

**Senate Legal and Constitutional Legislation Committee**  
Inquiry into the Telecommunications (Interception) Amendment Bill 2006

PUBLIC HEARING  
Wednesday 15 MARCH, 2006

**Questions on notice – Office of the Privacy Commissioner**

**Senator Ludwig asked the following question at the hearing on 15 March 2006:**

In their submissions Electronic Frontiers Australia (EFA) and the Law Council of Australia suggest additional protections in respect of B-Party interceptions. Do you agree with those additional protections?

**The answer to the honourable senator's question is as follows:**

The Office notes the recommendations of Electronic Frontiers Australia (EFA) and the Law Council of Australia (LCA) in relation to Schedule 2 of the Bill (B-Party interception). Following a limited analysis by the Office of these recommendations, it seems that they may further promote the privacy of individuals. The Office agrees with the general direction of both these sets of recommendations, being an increase in the protection of privacy in the B-Party provisions of the Bill.

In this context, the Office is mindful of the Privacy Commissioner's responsibilities as set out in s. 29 of the *Privacy Act 1988* to have due regard for social interests that compete with privacy, and the recognition of the right of government to achieve its objectives in an efficient way. Any changes to the Bill's provisions should have the aim of achieving the right balance of privacy protections with law enforcement functions, and achieving this balance requires looking at the package of privacy protections as a whole. In this context, it may be that not each and every one of the EFA's or the LCA's recommendations is necessary or appropriate in establishing the right overall balance.