



# **Counter-Terrorism Legislation Amendment (High Risk Terrorist Offenders) Regulations 2021**

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I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 16 December 2021

David Hurley  
Governor-General

By His Excellency's Command

Karen Andrews  
Minister for Home Affairs

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## 1 Name

This instrument is the *Counter-Terrorism Legislation Amendment (High Risk Terrorist Offenders) Regulations 2021*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The later of: (a) the start of the day after this instrument is registered; and (b) the commencement of Schedule 1 to the <i>Counter-Terrorism Legislation Amendment (High Risk Terrorist Offenders) Act 2021</i> .  However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.	21 December 2021  (paragraph (a) applies)

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under:

- (a) the *Criminal Code Act 1995*; and
- (b) the *Telecommunications (Interception and Access) Act 1979*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

### *Criminal Code Regulations 2019*

#### **1 At the end of section 10**

Add:

- ; (j) a person who is a relevant expert and who is:
    - (i) appointed by the AFP Minister under section 105A.18D of the Code;  
or
    - (ii) otherwise engaged, by the AFP Minister, or a person on behalf of the AFP Minister;
- to assess the risk of a terrorist offender committing a serious Part 5.3 offence (all within the meaning of Division 105A of the Code) for the purposes of that Division (whether or not an application for a post-sentence order has been made).

### *Telecommunications (Interception and Access) Regulations 2017*

#### **2 Paragraphs 8(ba) and (bb)**

Omit “control order”.

#### **3 After paragraph 8(bb)**

Insert:

- (bc) for a warrant issued under subsection 46(7) of the Act—Form 2C in Schedule 1;

#### **4 Paragraphs 8(e) and (f)**

Omit “control order”.

#### **5 After paragraph 8(f)**

Insert:

- (fa) for a warrant issued under subsection 46A(2C) of the Act to which subparagraph 46A(2C)(h)(i) of the Act applies—Form 4C in Schedule 1;
- (fb) for a warrant issued under subsection 46A(2C) of the Act to which subparagraph 46A(2C)(h)(ii) of the Act applies—Form 4D in Schedule 1;

#### **6 At the end of section 8**

Add:

- ; (i) for a warrant issued under section 48 of the Act in circumstances mentioned in subsection 46(7) of the Act—Form 5B in Schedule 1.

#### **7 Forms 2A and 2B in Schedule 1**

Repeal the Forms, substitute:

### **Form 2A—Telecommunications service warrant for Part 5.3 supervisory order**

Commonwealth of Australia

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*Telecommunications (Interception and Access) Act 1979*

## TELECOMMUNICATIONS SERVICE WARRANT FOR PART 5.3 SUPERVISORY ORDER

<i>Telecommunications service</i>	[unique number assigned to the service; any other known unique identifying factors]
<i>Particular *person/*persons</i>	[full known *name/*names, other known names, other known identifying information (e.g. date of birth)]
<i>Applicant agency</i>	[name]

## 1 Authorisation

- (1) I, [name], \*an eligible Judge/\*a nominated AAT member within the meaning of the *Telecommunications (Interception and Access) Act 1979* (the **Act**), acting under section 46 of the Act, authorise interceptions of communications made to or from the telecommunications service mentioned above.
- (2) I am satisfied, on the basis of the information given to me by the applicant agency, that:
- (a) Division 3 of Part 2-5 of the Act has been complied with in relation to the application for this warrant; and
  - \* (b) because of urgent circumstances, it was necessary to make the application by telephone; and
  - (c) there are reasonable grounds for suspecting that the particular \*person/\*persons mentioned above \*is/\*are using, or \*is/\*are likely to use, the service; and
  - (d) \*a Part 5.3 supervisory order is/\*Part 5.3 supervisory orders are in force (including because of section 6T of the Act) in relation to \*the particular person/\*each of the particular persons mentioned above; and
  - (e) information that would be likely to be obtained by intercepting under a warrant communications made to or from the service would be likely to substantially assist in connection with:
    - \* (i) achieving a Part 5.3 object; or
    - \* (ii) determining whether the Part 5.3 supervisory \*order/\*orders, or any succeeding Part 5.3 supervisory \*order/\*orders, \*has/\*have been, or \*is/\*are being, complied with.

Note: For paragraph (2)(d), section 6T of the Act deems certain Part 5.3 supervisory orders to be in force if they have been made but not yet come into force.

- (3) I am satisfied, on the basis of the information given to me by the applicant agency, that the warrant should be issued having regard to the following matters only:
- (a) how much the privacy of any person or persons would be likely to be interfered with by intercepting under a warrant communications made to or from the service;
  - (b) how much the information referred to in paragraph (2)(e) would be likely to assist in connection with:
    - (i) achieving a Part 5.3 object; or

- (ii) determining whether the Part 5.3 supervisory *\*order/\** orders, or any succeeding Part 5.3 supervisory *\*order/\** orders, *\*has/\** have been, or *\*is/\** are being, complied with;
- (c) to what extent methods for:
  - (i) achieving a Part 5.3 object; or
  - (ii) determining whether the Part 5.3 supervisory *\*order/\** orders, or any succeeding Part 5.3 supervisory *\*order/\** orders, *\*has/\** have been, or *\*is/\** are being, complied with;that do not involve so intercepting communications have been used by, or are available to, the applicant agency;
- (d) how much the use of such methods would be likely to assist in connection with:
  - (i) achieving a Part 5.3 object; or
  - (ii) determining whether the Part 5.3 supervisory *\*order/\** orders, or any succeeding Part 5.3 supervisory *\*order/\** orders, *\*has/\** have been, or *\*is/\** are being, complied with;
- (e) how much the use of such methods would be likely to prejudice:
  - (i) achieving a Part 5.3 object; or
  - (ii) determining whether the Part 5.3 supervisory *\*order/\** orders, or any succeeding Part 5.3 supervisory *\*order/\** orders, *\*has/\** have been, or *\*is/\** are being, complied with;whether because of delay or for any other reason;
- (f) whether intercepting under a warrant communications made to or from the service would be the method that is likely to have the least interference with any person's privacy;
- \*(g) [if the warrant is issued on the basis of more than one Part 5.3 supervisory order]* for each Part 5.3 supervisory order that is a control order—the possibility that the person in relation to whom the control order is in force:
  - (i) has engaged, is engaging, or will engage, in a terrorist act; or
  - (ii) has provided, is providing, or will provide, support for a terrorist act; or
  - (iii) has facilitated, is facilitating, or will facilitate, a terrorist act; or
  - (iv) has provided, is providing, or will provide, support for the engagement in a hostile activity in a foreign country; or
  - (v) has facilitated, is facilitating, or will facilitate, the engagement in a hostile activity in a foreign country;
- \*(ga) [if the warrant is issued on the basis of more than one Part 5.3 supervisory order]* for each Part 5.3 supervisory order that is an extended supervision order or interim supervision order—the possibility that the person in relation to whom the order is in force has committed, is committing, or will commit a serious Part 5.3 offence;
- (gb) for each Part 5.3 supervisory order—the possibility that the person in relation to whom the order is in force:
  - (i) has contravened, is contravening or will contravene the Part 5.3 supervisory order; or
  - (ii) will contravene a succeeding Part 5.3 supervisory order;
- \*(h) [if the applicant agency is an interception agency of Victoria]* any submissions made by the Victorian PIM under section 44A of the Act to me;



