

**Submission
No 70**

**INQUIRY INTO ANTI-DISCRIMINATION AMENDMENT
(COMPLAINT HANDLING) BILL 2020**

Name: Mr Barry Rumpf

Date Received: 24 April 2020

When the question of extra territorial jurisdiction arises one need not look further than the famous Spycatcher case in which our recently departed prime minister represented the Respondent, Heinemann Publishers Australia Pty.Ltd. ,an Australian publishing company. (62 ALJR 344).

In that case the Attorney General of the United Kingdom sought to restrain Heinemann from publishing a book written by Peter Wright, a former officer of the British Secret Service on the grounds that it infringed the provisions of the Official Secrets Act of the UK.

Wright had been resident in Tasmania for many years after his retirement and was an Australian citizen at that time. On appeal from the NSW Supreme Court (8 NSWLR 341), the High Court found that a foreign penal statute is unenforceable outside that jurisdiction.

The principal applies whenever there is an attempt to apply extra-territorial jurisdiction.