
 - (e) details of the information or documents to be disclosed;
 - (f) a statement that the eligible person is satisfied that the disclosure of the information or documents would be in connection with the performance by the Organisation of its functions;
 - (g) the date on which the authorisation is made; and
 - (h) the date on which the authorisation is to end, being a date:
 - (i) that is no later than the end of the period of 90 days beginning on the day the authorisation is made; and

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- (ii) if the authorisation is made under a journalist information warrant –that does not go beyond the period for which the journalist information warrant was specified to be in force.

Note 1: For paragraph 1(c), an authorisation for access to prospective information or documents is made under subsection 176(2) of the Act, but subsection 176(3) provides that an eligible person may also authorise the disclosure of existing information or documents.

Note 2: For paragraph 1(h), see paragraph 176(5)(b) of the Act.

- (2) An authorisation mentioned in subsection (1), whether in written or electronic form, must be signed by its maker.

Note: Section 10 of the *Electronic Transactions Act 1999* sets out how the requirement for signature is taken to have been met in relation to an electronic communication.

Division 2 – Authorisations made by enforcement agencies

10 Authorisation for access to existing information or documents

- (1) An authorisation made under subsection 178(2) or 179(2) of the Act must include all of the following information:
 - (a) the name of the enforcement agency;
 - (b) the basis on which the agency is an enforcement agency;
 - (c) the identity of the authorised officer who is making the authorisation;
 - (d) the basis on which the officer is an authorised officer;
 - (e) the provisions of the Act under which the authorisation is made;
 - (f) the name of the person from whom disclosure is sought;
 - (g) details of the information or documents to be disclosed;
 - (h) a statement that the authorised officer is satisfied that the disclosure of the information or documents is reasonably necessary for one or more of the following:
 - (i) the enforcement of the criminal law;
 - (ii) the enforcement of a law imposing a pecuniary penalty;
 - (iii) the protection of the public revenue;
 - (i) a statement that the authorised officer is satisfied on reasonable grounds that any interference with the privacy of any person or persons that may result from the disclosure or use is justifiable and proportionate, having regard to the following matters:
 - (i) the gravity of any conduct in relation to which the authorisation is sought, including the seriousness of any offence, pecuniary penalty or protection of the public revenue in relation to which the authorisation is sought;

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- (ii) the likely relevance and usefulness of the information or documents;
 - (iii) the reason why the disclosure or use concerned is proposed to be authorised;
 - (j) the date on which the authorisation is made.

Note 1: For the purposes of paragraph (1)(h), subsections 178(3) and 179(3) specify that the authorised officer must be satisfied of certain things before making the authorisation.

Note 2: For the purposes of paragraph (1)(i), section 180F of the Act sets out the privacy matters that an authorising officer is required to consider prior to making each authorisation.

- (2) An authorisation mentioned in subsection (1), whether in written or electronic form, must be signed by its maker.

Note: Section 10 of the *Electronic Transactions Act 1999* sets out how the requirement for signature is taken to have been met in relation to an electronic communication.

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

- (1) An authorisation made under subsection 180A(2) of the Act must include all of the following information:
 - (a) the identity of the authorised officer of the Australian Federal Police who is making the authorisation;
 - (b) the basis on which the officer is an authorised officer;
 - (c) the provisions of the Act under which the authorisation is made;
 - (d) the name of the person from whom disclosure is sought;
 - (e) details of the information or documents to be disclosed;
 - (f) a statement that the authorised officer is satisfied that the disclosure of the information or documents is reasonably necessary for:
 - (i) the enforcement of the criminal law of a foreign country; or
 - (ii) an investigation or prosecution of a crime within the jurisdiction of the ICC; or
 - (iii) an investigation or prosecution of a War Crimes Tribunal offence;
 - (g) a statement that the authorised officer is satisfied on reasonable grounds that any interference with the privacy of any person or persons that may result from the disclosure or use is justifiable and proportionate, having regard to the following matters:
 - (i) the gravity of any conduct in relation to which the authorisation is sought, including the seriousness of any offence in relation to which the authorisation is sought;

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- (ii) the likely relevance and usefulness of the information or documents;
 - (iii) the reason why the disclosure or use concerned is proposed to be authorised;
 - (h) the date on which the authorisation is made.

Note: For the purposes of paragraph (1)(g), section 180F of the Act sets out the privacy matters that an authorising officer is required to consider prior to making each authorisation.

