

CHAPTER 1

INTRODUCTION

Purpose of the Bill

1.1 On 17 September 2009, the Senate referred the provisions of the Telecommunications (Interceptions and Access) Amendment Bill 2009 (the Bill) to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 26 October 2009. The Senate later agreed to extend the reporting date to 16 November 2009.

1.2 Among other things, the Bill amends the *Telecommunications (Interceptions and Access) Act 1979* (the TIA Act)¹ to ensure that all owners and operators of computer networks can undertake legitimate activities to operate, maintain and protect their networks. The bill will also enable Commonwealth agencies, security agencies and eligible State authorities to ensure that the computer network is appropriately used by employees, office holders or contractors of the agency or authority.

Background

1.3 In 2008, the temporary exemption that enabled the interception and security agencies, as well as certain Government departments, to access communications on their own computer networks for network protection activities was extended to 12 December 2009. This extension was intended to allow the exemption to operate on an interim basis while a comprehensive solution covering both the public and private sectors was developed.

Conduct of the Inquiry

1.4 The Committee advertised the inquiry in *The Australian* newspaper on 23 September 2009 and 7 October 2009 and invited submissions by 9 October 2009. Details of the inquiry, the Bill and associated documents were placed on the Committee's website. The Committee also wrote to 67 organisations and individuals notifying them of the inquiry.

1.5 The Committee received 7 submissions which are listed at Appendix 1. The Committee did not hold any public hearings.

Acknowledgements

1.6 The Committee thanks those organisations and individuals who made submissions and provided information to the inquiry.

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

Note on references

1.7 References in this report are to individual submissions as received by the Committee, not to a bound volume.