

South Australia



**TELECOMMUNICATIONS (INTERCEPTION) (MISCELLANEOUS)
AMENDMENT ACT 1995**

No. 79 of 1995

SUMMARY OF PROVISIONS

1. Short title
2. Amendment of s. 3—Interpretation
3. Amendment of s. 4—Commissioner to keep certain records
4. Amendment of s. 6—Commissioner to report, etc., to Attorney-General
5. Insertion of s. 9A
 - 9A. Exchange of information between Police Complaints Authority and Commonwealth Ombudsman



ANNO QUADRAGESIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1995

No. 79 of 1995

An Act to amend the Telecommunications (Interception) Act 1988.

[Assented to 23 November 1995]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Telecommunications (Interception) (Miscellaneous) Amendment Act 1995*.

(2) The *Telecommunications (Interception) Act 1988* is referred to in this Act as "the principal Act".

Amendment of s. 3—Interpretation

2. Section 3 of the principal Act is amended—

- (a) by striking out from paragraph (a)(iv) of the definition of "class 2 offence" in subsection (1) "narcotic drugs" and substituting "prescribed substances";
- (b) by inserting after "Commonwealth" in paragraph (c) of the definition of "prescribed offence" in subsection (1) "committed before the commencement of section 90 of the *Telecommunications and Postal Services (Transitional Provisions and Consequential Amendments) Act 1989* of the Commonwealth";
- (c) by inserting after paragraph (c) of the definition of "prescribed offence" in subsection (1) the following paragraph:
 - (ca) an offence against a provision of Part VIIB of the *Crimes Act 1914* of the Commonwealth;;
- (d) by inserting after the definition of "prescribed offence" in subsection (1) the following definition:

"prescribed substance" means a substance that is a narcotic drug or psychotropic substance for the purposes of the *Crimes (Traffic in Narcotic Drugs and Psychotropic Substances) Act 1990* of the Commonwealth;;

**Telecommunications (Interception) (Miscellaneous)
Amendment Act 1995**

No. 79 of 1995

- (e) by striking out the definition of "restricted record" in subsection (1) and substituting the following definition:

"restricted record" means a record obtained by means of an interception, whether or not in contravention of section 7(1) of the Commonwealth Act, of a communication passing over a telecommunications system;

Amendment of s. 4—Commissioner to keep certain records

3. Section 4 of the principal Act is amended—

- (a) by striking out paragraph (a) and substituting the following paragraph:

(a) each warrant issued to the police force;;

- (b) by inserting after paragraph (b) the following paragraph:

(ba) a copy of each approval given under section 55(3) of the Commonwealth Act by the Commissioner or a member of the police force appointed by the Commissioner as an approving officer under section 55(4) of that Act;;

- (c) by striking out paragraph (c) and substituting the following paragraph:

(c) each instrument revoking a warrant issued to the police force;;

- (d) by striking out from paragraph (e) "a copy of".

Amendment of s. 6—Commissioner to report, etc., to Attorney-General

4. Section 6 of the principal Act is amended by inserting after subparagraph (xii) of paragraph (c) the following subparagraphs:

(xiia) the number of occasions on which members of the police force intercepted communications in reliance on section 7(4) or (5) of the Commonwealth Act;

(xiib) the total expenditure (including expenditure of a capital nature) incurred by the police force in connection with the execution of warrants during the year to which the report relates;.

Insertion of s. 9A

5. The following section is inserted after section 9 of the principal Act:

Exchange of information between Police Complaints Authority and Commonwealth Ombudsman

9A. The Authority may give information obtained by the Authority under section 9 to the Commonwealth Ombudsman if the Authority is satisfied that the giving of the information is relevant to the performance of the Commonwealth Ombudsman's functions under the Commonwealth Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor