



Telecommunications (Interception and Access) Amendment (Public Interest Advocates) 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 13 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 *Telecommunications (Interception and Access) Amendment (Public Interest Advocates) 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.	23 February 2024

Note: This table relates only to the provisions of this instrument as originally made.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 *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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Telecommunications (Interception and Access) Regulations 2017

1 Paragraph 18(1)(a)

Omit “Queen’s”, substitute “King’s”.

2 After paragraph 18(1)(a)

Insert:

- (aa) the person is practising as a barrister of a federal court or the Supreme Court of a State or Territory and:
 - (i) for at least 10 years has engaged in practice as a barrister; and
 - (ii) has experience in areas of law that the Prime Minister considers relevant; and
 - (iii) has been cleared for security purposes to a level that the Prime Minister considers appropriate; or

3 Subparagraph 18(1)(b)(iv)

Repeal the subparagraph, substitute:

- (iv) an inferior court of a State or Territory;

4 At the end of subsection 18(2)

Add:

- ; (g) a Part 4-1 issuing authority.

5 Subparagraph 24(2)(c)(i)

Omit “Queen’s”, substitute “King’s”.

6 After paragraph 24(2)(c)

Insert:

- (ca) the Public Interest Advocate is a person mentioned in paragraph 18(1)(aa) and either:
 - (i) ceases to be a legal practitioner; or
 - (ii) ceases to hold a security clearance to a level that the Prime Minister considers appropriate; or