



# **Telecommunications (Interception) Amendment Act (No. 2) 1984**

**No. 116 of 1984**

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

*[Assented to 17 October 1984]*

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 (No. 2) 1984*.

(2) The *Telecommunications (Interception) Act 1979*<sup>1</sup> is 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 7A of the Principal Act the following sections are inserted:

### **Documents may be given to Stewart Royal Commission, Commissioner of Public Complaints of New South Wales or the National Crime Authority**

“7B. (1) Nothing in this Act prevents any documents that have been or are in the possession of Ian Douglas Temby for the purposes of, or in connection

with, the performance of his functions as a Special Prosecutor pursuant to his appointment dated 21 February 1984 under sub-section 5 (1) of the *Special Prosecutors Act 1982* from being given by, or with the authority of, the Attorney-General to any or all of the following:

- (a) the Honourable Donald Gerard Stewart, being the person appointed by the Governor of the State of New South Wales by Letters Patent dated 24 June 1981 to be a Commissioner to make inquiry into certain matters and by the Administrator of the Government of the Commonwealth by Letters Patent dated 25 June 1981 to be a Commissioner to make inquiry into certain matters;
- (b) the Commissioner of Public Complaints appointed under the Commissioner of Public Complaints Act, 1984 of New South Wales;
- (c) the National Crime Authority.

“(2) If a document referred to in sub-section (1) is given to a Commissioner referred to in paragraph (1) (a) or (b) or the National Crime Authority, the Commissioner or Authority shall consider whether the document is an authentic record of the matters purported to be recorded in the document and—

- (a) in the case of the Commissioner referred to in paragraph (1) (a)—whether the document is capable of being the subject of, and is appropriate to be dealt with in the course of, the inquiry referred to in that paragraph;
  - (b) in the case of the Commissioner referred to in paragraph (1) (b)—whether the document is capable of being the subject of, and is appropriate to be dealt with as, a complaint under the State Act referred to in that paragraph; or
  - (c) in the case of the National Crime Authority—whether the document is or may be relevant to matters with which the Authority is concerned,
- and may, for the purpose of considering those matters, make such use of the document as the Commissioner or the Authority, as the case may be, thinks fit.

“(3) If a document referred to in sub-section (1) is given to the Commissioner referred to in paragraph (1) (a) and the Commissioner is satisfied as to the matters mentioned in sub-section (2), he may make use of the document for the purposes of any inquiry referred to in that paragraph and, without limiting the generality of the foregoing, he may—

- (a) show the document to a person giving evidence in the course of the inquiry;
- (b) include matter contained in the document in any report by him of the results of the inquiry; and
- (c) make such other use of the document as he considers appropriate for the purpose of identifying the person who made the document and the circumstances in which the document was made.

“(4) If a document referred to in sub-section (1) is given to the Commissioner referred to in paragraph (1) (b) and the Commissioner is

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satisfied as to the matters mentioned in sub-section (2), the Commissioner may make use of the document for the purposes of the performance of the Commissioner's functions under the State Act referred to in that paragraph in relation to the document and, without limiting the generality of the foregoing, the Commissioner may—

- (a) show the document to a person giving evidence to the Commissioner in the course of the performance of those functions;
- (b) include matter contained in the document in any report made, or information furnished, by the Commissioner under that State Act in relation to the performance of those functions or in an annual report made by the Commissioner; and
- (c) make such other use of the document as the Commissioner considers appropriate for the purpose of identifying the person who made the document and the circumstances in which the document was made.

“(5) If a document referred to in sub-section (1) is given to the National Crime Authority and the Authority is satisfied as to the matters mentioned in sub-section (2), the Authority may make use of the document for the purposes of the performance of the Authority's functions, and, without limiting the generality of the foregoing, the Authority may—

- (a) show the document to a person giving evidence to the Authority;
- (b) subject to any relevant restrictions provided by the *National Crime Authority Act 1984*, include matter contained in the document in any report made, or information furnished, by the Authority in the performance of its functions; and
- (c) make such other use of the document as the Authority considers appropriate for the purpose of identifying the person who made the document and the circumstances in which the document was made.

**Documents or information may be given to Law Enforcement Agencies, &c.**

“7C. (1) It is hereby declared for the avoidance of doubt that a person who has possession of a document or information that the person suspects on reasonable grounds to be evidence of the commission or proposed commission of an offence against sub-section 7 (1) may give the document or information to the Attorney-General, the Director of Public Prosecutions, the Commissioner of Police or the National Crime Authority.

“(2) If a document or information that is or may be evidence of the commission or proposed commission of an offence against sub-section 7 (1) has, whether before or after the commencement of this section, been given to the Attorney-General, the Director of Public Prosecutions, the Commissioner of Police or the National Crime Authority, use may be made of the document or information for the purpose of inquiring into whether an offence against sub-section 7 (1) has been or is proposed to be committed or for the purposes of a prosecution in respect of such an offence.

“(3) A reference in this section to an offence against sub-section 7 (1) includes a reference to an offence against—

- (a) section 6, 7 or 7A of the *Crimes Act 1914*; or

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(b) sub-section 86 (1) of that Act by virtue of paragraph (a) of that last-mentioned sub-section,  
being an offence that relates to an offence against sub-section 7 (1) of this Act.  
“(4) This section has effect notwithstanding sub-section 7 (4).”

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**NOTE**

1. No. 114, 1979, as amended. For previous amendments, see No. 181, 1979; Nos. 114 and 116, 1983; and No. 6, 1984.