

EXPOSURE DRAFT

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

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

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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*.

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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.

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1 **12 Application of amendments**

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