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| **EXPOSURE DRAFT** |

Inserts for

Financial Regulator Reform (No. 1) Bill 2019: Access to telecommunications interception information

| Commencement information | | |
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| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. |  |  |
| 2. Schedule # | The day after this Act receives the Royal Assent. |  |
| 3. |  |  |

Schedule #—Access to telecommunications interception information

Telecommunications (Interception and Access) Act 1979

1 Subsection 5(1)

Insert:

***ASIC*** means the Australian Securities and Investments Commission.

2 Subsection 5(1) (definition of *permitted purpose*)

Omit “or an eligible authority of a State,”, substitute “, an eligible authority of a State or ASIC,”.

3 Subsection 5(1) (paragraph (a) of the definition of *permitted purpose*)

After “Immigration and Border Protection Department”, insert “or ASIC”.

4 Subsection 5(1) (at the end of the definition of *permitted purpose*)

Add:

; or (j) in the case of ASIC:

(i) an investigation by ASIC of a serious offence or of the likely commission of a serious offence; or

(ii) a report on such an investigation; or

(iii) the making of a decision whether or not to begin a prosecution arising from or relating to such an investigation; or

(iv) a prosecution arising from or relating to such an investigation.

5 Subsection 5(1)

Insert:

***staff member of ASIC*** has the same meaning as ***staff member*** in the *Australian Securities and Investments Commission Act 2001*.

6 Paragraph 5D(5C)(g)

Omit “subsection 1041G(1)”, substitute “section 1041G”.

7 Section 67 (heading)

Repeal the heading, substitute:

67 Dealing for permitted purposes

8 Before subsection 67(1)

Insert:

Dealing for permitted purposes in relation to an agency

9 Before subsection 67(2)

Insert:

Dealing for permitted purposes in relation to an eligible Commonwealth authority

10 At the end of section 67

Add:

Dealing for permitted purposes in relation to ASIC

(3) A staff member of ASIC may, for a permitted purpose, or permitted purposes, in relation to ASIC, and for no other purpose, communicate to another person, make use of, or make a record of the following:

(a) lawfully intercepted information other than foreign intelligence information;

(b) interception warrant information.

11 At the end of section 68

Add:

; and (p) to a staff member of ASIC, if the information relates, or appears to relate, to a matter that may give rise to an investigation by ASIC of:

(i) a serious offence; or

(ii) the likely commission of a serious offence.

12 Application of amendments

The amendments made by this Schedule (other than item 6) apply in relation to lawfully intercepted information, or interception warrant information, that was originally obtained by an agency before, at or after the commencement of this Schedule.