- (2) An authorisation made under subsection 180A(4) of the Act must include all of the following information:
 - (a) the identity of the authorised officer of the Australian Federal Police who is making the authorisation;
 - (b) the basis on which the officer is an authorised officer;
 - (c) the provisions of the Act under which the authorisation is made;
 - (d) the name of the foreign law enforcement agency to which the disclosure is to be made;
 - (e) details of the information or documents to be disclosed;
 - (f) a statement that the information or documents being disclosed to the foreign law enforcement agency under the authorisation were obtained via an authorisation under subsection 180A(2) of the Act;
 - (g) a statement that the authorised officer is satisfied on reasonable grounds that any interference with the privacy of any person or persons that may result from the disclosure or use is justifiable and proportionate, having regard to the following matters:
 - (i) the gravity of any conduct in relation to which the authorisation is sought, including the seriousness of any offence in relation to which the authorisation is sought;
 - (ii) the likely relevance and usefulness of the information or documents;
 - (iii) the reason why the disclosure or use concerned is proposed to be authorised;
 - (h) the date on which the authorisation is made;
 - (i) a statement that the authorised officer is satisfied that the disclosure of the information or documents is being made to the foreign law enforcement agency subject to the following conditions:
 - (i) that the information will only be used for the purposes for which the foreign law enforcement agency requested the information or documents; and

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- (ii) that any document or any other thing containing the information will be destroyed when it is no longer required for those purposes for which the foreign law enforcement agency requested the information or documents;
 - (j) a statement that the authorised officer is satisfied that the disclosure of the information or documents is reasonably necessary for:
 - (i) the enforcement of the criminal law of a foreign country; or
 - (ii) an investigation or prosecution of a crime within the jurisdiction of the ICC; or
 - (iii) an investigation or prosecution of a War Crimes Tribunal offence;
 - (k) the disclosure is appropriate in all the circumstances.

Note: For the purposes of paragraph (2)(g), section 180F of the Act sets out the privacy matters that an authorising officer is required to consider prior to making each authorisation.

- (3) An authorisation mentioned in subsection (1) and (2), whether in written or electronic form, must be signed by its maker.

Note: Section 10 of the *Electronic Transactions Act 1999* sets out how the requirement for signature is taken to have been met in relation to an electronic communication.

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

- (1) An authorisation made under subsection 180(2) or (3) of the Act must include all of the following information:
 - (a) the name of the criminal law-enforcement agency;
 - (b) the basis on which the agency is a criminal law-enforcement agency;
 - (c) the identity of the authorised officer who is making the authorisation;
 - (d) the basis on which the officer is an authorised officer;
 - (e) the provisions of the Act under which the authorisation is made;
 - (f) the name of the person from whom disclosure is sought;
 - (g) details of the information or documents to be disclosed;
 - (h) a statement that the authorised officer is satisfied that the disclosure of the information or documents is reasonably necessary for the investigation of:
 - (i) a serious offence; or

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- (ii) an offence against a law of the Commonwealth, a State or Territory that is punishable by imprisonment for at least 3 years;

with the statement to include short particulars of the offence;

- (i) a statement that the authorised officer is satisfied on reasonable grounds that any interference with the privacy of any person or persons that may result from the disclosure or use is justifiable and proportionate, having regard to the following matters:
 - (i) the gravity of any conduct in relation to which the authorisation is sought, including the seriousness of any offence in relation to which the authorisation is sought;
 - (ii) the likely relevance and usefulness of the information or documents;
 - (iii) the reason why the disclosure or use concerned is proposed to be authorised;
- (j) the date on which the authorisation is made;
- (k) the date on which the authorisation is to end, being a date:
 - (i) that is no later than the end of the period of 45 days beginning on the day the authorisation is made; and
 - (ii) if the authorisation is made under a journalist information warrant –that is no later than the end of the period of 90 days beginning on the day the warrant was issued.

Note 1: For paragraph (1)(e), an authorisation for access to prospective information or documents is made under subsection 180(2) of the Act, but subsection 180(3) provides that an authorised officer may also authorise the disclosure of existing information or documents.

Note 2: For paragraph (1)(i), section 180F of the Act sets out the privacy matters that an authorising officer is required to consider prior to making each authorisation.

- (2) An authorisation mentioned in subsection (1), whether in written or electronic form, must be signed by its maker.

Note: Section 10 of the *Electronic Transactions Act 1999* sets out how the requirement for signature is taken to have been met in relation to an electronic communication.

