

2004-2005

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Telecommunications (Interception)
Amendment (Stored Communications
and Other Measures) Bill 2005**

No. , 2005

(Attorney-General)

**A Bill for an Act to amend the *Telecommunications
(Interception) Act 1979*, and for other purposes**

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1 **A Bill for an Act to amend the *Telecommunications***
2 ***(Interception) Act 1979, and for other purposes***

3 The Parliament of Australia enacts:

4 **1 Short title**

5 This Act may be cited as the *Telecommunications (Interception)*
6 *Amendment (Stored Communications and Other Measures) Act*
7 2005.

8 **2 Commencement**

9 (1) Each provision of this Act specified in column 1 of the table
10 commences, or is taken to have commenced, in accordance with
11 column 2 of the table. Any other statement in column 2 has effect
12 according to its terms.
13

Commencement information

Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	
2. Schedule 1, Part 1	The day on which this Act receives the Royal Assent.	
3. Schedule 1, Part 2	A single day to be fixed by Proclamation. However, if the provision(s) do not commence within the period of 12 months beginning on the day on which this Act receives the Royal Assent, the provision(s) are repealed on the first day after the end of that period.	
4. Schedule 1, Parts 3 to 5	The day on which this Act receives the Royal Assent.	

1 Note: This table relates only to the provisions of this Act as originally
2 passed by the Parliament and assented to. It will not be expanded to
3 deal with provisions inserted in this Act after assent.

4 (2) Column 3 of the table contains additional information that is not
5 part of this Act. Information in this column may be added to or
6 edited in any published version of this Act.

7 **3 Schedule(s)**

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9 repealed as set out in the applicable items in the Schedule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

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**Schedule 1—Amendment of the
Telecommunications (Interception) Act
1979**

Part 1—Stored communications

1 Subsection 6E(3)

Omit “12-month”, substitute “18-month”.

2 Paragraph 7(2)(ad)

Omit “12-month”, substitute “18-month”.

1

2 **Part 2—Victorian Office of Police Integrity**

3 **3 Subsection 5(1) (after paragraph (e) of the definition of**
4 ***certifying officer*)**

5 Insert:

6 (ea) in the case of the Office of Police Integrity:

7 (i) the Director, Police Integrity; or

8 (ii) a member of the staff of the Office of Police Integrity
9 who occupies a position of Deputy Director, Police
10 Integrity and who is authorised in writing by the
11 Director, Police Integrity for the purposes of this
12 paragraph; or

13 (iii) a member of the staff of the Office of Police Integrity
14 who occupies a position of Assistant Director, Police
15 Integrity and who is authorised in writing by the
16 Director, Police Integrity for the purposes of this
17 paragraph; or

18 **4 Subsection 5(1) (before paragraph (f) of the definition of**
19 ***chief officer*)**

20 Insert:

21 (eb) in the case of the Office of Police Integrity—the Director,
22 Police Integrity; or

23 **5 Subsection 5(1)**

24 Insert:

25 *Director, Police Integrity* means the Director, Police Integrity
26 under the Police Regulation Act.

27 **6 Subsection 5(1) (after paragraph (b) of the definition of**
28 ***eligible authority*)**

29 Insert:

30 (ba) in the case of Victoria—the Office of Police Integrity; or

31 **7 Subsection 5(1)**

32 Insert:

1 *member of the staff of the Office of Police Integrity* means a
2 person who is, for the purposes of the Police Regulation Act, a
3 member of the staff of the Office of Police Integrity.

4 **8 Subsection 5(1)**

5 Insert:

6 *Office of Police Integrity* means the Office of Police Integrity
7 established by the Police Regulation Act.

8 **9 Subsection 5(1) (before paragraph (f) of the definition of**
9 ***officer*)**

10 Insert:

- 11 (eb) in the case of the Office of Police Integrity:
12 (i) a member of the staff of the Office of Police Integrity;
13 or
14 (ii) an individual who is engaged under paragraph
15 102E(1)(b) of the Police Regulation Act; or

16 **10 Subsection 5(1) (before paragraph (g) of the definition of**
17 ***permitted purpose*)**

18 Insert:

- 19 (f) in the case of the Office of Police Integrity:
20 (i) an investigation by the Director, Police Integrity under
21 the Police Regulation Act into the conduct of a member
22 of the force (within the meaning of that Act); or
23 (ii) an investigation by the Director, Police Integrity under
24 the Police Regulation Act into serious misconduct
25 (within the meaning of that Act); or
26 (iii) a report on an investigation covered by subparagraph (i)
27 or (ii); or

28 **11 Subsection 5(1)**

29 Insert:

30 *Police Regulation Act* means the *Police Regulation Act 1958* of
31 Victoria.

