

# CHAPTER 1

## INTRODUCTION

### Background

1.1 On 11 May 2005, the Senate referred the Crimes Legislation Amendment (Telecommunications Interception and Other Measures) Bill 2005 (the Bill) to the Senate Legal and Constitutional Legislation Committee for inquiry and report by 14 June 2005. On 14 June 2005, the Senate agreed to extend the reporting date to 17 June 2005.

1.2 The Bill seeks to amend the *Criminal Code Act 1995* (the Criminal Code) to extend the defences to certain offences under Part 10.6 of the Criminal Code to all agencies who may exercise powers under the *Telecommunications (Interception) Act 1979* (the TI Act). The Bill also seeks to amend the TI Act to:

- allow the interception (without a warrant) of communications to and from certain declared emergency services facilities;
- allow the interception (without a warrant) by authorised radiocommunications inspectors who are fulfilling their statutory obligations under the *Radiocommunications Act 1992*;
- allow telecommunications interception warrants to be obtained in connection with the investigation of the ancillary offence of accessory after the fact for a 'class 1' offence under the TI Act;
- implement the recommendations dealing with statistical information for named-person warrants, reports by the Commonwealth Ombudsman and civil forfeiture regimes contained in the *Report of the Review of Named Person Warrants and Other Matters*, completed by Mr Tom Sherman AO in 2003 (the Sherman Report); and
- clarify the meaning of the term 'an employee of a carrier'.

### Conduct of the inquiry

1.3 The committee advertised the inquiry in *The Australian* newspaper on 18 and 25 May 2005, and invited submissions by 27 May 2005. Details of the inquiry, the Bill and associated documents were placed on the committee's website. The committee also wrote to 60 organisations and individuals, including police, fire and ambulance services in each state and territory.

1.4 The committee received 10 submissions which are listed at Appendix 1. Submissions were placed on the committee's website for ease of access by the public. The committee held a public hearing in Canberra on 15 June 2005.

1.5 Given the short timeframe between the public hearing and the reporting date, the committee has not had the opportunity to consider fully the issues raised at the public hearing. The committee's report therefore relies on the evidence provided in submissions. However, the committee also presents the proof Hansard transcript of the public hearing at Appendix 2 of the report to assist the Senate in its consideration of the Bill.

### **Acknowledgement**

1.6 The committee thanks those organisations and individuals who made submissions and gave evidence at the public hearing.

### **Note on references**

1.7 References in this report are to individual submissions as received by the committee, not to a bound volume. References to the committee Hansard are to the proof Hansard: page numbers may vary between the proof and the official Hansard transcript.