*\*(i) [if the applicant agency is an interception agency of Queensland] any submissions made by the Queensland PIM under section 45 of the Act to me.*

(4) This warrant is issued on the basis of the Part 5.3 supervisory *\*order/\*orders* mentioned in paragraph (2)(d), details of which are specified in the following table.

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**Part 5.3 supervisory *\*order/\*orders***

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<b>The name of the person in relation to whom the Part 5.3 supervisory order was made</b>	<b>The date the Part 5.3 supervisory order was made</b>	<b>Whether the Part 5.3 supervisory order is an interim control order, confirmed control order, interim supervision order or extended supervision order</b>
<i>[the name of the person in relation to whom the Part 5.3 supervisory order was made]</i>	<i>[the date the Part 5.3 supervisory order was made]</i>	<i>*interim control order/* confirmed control order/* interim supervision order/* extended supervision order</i>

Note: A warrant may remain in force if the Part 5.3 supervisory order is replaced by one or more succeeding Part 5.3 supervisory orders (see section 6U and subsection 49(6A) of the Act).

*[If the warrant is issued on the basis of more than one Part 5.3 supervisory order, include one item in the table for each Part 5.3 supervisory order.]*

**2 Persons who may exercise this authority**

Under subsection 55(1) of the Act, the authority conferred by this warrant may be exercised by a person in relation to whom an approval under subsection 55(3) of the Act is in force in relation to the warrant, or to the class of warrants to which it belongs.

**3 Period for which warrant is in force**

(1) Under section 54 of the Act, this warrant comes into force when it is issued.

(2) This warrant is in force until *[a date that is not more than 90 days away]*.

**\*4 Conditions**

Interceptions under this warrant are subject to the following conditions:  
*[details of conditions]*.

**\*5 Restrictions**

Interceptions under this warrant are subject to the following restrictions:  
*[details of restrictions]*.

Dated

.....  
*\*Judge/\*nominated AAT member*

\* Omit if not applicable

## Form 2B—Telecommunications service warrant for Part 5.3 supervisory order—B-party

Commonwealth of Australia

*Telecommunications (Interception and Access) Act 1979*

TELECOMMUNICATIONS SERVICE WARRANT FOR PART 5.3 SUPERVISORY  
ORDER—B-PARTY

<i>Telecommunications service</i>	[unique number assigned to the service; any other known unique identifying factors]
<i>Particular *person/*persons</i>	[full known *name/*names, other known names, other known identifying information (e.g. date of birth)]
<i>Applicant agency</i>	[name]

### 1 Authorisation

- (1) I, [name], \*an eligible Judge/\*a nominated AAT member within the meaning of the *Telecommunications (Interception and Access) Act 1979* (the **Act**), acting under section 46 of the Act, authorise interceptions of communications made to or from the telecommunications service mentioned above.
- (2) I am satisfied, on the basis of the information given to me by the applicant agency, that:
  - (a) Division 3 of Part 2-5 of the Act has been complied with in relation to the application for this warrant; and
  - \* (b) because of urgent circumstances, it was necessary to make the application by telephone; and
  - (c) there are reasonable grounds for suspecting that the particular \*person/\*persons mentioned above \*is/\*are using, or \*is/\*are likely to use, the service; and
  - (d) a Part 5.3 supervisory order is in force (including because of section 6T of the Act) in relation to another person, and the particular \*person/\*persons mentioned above \*is/\*are likely to communicate with the other person using the service; and
  - (e) information that would be likely to be obtained by intercepting under a warrant communications made to or from the service would be likely to substantially assist in connection with:
    - \* (i) achieving a Part 5.3 object; or
    - \* (ii) determining whether the Part 5.3 supervisory order, or any succeeding Part 5.3 supervisory order, has been, or is being, complied with.

Note: For paragraph (2)(d), section 6T of the Act deems certain Part 5.3 supervisory orders to be in force if they have been made but not yet come into force.

- (3) I am satisfied, on the basis of the information given to me by the applicant agency, that the warrant should be issued having regard to the following matters only:

- 
- (a) how much the privacy of any person or persons would be likely to be interfered with by intercepting under a warrant communications made to or from the service;
  - (b) how much the information referred to in paragraph (2)(e) would be likely to assist in connection with:
    - (i) achieving a Part 5.3 object; or
    - (ii) determining whether the Part 5.3 supervisory order, or any succeeding Part 5.3 supervisory order, has been, or is being, complied with;
  - (c) to what extent methods for:
    - (i) achieving a Part 5.3 object; or
    - (ii) determining whether the Part 5.3 supervisory order, or any succeeding Part 5.3 supervisory order, has been, or is being, complied with;
 that do not involve so intercepting communications have been used by, or are available to, the applicant agency;
  - (d) how much the use of such methods would be likely to assist in connection with:
    - (i) achieving a Part 5.3 object; or
    - (ii) determining whether the Part 5.3 supervisory order, or any succeeding Part 5.3 supervisory order, has been, or is being, complied with;
  - (e) how much the use of such methods would be likely to prejudice:
    - (i) achieving a Part 5.3 object; or
    - (ii) determining whether the Part 5.3 supervisory order, or any succeeding Part 5.3 supervisory order, has been, or is being, complied with;
 whether because of delay or for any other reason;
  - (f) whether intercepting under a warrant communications made to or from the service would be the method that is likely to have the least interference with any person's privacy;
  - \* (g) in relation to a Part 5.3 supervisory order that is a control order—the possibility that the person in relation to whom the control order is in force:
    - (i) has engaged, is engaging, or will engage, in a terrorist act; or
    - (ii) has provided, is providing, or will provide, support for a terrorist act;
 or
    - (iii) has facilitated, is facilitating, or will facilitate, a terrorist act; or
    - (iv) has provided, is providing, or will provide, support for the engagement in a hostile activity in a foreign country; or
    - (v) has facilitated, is facilitating, or will facilitate, the engagement in a hostile activity in a foreign country;
  - \* (ga) in relation to a Part 5.3 supervisory order that is an extended supervision order or interim supervision order—the possibility that the person in relation to whom the order is in force has committed, is committing, or will commit a serious Part 5.3 offence;
  - (gb) in relation to any Part 5.3 supervisory order—the possibility that the person in relation to whom the order is in force:
    - (i) has contravened, is contravening or will contravene the Part 5.3 supervisory order; or
    - (ii) will contravene a succeeding Part 5.3 supervisory order;

