



Telecommunications (Interception) Amendment Act 1999

No. 151, 1999



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**An Act to amend the law relating to
telecommunications interception, and for related
purposes**

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No. 151, 1999

An Act to amend the law relating to telecommunications interception, and for related purposes

[Assented to 11 November 1999]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Telecommunications (Interception) Amendment Act 1999*.

2 Commencement

This Act commences on the day on which it receives the Royal Assent.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Anti-Corruption Commission and Queensland Crime Commission

Telecommunications (Interception) Act 1979

1 Subsection 5(1)

Insert:

Anti-Corruption Commission means the Anti-Corruption Commission established by the Anti-Corruption Commission Act.

2 Subsection 5(1)

Insert:

Anti-Corruption Commission Act means the *Anti-Corruption Commission Act 1988* of Western Australia.

3 Subsection 5(1) (at the end of the definition of *certifying officer*)

Add:

- ; or (h) in the case of the Anti-Corruption Commission:
- (i) a member of the Anti-Corruption Commission; or
 - (ii) a member of the staff of the Anti-Corruption Commission who occupies an office or position at an equivalent level to that of a senior executive officer within the meaning of the *Public Sector Management Act 1994* of Western Australia, and who is authorised in writing by the chairman of the Anti-Corruption Commission for the purposes of this paragraph; or
- (i) in the case of the QCC:
- (i) a commission member; or
 - (ii) a member of the staff of the QCC who is a senior executive within the meaning of the *Public Service Act 1996* of Queensland, or who holds an office or position at an equivalent level, and who is authorised in writing by the Queensland crime commissioner for the purposes of this paragraph.

4 Subsection 5(1) (at the end of the definition of *chief officer*)

Add:

- ; or (i) in the case of the Anti-Corruption Commission—the chairman of the Anti-Corruption Commission; or
- (j) in the case of the QCC—the Queensland crime commissioner.

5 Subsection 5(1)

Insert:

commission member has the same meaning as in the Queensland Act.

6 Subsection 5(1) (at the end of paragraph (c) of the definition of *eligible authority*)

Add “or the QCC”.

7 Subsection 5(1) (at the end of the definition of *eligible authority*)

Add:

- ; or (d) in the case of Western Australia—the Anti-Corruption Commission.

8 Subsection 5(1)

Insert:

member of the Anti-Corruption Commission means a member within the meaning of the Anti-Corruption Commission Act.

9 Subsection 5(1)

Insert:

member of the staff of the Anti-Corruption Commission means:

- (a) an officer of the Commission; or
- (b) a seconded officer; or
- (c) a special investigator;

within the meaning of the Anti-Corruption Commission Act.

10 Subsection 5(1)

Insert:

member of the staff of the QCC means a person who is an authorised QCC officer within the meaning of the Queensland Act.

11 Subsection 5(1) (at the end of the definition of *officer*)

Add:

- ; or (i) in the case of the Anti-Corruption Commission:
 - (i) a member of the Anti-Corruption Commission; or
 - (ii) a member of the staff of the Anti-Corruption Commission; or
- (j) in the case of the QCC:
 - (i) a commission member; or
 - (ii) a member of the staff of the QCC.

12 Subsection 5(1) (at the end of the definition of *prescribed investigation*)

Add:

- ; or (g) in the case of the Anti-Corruption Commission—means an investigation that the Anti-Corruption Commission is conducting in the performance of its functions under the Anti-Corruption Commission Act; or
- (h) in the case of the QCC—means an investigation that the QCC is conducting in the performance of its functions under the Queensland Act.

13 Subsection 5(1)

Insert:

QCC means the Queensland Crime Commission established by the Queensland Act.

14 Subsection 5(1)

Insert:

Queensland Act means the *Crime Commission Act 1997* of Queensland.

15 Subsection 5(1)

Insert:

Queensland crime commissioner means the crime commissioner within the meaning of the Queensland Act.

16 Subsection 5(1) (at the end of the definition of *relevant offence*)

Add:

- ; or (i) in the case of the Anti-Corruption Commission—a prescribed offence that is an offence against the law of Western Australia and to which a prescribed investigation relates; or
- (j) in the case of the QCC—a prescribed offence that is an offence against the law of Queensland and to which a prescribed investigation relates.

17 Paragraph 6A(1)(c)

Omit “or the Police Integrity Commission”, substitute “, the Police Integrity Commission, the Anti-Corruption Commission or the QCC”.

18 Paragraph 6L(2)(c)

After “Commission”, insert “or the QCC”.

19 At the end of subsection 6L(2)

Add:

- ; or (d) in the case of the Anti-Corruption Commission—a reference to a proceeding by way of a prosecution for a prescribed offence:
 - (i) that is an offence against the law of Western Australia; and
 - (ii) to which a prescribed investigation relates or related.

20 At the end of subsection 39(2)

Add:

- ; or (h) in the case of the Anti-Corruption Commission:
 - (i) a member of the Anti-Corruption Commission; or
 - (ii) a member of the staff of the Anti-Corruption Commission; or
- (i) in the case of the QCC:
 - (i) a commission member; or
 - (ii) a member of the staff of the QCC.

21 At the end of section 68

Add:

- ; and (g) if the information relates, or appears to relate, to a matter that may give rise to an investigation by the Anti-Corruption Commission—to the chairman of the Anti-Corruption Commission; and
- (h) if the information relates, or appears to relate, to a matter that may give rise to an investigation by the QCC—to the Queensland crime commissioner.

Schedule 2—Telecommunications Interception Policy Review

Telecommunications (Interception) and Listening Device Amendment Act 1997

1 Section 3

Repeal the section.

*[Minister's second reading speech made in—
House of Representatives on 2 September 1999
Senate on 14 October 1999]*

(170/99)
