

# RECOMMENDATIONS

## Recommendation 1

**3.18** The committee recommends that, if further legislation proposing amendments to the network protection provisions (including to sunset clauses) is introduced, such legislation should include a thorough and considered response to achieving a balance between individual privacy rights and network protection requirements. Such a review should assess mechanisms to mitigate intrusiveness and abuse of access, and consider how secondary data may be managed appropriately.

## Recommendation 2

**4.86** The committee recommends that the recommendation at paragraph 3.2.5 of the Blunn report, which reads:

**3.2.5.** Accordingly, I recommend that priority be given to developing a unique and indelible identifier of the source of telecommunications and therefore as a basis for access.

be adopted, and priority given to developing a unique and indelible identifier of the source of telecommunications.

## Recommendation 3

**4.87** The committee recommends that the Bill be amended to provide that an agency be permitted to add a device to a device-based named person warrant after the warrant has been issued if the facts of the case would have justified the issue of a warrant by the issuing authority; and the investigation in relation to the person named in the warrant will be, or is likely to be, seriously prejudiced if the interception does not proceed.

## Recommendation 4

**4.88** The committee further recommends that the Bill be amended to provide that if an agency adds a telecommunications device or devices not identified on a device-based named person warrant at the time that the issuing authority issued the warrant:

- (i)** the agency be required to notify an issuing authority, within 2 working days, that a device had been added to the warrant; and
- (ii)** the issuing authority must examine the supporting documentation against the criteria that it would have considered, in accordance with the requirements of the *Telecommunications (Interception and Access) Act 1979*, in relation to an application by the agency for a device-based named person warrant, and make a determination about whether the facts of the case justified the addition of the device; and
- (iii)** the issuing authority shall order that the interception cease immediately and that all evidence gathered be destroyed if it determines that the facts of the case would not have supported the issue of a device-based named person warrant.

## **Recommendation 5**

**4.89** The committee recommends that the Bill be amended to insert a requirement that the Annual Report in relation to the *Telecommunications (Interception and Access) Act 1979* incorporate the following additional information over and above that already required by the Act:

- the number of service-based and device-based interceptions, to be reported upon separately but in a similar format to that currently used for the total number of intercepted telecommunication services; and
- the number of devices in the original warrant and the number of additional devices added to the warrant, reported in a similar format to that currently used for reporting the total number of intercepted telecommunications services.

## **Recommendation 6**

**6.13** The Committee recommends that the Australian Government commission an independent review of the operation of the *Telecommunications (Interception and Access) Act 1979* within 3 years.

## **Recommendation 7**

**6.14** The Committee further recommends that the Australian Government introduce amendments to the *Telecommunications (Interception and Access) Act 1979* in subsequent legislation, to provide for a statutory requirement that the TIA Act be independently reviewed every five years.

## **Recommendation 8**

**6.15** Subject to the preceding recommendations the committee recommends that the Senate pass the Bill.