



Crimes Legislation Amendment (Community Safety Orders and Other Measures) Regulations 2023

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 7 December 2023

David Hurley
Governor-General

By His Excellency's Command

Mark Dreyfus KC
Attorney-General

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1 Name

This instrument is the *Crimes Legislation Amendment (Community Safety Orders and Other Measures) Regulations 2023*.

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 day after this instrument is registered.	8 December 2023

Note: This table relates only to the provisions of this instrument as originally made.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 the following:

- (a) the *Criminal Code Act 1995*;
- (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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 Paragraph 10(a)

Repeal the paragraph, substitute:

- (a) an AFP employee (within the meaning of the *Australian Federal Police Act 1979*);

2 After paragraph 10(d)

Insert:

- (da) a person who provides services for, or on behalf of, the Commonwealth in relation to a person (the *service recipient*) if:
 - (i) a post-sentence order or an interim post-sentence order is in force in relation to the service recipient; or
 - (ii) the AFP Minister has made, or is considering making, an application for a post-sentence order or an interim post-sentence order in relation to the service recipient;

3 Paragraph 10(g)

Repeal the paragraph, substitute:

- (g) the Director-General of Security, a Deputy Director-General of Security, an ASIO employee (within the meaning of the *Australian Security Intelligence Organisation Act 1979*) or an ASIO affiliate (within the meaning of that Act);

4 At the end of paragraph 10(h)

Add:

- or (iii) the *Australian Passports Act 2005*;

5 At the end of Part 3

Add:

Division 4—Community safety orders

20A Serious offender unable to engage legal representative in community safety order proceedings—matters court may take into account in determining whether circumstances beyond offender’s control

For the purposes of paragraph 395.34(3)(a) of the Code, the following matters are prescribed as matters that a Supreme Court of a State or Territory may take into account in determining whether circumstances are beyond a serious offender’s control in relation to a community safety order proceeding:

- (a) the offender’s financial circumstances;
- (b) whether the offender has engaged in unreasonable conduct during the proceeding that has contributed to the offender’s inability to afford any or all of the costs and expenses of obtaining legal representation for the proceeding;

-
- (c) whether the offender has made any efforts to obtain legal aid or legal assistance, and the outcomes of any such efforts;
 - (d) any other matter that the Court considers relevant.

20B Sharing information—prescribed persons

For the purposes of subsections 395.44(1) and (4) of the Code, the following persons are prescribed:

- (a) an AFP employee (within the meaning of the *Australian Federal Police Act 1979*);
- (b) a member of the police force or police service of a State or Territory;
- (c) an officer or employee of a State or Territory, or of an authority of a State or Territory, whose duties relate to corrective services (including prison medical, psychological and psychiatric services), justice or parole;
- (d) a person who provides services for, or on behalf of:
 - (i) a State or Territory; or
 - (ii) an authority of a State or Territory;
 in relation to corrective services (including prison medical, psychological and psychiatric services), justice or parole;
- (e) a person who provides services for, or on behalf of, the Commonwealth in relation to a person (the *service recipient*) if:
 - (i) a community safety order is in force in relation to the service recipient; or
 - (ii) the Immigration Minister has made, or is considering making, an application for a community safety order in relation to the service recipient;
- (f) the Director of Public Prosecutions or a person performing a similar function under a law of a State or Territory;
- (g) a member of the staff of the Office of the Director of Public Prosecutions (within the meaning of the *Director of Public Prosecutions Act 1983*) or of a similar body established under a law of a State or Territory;
- (h) the Director-General of Security, a Deputy Director-General of Security, an ASIO employee (within the meaning of the *Australian Security Intelligence Organisation Act 1979*) or an ASIO affiliate (within the meaning of that Act);
- (i) an APS employee in a Department administered by:
 - (i) the Immigration Minister; or
 - (ii) the Minister administering the *Australian Passports Act 2005*;
- (j) a person:
 - (i) who is an authorised officer (within the meaning of Division 9A of Part IB of the *Crimes Act 1914*); or
 - (ii) who, under a delegation from such an authorised officer, exercises powers or performs functions of the authorised officer under Division 9A of Part IB of the *Crimes Act 1914*;
- (k) a person who is a relevant expert and who is:
 - (i) appointed by the Immigration Minister under section 395.43 of the Code; or
 - (ii) otherwise engaged by the Immigration Minister, or a person on behalf of the Immigration Minister;

to assess the risk of a serious offender committing a serious violent or sexual offence for the purposes of Division 395 of the Code (whether or not an application for a community safety order has been made);

- (l) a person who is engaged as a consultant or contractor to perform services for the Department administered by the Immigration Minister;
- (m) a person who is:
 - (i) engaged or employed by a person to whom paragraph (l) or this paragraph applies; and
 - (ii) performing services for the Department administered by the Immigration Minister in connection with that engagement or employment.