<sup>\*</sup>(h) [if the applicant agency is an interception agency of Victoria] any submissions made by the Victorian PIM under section 44A of the Act to me;

<sup>\*</sup>(i) [if the applicant agency is an interception agency of Queensland] any submissions made by the Queensland PIM under section 45 of the Act to me.

(4) I am satisfied that:

<sup>\*</sup>the applicant agency has exhausted all other practicable methods of identifying the telecommunications services used, or likely to be used, by the person to whom the Part 5.3 supervisory order relates.

<sup>\*</sup>interception of communications made to or from a telecommunications service used or likely to be used by the person to whom the Part 5.3 supervisory order relates would not otherwise be possible.

(5) This warrant is issued on the basis of the Part 5.3 supervisory order mentioned in paragraph (2)(d), details of which are specified in the following table.

<b>Part 5.3 supervisory order</b>		
<b>The name of the person in relation to whom the Part 5.3 supervisory order was made</b>	<b>The date the Part 5.3 supervisory order was made</b>	<b>Whether the Part 5.3 supervisory order is an interim control order, confirmed control order, interim supervision order or extended supervision order</b>
[the name of the person in relation to whom the Part 5.3 supervisory order was made]	[the date the Part 5.3 supervisory order was made]	<sup>*</sup> interim control order/ <sup>*</sup> confirmed control order/ <sup>*</sup> interim supervision order/ <sup>*</sup> extended supervision order

Note: A warrant may remain in force if the Part 5.3 supervisory order is replaced by one or more succeeding Part 5.3 supervisory orders (see section 6U and subsection 49(6A) of the Act).

## 2 Persons who may exercise this authority

Under subsection 55(1) of the Act, the authority conferred by this warrant may be exercised by a person in relation to whom an approval under subsection 55(3) of the Act is in force in relation to the warrant, or to the class of warrants to which it belongs.

## 3 Period for which warrant is in force

(1) Under section 54 of the Act, this warrant comes into force when it is issued.

(2) This warrant is in force until [a date that is not more than 45 days away].

## <sup>\*</sup>4 Conditions

Interceptions under this warrant are subject to the following conditions:  
[details of conditions].

## <sup>\*</sup>5 Restrictions

Interceptions under this warrant are subject to the following restrictions:

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[*details of restrictions*].

Dated

.....  
 \*Judge/\*nominated AAT member

\* Omit if not applicable

## **Form 2C—Telecommunications service warrant for post-sentence order application**

Commonwealth of Australia

*Telecommunications (Interception and Access) Act 1979*

TELECOMMUNICATIONS SERVICE WARRANT FOR POST-SENTENCE ORDER  
APPLICATION

<i>Telecommunications service</i>	[ <i>unique number assigned to the service; any other known unique identifying factors</i> ]
<i>Particular *person/*persons</i>	[ <i>full known *name/*names, other known names, other known identifying information (e.g. date of birth)</i> ]
<i>Applicant agency</i>	[ <i>name</i> ]

### 1 Authorisation

- (1) I, [*name*], \*an eligible Judge/\*a nominated AAT member within the meaning of the *Telecommunications (Interception and Access) Act 1979* (the **Act**), acting under section 46 of the Act, authorise interceptions of communications made to or from the telecommunications service mentioned above.
- (2) I am satisfied, on the basis of the information given to me by the applicant agency, that:
  - (a) Division 3 of Part 2-5 of the Act has been complied with in relation to the application for this warrant; and
  - \* (b) because of urgent circumstances, it was necessary to make the application by telephone; and
  - (c) there are reasonable grounds for suspecting that a particular person is using, or is likely to use, the service; and
  - (d) the person is a terrorist offender in relation to whom an application for a post-sentence order could be made; and
  - (e) the person is detained in custody; and
  - (f) there are reasonable grounds to suspect that there is an appreciable risk of the person committing a serious Part 5.3 offence; and
  - (g) consideration is being given, will be given, or is likely to be given, by the AFP Minister (or a person on behalf of the AFP Minister), as to whether to apply for a post-sentence order in relation to the person; and
  - (h) information that would be likely to be obtained by intercepting under a warrant communications made to or from the service would be likely to assist in determining whether to apply for the post-sentence order.

- (3) I am satisfied, on the basis of the information given to me by the applicant agency, that the warrant should be issued having regard to the following matters only:
- (a) how much the privacy of any person or persons would be likely to be interfered with by intercepting under a warrant communications made to or from the service;
  - (b) how much the information referred to in paragraph (2)(h) would be likely to assist in determining whether to apply for the post-sentence order;
  - (c) to what extent methods of determining whether to apply for the post-sentence order that do not involve so intercepting communications have been used by, or are available to, the AFP Minister (or a legal representative of the AFP Minister);
  - (d) how much the use of such methods would be likely to assist in determining whether to apply for the post-sentence order;
  - (e) how much the use of such methods would be likely to prejudice determining whether to apply for the post-sentence order, whether because of delay or for any other reason;
  - \* (f) *[if the applicant agency is an interception agency of Victoria]* any submissions made by the Victorian PIM under section 44A of the Act to me;
  - \* (g) *[if the applicant agency is an interception agency of Queensland]* any submissions made by the Queensland PIM under section 45 of the Act to me.
- (4) This warrant is issued to determine whether to make an application for a post-sentence order in relation to *[the name of the person in relation to whom the application for the post-sentence order would be made]*.

## 2 Persons who may exercise this authority

Under subsection 55(1) of the Act, the authority conferred by this warrant may be exercised by a person in relation to whom an approval under subsection 55(3) of the Act is in force in relation to the warrant, or to the class of warrants to which it belongs.

## 3 Period for which warrant is in force

- (1) Under section 54 of the Act, this warrant comes into force when it is issued.
- (2) This warrant is in force until *[a date that is not more than 90 days away]*.

