



Australian Federal Police Association

Submission to the Senate Standing Committee on Legal and Constitutional Affairs

# Telecommunications Interception and Intelligence Services Legislation Amendment Bill 2010

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Mr Hamish Hansford  
Committee Secretary & Chair  
Senate Standing Committee on  
Legal and Constitutional Affairs

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PO Box 6100  
Parliament House  
Canberra ACT 2600  
Australia

Dear Sir,

[RE: Submission to the Telecommunications Interception and Intelligence Services Legislation Amendment Bill 2010.](#)

It is with pleasure that we present this submission on the Telecommunications Interception and Intelligence Service Legislation Amendment Bill 2010 on behalf of the members of the Australian Federal Police Association.

The Australian Federal Police Association (AFPA) strives to enhance the operational capability of the Australian Federal Police (AFP) through representing its people, the law enforcement professionals themselves. The AFPA has industrial coverage of all AFP employees however our role is greater than mere industrial representation. The AFPA has an obligation to ensure that the AFP operates to the best of its capabilities and that our members, as law enforcement and national security professionals, are provided with the tools and protections to perform their duty of protecting Australia and Australians from criminal attack.

The AFPA strongly supports the proposed provisions in this important bill. We are pleased that the Federal Government has decided to amend the *Telecommunications (Interception and Access) Act 1979*, the *Australian Security Intelligence Organisation Act 1979* and the *Intelligence Services Act 2001* to enable greater cooperation, assistance and information sharing within Australia's law enforcement and national security communities.

We are confident that this proposed bill will create a closer relationship between intelligence, enforcement and other national security agencies though removing artificial legislative barriers to interoperability and intelligence sharing.

The AFPA is supportive of the relevant substantive provisions contained in the *Telecommunications Interception and Intelligence Services legislation amendment Bill 2010*. The proposed amendments introduce important new changes to the *Telecommunications (Interception and Access) Act 1979*, the *Australian Security Intelligence Organisation Act 1979* and the *Intelligence Services Act 2001*.

These changes will greatly assist the AFP in two respects:

- Firstly, the changes will allow specific classes of persons (as set out in the *Telecommunications (Interception and Access) Act 1979*) to disclose telecommunication in relation to missing persons as well as for the investigation of unlawful conduct. This information will assist the AFP in locating missing persons as the AFP can use call records and location information to find signs of life and/or movement patterns.
- Secondly, the changes assist the AFP through clarifying that the AFP can apply for stored communication warrants to access the stored communications of a victim of a serious crime without that person's consent. This becomes particularly important when victims are missing, incapacitated or deceased.

On a more general note, the proposed bill will assist the AFP as it enables Australian Security Intelligence Organisation (ASIO) to provide the AFP with technical assistance in relation to telecommunications interception warrants issued to the AFP. It also enables ASIO to cooperate and assist the AFP generally regarding telecommunications interception.

In the spirit of greater agency cooperation, this bill formally enables ASIO to cooperate and assist the AFP in relation to other important operational support functions, including but not limited to; providing ASIO staff for particular purposes, providing logistical support and any other resources that ASIO wishes to make available.

Although not directly related to the amendments being considered, whilst Parliament is considering amending the *Telecommunications (Interception and Access) Act 1970*, the AFPA would like to raise one important operational issue that could be addressed in a simple amendment.

Currently the *Telecommunication (Interception and Access) Act 1970* does not specifically allow law enforcement agencies to interfere with the telecommunication devices of a person of interest in an AFP investigation. This type of necessary interference may include temporarily deactivating the international roaming capabilities of a specific phone with an Australian carrier; or temporarily blocking an outgoing phone signal at an examination facility.

The AFP recommends that an amendment should be made to the *Telecommunications (Interception and Access) Act 1970* so to specifically allow enforcement agencies to interfere with telecommunication devices of persons of interest to an AFP investigation where it is important to disrupt their communication with other members of a criminal syndicate or terrorist group in order to preserve evidence or potentially prevent a criminal act or terrorist act occurring.

The AFPA believes that such an amendment will strongly enhance all aspects of crime fighting including, but not limited to, community policing; investigation of drug importations, people smuggling and money laundering; investigations of organised crime syndicates and international and cross border criminal enterprises; and in the most extreme circumstances, countering terrorism.

I thank the committee for taking the time to consider the AFPA's submission on this important bill. The AFPA supports the intent and purpose of this bill and looks forward to seeing it passed in Parliament.

Yours faithfully,

Jonathan Hunt-Sharman  
National President  
Australian Federal Police Association