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

- (1) An authorisation made under subsection 180B(2) of the Act must include all of the following information:
 - (a) the identity of the authorised officer of the Australian Federal Police who is making the authorisation;
 - (b) the basis on which the officer is an authorised officer;
 - (c) the provisions of the Act under which the authorisation is made;

- (d) the name of the person from whom disclosure is sought;
- (e) details of the information or documents to be disclosed;
- (f) a statement that the authorised officer is satisfied that the disclosure is reasonably necessary for an investigation or proceeding of a kind referred to in an item of the following table for the relevant type of authorisation:

Authorising access to prospective information or documents		
Item	For Attorney-General authorisations under:	the investigation or proceeding is:
1	section 15D of the <i>Mutual Assistance in Criminal Matters Act 1987</i>	an investigation or proceeding relating to an offence against the law of a foreign country that: <ul style="list-style-type: none"> (a) is punishable by imprisonment for 3 years or more, imprisonment for life or the death penalty; or (b) involves an act or omission that, if it had occurred in Australia, would be a serious offence
2	section 78B of the <i>International Criminal Court Act 2002</i>	an investigation or proceeding relating to a crime within the jurisdiction of the ICC
3	section 34B of the <i>International War Crimes Tribunals Act 1995</i>	an investigation or proceeding relating to a War Crimes Tribunal offence

- with the statement to include short particulars of the offence;
- (g) a statement that the authorised officer is satisfied on reasonable grounds that any interference with the privacy of any person or persons that may result from the disclosure or use is justifiable and proportionate, having regard to the following matters:
 - (i) the gravity of any conduct in relation to which the authorisation is sought, including the seriousness of any offence in relation to which the authorisation is sought;
 - (ii) the likely relevance and usefulness of the information or documents;
 - (iii) the reason why the disclosure or use concerned is proposed to be authorised;
 - (h) the date on which the authorisation is made;
 - (i) the date on which the authorisation is to end, being a date that is no later than 21 days after the day the authorisation is made;

(j) 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*;

(k) a statement that the authorised officer is satisfied that the disclosure is appropriate in all the circumstances.

Note 1: For paragraph (1)(g), section 180F of the Act sets out the privacy matters that an authorising officer is required to consider prior to making each authorisation.

(2) An extension to an authorisation made under subsection 180B(6) of the Act must include all of the following information:

(a) the identity of the authorised officer of the Australian Federal Police who is extending the authorisation;

(b) the basis on which the officer is an authorised officer;

(c) the provisions of the Act under which the authorisation is extended;

(d) the name of the person from whom disclosure is sought;

(e) a statement that the authorised officer is satisfied that the disclosure is reasonably necessary for an investigation or proceeding of a kind referred to in an item of the following table for the relevant type of authorisation:

Authorising access to prospective information or documents		
Item	For Attorney-General authorisations under:	the investigation or proceeding is:
1	section 15D of the <i>Mutual Assistance in Criminal Matters Act 1987</i>	an investigation or proceeding relating to an offence against the law of a foreign country that: (a) is punishable by imprisonment for 3 years or more, imprisonment for life or the death penalty; or (b) involves an act or omission that, if it had occurred in Australia, would be a serious offence
2	section 78B of the <i>International Criminal Court Act 2002</i>	an investigation or proceeding relating to a crime within the jurisdiction of the ICC
3	section 34B of the <i>International War Crimes Tribunals Act 1995</i>	an investigation or proceeding relating to a War Crimes Tribunal offence

with the statement to include short particulars of the offence;

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- (f) a statement that the authorised officer is satisfied on reasonable grounds that any interference with the privacy of any person or persons that may result from the disclosure or use is justifiable and proportionate, having regard to the following matters:
 - (i) the gravity of any conduct in relation to which the authorisation is sought, including the seriousness of any offence in relation to which the authorisation is sought;
 - (ii) the likely relevance and usefulness of the information or documents;
 - (iii) the reason why the disclosure or use concerned is proposed to be authorised;
 - (g) the date on which the extension to the authorisation is made;
 - (h) the date on which the authorisation is to end, being a date that is no later than 21 days from the day of the extension;
 - (i) a statement that the authorised officer is satisfied that the disclosure is appropriate in all the circumstances.

Note 1: For paragraph (1)(f), section 180F of the Act sets out the privacy matters that an authorising officer is required to consider prior to making each authorisation.