32 **12 Subsection 5(1) (before paragraph (d) of the definition of**
33 ***prescribed investigation*)**

1 Insert:

2 (cb) in the case of the Office of Police Integrity—means an
3 investigation that the Director, Police Integrity is conducting
4 in the performance of the Director’s functions under the
5 Police Regulation Act; or

6 **13 Subsection 5(1) (before paragraph (f) of the definition of**
7 **relevant offence)**

8 Insert:

9 (eb) in the case of the Office of Police Integrity—a prescribed
10 offence that is an offence against a law of Victoria and to
11 which a prescribed investigation relates; or

12 **14 Before paragraph 5B(ia)**

13 Insert:

14 (i) a proceeding of the Director, Police Integrity; or

15 **15 After subparagraph 6A(1)(c)(vii)**

16 Insert:

17 (viii) the Office of Police Integrity;

18 **16 After paragraph 6L(2)(b)**

19 Insert:

20 (ba) in the case of the Office of Police Integrity—a reference to a
21 proceeding by way of a prosecution for a prescribed offence:
22 (i) that is an offence against the law of Victoria; and
23 (ii) to which a prescribed investigation relates or related; or

24 **17 After paragraph 39(2)(e)**

25 Insert:

26 (ea) in the case of the Office of Police Integrity:
27 (i) a member of the staff of the Office of Police Integrity;
28 or
29 (ii) an individual who is engaged under paragraph
30 102E(1)(b) of the Police Regulation Act; or

31 **18 Before paragraph 68(f)**

32 Insert:

- 1 (ec) if the information relates, or appears to relate, to a matter that
2 may give rise to an investigation by the Director, Police
3 Integrity—to the Director, Police Integrity; and

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2 **Part 3—Other State authorities**

3 **19 Subsection 5(1) (after paragraph (e) of the definition of**
4 **chief officer)**

5 Insert:

6 (ea) in the case of the Inspector of the Independent Commission
7 Against Corruption—the Inspector of the Independent
8 Commission Against Corruption; or

9 **20 Subsection 5(1) (paragraph (b) of the definition of eligible**
10 **authority)**

11 After “Independent Commission Against Corruption,” insert “the
12 Inspector of the Independent Commission Against Corruption,”.

13 **21 Subsection 5(1)**

14 Insert:

15 *Inspector of the Independent Commission Against Corruption*
16 means the Inspector of the Independent Commission Against
17 Corruption referred to in section 57A of the Independent
18 Commission Against Corruption Act.

19 **22 Subsection 5(1)**

20 Insert:

21 *member of the staff of the Inspector of the Independent*
22 *Commission Against Corruption* means:

- 23 (a) a member of the staff referred to in subsection 57E(1) or (2)
24 of the Independent Commission Against Corruption Act; or
25 (b) a person engaged under subsection 57E(3) of that Act; or
26 (c) a person whose services are used under subsection 57E(4) of
27 that Act.

28 **23 Subsection 5(1) (after paragraph (e) of the definition of**
29 **officer)**

30 Insert:

31 (ea) in the case of the Inspector of the Independent Commission
32 Against Corruption:

- 1 (i) the Inspector of the Independent Commission Against
2 Corruption; or
3 (ii) a member of the staff of the Inspector of the
4 Independent Commission Against Corruption; or

5 **24 Subsection 5(1) (at the end of paragraphs (a), (aa) and (b)**
6 **of the definition of *permitted purpose*)**

7 Add “or”.

8 **25 Subsection 5(1) (after paragraph (d) of the definition of**
9 ***permitted purpose*)**

