

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
ATTORNEY-GENERAL'S DEPARTMENT

**Output 2.2**

**Question No. 53**

**Senator Stott Despoja asked the following question at the hearing on 14 February 2006:**

- a) The proposed extension of phone-tapping powers to apply to third parties who are not suspects will leave ordinary Australians open to covert surveillance, with no knowledge or opportunity for challenge. Why has there been no public consultation or independent review of the need for these sweeping new powers?
- b) These changes also pre-empt the current Security Laws Review, which is due to report in April. Why can the government not wait for the report of the Security Laws Review Committee so that the new amendments can be debated in the context of the operation of previous changes to the interception regime?

**The answer to the honourable senator's question is as follows:**

- a) The B-party interception provisions of the Telecommunications (Interception) Bill 2006 implement recommendation 31 of the report on the review of the regulation of access under the *Telecommunications (Interception) Act 1979* conducted by Mr A S Blunn AO.

Mr Blunn undertook thorough consultation during the conduct of the review, including a public request for submissions and numerous meetings with interested stakeholders, including privacy advocates, telecommunications industry participants, law enforcement and security agencies, and departmental officials.

- b) The Security Laws Review, chaired by the Hon Simon Sheller AO QC, was established to assess the operation and effectiveness of Australia's existing security laws. As such, the committee will review the use of the *Security Legislation Amendment (Terrorism) Act 2002*, the *Suppression of Financing of Terrorism Act 2002*, the *Criminal Code Amendment (Suppression of Terrorist Bombings) Act*, the *Border Security Legislation Amendment Act 2002* and the *Telecommunications Interception Legislation Amendment Act 2002*.  
The B-Party provisions of the Bill were independently considered by Mr A S Blunn AO, and do not form part of the matters to be considered by the Security Laws Review.