Date Introduced: 28 March 1985
House: House of Representatives
Presented by: Hon. Lionel Bowen, M.P., Deputy Prime Minister and Attorney-General

Short Digest of Bill

Purpose

To enable the Stewart Royal Commission to investigate unauthorised telephone intercepts from New South Wales to ascertain whether an offence has been committed against the laws of the Commonwealth or of a Territory.

Background

The Telecommunications (Interception) Act 1979 (the Principal Act) prohibits the interception of communications passing over the telecommunications system except where authorised under the provisions of that Act. Subsection 7(4) of the Act prohibits the communication to another person of any information obtained by intercepting a communication passing over a telecommunications system.

In 1983 a new section 7A was inserted in the Act by the Telecommunications (Interception) Amendment Act 1983 to make specific provisions for communication to the New South Wales Special Commission of Inquiry being conducted by Mr Justice Cross, of information obtained by lawful interception of telecommunications under the Act.

On 21 August 1984 the Attorney-General tabled in the Parliament a report of the Special Prosecutor, Mr Ian Temby Q.C., in relation to what has become known as the "Age Materials" together with a report by the Acting Commissioner of the Australian Federal Police, Mr J.C. Johnson, on "Allegations of Illegal Telephone Interceptions: Inquiries on Behalf of the Special Prosecutor".

From the reports tabled by the Attorney-General it appears that some of the material in the possession of Mr Temby is relevant to the Royal Commission into Drug Trafficking being conducted by Mr Justice Stewart (the Stewart Royal Commission) and, in view of the probability of offences against State law being involved, the material may also be of relevant concern to the New South Wales
Commissioner of Public Complaints. It also appears from the reports that some of the materials under consideration may have been obtained by intercepts of telephone conversations not authorised under the Principal Act.

The terms of reference of the Stewart Royal Commission were widened on the 28 March 1985 to empower Mr Justice Stewart to examine a wider range of materials and to allow him to recommend indemnity from prosecution for people who may be able to give evidence to the Commission of an offence against Commonwealth or State law. This Bill amends the Telecommunications (Interception) Act 1979 (the Principal Act) to allow the Royal Commission to perform its wider role.

Main Provisions

By clause 2 the Bill will come into effect on the day it receives the Royal Assent.

Clause 3 amends section 7B of the Principal Act to remove the requirement that the Commissioner must be satisfied that a document is a true record before he may make use of it.

Clause 4 inserts a new section 7BA in the Principal Act making it lawful for persons to give material from unauthorised telecommunications intercepts to the Honourable Donald Gerard Stewart, and enables him to make use of such material in his inquiries.

For further information, if required, contact:

24 April 1985

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Reference