

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

(As read a first time)

CRIMES LEGISLATION AMENDMENT BILL 1988

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1987-88

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 24 February 1988

(*Attorney-General*)

A BILL

FOR

**An Act to amend the *National Crime Authority Act 1984*
and the *Telecommunications (Interception) Act 1979***

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

PART I—PRELIMINARY

Short title

- 5 1. This Act may be cited as the *Crimes Legislation Amendment Act 1988*.

Commencement

- 10 2. (1) Sections 1 to 7 (inclusive) commence on the day on which this Act receives the Royal Assent.
- (2) Section 8 commences, or shall be taken to have commenced, as the case requires, on the day fixed by Proclamation for the purposes of subsection 2 (2) of the *Telecommunications (Interception) Amendment Act 1987*.

(3) Sections 9 and 10 commence, or shall be taken to have commenced, as the case requires, immediately after the commencement of section 21 of the *Telecommunications (Interception) Amendment Act 1987*.

PART II—AMENDMENTS OF THE NATIONAL CRIME AUTHORITY ACT 1984

5

Principal Act

3. In this Part, “Principal Act” means the *National Crime Authority Act 1984*¹.

Terms and conditions of appointment

4. Section 37 of the Principal Act is amended: 10

(a) by omitting paragraph (1) (b) and substituting the following paragraph:

“(b) in the case of a member who is appointed on or after 1 July 1985 and before the commencement of section 4 of the *Crimes Legislation Amendment Act 1988*—for a period ending on 30 June 1989; or”; 15

(b) by omitting from paragraph (1) (c) “for a period of 4 years” and substituting “for such period, not exceeding 4 years, as is specified in the instrument of his or her appointment”;

(c) by inserting in subsection (1) “, subject to subsections (1A) and (1B),” before “is not eligible for re-appointment”; 20

(d) by inserting after subsection (1) the following subsections:

“(1A) The first Chairman may be re-appointed once for a period that does not extend beyond 12 months after the expiration of the Chairman’s first appointment. 25

“(1B) A member referred to in paragraph (1) (b) may be re-appointed once for a period that does not exceed the difference between 4 years and the period of the member’s first appointment.”.

Cessation of operation of Act

5. Section 63 of the Principal Act is repealed. 30

PART III—AMENDMENTS OF THE TELECOMMUNICATIONS (INTERCEPTION) ACT 1979

Principal Act

6. In this Part, “Principal Act” means the *Telecommunications (Interception) Act 1979*². 35

Judges

7. Section 6D of the Principal Act is amended by omitting subsection (4) and substituting the following subsection:

- 5 “(4) An eligible Judge has, in relation to the performance or exercise of a function or power conferred on an eligible Judge by this Act, the same protection and immunity as a Justice of the High Court has in relation to proceedings in the High Court.”.

Inspection of telegrams

- 10 8. Section 8 of the Principal Act is amended by omitting from paragraph (4) (b) “section 9, 10 or 20” and substituting “section 9 or 10 or a Part VI warrant.”.

Commonwealth agencies to keep documents connected with issue of warrants

- 15 9. Section 80 of the Principal Act is amended by omitting paragraphs (1) (a) and (b) and substituting the following paragraphs:

- “ (a) a copy of each warrant issued to the agency under Part IV and of each instrument revoking such a warrant, certified in writing by a certifying officer of the agency to be a true copy of the warrant or instrument;
- 20 (b) each warrant issued to the agency under Part VI, and each instrument revoking such a warrant;”.

Other records to be kept by Commonwealth agencies in connection with interceptions

- 25 10. Section 81 of the Principal Act is amended by omitting from subparagraph (2) (c) (iii) “information” and substituting “record”.

NOTES

1. No. 41, 1984, as amended. For previous amendments, see Nos. 123 and 165, 1984; Nos. 104 and 193, 1985; and No. 89, 1987.
2. No. 114, 1979, as amended. For previous amendments, see No. 181, 1979; Nos. 114 and 116, 1983; Nos. 6 and 116, 1984; Nos. 8 and 63, 1985; No. 102, 1986; and Nos. 89 and 120, 1987.

