

Ms Jackie Morris
A/g Committee Secretary
Standing Committee on Legal and Constitutional Affairs
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600

Enquiries: Alex Barski
Tel: (02) 9228 8581
Our ref:A06/0409
Your ref:

legcon.sen@aph.gov.au

Dear Ms Morris

We refer to your invitation dated 11 December 2006 to provide comments on Crimes Legislation Amendment (National Investigative Powers and Witness Protection) Bill 2006.

We generally support the intention to harmonise the controlled operations, assumed identities and protection of witness identity regimes across Australia, as long as the balance between the needs of the state and the rights and freedoms of the individual is maintained.

In this respect, we are pleased to note that the bill imposes a range of strong accountability measures and record keeping requirements, including regular reports to the Ombudsman and the Minister, and an oversight role by the Ombudsman accompanied by wide powers.

From the privacy perspective, we support a number of measures in the bill, which are aimed at the protection of individuals' privacy. These include arrangements not to disclose new or assumed identities in court proceedings and penalties for unauthorised disclosure of information including personal information. We are also in favour of the requirement to destroy all data collected from premises under a delayed notification search warrant, which is not or no longer required by law enforcement.

We thank you for an opportunity to provide our comments to the Committee.

If you have any queries, please contact Alex Barski at Privacy NSW on (02) 9228 8581. Please quote the reference number at the top of this letter.

Yours sincerely

John Dickie
Acting Privacy Commissioner