## \*4 Conditions

Interceptions under this warrant are subject to the following conditions:  
*[details of conditions]*.

## \*5 Restrictions

Interceptions under this warrant are subject to the following restrictions:  
*[details of restrictions]*.

Dated

.....  
 \*Judge/\*nominated AAT member

\* Omit if not applicable

## **8 Forms 4A and 4B in Schedule 1**

Repeal the Forms, substitute:

### **Form 4A—Named person warrant for Part 5.3 supervisory order—telecommunications services**

Commonwealth of Australia

*Telecommunications (Interception and Access) Act 1979*

NAMED PERSON WARRANT FOR PART 5.3 SUPERVISORY ORDER—  
 TELECOMMUNICATIONS SERVICES

<b>Particular person (named person)</b>	<i>[full known name, other known names, other known identifying information (e.g. date of birth)]</i>
<b>Applicant agency</b>	<i>[name]</i>

#### 1 Authorisation

- (1) I, *[name]*, \*an eligible Judge/\*a nominated AAT member within the meaning of the *Telecommunications (Interception and Access) Act 1979* (the **Act**), acting under section 46A of the Act, authorise interceptions of communications made to or from any telecommunications service that the named person mentioned above is using, or is likely to use.
- (2) I am satisfied, on the basis of the information given to me by the applicant agency, that:
  - (a) Division 3 of Part 2-5 of the Act has been complied with in relation to the application for this warrant; and
  - \* (b) because of urgent circumstances, it was necessary to make the application by telephone; and
  - (c) there are reasonable grounds for suspecting that the named person is using, or is likely to use, more than one telecommunications service; and
  - (d) a Part 5.3 supervisory order is in force (including because of section 6T of the Act) in relation to the named person; and
  - (e) information that would be likely to be obtained by intercepting under a warrant communications made to or from any telecommunications service that the named person is using, or is likely to use, would be likely to substantially assist in connection with:
    - \* (i) achieving a Part 5.3 object; or
    - \* (ii) determining whether the Part 5.3 supervisory order, or any succeeding Part 5.3 supervisory order, has been, or is being, complied with.

Note: For paragraph (2)(d), section 6T of the Act deems certain Part 5.3 supervisory orders to be in force if they have been made but not yet come into force.

- (3) I am satisfied, on the basis of the information given to me by the applicant agency, that the warrant should be issued having regard to the following matters only:
- (a) how much the privacy of any person or persons would be likely to be interfered with by intercepting under a warrant communications made to or from any telecommunications service used, or likely to be used, by the named person;
  - (b) how much the information referred to in paragraph (2)(e) would be likely to assist in connection with:
    - (i) achieving a Part 5.3 object; or
    - (ii) determining whether the Part 5.3 supervisory order, or any succeeding Part 5.3 supervisory order, has been, or is being, complied with;
  - (c) to what extent methods (including the use of a warrant issued under section 46 of the Act) for:
    - (i) achieving a Part 5.3 object; or
    - (ii) determining whether the Part 5.3 supervisory order, or any succeeding Part 5.3 supervisory order, has been, or is being, complied with;that do not involve the use of a warrant issued under section 46A of the Act in relation to the named person have been used by, or are available to, the applicant agency;
  - (d) how much the use of such methods would be likely to assist in connection with:
    - (i) achieving a Part 5.3 object; or
    - (ii) determining whether the Part 5.3 supervisory order, or any succeeding Part 5.3 supervisory order, has been, or is being, complied with;
  - (e) how much the use of such methods would be likely to prejudice:
    - (i) achieving a Part 5.3 object; or
    - (ii) determining whether the Part 5.3 supervisory order, or any succeeding Part 5.3 supervisory order, has been, or is being, complied with;whether because of delay or for any other reason;
  - (f) whether intercepting under a warrant communications referred to in paragraph (a) would be the method that is likely to have the least interference with any person's privacy;
  - \* (g) in relation to a Part 5.3 supervisory order that is a control order—the possibility that the person in relation to whom the control order is in force:
    - (i) has engaged, is engaging, or will engage, in a terrorist act; or
    - (ii) has provided, is providing, or will provide, support for a terrorist act;or
    - (iii) has facilitated, is facilitating, or will facilitate, a terrorist act; or
    - (iv) has provided, is providing, or will provide, support for the engagement in a hostile activity in a foreign country; or
    - (v) has facilitated, is facilitating, or will facilitate, the engagement in a hostile activity in a foreign country;
  - \* (ga) in relation to a Part 5.3 supervisory order that is an extended supervision order or interim supervision order—the possibility that the person in relation to whom the order is in force has committed, is committing, or will commit a serious Part 5.3 offence;
  - (gb) in relation to any Part 5.3 supervisory order—the possibility that the person in relation to whom the order is in force:



- (i) has contravened, is contravening or will contravene the Part 5.3 supervisory order; or
- (ii) will contravene a succeeding Part 5.3 supervisory order;
- \* (h) *[if the applicant agency is an interception agency of Victoria]* any submissions made by the Victorian PIM under section 44A of the Act to me;
- \* (i) *[if the applicant agency is an interception agency of Queensland]* any submissions made by the Queensland PIM under section 45 of the Act to me.

(4) This warrant is issued on the basis of the Part 5.3 supervisory order mentioned in paragraph (2)(d), details of which are specified in the following table.

<b>Part 5.3 supervisory order</b>		
<b>The name of the person in relation to whom the Part 5.3 supervisory order was made</b>	<b>The date the Part 5.3 supervisory order was made</b>	<b>Whether the Part 5.3 supervisory order is an interim control order, confirmed control order, interim supervision order or extended supervision order</b>
<i>[the name of the person in relation to whom the Part 5.3 supervisory order was made]</i>	<i>[the date the Part 5.3 supervisory order was made]</i>	*interim control order/*confirmed control order/*interim supervision order/*extended supervision order

Note: A warrant may remain in force if the Part 5.3 supervisory order is replaced by one or more succeeding Part 5.3 supervisory orders (see section 6U and subsection 49(6A) of the Act).

## 2 Persons who may exercise this authority

Under subsection 55(1) of the Act, the authority conferred by this warrant may be exercised by a person in relation to whom an approval under subsection 55(3) of the Act is in force in relation to the warrant, or to the class of warrants to which it belongs.

## 3 Period for which warrant is in force

- (1) Under section 54 of the Act, this warrant comes into force when it is issued.
- (2) This warrant is in force until *[a date that is not more than 90 days away]*.

