

Senate Legal and Constitutional Affairs References Committee

THE PERFORMANCE AND INTEGRITY OF AUSTRALIA'S ADMINISTRATIVE REVIEW SYSTEM

Attorney-General's Department

Question date: 01 December 2021

Question type: Written

Senator the Hon Kim Carr asked the following questions:

In relation to section 13 of the Surveillance Devices Act 2004:

1. How many Deputy Presidents are currently nominated to issue warrants? Please provide a breakdown of:
 - a. how many are part-time Deputy Presidents and how many are full-time;
 - b. how many are judicial Deputy Presidents and how many are non-judicial Deputy Presidents;
 - c. how many have been enrolled as a legal practitioner of the High Court, of another federal court or of the Supreme Court of a State or of the Australian Capital Territory for at least five years and how many have not been;
 - d. how many are also nominated under section 3ZZAF of the Crimes Act; and
 - e. how many are also nominated under section 6DA of the Telecommunications (Interception and Access) Act 1979.

2. How many Senior Members are currently nominated to issue warrants? Please provide a breakdown of:
 - a. how many are part-time Senior Members and how many are full-time;
 - b. how many of the full-time Senior Members have been enrolled as a legal practitioner of the High Court, of another federal court or of the Supreme Court of a State or of the Australian Capital Territory for at least five years and how many have not been;
 - c. how many are also nominated under section 3ZZAF of the Crimes Act and
 - d. how many are also nominated under section 6DA of the Telecommunications (Interception and Access) Act 1979.

3. How many Members are currently nominated to issue warrants? Please provide a breakdown of:
 - a. how many are part-time Members and how many are full-time; and
 - b. how many are also nominated under section 6DA of the *Telecommunications (Interception and Access) Act 1979*.

The response to the Senator's questions is as follows:

1. Eleven Deputy Presidents are currently nominated to issue warrants under section 13 of the *Surveillance Devices Act 2004*.
 - a. Seven of the Deputy Presidents are full-time and four are part-time.
 - b. All of the Deputy Presidents nominated to issue warrants under section 13 of the *Surveillance Devices Act 2004* are non-judicial.
 - c. All of the Deputy Presidents nominated to issue warrants under section 13 of the *Surveillance Devices Act 2004* are enrolled as legal practitioners in the High Court, another federal court or the Supreme Court of a State or the Australian Capital Territory and have been for at least five years.
 - d. Ten of the Deputy Presidents nominated to issue warrants under section 13 of the *Surveillance Devices Act 2004* are also nominated under section 3ZZAF of the *Crimes Act 1914*.
 - e. All of the Deputy Presidents nominated to issue warrants under section 13 of the *Surveillance Devices Act 2004* are also nominated under section 6DA of the *Telecommunications (Interception and Access) Act 1979*.
2. Sixteen Senior Members are currently nominated to issue warrants under section 13 of the *Surveillance Devices Act 2004*.
 - a. Ten of the Senior Members are full-time and six are part-time.
 - b. Fifteen of the Senior Members are enrolled as legal practitioners in the High Court, another federal court or the Supreme Court of a State or the Australian Capital Territory and have been for at least five years, one of the Senior Members is not so enrolled.
 - c. Nine of the Senior Members nominated to issue warrants under section 13 of the *Surveillance Devices Act 2004* are also nominated under section 3ZZAF of the *Crimes Act 1914*.
 - d. All of the Senior Members nominated to issue warrants under section 13 of the *Surveillance Devices Act 2004* are also nominated under section 6DA of the *Telecommunications (Interception and Access) Act 1979*.
3. Nine Members are currently nominated to issue warrants under section 13 of the *Surveillance Devices Act 2004*.
 - a. Four of the Members are full-time and five are part-time.
 - b. All of the Members nominated to issue warrants under section 13 of the *Surveillance Devices Act 2004* are also nominated under section 6DA of the *Telecommunications (Interception and Access) Act 1979*.

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Attorney-General's Department

Question date: 01 December 2021

Question type: Written

Senator the Hon Kim Carr asked the following questions:

In relation to section 6DA of the *Telecommunications (Interception and Access) Act 1979*:

1. How many Deputy Presidents are currently nominated to issue warrants? Please provide a breakdown of:
 - a. how many are part-time Deputy Presidents and how many are full-time;
 - b. how many are judicial Deputy Presidents and how many are non-judicial Deputy Presidents;
 - c. how many have been enrolled as a legal practitioner of the High Court, of another federal court or of the Supreme Court of a State or of the Australian Capital Territory for at least five years and how many have not been;
 - d. how many are also nominated under section 13 of the Surveillance Devices Act; and
 - e. how many are also nominated under section 3ZZAF of the Crimes Act.
2. How many Senior Members are currently nominated to issue warrants? Please provide a breakdown of:
 - a. how many are part-time Senior Members and how many are full-time;
 - b. how many of the full-time Senior Members have been enrolled as a legal practitioner of the High Court, of another federal court or of the Supreme Court of a State or of the Australian Capital Territory for at least five years and how many have not been; and
 - c. how many are also nominated under section 13 of the Surveillance Devices Act; and
 - d. how many are also nominated under section 3ZZAF of the Crimes Act.
3. How many Members are currently nominated to issue warrants? Please provide a breakdown of how many are part-time Members and how many are full-time.

The response to the Senator's questions is as follows:

1. Eleven Deputy Presidents are currently nominated to issue warrants under section 6DA of the *Telecommunications (Interception and Access) Act 1979*.

- a. Seven of the Deputy Presidents are full-time and four are part-time.
 - b. All of the Deputy Presidents nominated under section 6DA of the *Telecommunications (Interception and Access) Act 1979* are non-judicial.
 - c. All of the Deputy Presidents nominated under section 6DA of the *Telecommunications (Interception and Access) Act 1979* are enrolled as legal practitioners of the High Court, another federal court or the Supreme Court of a State or the Australian Capital Territory and have been for at least five years.
 - d. All of the Deputy Presidents nominated under section 6DA of the *Telecommunications (Interception and Access) Act 1979* are also nominated under section 13 of the *Surveillance Devices Act 2004*.
 - e. Ten of the Deputy Presidents nominated under section 6DA of the *Telecommunications (Interception and Access) Act 1979* are also nominated under section 3ZAAF of the *Crimes Act 1914*.
2. Sixteen Senior Members are currently nominated to issue warrants under section 6DA of the *Telecommunications (Interception and Access) Act 1979*.
- a. Ten of the Senior Members are full-time and six are part-time.
 - b. Fifteen of the Senior Members nominated under section 6DA of the *Telecommunications (Interception and Access) Act 1979* are enrolled as legal practitioners in the High Court, another federal court or the Supreme Court of a State or the Australian Capital Territory, one of the Senior Members is not so enrolled.
 - c. All of the Senior Members nominated under section 6DA of the *Telecommunications (Interception and Access) Act 1979* are also nominated under section 13 of the *Surveillance Devices Act 2004*.
 - d. Nine of the Senior Members nominated under section 6DA of the *Telecommunications (Interception and Access) Act 1979* are also nominated under section 3ZZAF of the *Crimes Act 1914*.
3. Nine members are currently nominated to issue warrants under section 6DA of the *Telecommunications (Interception and Access) Act 1979*. Four of the members are full-time and five are part-time.