

**TELECOMMUNICATIONS (INTERCEPTION) TASMANIA
AMENDMENT BILL 2010**

CLAUSE NOTES

Background:

The Bill introduces legislation to amend the *Telecommunications (Interception) Tasmania Act 1999* to remove the requirement for the State Minister responsible for the administration of that Act, to provide the Commonwealth Attorney-General with copies of warrants and revocations of warrant. This will occur by repealing section 7 and substituting it with a requirement that, as soon as practicable after receiving a report made under section 6(c) or (d) of the Act the State Minister is to give a copy of that report to the Commonwealth Minister.

The Bill will also remove the requirement for the Commissioner of Police to provide the State Minister responsible for the administration of the Act with copies of warrants and revocations of warrants, principally to remove sub-sections 6(a) and (b) from that Act.

These amendments will bring the Tasmanian Act into line with the *Commonwealth Telecommunications (Interception and Access) Act 1979*, will reduce unnecessary duplication and reduce the risk of police investigations being compromised.

PART 1 – PRELIMINARY MATTERS

Clause 1: Short title

Specifies the name of the proposed Act.

Clause 2: Commencement

Specifies this Act commences on the day on which this Act receives the Royal Assent.

Clause 3: Principal Act

Specifies that the *Telecommunications (Interception) Tasmania Act 1999* is referred to as the Principal Act.

Clause 4: Section 6 amended (Documents to be give to Minister)

This clause removes the requirement for the Commissioner of Police to provide the State Minister responsible for the administration of the Principal Act, with copies of warrants and revocations of warrants by removing paragraphs (a) and (b) from section 6 of the Principal Act.

Clause 5: Section 7 substituted

This clause removes the requirement for the State Minister responsible for the administration of the Principal Act to provide the Commonwealth Attorney-General with copies of warrants and revocations of warrants, by repealing section 7 and substituting it with a requirement that, as soon as practicable after receiving a report made under section 6(c) or (d), the Minister is to give a copy of that report to the Commonwealth Minister.

Clause 6: Section 12 amended (Report on contravention of Part 2)

This clause removes references to section 6(a) and (b) in section 12, which currently requires the Ombudsman following an inspection, to report on a suspected contravention of the section 6(a) and (b) requirement for the Commissioner of Police to provide the State Minister with copies of warrants and revocations of warrants.

Clause 7: Repeal of Act

This clause repeals this amending Act on the ninetieth day from the day of commencement.