- (3) An authorisation made under subsection 180B(8) of the Act must include all of the following information:
 - (a) the identity of the authorised officer of the Australian Federal Police who is making the authorisation;
 - (b) the basis on which the officer is an authorised officer;
 - (c) the provisions of the Act under which the authorisation is made;
 - (d) the name of the foreign law enforcement agency for which the disclosure is requested;
 - (e) details of the information or documents to be disclosed;
 - (f) a statement that the information or documents being disclosed to the foreign law enforcement agency under the authorisation were obtained via an authorisation under section 180B(2) of the Act;
 - (g) a statement that the authorised officer is satisfied that the disclosure is reasonably necessary for an investigation or proceeding of a kind referred to in an item of the following table for the relevant type of authorisation:

Authorising access to prospective information or documents

Item	For Attorney-General authorisations under:	the investigation or proceeding is:
1	section 15D of the <i>Mutual Assistance in Criminal Matters</i>	an investigation or proceeding relating to an offence against the law of a

Authorising access to prospective information or documents

Item	For Attorney-General authorisations under:	the investigation or proceeding is:
	<i>Act 1987</i>	foreign country that: (a) is punishable by imprisonment for 3 years or more, imprisonment for life or the death penalty; or (b) involves an act or omission that, if it had occurred in Australia, would be a serious offence
2	section 78B of the <i>International Criminal Court Act 2002</i>	an investigation or proceeding relating to a crime within the jurisdiction of the ICC
3	section 34B of the <i>International War Crimes Tribunals Act 1995</i>	an investigation or proceeding relating to a War Crimes Tribunal offence

with the statement to include short particulars of the offence;

- (h) a statement that the authorised officer is satisfied on reasonable grounds that any interference with the privacy of any person or persons that may result from the disclosure or use is justifiable and proportionate, having regard to the following matters:
- (i) the gravity of any conduct in relation to which the authorisation is sought, including the seriousness of any offence in relation to which the authorisation is sought;
 - (ii) the likely relevance and usefulness of the information or documents;
 - (iii) the reason why the disclosure or use concerned is proposed to be authorised;
- (i) a statement that the disclosure of the information or documents is being made to the foreign law enforcement agency subject to the following conditions:
- (i) that the information or documents will only be used for the purposes for which the foreign law enforcement agency requested the information or documents; and
 - (ii) that any document or any other thing containing the information will be destroyed when it is no longer required for those purposes for which the foreign law enforcement agency requested the information or documents; and
 - (iii) any other condition determined, in writing, by the Attorney-General;

(j) a statement that the authorised officer has made no other authorisations for the disclosure of information or documents to the foreign law enforcement agency on the day on which the disclosure is being made;

(k) a statement that the authorised officer is satisfied that the disclosure is appropriate in all the circumstances.

Note: For paragraph (1)(h), section 180F of the Act sets out the privacy matters that an authorising officer is required to consider prior to making each authorisation.

(4) An authorisation mentioned in subsection (1), (2) or (3), whether in written or electronic form, must be signed by its maker.

Note: Section 10 of the *Electronic Transactions Act 1999* sets out how the requirement for signature is taken to have been met in relation to an electronic communication.

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

(1) An authorisation made under section 180C of the Act must include all of the following information:

(a) the identity of the authorised officer of the Australian Federal Police who is making the authorisation;

(b) the basis on which the officer is an authorised officer;

(c) the provisions of the Act under which the authorisation is made;

(d) the name of the foreign law enforcement agency to whom the disclosure will be made;

(e) details of the information or documents to be disclosed;

(f) a statement that the information or documents being disclosed to the foreign law enforcement agency under the authorisation were obtained via an authorisation made under Division 4 of Part 4-1 of the Act;

(g) a statement that the authorised officer is satisfied that the disclosure of the information or documents is appropriate in all the circumstances and that the disclosure is reasonably necessary for:

(i) the enforcement of the criminal law of a foreign country;

(ii) an investigation or prosecution of a crime within the jurisdiction of the ICC;

(iii) an investigation or prosecution of a War Crimes Tribunal offence;

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- (h) a statement that the authorised officer is satisfied on reasonable grounds that any interference with the privacy of any person or persons that may result from the disclosure or use is justifiable and proportionate, having regard to the following matters:
 - (i) the gravity of any conduct in relation to which the authorisation is sought, including the seriousness of any offence in relation to which the authorisation is sought;
 - (ii) the likely relevance and usefulness of the information or documents;
 - (iii) the reason why the disclosure or use concerned is proposed to be authorised;
 - (i) the date on which the authorisation is made;
 - (j) a statement that the disclosure of the information or documents is being made to the foreign law enforcement agency subject to the following conditions:
 - (i) that the information will only be used for the purposes for which the authorised officer is disclosing the information or documents; and
 - (ii) that any document or any other thing containing the information will be destroyed when it is no longer required for those purposes for which the authorised officer disclosed the information or documents;
 - (k) a statement that the authorised officer is satisfied that the disclosure is appropriate in all the circumstances.