## \*4 Conditions

Interceptions under this warrant are subject to the following conditions:  
*[details of conditions]*.

## \*5 Restrictions

### **\*General**

Interceptions under this warrant are subject to the following restrictions:  
*[details of restrictions]*.

### **\*Excluded telecommunications services**

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This warrant does not authorise the interception of communications made to or from the following telecommunications services:  
[*details and location of service(s)*].

Dated

.....  
\*Judge/\*nominated AAT member

\* Omit if not applicable

## **Form 4B—Named person warrant for Part 5.3 supervisory order—telecommunications devices**

Commonwealth of Australia

*Telecommunications (Interception and Access) Act 1979*

NAMED PERSON WARRANT FOR PART 5.3 SUPERVISORY ORDER—  
TELECOMMUNICATIONS DEVICES

<b>Particular person (named person)</b>	[ <i>full known name, other known names, other known identifying information (e.g. date of birth)</i> ]
<b>Particular telecommunications *device/*devices</b>	[ <i>For each telecommunication device, the unique number assigned to the device (if known) and other known unique identifying factors</i> ]
<b>Applicant agency</b>	[ <i>name</i> ]

### 1 Authorisation

- (1) I, [*name*], \*an eligible Judge/\*a nominated AAT member within the meaning of the *Telecommunications (Interception and Access) Act 1979* (the **Act**), acting under section 46A of the Act, authorise interceptions of communications made by means of the particular telecommunications \*device/\*devices that the named person mentioned above is using, or is likely to use.
- (2) I am satisfied, on the basis of the information given to me by the applicant agency, that:
  - (a) Division 3 of Part 2-5 of the Act has been complied with in relation to the application for this warrant; and
  - \* (b) because of urgent circumstances, it was necessary to make the application by telephone; and
  - (c) there are reasonable grounds for suspecting that the named person is using, or is likely to use, more than one telecommunications service; and
  - (d) a Part 5.3 supervisory order is in force (including because of section 6T of the Act) in relation to the named person; and

- 
- (e) information that would be likely to be obtained by intercepting under a warrant communications made by means of the particular telecommunications \*device/\*devices that the named person is using, or is likely to use, would be likely to substantially assist in connection with:
    - \* (i) achieving a Part 5.3 object; or
    - \* (ii) determining whether the Part 5.3 supervisory order, or any succeeding Part 5.3 supervisory order, has been, or is being, complied with.

Note: For paragraph (2)(d), section 6T of the Act deems certain Part 5.3 supervisory orders to be in force if they have been made but not yet come into force.

- (3) I am satisfied, on the basis of the information given to me by the applicant agency, that the warrant should be issued having regard to the following matters only:
  - (a) how much the privacy of any person or persons would be likely to be interfered with by intercepting under a warrant communications made by means of the particular telecommunications \*device/\*devices used, or likely to be used, by the named person;
  - (b) how much the information referred to in paragraph (2)(e) would be likely to assist in connection with:
    - (i) achieving a Part 5.3 object; or
    - (ii) determining whether the Part 5.3 supervisory order, or any succeeding Part 5.3 supervisory order, has been, or is being, complied with;
  - (c) to what extent methods (including the use of a warrant issued under section 46 of the Act) for:
    - (i) achieving a Part 5.3 object; or
    - (ii) determining whether the Part 5.3 supervisory order, or any succeeding Part 5.3 supervisory order, has been, or is being, complied with;
 that do not involve the use of a warrant issued under section 46A of the Act in relation to the named person have been used by, or are available to, the applicant agency;
  - (d) how much the use of such methods would be likely to assist in connection with:
    - (i) achieving a Part 5.3 object; or
    - (ii) determining whether the Part 5.3 supervisory order, or any succeeding Part 5.3 supervisory order, has been, or is being, complied with;
  - (e) how much the use of such methods would be likely to prejudice:
    - (i) achieving a Part 5.3 object; or
    - (ii) determining whether the Part 5.3 supervisory order, or any succeeding Part 5.3 supervisory order, has been, or is being, complied with;
 whether because of delay or for any other reason;
  - (f) whether intercepting under a warrant communications referred to in paragraph (a) would be the method that is likely to have the least interference with any person's privacy;
  - \* (g) in relation to a Part 5.3 supervisory order that is a control order—the possibility that the person in relation to whom the control order is in force:
    - (i) has engaged, is engaging, or will engage, in a terrorist act; or
    - (ii) has provided, is providing, or will provide, support for a terrorist act; or
    - (iii) has facilitated, is facilitating, or will facilitate, a terrorist act; or

- (iv) has provided, is providing, or will provide, support for the engagement in a hostile activity in a foreign country; or
  - (v) has facilitated, is facilitating, or will facilitate, the engagement in a hostile activity in a foreign country;
  - \*(ga) in relation to a Part 5.3 supervisory order that is an extended supervision order or interim supervision order—the possibility that the person in relation to whom the order is in force has committed, is committing, or will commit a serious Part 5.3 offence;
  - (gb) in relation to any Part 5.3 supervisory order—the possibility that the person in relation to whom the order is in force:
    - (i) has contravened, is contravening or will contravene the Part 5.3 supervisory order; or
    - (ii) will contravene a succeeding Part 5.3 supervisory order;
  - \*(h) [*if the applicant agency is an interception agency of Victoria*] any submissions made by the Victorian PIM under section 44A of the Act to me;
  - \*(i) [*if the applicant agency is an interception agency of Queensland*] any submissions made by the Queensland PIM under section 45 of the Act to me.
- (4) I am satisfied that:
- \*there are no other practicable methods available to the applicant agency at the time of making the application to identify the telecommunications services used, or likely to be used, by the named person.
  - \*interception of communications made to or from a telecommunications service used, or likely to be used, by the named person would not otherwise be practicable.
- (5) This warrant is issued on the basis of the Part 5.3 supervisory order mentioned in paragraph (2)(d), details of which are specified in the following table.

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**Part 5.3 supervisory order**

The name of the person in relation to whom the Part 5.3 supervisory order was made	The date the Part 5.3 supervisory order was made	Whether the Part 5.3 supervisory order is an interim control order, confirmed control order, interim supervision order or extended supervision order
<i>[the name of the person in relation to whom the Part 5.3 supervisory order was made]</i>	<i>[the date the Part 5.3 supervisory order was made]</i>	*interim control order/*confirmed control order/*interim supervision order/*extended supervision order

Note: A warrant may remain in force if the Part 5.3 supervisory order is replaced by one or more succeeding Part 5.3 supervisory orders (see section 6U and subsection 49(6A) of the Act).

