

From: Pia Bentick
Sent: Wednesday, 11 July 2007 11:10 AM
To: Legal and Constitutional, Committee (SEN)
Subject: Inquiry into the Telecommunications (Interception and Access)
Amendment Bill 2007

Dear Ms Morris

Thank you for the opportunity to provide comments on the Telecommunications (Interception and Access) Amendment Bill 2007.

Internode Systems Pty Ltd supports the main purpose of the Bill - transferring the national security and law enforcement provisions to the Telecommunications (Interception and Access) Act 1979 and the amendments to refine the operation of the existing Act.

We do have some concerns about the proposed changes to the authorisation and notification processes, for example under the new section 183, whereby an authorisation must be in written or electronic form, but an actual copy of the authorisation does not need to be provided to the person from whom disclosure is sought. An officer or an employee of ASIO or other law enforcement agency must notify the carrier or carriage service provider when an authorisation is made. However, 'notify' is not sufficiently defined.

We believe the notification process needs to be more stringent, whether it is notification of an authorisation to access existing or prospective information or documents, or an authorisation to intercept communications. The person from whom disclosure is sought or who is required to intercept communications must receive formal notification in writing, with some evidence that the person giving the notification is in fact authorised to give such notification, and that the authorisation has been made following due process and that the authorisation does indeed exist.

Please contact me if you have any queries on the above.

Yours sincerely

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