Note: For the purposes of paragraph (1)(h), section 180F of the Act sets out the privacy matters that an authorising officer is required to consider prior to making each authorisation.

- (2) An authorisation mentioned in subsection (1), whether in written or electronic form, must be signed by its maker.

Note: Section 10 of the *Electronic Transactions Act 1999* sets out how the requirement for signature is taken to have been met in relation to an electronic communication.

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

- (1) An authorisation made under section 180D of the Act must include all of the following information:
 - (a) the identity of the authorised officer of the Australian Federal Police who is making the authorisation;
 - (b) the basis on which the officer is an authorised officer;

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- (c) the provisions of the Act under which the authorisation is made;
 - (d) the name of the person to whom the disclosure will be made or use will occur;
 - (e) details of the information or documents to be disclosed or used;
 - (f) a statement that the information or documents being disclosed or used under the authorisation were obtained via an authorisation made under Division 4A of Part 4-1 of the Act;
 - (g) in the case of a disclosure to the Organisation – a statement that the authorised officer is satisfied that the disclosure is reasonably necessary for the performance by the Organisation of its functions;
 - (h) in the case of a disclosure to an enforcement agency – a statement that the authorised officer is satisfied that the disclosure is reasonably necessary for:
 - (i) the enforcement of the criminal law; or
 - (ii) the enforcement of a law imposing a pecuniary penalty; or
 - (iii) the protection of the public revenue;
 - (i) in the case of a use by the Australian Federal Police – a statement that the authorised officer is satisfied that the use is reasonably necessary for:
 - (i) the enforcement of the criminal law; or
 - (ii) the enforcement of a law imposing a pecuniary penalty; or
 - (iii) the protection of the public revenue;
 - (j) a statement that the authorised officer is satisfied on reasonable grounds that any interference with the privacy of any person or persons that may result from the disclosure or use is justifiable and proportionate, having regard to the following matters:
 - (i) the gravity of any conduct in relation to which the authorisation is sought, including the seriousness of any offence, pecuniary penalty or protection of the public revenue in relation to which the authorisation is sought;
 - (ii) the likely relevance and usefulness of the information or documents;
 - (iii) the reason why the disclosure or use concerned is proposed to be authorised;
 - (k) a statement that the authorised officer is satisfied that the disclosure or use is appropriate in all the circumstances;
 - (l) the date on which the authorisation is made.

Note: For the purposes of paragraph (1)(j), section 180F of the Act sets out the privacy matters that an authorising officer is required to consider prior to making each authorisation.

- (2) An authorisation mentioned in subsection (1), whether in written or electronic form, must be signed by its maker.

Note: Section 10 of the *Electronic Transactions Act 1999* sets out how the requirement for signature is taken to have been met in relation to an electronic communication.

Division 3 – Notifications of authorisations

16 Notification of an authorisation

- (1) For the purposes of subsections 184(1), (3) and (5) of the Act, a notification of an authorisation must include all of the following information:

- (a) the identity of the person who is making the notification;
- (b) the provision of the Act under which the notification is made;
- (c) either:
 - (i) a copy of the authorisation; or
 - (ii) a statement that specifies all the information that is required to be included in the authorisation under Part 2;
- (d) the means by which the information or documents should be disclosed to the person;
- (e) the date on which the notification is made.

- (2) A notification of an authorisation must:

- (a) if the notification is in written form – be signed by its maker; or
- (b) if the notification is in electronic form – state a unique identifier of the relevant agency.

Note: Section 10 of the *Electronic Transactions Act 1999* sets out how the requirement for signature is taken to have been met in relation to an electronic communication.