Telecommunications (Interception and Access) Regulations 2017

6 After paragraph 8(bc)

Insert:

- (bd) for a warrant issued under subsection 46(9) of the Act to which subparagraph 46(9)(d)(i) of the Act applies—Form 2D in Schedule 1;
- (be) for a warrant issued under subsection 46(9) of the Act to which subparagraph 46(9)(d)(ii) of the Act applies—Form 2E in Schedule 1;
- (bf) for a warrant issued under subsection 46(12) of the Act—Form 2F in Schedule 1;

7 After paragraph 8(fb)

Insert:

- (fc) for a warrant issued under subsection 46A(2E) of the Act to which subparagraph 46A(2E)(e)(i) of the Act applies—Form 4E in Schedule 1;
- (fd) for a warrant issued under subsection 46A(2E) of the Act to which subparagraph 46A(2E)(e)(ii) of the Act applies—Form 4F in Schedule 1;
- (fe) for a warrant issued under subsection 46A(2G) of the Act to which subparagraph 46A(2G)(g)(i) of the Act applies—Form 4G in Schedule 1;
- (ff) for a warrant issued under subsection 46A(2G) of the Act to which subparagraph 46A(2G)(g)(ii) of the Act applies—Form 4H in Schedule 1;

8 At the end of section 8

Add:

- ; (j) for a warrant issued under section 48 of the Act in circumstances mentioned in subsection 46(9) of the Act—Form 5C in Schedule 1;
- (k) for a warrant issued under section 48 of the Act in circumstances mentioned in subsection 46(12) of the Act—Form 5D in Schedule 1.

9 Schedule 1 (after Form 2C)

Insert:

Form 2D—Telecommunications service warrant for community safety supervision order

Commonwealth of Australia

Telecommunications (Interception and Access) Act 1979
**TELECOMMUNICATIONS SERVICE WARRANT FOR COMMUNITY SAFETY
 SUPERVISION ORDER**

Telecommunications service	[unique number assigned to the service; any other known unique identifying factors]
Particular *person/*persons	[full known *name/*names, 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 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 community safety supervision order is/*community safety supervision orders are in force (including because of section 6UA 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 9.10 object; or
 - * (ii) determining whether the community safety supervision *order/*orders, or any succeeding community safety supervision order *order/*orders, *has/*have been, or *is/*are being, complied with.
- Note: For paragraph (2)(d), section 6UA of the Act deems community safety supervision 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 9.10 object; or

- (ii) determining whether the community safety supervision **order/*orders*, or any succeeding community safety supervision **order/*orders*, **has/*have been*, or **is/*are being*, complied with;
 - (c) to what extent methods for:
 - (i) achieving a Part 9.10 object; or
 - (ii) determining whether the community safety supervision **order/*orders*, or any succeeding community safety supervision **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 9.10 object; or
 - (ii) determining whether the community safety supervision **order/*orders*, or any succeeding community safety supervision **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 9.10 object; or
 - (ii) determining whether the community safety supervision **order/*orders*, or any succeeding community safety supervision **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) the possibility that the person in relation to whom the community safety supervision order is in force has committed, is committing, or will commit a serious violent or sexual offence;
 - (h) the possibility that the person in relation to whom the community safety supervision order is in force:
 - (i) has contravened, is contravening or will contravene the community safety supervision order; or
 - (ii) will contravene a succeeding community safety supervision order;
 - *i)* *[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;
 - *j)* *[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 community safety supervision **order/*orders* mentioned in paragraph (2)(d), details of which are specified in the following table.