2 Persons who may exercise this authority

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Under subsection 55(1) of the Act, the authority conferred by this warrant may be exercised by a person in relation to whom an approval under subsection 55(3) of the Act is in force in relation to the warrant, or to the class of warrants to which it belongs.

3 Period for which warrant is in force

- (1) Under section 54 of the Act, this warrant comes into force when it is issued.
- (2) This warrant is in force until [*a date that is not more than 90 days away*].

\*4 Conditions

Interceptions under this warrant are subject to the following conditions:  
[*details of conditions*].

\*5 Restrictions

Interceptions under this warrant are subject to the following restrictions:  
[*details of restrictions*].

Dated

.....  
\*Judge/\*nominated AAT member

\* Omit if not applicable

## **Form 4C—Named person warrant for post-sentence order application—telecommunications services**

Commonwealth of Australia

*Telecommunications (Interception and Access) Act 1979*

NAMED PERSON WARRANT FOR POST-SENTENCE ORDER APPLICATION—  
TELECOMMUNICATIONS SERVICES

<b>Particular person (named person)</b>	[ <i>full known name, other known names, other known identifying information (e.g. date of birth)</i> ]
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<b>Applicant agency</b>	[ <i>name</i> ]
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1 Authorisation

- (1) I, [*name*], \*an eligible Judge/\*a nominated AAT member within the meaning of the *Telecommunications (Interception and Access) Act 1979* (the **Act**), acting under section 46A of the Act, authorise interceptions of communications made to or from any telecommunications service that the named person mentioned above is using, or is likely to use.
- (2) I am satisfied, on the basis of the information given to me by the applicant agency, that:

- (a) Division 3 of Part 2-5 of the Act has been complied with in relation to the application for this warrant; and
  - \*(b) because of urgent circumstances, it was necessary to make the application by telephone; and
  - (c) there are reasonable grounds for suspecting that the named person is using, or is likely to use, more than one telecommunications service; and
  - (d) the named person is a terrorist offender in relation to whom an application for a post-sentence order could be made; and
  - (e) the named person is detained in custody; and
  - (f) there are reasonable grounds to suspect that there is an appreciable risk of the named person committing a serious Part 5.3 offence; and
  - (g) consideration is being given, will be given, or is likely to be given, by the AFP Minister (or a person on behalf of the AFP Minister), as to whether to apply for a post-sentence order in relation to the named person; and
  - (h) information that would be likely to be obtained by intercepting under a warrant:
    - (i) communications made to or from any telecommunications service that the named person is using, or is likely to use; or
    - (ii) communications made by means of a particular telecommunications device or particular telecommunications devices that the named person is using, or is likely to use;would be likely to assist in determining whether to apply for the post-sentence order.
- (3) I am satisfied, on the basis of the information given to me by the applicant agency, that the warrant should be issued having regard to the following matters only:
- (a) how much the privacy of any person or persons would be likely to be interfered with by intercepting under a warrant:
    - (i) communications made to or from any telecommunications service used, or likely to be used, by the person in respect of whom the warrant is sought; or
    - (ii) communications made by means of a particular telecommunications device or particular telecommunications devices used, or likely to be used, by the person in respect of whom the warrant is sought;
  - (b) how much the information referred to in paragraph (2)(h) would be likely to assist in connection with determining whether to apply for the post-sentence order;
  - (c) to what extent methods (including the use of a warrant issued under section 46 of the Act) for determining whether to apply for a post-sentence order that do not involve so intercepting communications have been used by, or are available to, the AFP Minister (or a legal representative of the AFP Minister);
  - (d) how much the use of such methods would be likely to assist in determining whether to apply for the post-sentence order;
  - (e) how much the use of such methods would be likely to prejudice determining whether to apply for the post-sentence order, whether because of delay or for any other reasons;

*\*(f) [if the applicant agency is an interception agency of Victoria] any submissions made by the Victorian PIM under section 44A of the Act to me;*

*\*(g) [if the applicant agency is an interception agency of Queensland] any submissions made by the Queensland PIM under section 45 of the Act to me.*

(4) This warrant is issued to determine whether to make an application for a post-sentence order in relation to *[the name of the person in relation to whom the application would be made]*.

## 2 Persons who may exercise this authority

Under subsection 55(1) of the Act, the authority conferred by this warrant may be exercised by a person in relation to whom an approval under subsection 55(3) of the Act is in force in relation to the warrant, or to the class of warrants to which it belongs.

## 3 Period for which warrant is in force

(1) Under section 54 of the Act, this warrant comes into force when it is issued.

(2) This warrant is in force until *[a date that is not more than 90 days away]*.

## \*4 Conditions

Interceptions under this warrant are subject to the following conditions:  
*[details of conditions]*.

## \*5 Restrictions

### **\*General**

Interceptions under this warrant are subject to the following restrictions:  
*[details of restrictions]*.

### **\*Excluded telecommunications services**

This warrant does not authorise the interception of communications made to or from the following telecommunications services:  
*[details and location of service(s)]*.

Dated

.....  
\*Judge/\*nominated AAT member

\* Omit if not applicable

# **Form 4D—Named person warrant for post-sentence order application—telecommunications devices**

Commonwealth of Australia

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*Telecommunications (Interception and Access) Act 1979*  
NAMED PERSON WARRANT FOR POST-SENTENCE ORDER APPLICATION —  
TELECOMMUNICATIONS DEVICES

<b>Particular person (named person)</b>	[full known name, other known names, other known identifying information (e.g. date of birth)]
<b>Particular telecommunications *device/* devices</b>	[For each telecommunication device, the unique number assigned to the device (if known) and other known unique identifying factors]
<b>Applicant agency</b>	[name]

