

Peter Hallahan
Committee Secretary
Senate Legal and Constitutional Affairs Committee
Department of the Senate
PO Box 6100
Parliament House
CANBERRA ACT 2600

Enquiries: Alex Barski
Tel: (02) 8688 8581
Our ref: A08/0148
Your ref:

Dear Mr Hallahan

Inquiry into the Telecommunications (Interception and Access) Amendment Bill 2008

We are writing in response to your request to provide comments in relation to the Telecommunications (Interception and Access) Amendment Bill 2008.

We understand the purpose of the Bill is to extend in time certain provisions of the *Telecommunications (Interception and Access) Amendment Act 1979*, namely the activities that can be lawfully undertaken by network administrators of specific law enforcement and security agencies to protect their corporate networks, by a further 18 months. We note from the Second Reading speech that this 18-month extension will allow for a comprehensive long-term solution to the security problem to be developed and hope that privacy considerations will not be overlooked in this process.

The Bill also includes several technical amendments that are designed to improve the effective operation of the Act. Some of the amendments allow for interception warrants to be issued in such a way so as to provide an authority to intercept *multiple* telecommunications devices as opposed to “a particular telecommunications device”, as is the case currently.

These amendments may in effect extend the original powers in the Act. For this reason we are hesitant to endorse them.

However we generally support the removal of duplication of reporting requirements and the clarification of accountability regimes for both agencies and telecommunications carriers that the bill is designed to achieve.

We note the assurances given by the legislators that the amendments do not provide any new powers for law enforcement or security agencies.

Thank you for the opportunity to provide our comments.

If you have any queries, please contact Alex Barski at Privacy NSW on (02) 8688 8581. Please quote the reference number at the top of this letter.

Yours sincerely

K V Taylor
Privacy Commissioner