TELECOMMUNICATIONS (INTERCEPTION) AMENDMENT BILL 1979

Date Introduced: 13 November 1979
House: House of Representatives
Presented by: Hon. I. Viner, Minister for Employment and Youth Affairs

Short Digest of Bill

Purpose

To give members of the Australian Federal Police instead of Customs' officers, the power to intercept telecommunications and inspect telegrams for the purposes of narcotics inquiries.

Background

The Telecommunications (Interception) Act 1979 provided inter alia that, under a judicial warrant, customs' officers could intercept telecommunications and inspect telegrams. However, following the Government's acceptance of the majority of recommendations of the Interim Report of the Royal Commission into Drugs, it has been decided to transfer these powers to the Australian Federal Police. The essential procedures for authorisation of these powers remain unchanged.

Main Provisions

Clause 9 provides that the Principal Act is amended as set out in the Schedule which substitutes formally, references to 'Commissioner of Police' for references to 'Comptroller-General' and references to 'member(s) of the Australian Federal Police' for references to 'officer(s) of Customs'.

Clause 3 amends the definitions section 5 to include definitions of 'Commissioner of Police' and 'member of the Australian Federal Police' and to omit the terms 'Comptroller-General of Customs' and 'officer of Customs'.

Section 7 prohibits the disclosure of information obtained by the interception of telecommunications or telegrams, subject to certain exceptions; sub-clause 4(a) amends section 7(5)(a)(i) in respect of one of these exceptions, namely communication of information on serious offences, by substituting member of the 'Australian Federal Police' for the term 'officer of the Commonwealth Police';
sub-clause 4(b) amends section 7(5)(c) by substituting a reference to 'member of the Australian Federal Police' for the term 'officer of the Commonwealth Police Force' thus permitting the communication within the Australian Federal Police of information received from A.S.I.O. or the Australian Federal Police.

Clause 5 amends sub-section 8(4) by substituting 'the Commissioner of Police or the Australian Federal Police' for 'the Comptroller-General of Customs or his Department' thus exempting the Australian Federal Police from the prohibition against seeking access to telegrams addressed to them.

Clause 7 amends section 25 and when read with the Schedule has the effect of requiring the Commissioner of Police rather than the Comptroller-General of Customs to retain records of all warrants issued.

Clause 8 amends section 27 by requiring the Commissioner of Police to report to the Minister, not only on the use made by the Australian Federal Police of information obtained by intercepting communications or inspecting telegrams, but also whether and to whom such information is communicated.