1 Authorisation

- (1) I, [name], \*an eligible Judge/\*a nominated AAT member within the meaning of the *Telecommunications (Interception and Access) Act 1979* (the **Act**), acting under section 46A of the Act, authorise interceptions of communications made by means of the particular telecommunications \*device/\* devices that the named person mentioned above is using, or is likely to use.
- (2) I am satisfied, on the basis of the information given to me by the applicant agency, that:
  - (a) Division 3 of Part 2-5 of the Act has been complied with in relation to the application for this warrant; and
  - \* (b) because of urgent circumstances, it was necessary to make the application by telephone; and
  - (c) there are reasonable grounds for suspecting that the named person is using, or is likely to use, more than one telecommunications service; and
  - (d) the named person is a terrorist offender in relation to whom an application for a post-sentence order could be made; and
  - (e) the named person is detained in custody; and
  - (f) there are reasonable grounds to suspect that there is an appreciable risk of the named person committing a serious Part 5.3 offence; and
  - (g) consideration is being given, will be given, or is likely to be given, by the AFP Minister (or a person on behalf of the AFP Minister), as to whether to apply for a post-sentence order in relation to the named person; and
  - (h) information that would be likely to be obtained by intercepting under a warrant communications made by means of the particular telecommunications \*device/\* devices that the named person is using, or is likely to use, would be likely to substantially assist in connection with determining whether to apply for the post-sentence order.
- (3) I am satisfied, on the basis of the information given to me by the applicant agency, that the warrant should be issued having regard to the following matters only:
  - (a) how much the privacy of any person or persons would be likely to be interfered with by intercepting under a warrant communications made by means of the particular telecommunications \*device/\* devices used, or likely to be used, by the named person;



- (b) how much the information referred to in paragraph (2)(h) would be likely to assist in connection with determining whether to apply for the post-sentence order;
- (c) to what extent methods (including the use of a warrant issued under section 46 of the Act) for determining whether to apply for the post-sentence order that do not involve the use of a warrant issued under section 46A of the Act in relation to the named person have been used by, or are available to, the applicant agency;
- (d) how much the use of such methods would be likely to assist in connection with determining whether to apply for the post-sentence order;
- (e) how much the use of such methods would be likely to prejudice determining whether to apply for the post-sentence order, whether because of delay or for any other reason;
- (f) whether intercepting under a warrant communications referred to in paragraph (a) would be the method that is likely to have the least interference with any person's privacy;
- \* (g) [*if the applicant agency is an interception agency of Victoria*] any submissions made by the Victorian PIM under section 44A of the Act to me;
- \* (h) [*if the applicant agency is an interception agency of Queensland*] any submissions made by the Queensland PIM under section 45 of the Act to me.

(4) I am satisfied that:

\*there are no other practicable methods available to the applicant agency at the time of making the application to identify the telecommunications services used, or likely to be used, by the named person.

\*interception of communications made to or from a telecommunications service used, or likely to be used, by the named person would not otherwise be practicable.

(5) This warrant is issued to determine whether to make an application for a post-sentence order in relation to [*the name of the person in relation to whom the application would be made*].

2 Persons who may exercise this authority

Under subsection 55(1) of the Act, the authority conferred by this warrant may be exercised by a person in relation to whom an approval under subsection 55(3) of the Act is in force in relation to the warrant, or to the class of warrants to which it belongs.

3 Period for which warrant is in force

(1) Under section 54 of the Act, this warrant comes into force when it is issued.

(2) This warrant is in force until [*a date that is not more than 90 days away*].

\*4 Conditions

Interceptions under this warrant are subject to the following conditions:  
[*details of conditions*].

\*5 Restrictions

Interceptions under this warrant are subject to the following restrictions:  
[*details of restrictions*].

---

Dated

.....  
\*Judge/\*nominated AAT member

\* Omit if not applicable

### 9 Subparagraph 1(3)(b)(i) of Form 5 in Schedule 1

Repeal the subparagraph, substitute:

- (i) subsection 46(1) of the Act would empower me to issue a warrant if the application had been made under section 46 of the Act; and

### 10 After subparagraph 1(3)(b)(ii) of Form 5 in Schedule 1

Insert:

- \*(iia) because of urgent circumstances, it was necessary to make the application by telephone; and
- (iib) there are reasonable grounds for suspecting that the particular \*person/\*persons mentioned above \*is/\*are using, or \*is/\*are likely to use, the service; and

### 11 Form 5A in Schedule 1

Repeal the Form, substitute:

## Form 5A—Warrant for entry on premises and interception of communications for Part 5.3 supervisory orders

Commonwealth of Australia

*Telecommunications (Interception and Access) Act 1979*

WARRANT FOR ENTRY ON PREMISES AND INTERCEPTION OF COMMUNICATIONS FOR PART 5.3 SUPERVISORY ORDER

<b>Premises</b>	<i>[description and location of premises, including business name, operating name, other known names and other known identifying information]</i>
<b>Telecommunications service</b>	<i>[number assigned to the service; any other known unique identifying factors]</i>
<b>Particular person</b>	<i>[full known name, other known names, other known identifying information (e.g. date of birth)]</i>
<b>Applicant agency</b>	<i>[name]</i>

1 Authorisation

- 
- (1) I, [name], \*an eligible Judge/\*a nominated AAT member within the meaning of the *Telecommunications (Interception and Access) Act 1979* (the **Act**), acting under section 48 of the Act, authorise:
- (a) entry on the premises mentioned above in order to install, maintain, use or recover equipment or a line used in the interception of communications being made to or from the telecommunications service mentioned above; and
  - (b) interceptions of such communications by the use of that equipment or line.
- (2) This warrant authorises:
- (a) entry on the premises:
    - (i) \*at any time of the day or night/\*during the hours of [specify hours during which entry on the premises is authorised], for the purposes mentioned in paragraph (1)(a); and
    - \* (ii) without permission first being sought or demand first being made; and
  - \* (b) the following measures, that I am satisfied are necessary and reasonable for those purposes:  
[specify measures authorised to be taken].
- (3) I am satisfied:
- (a) that subsection 48(2) of the Act has been complied with in relation to the application for this warrant; and
  - (b) on the basis of the information given to me by the applicant agency, that:
    - (i) subsection 46(4) of the Act would empower me to issue a warrant if the application had been made under section 46 of the Act; and
    - (ii) Division 3 of Part 2-5 of the Act has been complied with in relation to this application; and
    - \* (iii) because of urgent circumstances, it was necessary to make the application by telephone; and
    - (iv) there are reasonable grounds for suspecting that the particular person mentioned above is using, or is likely to use, the service; and
    - (v) a Part 5.3 supervisory order is in force (including because of section 6T of the Act) in relation to:
      - \* [if subparagraph 46(4)(d)(ii) of the Act would apply if the application had been made under section 46 of the Act] the particular person mentioned above; and
      - \* [otherwise] a person other than the particular person mentioned above, and the particular person mentioned above is likely to communicate with the other person using the service; and
  - (c) on the basis of the information given to me by the applicant agency, that information that would be likely to be obtained by intercepting under a warrant communications made to or from the service would be likely to substantially assist in connection with:
    - \* (i) achieving a Part 5.3 object; or
    - \* (ii) determining whether the Part 5.3 supervisory order, or any succeeding Part 5.3 supervisory order, has been, or is being, complied with; and
  - (d) on the basis of the information given to me by the applicant agency, that it would be impracticable or inappropriate to intercept communications under a warrant in respect of the service otherwise than by the use of equipment or a line installed on those premises:

\*for technical reasons connected with the nature or operation of the service or of a telecommunications system of which the service forms a part.