10 Insert:

- 11 (da) in the case of the Independent Commission Against
12 Corruption:
13 (i) an investigation under the Independent Commission
14 Against Corruption Act into whether corrupt conduct
15 (within the meaning of that Act) may have occurred,
16 may be occurring or may be about to occur; or
17 (ii) a report on such an investigation; or
18 (db) in the case of the Inspector of the Independent Commission
19 Against Corruption:
20 (i) dealing with (by reports and recommendations)
21 complaints of abuse of power, impropriety or other
22 forms of misconduct (within the meaning of the
23 Independent Commission Against Corruption Act) on
24 the part of the Independent Commission Against
25 Corruption or officers of that Commission; or
26 (ii) dealing with (by reports and recommendations) conduct
27 amounting to maladministration (within the meaning of
28 the Independent Commission Against Corruption Act)
29 by the Independent Commission Against Corruption or
30 officers of that Commission; or
31 (dc) in the case of the Inspector of the Police Integrity
32 Commission—dealing with (by reports and
33 recommendations) complaints of abuse of power,
34 impropriety or other forms of misconduct (within the
35 meaning of the Police Integrity Commission Act) on the part
36 of the Police Integrity Commission or officers of that
37 Commission; or

1 **26 Subsection 5(1) (after paragraph (g) of the definition of**
2 ***permitted purpose*)**

3 Insert:

4 (ga) in the case of the Crime and Misconduct Commission:

5 (i) an investigation under the Crime and Misconduct Act
6 into whether misconduct (within the meaning of that
7 Act) may have occurred, may be occurring or may be
8 about to occur; or

9 (ii) a report on such an investigation; or

10 **27 Subsection 5(1) (after paragraph (c) of the definition of**
11 ***prescribed investigation*)**

12 Insert:

13 (ca) in the case of the Inspector of the Independent Commission
14 Against Corruption—means an investigation that the
15 Inspector is conducting in the performance of the Inspector's
16 functions under the Independent Commission Against
17 Corruption Act; or

18 **28 Subsection 5(1) (after paragraph (e) of the definition of**
19 ***relevant offence*)**

20 Insert:

21 (ea) in the case of the Inspector of the Independent Commission
22 Against Corruption—a prescribed offence that is an offence
23 against a law of New South Wales and to which a prescribed
24 investigation relates; or

25 **29 After paragraph 5B(ha)**

26 Insert:

27 (hb) a proceeding of the Independent Commission Against
28 Corruption; or

29 (hc) a proceeding of the Inspector of the Independent Commission
30 Against Corruption; or

31 **30 After paragraph 5B(ka)**

32 Insert:

33 (kb) a proceeding of the Crime and Misconduct Commission; or

34 **31 After subparagraph 6A(1)(c)(v)**

1 Insert:

2 (va) the Inspector of the Independent Commission Against
3 Corruption;

4 **32 Paragraph 6L(2)(b)**

5 After “Independent Commission Against Corruption,”, insert “the
6 Inspector of the Independent Commission Against Corruption,”.

7 **33 After paragraph 68(ea)**

8 Insert:

9 (eb) if the information relates, or appears to relate, to a matter that
10 may give rise to an investigation by the Inspector of the
11 Independent Commission Against Corruption—to the
12 Inspector of the Independent Commission Against
13 Corruption; and

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2 **Part 4—Commonwealth, State and Territory officers**

3 **34 Subsection 5(1)**

4 Insert:

5 *officer of a State* has the meaning given by subsection 6G(2).

6 **35 Subsection 5(1)**

7 Insert:

8 *officer of a Territory* has the meaning given by subsection 6G(3).

9 **36 Subsection 5(1)**

10 Insert:

11 *officer of the Commonwealth* has the meaning given by subsection
12 6G(1).

13 **37 Subsection 5D(7)**

14 Repeal the subsection.

15 **38 Subsection 6G(1)**

16 Omit “officer, in relation to the Commonwealth,” substitute “*officer of*
17 *the Commonwealth*”.

18 **39 Subsection 6G(2)**

19 Omit “officer, in relation to a State or Territory,” substitute “*officer of*
20 *a State*”.

21 **40 Paragraphs 6G(2)(a) and (b)**

22 Omit “or Territory”.

23 **41 Subsection 6G(3)**

24 Repeal the subsection, substitute:

25 (3) A reference in this Act to an *officer* of a Territory includes a
26 reference to:

- 1 (a) a person holding, or acting in, an office (including a judicial
2 office) or appointment, or employed, under a law of the
3 Territory; and
4 (b) a person who is, or is a member of, an authority or body
5 established for a public purpose by or under a law of the
6 Territory, or is an officer or employee of such an authority or
7 body.

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**Part 5—Technical amendments arising from the
enactment of the Legislative Instruments
Act 2003**

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42 Subsection 34(1)

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Omit “(1)”.

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43 Subsection 34(1)

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After “Minister may,”, insert “by legislative instrument and”.

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44 Section 36

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Repeal the section.