Community safety supervision <i>*order/*orders</i>	
The name of the person in relation to whom the community safety supervision order was made	The date the community safety supervision order was made
<i>[the name of the person in relation to whom the</i>	<i>[the date the community safety supervision order</i>

Community safety supervision * order/* orders

The name of the person in relation to whom the community safety supervision order was made	The date the community safety supervision order was made
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<i>community safety supervision order was made]</i>	<i>was made]</i>
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Note: A warrant may remain in force if the community safety supervision order is replaced by one or more succeeding community safety supervision orders (see section 6UB and subsection 49(6B) of the Act).

[If the warrant is issued on the basis of more than one community safety supervision order, include one item in the table for each community safety supervision 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 2E—Telecommunications service warrant for community safety supervision order—B-party

Commonwealth of Australia

*Telecommunications (Interception and Access) Act 1979*TELECOMMUNICATIONS SERVICE WARRANT FOR COMMUNITY SAFETY
SUPERVISION ORDER—B-PARTY

Telecommunications service	<i>[unique number assigned to the service; any other known unique identifying factors]</i>
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Particular * person/* persons	<i>[full known * name/* names, other known names, other known identifying information (e.g. date of birth)]</i>
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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 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 community safety supervision order is in force (including because of section 6UA 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 9.10 object; or
 - * (ii) determining whether the community safety supervision order, or any succeeding community safety supervision order, has been, or is being, complied with.

Note: For paragraph (2)(d), section 6UA of the Act deems community safety supervision 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 9.10 object; or
 - (ii) determining whether the community safety supervision order, or any succeeding community safety supervision order, has been, or is being, complied with;
 - (c) to what extent methods for:
 - (i) achieving a Part 9.10 object; or
 - (ii) determining whether the community safety supervision order, or any succeeding community safety supervision 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 9.10 object; or
 - (ii) determining whether the community safety supervision order, or any succeeding community safety supervision 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 9.10 object; or
 - (ii) determining whether the community safety supervision order, or any succeeding community safety supervision 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) the possibility that the person in relation to whom the community safety supervision order is in force:
- (i) has contravened, is contravening or will contravene the community safety supervision order; or
 - (ii) will contravene a succeeding community safety supervision 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:

*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 community safety supervision order relates.

*interception of communications made to or from a telecommunications service used or likely to be used by the person to whom the community safety supervision order relates would not otherwise be possible.

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

Community safety supervision order

The name of the person in relation to whom the community safety supervision order was made	The date the community safety supervision order was made
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[the name of the person in relation to whom the community safety supervision order was made]

[the date the community safety supervision order was made]

Note: A warrant may remain in force if the community safety supervision order is replaced by one or more succeeding community safety supervision orders (see section 6UB and subsection 49(6B) 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*].

*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 2F—Telecommunications service warrant for Part 9.10 order application

Commonwealth of Australia

Telecommunications (Interception and Access) Act 1979

TELECOMMUNICATIONS SERVICE WARRANT FOR PART 9.10 ORDER
APPLICATION

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

Particular *person/*persons [full known *name/*names, 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 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 serious offender in relation to whom an application for a Part 9.10 order could be made; and
 - (e) there are reasonable grounds to suspect that there is an appreciable risk of the person committing a serious violent or sexual offence; and
 - (f) consideration is being given, will be given, or is likely to be given, by the Immigration Minister (or a person on behalf of the Immigration Minister), as to whether to apply for a Part 9.10 order in relation to the person; and
 - (g) 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 Part 9.10 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)(g) would be likely to assist in determining whether to apply for the Part 9.10 order;
 - (c) to what extent methods of determining whether to apply for the Part 9.10 order that do not involve so intercepting communications have been used by, or are available to, the Immigration Minister (or a legal representative of the Immigration Minister);
 - (d) how much the use of such methods would be likely to assist in determining whether to apply for the Part 9.10 order;
 - (e) how much the use of such methods would be likely to prejudice determining whether to apply for the Part 9.10 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 Part 9.10 order in relation to *[the name of the person in relation to whom the application for the Part 9.10 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

10 Schedule 1 (after Form 4D)

Insert:

**Form 4E—Named person warrant for community safety
supervision order—telecommunications services**

Commonwealth of Australia

Telecommunications (Interception and Access) Act 1979

NAMED PERSON WARRANT FOR COMMUNITY SAFETY SUPERVISION ORDER—
TELECOMMUNICATIONS SERVICES

Particular person (named person)	[<i>full known name, other known names, other known identifying information (e.g. date of birth)</i>]
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Applicant agency	[<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) a community safety supervision order is in force (including because of section 6UA 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 9.10 object; or
 - * (ii) determining whether the community safety supervision order, or any succeeding community safety supervision order, has been, or is being, complied with.

