****

**Telecommunications (Interception) Amendment Act 1983**

**No. 116 of 1983**

**An Act to amend the *Telecommunications (Interception) Act 1979***

[*Assented to 16 December 1983*]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

**Short title, &c.**

**1.** **(1)** This Act may be cited as the *Telecommunications (Interception) Amendment Act 1983.*

**(2)** The *Telecommunications* (*Interception*) *Act 1979*1is in this Act referred to as the Principal Act.

**Commencement**

**2.** This Act shall come into operation on the day on which it receives the Royal Assent.

**3.** After section 7 of the Principal Act the following section is inserted:

**Information may be forwarded to the Cross Inquiry**

“7a. (1) In this section—

‘inquiry’ means an inquiry being conducted by the Honourable Ronald Francis Cross, a Judge of the Supreme Court of New South Wales, being an inquiry established by Letters Patent dated 8 November 1983 made and issued under the authority of the Special Commissions of Inquiry Act, 1983 of New South Wales;

‘relevant offence’ means an offence against a law of the Commonwealth, a law of a State or a law of a Territory that is punishable by imprisonment for life or for a period, or maximum period, of not less than 3 years.

“(2) In this section, a reference to the purpose of an inquiry shall be construed as a reference to any one or more of the matters that are being inquired into by the person conducting the inquiry.

“(3) The person conducting an inquiry may, by notice in writing given to the Attorney-General, request the Attorney-General

(a) to ascertain, in accordance with sub-section (4), whether there is any information that has been lawfully obtained by intercepting a communication passing over a telecommunications system, or by virtue of a warrant issued under section 21, being information that

(i) is relevant to the purpose of the inquiry; and

(ii) relates, or appears to relate, to the commission, or intended commission, of a relevant offence specified in the notice of the request; and

(b) if any information has been so obtained, is relevant to that purpose and relates, or appears to relate, to the commission, or intended commission, of that offence, to communicate that information to that person.

“(4) Where a request is made in accordance with sub-section (3) by the person conducting an inquiry, the Attorney-General may, if he is satisfied that it is appropriate in all the circumstances to do so, by notice in writing given to the Commissioner of Police, direct the Commissioner

(a) to ascertain whether there is in the possession of the Australian Federal Police any information that—

(i) has been lawfully obtained by intercepting a communication passing over a telecommunications system, or by virtue of a warrant issued under section 21;

(ii) relates, or appears to relate, to the purpose of an inquiry, or may be otherwise incidental to or connected with the subject-matter of that inquiry; and

(iii) relates, or appears to relate, to the commission, or intended commission, of the relevant offence specified in the notice of the request; and

(b) if any such information is in the possession of the Australian Federal Police, to communicate the information to the Attorney-General.

“(5) The Commissioner of Police shall comply with any direction given to him by the Attorney-General under sub-section (4).

“(6) Where—

(a) information is communicated to the Attorney-General in accordance with a direction given by him under sub-section (4); and

(b) the Attorney-General is satisfied that the information so communicated to him, or a part of that information—

(i) is relevant to the purpose of an inquiry; and

(ii) relates, or appears to relate, to the commission, or intended commission, of the relevant offence specified in the notice of the request under sub-section (3),

the Attorney-General may, if he is satisfied that it is appropriate in all the circumstances to do so, communicate that information or that part of that information, as the case may be, to the person conducting the inquiry and may, when so communicating information, impose conditions as to the use that may be made of the information.

“(7) Where, in accordance with sub-section (6), the Attorney-General communicates information to the person conducting an inquiry, that person may, with the approval in writing of the Attorney-General—

(a) communicate the information to another person; or

(b) cause the information or a part of the information to be published in a report of the inquiry.

“(8) Where the Attorney-General decides under sub-section (6) to communicate or not to communicate, as the case may be, information, he shall, subject to sub-section (9), cause to be laid before each House of the Parliament, within 15 sitting days of that House after the decision is made, a document—

(a) if information is communicated in accordance with sub-section (6)—

(i) stating that information has been so communicated;

(ii) setting out the conditions (if any) imposed as to the use that may be made of the information; and

(iii) stating whether or not any approval has been given in accordance with sub-section (7) in relation to the information; or

(b) if the Attorney-General decides under sub-section (6) not to communicate information—stating the reasons for his decision.

“(9) The Attorney-General shall not cause to be laid before a House of the Parliament a document of the kind referred to in sub-section (8) if, in the opinion of the Attorney-General, the laying of that document before that House would reveal the nature of the information communicated by the Attorney-General or would prejudice the reputation of a person.

“(10) The Attorney-General may, for the purposes of the exercise of his powers under this section, communicate information obtained by him pursuant to sub-section (4) to an officer of the Attorney-General’s Department.

“(11) Subject to the Constitution, a decision of the Attorney-General under this section is not subject to review by any court or other tribunal.

“(12) Sub-section 7 (4) does not apply in relation to a communication of information in accordance with this section.”.

**NOTE**

1. No. 114, 1979, as amended. For previous amendments, see No. 181, 1979; and No. 1983.