



**THE HON PETER DUTTON MP  
MINISTER FOR HOME AFFAIRS**

Ref No: MS20-001593

Mr Andrew Hastie MP  
Chair  
Parliamentary Joint Committee on Intelligence and Security  
PO Box 6021  
Parliament House  
Canberra ACT 2600

*Andrew,*  
Dear Mr Hastie

I am writing to refer the Surveillance Legislation Amendment (Identify and Disrupt) Bill 2020 (the Bill) to the Parliamentary Joint Committee on Intelligence and Security for inquiry and report.

**Terms of reference**

I request that the Committee consider the terms of the Surveillance Legislation Amendment (Identify and Disrupt) Bill 2020 and report to each House of Parliament, the Attorney-General, the Minister for Communications, Cyber Safety and the Arts, and me, by 5 March 2021 to enable passage of the Bill in the Autumn Sittings of 2021. Subject to your agreement the Committee should, as far as possible, conduct its inquiry in public.

**Background to the referral**

The Bill implements the Government's intention to introduce new powers to better equip the Australian Federal Police (AFP) and the Australian Criminal Intelligence Commission (ACIC) to combat criminal activity facilitated by the dark web and anonymising technologies.

The Bill introduces the following reforms:

- a. Amendments to the *Surveillance Devices Act 2004* to introduce:
  - i. a network activity warrant enabling the AFP and ACIC to collect intelligence on criminal networks of individuals operating online, including on the dark web and when using anonymising technologies, and

- ii. a data disruption warrant authorising the AFP and the ACIC to disrupt serious criminality online – authorising the AFP and the ACIC to add, copy, alter and delete data for the purpose of frustrating serious offences, and
- b. Amendments to the *Crimes Act 1914* to:
- i. introduce an account takeover warrant enabling the AFP and the ACIC to take control of a person's online account for the purpose of gathering evidence about criminal activity, and
  - ii. minor amendments to enhance the AFP and ACIC's ability to conduct controlled operations online, in particular removing the requirement for illicit goods – including illegal content like child exploitation material – to be under law enforcement's control at the end of an online controlled operation.

In developing these reforms, my Department conducted extensive consultation with the AFP, the ACIC, the Australian Signals Directorate, the Attorney-General's Department, the Department of Infrastructure, Transport, Regional Development and Communications, and oversight bodies.

I take this opportunity to thank the Committee for its consideration of the Surveillance Legislation Amendment (Identify and Disrupt) Bill 2020 and I look forward to the Committee's report.

I have copied this letter to the Attorney-General, the Minister for Communications, Cyber Safety and the Arts, and the Prime Minister.

Should you require further information, the relevant advisor in my office is [REDACTED], who can be contacted on [REDACTED].

Yours sincerely

[REDACTED]

PETER DUTTON

07/12/20