Note: For paragraph (2)(d), section 6UA of the Act deems community safety supervision 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 9.10 object; or
 - (ii) determining whether the community safety supervision order, or any succeeding community safety supervision 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 9.10 object; or
 - (ii) determining whether the community safety supervision order, or any succeeding community safety supervision 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 9.10 object; or
 - (ii) determining whether the community safety supervision order, or any succeeding community safety supervision 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 9.10 object; or
 - (ii) determining whether the community safety supervision order, or any succeeding community safety supervision 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) the possibility that the person in relation to whom the community safety supervision order is in force has committed, is committing, or will commit a serious violent or sexual offence;
- (h) the possibility that the person in relation to whom the community safety supervision order is in force:
 - (i) has contravened, is contravening or will contravene the community safety supervision order; or
 - (ii) will contravene a succeeding community safety supervision order;
- * (i) *[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;
- * (j) *[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 community safety supervision order mentioned in paragraph (2)(d), details of which are specified in the following table.

Community safety supervision order

The name of the person in relation to whom the community safety supervision order was made	The date the community safety supervision order was made
<i>[the name of the person in relation to whom the community safety supervision order was made]</i>	<i>[the date the community safety supervision order was made]</i>

Note: A warrant may remain in force if the community safety supervision order is replaced by one or more succeeding community safety supervision orders (see section 6UB and subsection 49(6B) 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**

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 4F—Named person warrant for community safety supervision order—telecommunications devices

Commonwealth of Australia

Telecommunications (Interception and Access) Act 1979

NAMED PERSON WARRANT FOR COMMUNITY SAFETY SUPERVISION ORDER—
TELECOMMUNICATIONS DEVICES

Particular person (named person)	[<i>full known name, other known names, other known identifying information (e.g. date of birth)</i>]
Particular telecommunications *device/*devices	[<i>For each telecommunication device, the unique number assigned to the device (if known) and other known unique identifying factors</i>]
Applicant agency	[<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 community safety supervision order is in force (including because of section 6UA 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 9.10 object; or
 - * (ii) determining whether the community safety supervision order, or any succeeding community safety supervision order, has been, or is being, complied with.

Note: For paragraph (2)(d), section 6UA of the Act deems community safety supervision 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 9.10 object; or
 - (ii) determining whether the community safety supervision order, or any succeeding community safety supervision 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 9.10 object; or
 - (ii) determining whether the community safety supervision order, or any succeeding community safety supervision 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 9.10 object; or
 - (ii) determining whether the community safety supervision order, or any succeeding community safety supervision 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 9.10 object; or
 - (ii) determining whether the community safety supervision order, or any succeeding community safety supervision 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) the possibility that the person in relation to whom the community safety supervision order is in force has committed, is committing, or will commit a serious violent or sexual offence;
- (h) the possibility that the person in relation to whom the community safety supervision order is in force:
- (i) has contravened, is contravening or will contravene the community safety supervision order; or
 - (ii) will contravene a succeeding community safety supervision order;
- * (i) [*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;
- * (j) [*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 community safety supervision order mentioned in paragraph (2)(d), details of which are specified in the following table.

Community safety supervision order	
The name of the person in relation to whom the community safety supervision order was made	The date the community safety supervision order was made
<i>[the name of the person in relation to whom the community safety supervision order was made]</i>	<i>[the date the community safety supervision order was made]</i>

Note: A warrant may remain in force if the community safety supervision order is replaced by one or more succeeding community safety supervision orders (see section 6UB and subsection 49(6B) 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

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

Dated

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

* Omit if not applicable

**Form 4G—Named person warrant for Part 9.10 order
application—telecommunications services**

Commonwealth of Australia

Telecommunications (Interception and Access) Act 1979

NAMED PERSON WARRANT FOR PART 9.10 ORDER APPLICATION—
TELECOMMUNICATIONS SERVICES

Particular person (named 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 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 serious offender in relation to whom an application for a Part 9.10 order could be made; and

