

# CHAPTER 1

## INTRODUCTION

### Referral

1.1 On 19 March 2008, following a recommendation of the Selection of Bills Committee, the Senate referred the Telecommunications (Interception and Access) Amendment Bill 2008 (the Bill) to the Standing Committee on Legal and Constitutional Affairs (the committee) for inquiry and report by 1 May 2008.

1.2 On 1 May 2008, the committee presented an interim report stating that the committee intended to present its final report on 6 May 2008.

### Purpose of the Bill

1.3 The main purpose of the Bill is to amend the *Telecommunications (Interception and Access) Act 1979* (the TIA Act)<sup>1</sup> to extend sunset provisions that provide exemptions from the prohibition against listening to or copying communications passing over a telecommunications system. These exemptions allow specific law enforcement and security agencies to monitor all communications within their corporate networks, outside of a warrant regime, for the purpose of protecting and maintaining their networks and maintaining their professional standards.

1.4 The sunset provisions are due to expire on 13 June 2008. According to the Attorney-General's Second Reading Speech, the proposed eighteen month extension will enable law enforcement and security agencies to continue to protect their networks while a full legislative solution is developed.<sup>2</sup>

1.5 The Explanatory Memorandum (EM) states that the Bill also proposes additional amendments to improve the effectiveness of the telecommunications regime by:

- clarifying agencies' reporting requirements under the TIA Act;
- clarifying that multiple telecommunication devices can be intercepted on the one named person warrant; and
- making minor and technical amendments that arise from the transfer of duties from the Australian Federal Police (AFP) to the Attorney-

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

2 The Hon. Robert McClelland MP, Attorney-General, House of Representatives Official Hansard, 20 February 2008.

General's Department (the Department) consequent to the passage of the *Telecommunications (Interception) Amendment Act 2006*.<sup>3</sup>

### **Conduct of the inquiry**

1.6 The committee wrote to 65 individuals and organisations inviting submissions by 9 April 2008. Details of the inquiry, the bill and associated documents were also placed on the Committee's website.

1.7 The committee received 14 submissions. These are listed at Appendix 1. Submissions were placed on the committee's website.

1.8 The committee held a public hearing in Sydney on 17 April 2008. A list of witnesses who appeared at the hearing is at Appendix 2 and copies of the Hansard transcript are available on the committee's website.

### **Acknowledgement**

1.9 The committee thanks those organisations and individuals who made submissions and gave evidence at the public hearing.

### **Note on references**

1.10 References in this report are to individual submissions as received by the committee, not to a bound volume. References to Committee Hansard are to the proof Hansard: page numbers may vary between the proof and the official Hansard.

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3 EM, Telecommunications (Interception and Access) Amendment Bill 2008, p. 1, [http://parlinfoweb.parl.net/parlinfo//view\\_document.aspx?TABLE=EMS&ID=2897](http://parlinfoweb.parl.net/parlinfo//view_document.aspx?TABLE=EMS&ID=2897)