

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Wednesday, 20 June 1979

MISUSE OF DRUGS AMENDMENT BILL

Proposed Amendment

Hon. Mr McLAY, in Committee, to move the following amendments:

Clause 2: To omit the words “any listening device that”, in line 35 on page 5, and the proposed subparagraph (i) (as amended), in lines 36 to 38 on that page, and all the words in line 1 on page 6, and substitute the following:

any listening device—

“(i) The sole or principal purpose of which he knows to be the surreptitious interception of private communications; or

“(ii) That he holds out as being useful for the sur-

To omit from lines 32 and 33 on page 6 the words “that is specially designed or adapted for”, and substitute the words “the sole or principal purpose of which is”.

EXPLANATORY NOTE

The main point of these amendments lies in the new *subparagraph (i)*. As the provision (as recommended by the Statutes Revision Committee) stands, a prosecution for an offence against the proposed *section 216D* would not succeed if the Crown failed to prove that the listening device has no other purpose, however esoteric, than the surreptitious interception of private communications. Under the provision set out in this Paper, it would be sufficient for the Crown to prove that the defendant knew that the principal purpose of the device is the surreptitious interception of private communications.
