

Assistant Commissioner  
**CRIME SERVICE**

**SUBJECT:** Inquiry into the Crimes Legislation Amendment  
(Telecommunications Interception and Other Measures) Bill  
2005

I refer to the proposed amendments to the Crimes Legislation Amendment (Telecommunications Interception and Other Measures) Bill 2005 and advise as follows:

**Emergency Services (Part 1 of the Bill)**

The purpose of this amendment is essentially to extend the existing legislation to incorporate the numerous emergency telephone numbers currently in use throughout law enforcement and other emergency services. This amendment will mean that all calls made to or from an emergency call facility will be able to be recorded without infringing the Interception Act. Superintendent Cornish Communications Branch supports the amendment.

One of the proposed amendments relates to the establishment of emergency services facilities at the direction of the Commonwealth Attorney-General. These facilities "represent critical operational infrastructure which requires close protection as their loss would endanger the public for as long as these services were unavailable". The amendment is supported by Superintendent Eaton.

**Interception by Radiocommunication Inspectors (Part 2 of the Bill)**

This amendment does not directly impact upon SAPOL. Essentially, it will enable inspectors operating under the Radiocommunications Act 1992 to intercept radiocommunications connected to the telecommunications system. Superintendent Cornish is on the working party responsible for this amendment and as such is supported by him.

**Ancillary Offences (Part 3 of the Bill)**

This amendment to the definition of a Class 1 offence is welcomed by SAPOL. This issue was raised with Mr Tony Blunn Consultant to the Commonwealth Attorney General's Department when he visited SAPOL on 27/4/05. There have been recent and current Major Crime investigations that would have been assisted by this amendment being in force. This amendment to include accessory after the fact will see part of the conduct made unlawful under Section 241 CLCA becoming conduct for which a TI warrant can be sought.

Accessory after the fact is no longer an offence in this state and was replaced by Section 241 CLCA impeding an offence or assisting an offender. Nonetheless the type of conduct (accessory after the fact) described in the proposed amendment will allow SAPOL investigators to apply for a TI warrant when investigating an offence against Subsection (b) of Section 241 CLCA.

Section 241 CLCA creates an offence of (a) impeding an investigation or (b) assisting the principal offender to escape apprehension or prosecution or to dispose of the proceeds of the offence.

**Civil Forfeiture Provisions and Named Person Warrants (Part 4 of the Bill)**

No comment is necessary re Civil Forfeiture proceedings. The Act is simply being updated to take into account new forfeiture provisions which will certainly assist in confiscation proceedings undertaken in this state when the new legislation is passed.

SAPOL has previously provided statistics relating to named person warrants and therefore supports the proposed amendment.

**Employees of Carriers (Part 5 of the Bill)**

No comment is necessary re this amendment which is intended to incorporate persons who are contractors to carriers in addition to employees of such carriers.

In conclusion, the Bill, together with accompanying Hansard reports and Committee submissions have been examined in their entirety. There is no financial or resource impact upon SAPOL and the amendments should therefore be supported.

Superintendent Eaton has also been consulted in the preparation of this report.

**RECOMMENDATION**

That SAPOL send an email reply to Mr Walsh, Secretary to the Committee advising him that SAPOL supports the proposed amendments.

PD SIMONS  
Superintendent  
INVESTIGATION SUPPORT BRANCH.