



Appendix C – Enforcement Agencies

Agencies that are able to apply for stored communications warrants fall within the definition of ‘enforcement agency’ in the *Telecommunications (Interception and Access) Act 1997* (TIA Act). An enforcement agency is defined as:

enforcement agency means:

- (a) the Australian Federal Police; or
- (b) a Police Force of a State; or
- (c) the Australian Commission for Law Enforcement Integrity; or
- (d) the ACC; or
- (e) the Crime Commission; or
- (f) the Independent Commission Against Corruption; or
- (g) the Police Integrity Commission; or
- (h) the Office of Police Integrity; or
- (i) the Crime and Misconduct Commission; or
- (j) the Corruption and Crime Commission; or
- (k) an authority established by or under a law of the Commonwealth, a State or a Territory that is prescribed by the regulations for the purposes of this paragraph; or
- (l) a body or organisation responsible to the Ministerial Council for Police and Emergency Management - Police; or
- (m) the CrimTrac Agency; or
- (n) anybody whose functions include:
 - (i) administering a law imposing a pecuniary penalty; or

- (ii) administering a law relating to the protection of the public revenue.

The Australian Customs and Border Protection Service has been prescribed for the purposes of paragraph (k).

Agencies that can authorise the disclosure of existing non-content information

The TIA Act enables an enforcement agency (as defined above) to authorise the disclosure of non-content information that is in existence at the time an authorisation is made under Chapter 4 of the TIA Act.

The proposed amendments allow the Australian Federal Police to authorise a disclosure of existing information for the enforcement of the criminal law of a foreign country.

A broad range of agencies have authorised the disclosure of this information. While the vast majority of authorisations are made by interception agencies and criminal law enforcement agencies, the Annual Report tabled in Parliament indicates other agencies use this information, including:

- Australian Taxation Office
- Centrelink
- Department of Commerce – Office of Fair Trading (New South Wales)
- Department of Immigration and Citizenship
- Department of Primary Industries (Victoria), and
- Insolvency and Trustee Service Australia

Agencies that can authorise the disclosure of non-content information on a prospective basis

The TIA Act enables ‘criminal law enforcement agencies’ to authorise the disclosure of non-content information on a prospective basis under Chapter 4 of the TIA Act.

A 'criminal law enforcement agency' is defined as an agency covered by paragraphs (a)-(k) of the definition of enforcement agency and so is:

- (a) the Australian Federal Police; or
- (b) a Police Force of a State; or
- (c) the Australian Commission for Law Enforcement Integrity; or
- (d) the ACC; or
- (e) the Crime Commission; or
- (f) the Independent Commission Against Corruption; or
- (g) the Police Integrity Commission; or
- (h) the Office of Police Integrity; or
- (i) the Crime and Misconduct Commission; or
- (j) the Corruption and Crime Commission; or
- (k) an authority established by or under a law of the Commonwealth, a State or a Territory that is prescribed by the regulations for the purposes of this paragraph.

The Australian Customs and Border Protection Service has been prescribed for the purposes of paragraph (k) and is the only agency without interception powers to have made an authorisation in the most recent reporting year.

