

CHAPTER 1

INTRODUCTION

Purpose of the Bill

1.1 On 21 June 2007, the Senate referred the provisions of the Telecommunications (Interception and Access) Amendment Bill 2007 (the Bill) to the Legal and Constitutional Affairs Committee for inquiry and report by 1 August 2007.

1.2 The Bill amends the *Telecommunications (Interception and Access) Act 1979* (the TIA Act)¹ and several other related Acts to implement further recommendations from the August 2005 *Review of the Regulation of Access to Communications* by Anthony Blunn AO (the Blunn Review).

1.3 The main purpose of the Bill is to transfer the national security and law enforcement-related provisions from the *Telecommunications Act 1997* (the Telecommunications Act) to the TIA Act. This would complete the development of a single legislative framework for national security and law enforcement agencies to access telecommunications-related data as envisaged by the Blunn Review.

1.4 The Bill also contains a number of additional amendments to the operation of the existing TIA Act.

1.5 An Exposure Draft of the Bill was advertised by the Telecommunications Interception and Surveillance section of the Attorney-General's Department (the Department) in January 2007. The Department website details a consultation process beginning in early February 2007, involving the telecommunications industry, law enforcement and national security agencies, which precipitated a number of changes to the Exposure Draft.

Background

1.6 The Blunn Review recommended that comprehensive and over-riding legislation dealing with access to telecommunications data for security and law enforcement purposes be established.

1.7 The first tranche of Blunn Review amendments contained certain measures, such as stored communication warrants and B Party intercepts, which have already become law. The *Telecommunications (Interception) Amendment Act 2006* received Royal Assent on 3 May 2006.

1 The TIA Act was renamed in 2006 from the *Telecommunications (Interception) Act 1979*.

Conduct of the inquiry

1.8 The committee advertised the inquiry in *The Australian* newspaper on 27 June 2007 and 11 July 2007, and invited submissions by 11 July 2007. Details of the inquiry, the Bill, and associated documents were placed on the committee's website. The committee also wrote to over 80 organisations and individuals.

1.9 The committee received 27 submissions which are listed at Appendix 1. With the exception of one confidential submission, submissions were placed on the committee's website for ease of access by the public.

1.10 The committee held a public hearing in Canberra on 16 July 2007. A list of witnesses who appeared at the hearing is at Appendix 2 and copies of the Hansard transcript are available through the Internet at <http://aph.gov.au/hansard>.

Acknowledgement

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

Note on references

1.12 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.