Telecommunications and Postal Services (Transitional Provisions and Consequential Amendments) Bill 1989

Date Introduced: 13 April 1989
House: House of Representatives
Presented by: Hon. Ralph Willis, M.P., Minister for Transport and Communications

Digest of Bill

Purpose

The Bill will replace and consolidate the existing offence provisions relating to postal and electronic communications and introduce standard provisions relating to the interception of telecommunications.

Background

The Bill forms part of a package relating to postal and telecommunication bodies. While these bodies are being reformed, the offence provisions are also being updated and consolidated. The major offences contained in this Bill therefore reflect existing offences. Also refer to the Digests for the Telecommunications Bill, Australian Telecommunications Corporation Bill and Australian Postal Corporation Bill.

Main Provisions

Part 2 of the Bill will insert a new Part VIIA into the Crimes Act 1914 which will deal with postal and telecommunication offences. The more interesting offences include:

- the possession of paper used for postage stamps or paper that could be passed off as such paper (proposed section 85H);
- knowingly or recklessly causing an article to be delivered to a person other than the addressee (proposed section 85N);
- obstructing the carriage of a postal article (proposed section 85U);
- interfering with Australia Post property, including post boxes and vending machines (proposed section 85V);
sending narcotics or explosives through the post or causing a person to believe that explosives have been sent through the post (proposed sections 85W - 85Y);

using a telecommunications service to harass another (proposed section 85ZE);

the connection of equipment to a telecommunications service that will be used for a breach of Commonwealth, State or Territory law (proposed section 85ZK).

Part 4 of the Bill will amend the Overseas Telecommunications Act 1946. The main amendments will repeal Parts II and III of that Act which will be replaced by the offence provisions of this Bill and the Telecommunications Bill 1989. Proposed section 75 will make it clear that an employee of OTC is not to disclose communications except as required by the performance of their duties, for court hearings, under a Commonwealth law or under prescribed circumstances. Actions will not be able to brought against OTC for losses due to the supply of a reserved service (refer to the Telecommunications Bill 1989).

Part 7 of the Bill will amend the Satellite Communications Act 1984 in a similar manner as regards disclosure.

Part 8 will amend the Telecommunications (Interception) Act 1979. The main amendments will extend the ability to intercept communications, under strictly defined circumstances, to OTC and AUSSAT. Currently, only Telecom may intercept communications. The amendment will also include OTC and AUSSAT in the general prohibition from intercepting communications in their expanded domestic role.

The remaining provisions are directly related to the new roles and structure of communications bodies implemented by the Bills referred to above.

For further information, if required, contact the Law and Government Group.

31 May 1989

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

© Commonwealth of Australia 1989

Except to the extent of the uses permitted under the Copyright Act 1968, no part of this publication may be reproduced or transmitted in any form or by any means, including information storage and retrieval system, without the prior written consent of the Department of the Parliamentary Library. Reproduction is permitted by Members of the Parliament of the Commonwealth in the course of their official duties.