Division 4 – Revocations of authorisations

17 Revocation of an authorisation made by the Organisation

- (1) For the purposes of subsection 176(6) of the Act, a revocation of an authorisation must include all of the following information:

- (a) the identity of the eligible person who is making the revocation;
- (b) the basis on which the person is an eligible person;
- (c) the provision of the Act under which the revocation is made;
- (d) details of the authorisation to be revoked sufficient to identify it, including all of the following:

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- (i) the identity of the eligible person who made the authorisation;
 - (ii) the date on which the authorisation was made;
 - (iii) the name of the person from whom the disclosure was sought;
 - (iv) details of the information or documents to be disclosed;
 - (v) any other relevant information;
- (e) a statement that the authorised officer is satisfied that:
- (i) the disclosure of the information or documents is no longer required; or
 - (ii) a journalist information warrant, under which the authorisation was issued, has been revoked; or
 - (iii) the Director-General of Security has informed the Attorney-General that the Director-General is satisfied that the grounds on which the warrant was issued have ceased to exist;
- (f) the date on which, and the time at which, the revocation is made.
- (2) A revocation, whether in written or electronic form, must be signed by its maker.

Note 1: Section 10 of the *Electronic Transactions Act 1999* sets out how the requirement for signature is taken to have been met in relation to an electronic communication.

Note 2: For paragraph (1)(e), sections 180N and 180P of the Act relate to the revocation of a journalist information warrant by the Organisation.

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

- (1) For the purposes of 180(7) of the Act, a revocation of an authorisation must include all of the following information:
- (a) the name of the criminal law-enforcement agency;
 - (b) the basis on which the agency is a criminal law-enforcement agency;
 - (c) the identity of the authorised officer who is making the revocation;
 - (d) the basis on which the officer is an authorised officer;
 - (e) the provision of the Act under which the revocation is made;
 - (f) details of the authorisation to be revoked sufficient to identify it, including all of the following:
 - (i) the identity of the authorised officer who made the authorisation;

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- (ii) the date on which the authorisation was made;
 - (iii) the name of the person from whom the disclosure was sought;
 - (iv) details of the information or documents to be disclosed;
 - (v) any other relevant information;
 - (g) a statement that the authorised officer is satisfied that:
 - (i) the disclosure of the information or documents is no longer required; or
 - (ii) a journalist information warrant, under which the authorisation was made, has been revoked;
 - (h) the date on which, and the time at which, the revocation is made.
- (2) A revocation, whether in written or electronic form, must be signed by its maker.

Note 1: Section 10 of the *Electronic Transactions Act 1999* sets out how the requirement for signature is taken to have been met in relation to an electronic communication.

Note 2: For paragraph (1)(g), section 180W of the Act relates to the conditions for revocation of a journalist information warrant by a chief officer of an enforcement agency.

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

- (1) For the purposes of subsection 180B(4) of the Act, a revocation of an authorisation must include all of the following information:
- (a) the identity of the authorised officer of the Australian Federal Police who is making the revocation;
 - (b) the basis on which the officer is an authorised officer;
 - (c) the provision of the Act under which the revocation is made;
 - (d) details of the authorisation to be revoked sufficient to identify it, including all of the following:
 - (i) the identity of the authorised officer who made the authorisation;
 - (ii) the date on which the authorisation was made;
 - (iii) the name of the person from whom the disclosure was sought;
 - (iv) details of the information or documents to be disclosed;
 - (v) any other relevant information;
 - (e) a statement that the authorised officer is satisfied that the disclosure of the information or documents is no longer required;

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- (f) the date on which, and the time at which, the revocation is made.
- (2) A revocation, whether in written or electronic form, must be signed by its maker.

Note: Section 10 of the *Electronic Transactions Act 1999* sets out how the requirement for signature is taken to have been met in relation to an electronic communication.

Division 5 – Notification of revocations

20 Notification of a revocation

- (1) For the purposes of subsections 184(2), (4) and (6) of the Act, a notification of a revocation must include all of the following information:
- (a) the identity of the person who is making the notification;
 - (b) the provision of the Act under which the notification is made;
 - (c) either:
 - (i) a copy of the revocation; or
 - (ii) a statement that specifies all of the information that is required to be included in the revocation under Part 4;
 - (d) the date on which the notification is made.
- (2) A notification of a revocation must:
- (c) if the notification is in written form – be signed by its maker; or
 - (d) if the notification is in electronic form – state a unique identifier of the relevant agency.

Note: Section 10 of the *Electronic Transactions Act 1999* sets out how the requirement for signature is taken to have been met in relation to an electronic communication.

Schedule 1—Repeals

Telecommunications (Interception and Access) (Requirements for Authorisations, Notifications and Revocations) Determination 2015

1 The whole of the instrument

Repeal the instrument