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Our Ref: G1 2014 02

21 August 2014

Mr Russell Chafer  
Committee Secretary  
Standing Committee on Infrastructure & Communications  
Parliament of Australia  
House of Representatives  
PO Box 6021  
CANBERRA ACT 2600

Via email: [ic.reps@aph.gov.au](mailto:ic.reps@aph.gov.au)

Dear Sir,

**Re: Subsection 313(3) of the Telecommunications Act 1997**

The powers of the Inspector of the Independent Commission Against Corruption are set out in Part 5A of the *Independent Commission Against Corruption 1988*. (NSW)

As holder of the statutory Office of Inspector I have given consideration to the Terms of Reference and the provisions of section 313(3) of the *Telecommunications Act 1997* and the provisions of section 314.

The only entity that is subject of my oversight jurisdiction is the Independent Commission Against Corruption itself and its officers. I cannot imagine any circumstances in which I, as Inspector, would be required to make a request pursuant to section 313.

The tensions between various competing public interests in this area are such that I would not suggest for one moment that the Inspectorate of the ICAC be permitted to make a request pursuant to section 313 merely for the sake of it having the power to do so. I can envisage no circumstances in which any such power would likely to be sought to be exercised.



As to the ICAC itself it will probably give consideration to the Terms of Reference and make its own submissions. It will do so bearing in mind of course that the Inspector has the powers and supervisory role, as it were, set out in the ICAC Act.

The thought that does occur to me is that an outcome should not be reached whereby there is a risk that a request to disrupt an online service by an authorized agency A, if granted, would compromise an operation being conducted by another authorized agency B. A system of giving of Notice should receive consideration.

Yours sincerely,

The Hon David Levine AO RFD QC  
Inspector: ICAC