

# House of Representatives

## Supplementary Order Paper

Tuesday, 30 March 2004

### Telecommunications (Interception Capability) Bill

---

*Proposed amendments*

Hon Rick Barker, in Committee, to move the following amendments:

*Clause 3(1)*

To insert in paragraph (a) of the definition of **interception warrant**, after the expression “section 312CB” (line 18 on page 3), the words “or section 312CD”.

To omit the definition of **other lawful interception authority** (lines 12 to 23 on page 5), and substitute the following definition:

**other lawful interception authority—**

- (a) means an authority—
  - (i) to intercept a private communication that is granted to any member of the New Zealand Police under section 216B(3) of the Crimes Act 1961; or
  - (ii) to access a computer system of a specified foreign organisation or a foreign person (within the meaning of the Government Communications Security Bureau Act 2003) that is granted under section 19 of that Act; and
- (b) includes an authority to intercept a private communication (whether in an emergency situation or otherwise) that is granted to any member of a surveillance agency under any other enactment

*Clause 19(1)*

To omit from paragraph (b) the expression “**section 13**” (line 25 on page 15), and substitute the expression “**section 18**”.

---

### Explanatory note

This Supplementary Order Paper sets out amendments to the Telecommunications (Interception Capability) Bill. The amendments—

- extend the definition of **interception warrant** in *clause 3(1)* to ensure that interception capability is also provided in respect of interception warrants issued under section 312CD of the Crimes Act 1961 for terrorist offences. The amendment is consequential on the enactment of the Crimes Amendment Act (No 2) 2003, which inserted section 312CD into the Crimes Act 1961:
  - extend the definition of **other lawful interception authority** in *clause 3(1)* to ensure that interception capability is also provided in respect of an authority to intercept private communications that is granted to any member of a surveillance agency under any enactment other than the enactments currently specified in the definition. This extended definition would cover, for example, the authority granted to any member of the New Zealand Police under section 10 of the International Terrorism (Emergency Powers) Act 1987 to intercept private communications for the purpose of preserving life threatened by an emergency. It would also cover the authority under section 16(2) of the Government Communications Security Bureau Act 2003 for foreign communications to be intercepted without an interception warrant or a computer access authorisation:
  - make a minor drafting change to *clause 19(1)* to correct a wrong cross-reference.
-