-
- (e) there are reasonable grounds to suspect that there is an appreciable risk of the named person committing a serious violent or sexual offence; and
 - (f) consideration is being given, will be given, or is likely to be given, by the Immigration Minister (or a person on behalf of the Immigration Minister), as to whether to apply for a Part 9.10 order in relation to the named person; and
 - (g) 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 Part 9.10 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)(g) would be likely to assist in connection with determining whether to apply for the Part 9.10 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 Part 9.10 order that do not involve so intercepting communications have been used by, or are available to, the Immigration Minister (or a legal representative of the Immigration Minister);
 - (d) how much the use of such methods would be likely to assist in determining whether to apply for the Part 9.10 order;
 - (e) how much the use of such methods would be likely to prejudice determining whether to apply for the Part 9.10 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 Part 9.10 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 4H—Named person warrant for Part 9.10 order
application—telecommunications devices**

Commonwealth of Australia

Telecommunications (Interception and Access) Act 1979

NAMED PERSON WARRANT FOR PART 9.10 ORDER APPLICATION —
TELECOMMUNICATIONS DEVICES

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

Particular [For each telecommunication device, the unique number
telecommunications assigned to the device (if known) and other known unique
*device/*devices identifying factors]

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 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 serious offender in relation to whom an application for a Part 9.10 order could be made; and
 - (e) there are reasonable grounds to suspect that there is an appreciable risk of the named person committing a serious violent or sexual offence; and
 - (f) consideration is being given, will be given, or is likely to be given, by the Immigration Minister (or a person on behalf of the Immigration Minister), as to whether to apply for a Part 9.10 order in relation to the named person; and
 - (g) 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 Part 9.10 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)(g) would be likely to assist in connection with determining whether to apply for the Part 9.10 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 Part 9.10 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 Part 9.10 order;

- (e) how much the use of such methods would be likely to prejudice determining whether to apply for the Part 9.10 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 Part 9.10 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

11 Schedule 1 (after Form 5B)

Insert:

**Form 5C—Warrant for entry on premises and interception
of communications for community safety
supervision orders**

Commonwealth of Australia

*Telecommunications (Interception and Access) Act 1979*WARRANT FOR ENTRY ON PREMISES AND INTERCEPTION OF
COMMUNICATIONS FOR COMMUNITY SAFETY SUPERVISION ORDER

Premises	<i>[description and location of premises, including business name, operating name, other known names and other known identifying information]</i>
Telecommunications service	<i>[number assigned to the service; any other known unique identifying factors]</i>
Particular person	<i>[full known name, other known names, other known identifying information (e.g. date of birth)]</i>
Applicant agency	<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(9) 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 community safety supervision order is in force (including because of section 6UA of the Act) in relation to:
 - *[if subparagraph 46(9)(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 9.10 object; or
 - *(ii) determining whether the community safety supervision order, or any succeeding community safety supervision 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 6UA of the Act deems community safety supervision orders to be in force if they have been made but not yet come into in force.

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

Community safety supervision order	
The name of the person in relation to whom the community safety supervision order was made	The date the community safety supervision order was made
<i>[the name of the person in relation to whom the community safety supervision order was made]</i>	<i>[the date the community safety supervision order was made]</i>

Note: A warrant may remain in force if the community safety supervision order is replaced by one or more succeeding community safety supervision orders (see section 6UB and subsection 49(6B) 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(9)(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 5D—Warrant for entry on premises and interception of communications for Part 9.10 order applications

Commonwealth of Australia

Telecommunications (Interception and Access) Act 1979

WARRANT FOR ENTRY ON PREMISES AND INTERCEPTION OF COMMUNICATIONS FOR PART 9.10 ORDER APPLICATION

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

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

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(12) 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 Immigration Minister (or a person on behalf of the Immigration Minister), as to whether to apply for a Part 9.10 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 Part 9.10 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 9.10 orders that are community safety supervision orders and have been made but not come into force, see section 6UA of the Act.

- (4) This warrant is issued to determine whether to make an application for a Part 9.10 order in relation to *[the name of the person in relation to whom the application for the Part 9.10 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