\*because, if the warrant were issued under section 46 of the Act, communications to or from the telecommunications service would be intercepted while passing over a telecommunications system and execution of the warrant as a result of action taken by employees of that carrier might jeopardise the achievement of the objective for which the warrant was issued.

Note: For subparagraph (3)(b)(v), section 6T of the Act deems certain Part 5.3 supervisory orders to be in force if they have been made but not yet come into force.

- (4) This warrant is issued on the basis of the Part 5.3 supervisory order mentioned in subparagraph (3)(b)(v), details of which are specified in the following table.

**Part 5.3 supervisory order**

The name of the person in relation to whom the Part 5.3 supervisory order was made	The date the Part 5.3 supervisory order was made	Whether the Part 5.3 supervisory order is an interim control order, confirmed control order, interim supervision order or extended supervision order
<i>[the name of the person in relation to whom the Part 5.3 supervisory order was made]</i>	<i>[the date the Part 5.3 supervisory order was made]</i>	*interim control order/* confirmed control order/* interim supervision order/* extended supervision order

Note: A warrant may remain in force if the Part 5.3 supervisory order is replaced by one or more succeeding Part 5.3 supervisory orders (see section 6U and subsection 49(6A) of the Act).

2 Persons who may exercise this authority

Under subsection 55(1) of the Act, the authority conferred by this warrant applies to a person in relation to whom an approval under subsection 55(3) of the Act is in force in relation to the warrant, or to the class of warrants to which it belongs.

3 Period for which warrant is in force

- (1) Under section 54 of the Act, this warrant comes into force when it is issued.
- (2) This warrant is in force until *[specify date]*.  
*[specify a date that is:*  
*(a) if subparagraph 46(4)(d)(ii) of the Act would apply if the application had been made under section 46 of the Act—not more than 45 days away; or*  
*(b) otherwise—not more than 90 days away.]*

\*4 Conditions

Interceptions under this warrant are subject to the following conditions:  
*[details of conditions]*.

\*5 Restrictions

Interceptions under this warrant are subject to the following restrictions:

---

[*details of restrictions*].

Dated

.....  
\*Judge/\*nominated AAT member

\* Omit if not applicable

## **Form 5B—Warrant for entry on premises and interception of communications for post-sentence order applications**

Commonwealth of Australia

*Telecommunications (Interception and Access) Act 1979*

WARRANT FOR ENTRY ON PREMISES AND INTERCEPTION OF COMMUNICATIONS FOR POST-SENTENCE ORDER APPLICATION

**Premises** [description and location of premises, including business name, operating name, other known names and other known identifying information]

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**Telecommunications service** [number assigned to the service; any other known unique identifying factors]

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**Particular person** [full known name, other known names, other known identifying information (e.g. date of birth)]

---

**Applicant agency** [name]

### 1 Authorisation

- (1) I, [name], \*an eligible Judge/\*a nominated AAT member within the meaning of the *Telecommunications (Interception and Access) Act 1979* (the **Act**), acting under section 48 of the Act, authorise:
- (a) entry on the premises mentioned above in order to install, maintain, use or recover equipment or a line used in the interception of communications being made to or from the telecommunications service mentioned above; and
  - (b) interceptions of such communications by the use of that equipment or line.
- (2) This warrant authorises:
- (a) entry on the premises:
    - (i) \*at any time of the day or night/\*during the hours of [specify hours during which entry on the premises is authorised], for the purposes mentioned in paragraph (1)(a); and
    - \* (ii) without permission first being sought or demand first being made; and

- \*(b) the following measures, that I am satisfied are necessary and reasonable for those purposes:  
[specify measures authorised to be taken].*

(3) I am satisfied:

- (a) that subsection 48(2) of the Act has been complied with in relation to the application for this warrant; and
- (b) on the basis of the information given to me by the applicant agency, that:
- (i) subsection 46(7) of the Act would empower me to issue a warrant if the application had been made under section 46 of the Act; and
  - (ii) Division 3 of Part 2-5 of the Act has been complied with in relation to this application; and
  - \*(iii) because of urgent circumstances, it was necessary to make the application by telephone; and*
  - (iv) there are reasonable grounds for suspecting that the particular *\*person/\*persons mentioned above \*is/\*are using, or \*is/\*are likely to use, the service; and*
  - (v) consideration is being given, will be given, or is likely to be given, by the AFP Minister (or a person on behalf of the AFP Minister), as to whether to apply for a post-sentence order in relation to the person; and
- (c) on the basis of the information given to me by the applicant agency, that information that would be likely to be obtained by intercepting under a warrant communications made to or from the service would be likely to assist in determining whether to apply for a post-sentence order; and
- (d) on the basis of the information given to me by the applicant agency, that it would be impracticable or inappropriate to intercept communications under a warrant in respect of the service otherwise than by the use of equipment or a line installed on those premises:  
*\*for technical reasons connected with the nature or operation of the service or of a telecommunications system of which the service forms a part.  
\*because, if the warrant were issued under section 46 of the Act, communications to or from the telecommunications service would be intercepted while passing over a telecommunications system and execution of the warrant as a result of action taken by employees of that carrier might jeopardise the achievement of the objective for which the warrant was issued.*

Note: For Part 5.3 supervisory orders that have been made but not come into force, see section 6T of the Act.

- (4) This warrant is issued to determine whether to make an application for a post-sentence order in relation to [*the name of the person in relation to whom the application for the post-sentence order would be made*].

2 Persons who may exercise this authority

Under subsection 55(1) of the Act, the authority conferred by this warrant applies to a person in relation to whom an approval under subsection 55(3) of the Act is in force in relation to the warrant, or to the class of warrants to which it belongs.

3 Period for which warrant is in force

- (1) Under section 54 of the Act, this warrant comes into force when it is issued.

---

(2) This warrant is in force until *[specify date]*.  
*[specify a date that is not more than 90 days away]*

\*4 Conditions

Interceptions under this warrant are subject to the following conditions:  
*[details of conditions]*.

\*5 Restrictions

Interceptions under this warrant are subject to the following restrictions:  
*[details of restrictions]*.

Dated

.....  
\*Judge/\*nominated AAT member

\* Omit if not applicable