2002-2003-2004

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Telecommunications (Interception) Amendment (Stored Communications) Bill 2004

No.   , 2004

(Attorney-General)

A Bill for an Act to amend the *Telecommunications (Interception) Act 1979*, and for other purposes

Contents

1   **A Bill for an Act to amend the *Telecommunications***
2   ***(Interception) Act 1979*, and for other purposes**

3   The Parliament of Australia enacts:

4   **1 Short title**

5   This Act may be cited as the *Telecommunications (Interception)*
6   *Amendment (Stored Communications) Act 2004*.

7   **2 Commencement**

8   This Act commences on the day after it receives the Royal Assent.

9   **3 Schedule(s)**

10   Each Act that is specified in a Schedule to this Act is amended or
11   repealed as set out in the applicable items in the Schedule

1 concerned, and any other item in a Schedule to this Act has effect
2 according to its terms.

Schedule 1—Amendment of the Telecommunications (Interception) Act 1979

1 Subsection 6E(1)

Omit "subsection (2)", substitute "subsections (2) and (3)".

2 At the end of section 6E

Add:

(3) A reference in this Act to lawfully obtained information does not include a reference to information obtained by intercepting a stored communication (within the meaning of subsection 7(3A)), so long as the interception happens during the 12-month period beginning at the commencement of this subsection.

3 After paragraph 7(2)(ac)

Insert:

(ad) the interception of a stored communication, so long as the interception happens during the 12-month period beginning at the commencement of this paragraph;

4 After subsection 7(3)

Insert:

(3A) In paragraph (2)(ad), a *stored communication* is a communication that is stored on equipment or any other thing, but does not include:

(a) a voice over Internet protocol (VOIP) communication; or

(b) any other communication;

stored on a highly transitory basis as an integral function of the technology used in its transmission.

Note: Momentary buffering (including momentary storage in a router in order to resolve a path for further transmission) is an example of storage on a highly transitory basis.