

**From the Office of the Commissioner**

Our ref: CF/13/2039

11 July 2013

Mr Tim Bryant  
Acting Committee Secretary  
Senate Standing Committee on Legal and Constitutional Affairs  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600

**Also via email: [legcon.sen@aph.gov.au](mailto:legcon.sen@aph.gov.au)**

Dear Mr Bryant

**Inquiry into the Telecommunications Amendment (Get a Warrant) Bill 2013**

Thank you for your letter dated 26 June 2013 inviting the Independent Broad-based Anti-corruption Commission (**IBAC**) to make a submission to the parliamentary inquiry on the Telecommunications Amendment (Get a Warrant) Bill 2013 (**the Bill**).

In my view, the Bill has the potential to impose significant administrative and cost burdens on IBAC and other integrity agencies, to expose investigations by integrity agencies to delays and the risk of data loss, and to create a more intrusive telecommunication data access regime. I also consider that the compliance system under the existing legislation provides adequate protections for individuals, and that the 'judicial oversight' system proposed in the Bill would not in fact provide any additional safeguards.

Telecommunications data is a valuable and cost effective investigative tool that is used to identify a person of interest's network and associates, including the frequency of contact between these persons, and to support and compliment information derived from other sources. Telecommunications data can also assist in ruling out persons from further investigation and identifying alternative lines of inquiry, as well as assessing whether more intrusive and costly investigative methods, such as telecommunications interception or stored communication warrants, are appropriate. However because telecommunications data is limited due to non-content information, access to it raises fewer privacy concerns.

The Bill would have significant time, staffing and financial resource implications on standard warrant authorisation procedures for not only IBAC, but also for the various issuing authorities and possibly the Victorian Public Interest Monitor.

Finally, the warrant authorisation procedures proposed in the Bill would result in delays, both internally in respect of drafting applications and approval processes and externally in respect of the availability of issuing authorities. This in turn could result in valuable telecommunications data being lost. There is currently no consistency between the various carriers and carrier service



providers with respect to what data they retain, and for how long. The relative speed with which authorisations can be obtained under the current system minimises the risk of data loss.

Should you require any further information, please contact Ms Kate McKennarley, Senior lawyer, on

Yours sincerely

**Stephen O'Bryan SC**  
Commissioner