



**Tasmania
POLICE**

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Our Ref: A- 1107/04 (A3/70)
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Ms Louise Gell
Secretary
Australian Senate
Legal and Constitutional Legislation Committee
Parliament House
CANBERRA ACT 2600

Dear Ms Gell

PROVISIONS OF THE TELECOMMUNICATIONS (INTERCEPTION) AMENDMENT BILL 2004

Thank you for your correspondence dated 4 March 2004.

I have considered the provisions of the Telecommunications (Interception) Amendment Bill 2004, and the appropriateness of the proposed changes to the telecommunications regime.

I can indicate that Tasmania Police supports the proposed changes to the Act, especially as they address changes in technology that have occurred in recent times.

I make the following submission in respect of the terms of reference:

The Bill

I recommend that under '**Schedule 1 – Amendments, 4 Subsection 5D (5)**' the following inclusion be made;

(g) section 257A. , 257B. , 257C. , 257D. , 257E. , or 257F. of *Criminal Code Act 1924* of Tasmania.

The above inclusion will acknowledge current Tasmanian legislation, and remove the need for amendments to our legislation. Whilst Tasmanian legislation does not 'mirror' the legislation contained within Part 10.7 of the *Criminal Code Act 1995*, it is similar in nature and is concerned with computer-related fraud, damaging of computer data, the unauthorized access to computers, and the insertion of false information as data.

The inclusion would adequately accommodate Tasmania in this regard.

Explanatory Memorandum

I recommend that the proposed introduction of a new subsection [5D (5)], under Item 4 of the Explanatory Memorandum, includes a separate reference to the provisions of the *Criminal Code Act 1924* (Tas) under a new paragraph, 5D (5) (g). This will acknowledge the existence of Tasmanian cybercrime offences, notwithstanding the differences between existing legislation across jurisdictions.

Thank you for allowing me the opportunity to contribute to this process.

I look forward to the outcome of the inquiry, and any consequential amendments that may occur in respect of Tasmanian legislation.

Yours sincerely



R McCREADIE
Commissioner of Police