

MT 7479

Mr Peter Hallahan
Committee Secretary
Senate Standing Committee on Legal and Constitutional Affairs
PO Box 6100
Parliament House
Canberra ACT 2600

22 APR 2008

Dear Mr Hallahan,

Commissioner Scipione has passed on to me your letter requesting submissions in relation to the *Telecommunications (Interception and Access) Bill 2008*.

The key changes to the *Telecommunications (Interception and Access) Act 1979* ('the TI Act') contained in the *Telecommunications (Interception and Access) Amendment Bill 2008* are detailed below, with appropriate comments on behalf of the NSW Police Force.

- 1. An 18 month extension of the sunset provisions relating to activities that can be lawfully undertaken by network administrators of specific public sector agencies to protect their corporate networks and maintain the professional standards of employees.**

NSW Police support this amendment, and ideally would like to see this power available on a permanent basis. The monitoring of emails is particularly useful for the Professional Standards Command who investigate improper releases of confidential police information via email.

- 2. An 18 month extension of sunset provisions for the definition of when a communication is 'passing over' a telecommunications network, and the definition of an intended recipient of a communication.**

As per point 1, this is a useful power for NSW Police and it would be desirable to see this amendment made permanent.

- 3. Streamlining of reporting requirements for agencies.**

Any streamlining will ease the administrative burden on the Telecommunications Interception Branch. In particular, this amendment allows agencies to forward warrants and revocations directly to the Commonwealth Attorney General's Department rather than via the State Attorney General.

This amendment would be of greater benefit if the *Telecommunications (Interception and Access) Act 1987* (NSW) were also amended to remove the requirement for warrants and revocations to be given to the NSW Attorney General.

4. Clarification that multiple telecommunications devices can be intercepted on a named person warrant.

This amendment makes it clear that multiple devices can be intercepted under a named person warrant, and will provide useful certainty and clarification to the Telecommunications Interception Branch.

5. Minor and technical amendments relating to the transfer of duties from the AFP to the Attorney General's Department (Cth).

No specific comment on this point.

Overall, the NSW Police Force strongly support the changes contained in the *Telecommunications (Interception and Access) Amendment Bill 2008*.

Thank you for seeking our input. If you have any further questions, please contact Fiona Lansdown on (02) 8263 6260 or at lans1fio@police.nsw.gov.au.

Yours sincerely,

A large black rectangular redaction box covering the signature of Les Tree.

Les Tree
Director-General