



EXECUTIVE OFFICE

28 June 2019

[REDACTED]
Inquiry Secretary
Parliamentary Joint Committee on Intelligence and Security
Department of the House of Representatives
PO Box 6021
Parliament House
Canberra ACT 2600

[REDACTED]
**Parliamentary Joint Committee on Intelligence and Security – Review of the
Mandatory Data Retention Regime**

Thank you for your correspondence dated 9 April 2019 inviting the ACCC to make a submission to the review of the mandatory data retention regime proscribed by Part 5-1A of the *Telecommunications (Interception and Access) Act 1979* (TIA).

We have considered the purpose of the review and how we might assist the Committee at this stage of its review and we do not consider a submission from the ACCC would be a useful addition to the Committee's review. As such, we do not propose to make a submission at this time.

The Committee has also requested a consolidated summary of the records the ACCC is required to keep under subsection 187N(3) of the TIA. We have attached a consolidated summary of the records at **Attachment A**.

[REDACTED]
Yours sincerely

[REDACTED]
Director
Parliamentary and Government Liaison

Attachment A – ACCC statistics

ACCC statistics for Parliamentary Joint Committee on Intelligence and Security - Review of Data Retention regime

20 June 2019

Tables:

1. Total number of authorisations (made under sections 178 and 179) – items 186 (1)(a) and (1)(b)
2. Offence categories for authorisations (made under sections 178 and 179) – item 186 (1)(e)
3. Age of data sought for authorisations (made under section 178 and 179) – item 186 (1)(f)
4. Authorisations relating to item 1 of the dataset - item 186 (1)(g)
5. Authorisations relating to items 2-6 of the dataset - item 186 (1)(h)

Table 1: No. of Authorisations made under sections 178 and s179

Period	s178 - Criminal	s179 - pecuniary penalty	Total
Oct 2015 - 30/6/2016	34	10	44
FY 2016 -17	53	10	63
FY 2017 -18	40	21	61

Table 2: Offence categories for authorisations (made under sections 178 and 179)

Categories of offences	s178 - 13Oct15 - 30Jun2016	s178 - FY 2016- 17	s178 - FY 2017- 18	s179 - 13Oct15 - 30Jun2016	s179 - FY 2016- 17	s179 - FY2017- 18
Abduction, harassment and other offences against the person			-			-
ACC investigation			-			-
Acts intended to cause injury			-			-
Bribery or corruption			-			-
Cartel offences	34	53	40			2
Conspire/aid/abet serious offence			-			-
Cybercrime and telecommunications offences			-			-
Dangerous or negligent acts and endangering a person			-			-
Fraud, deception and related offences			-	10	10	4
Homicide and related offences			-			-
Illicit drug offences						
Loss of life			-			-
Miscellaneous offences			-			-
Offences against justice procedures, government security and government operations			-			-
Organised offences and/or criminal organisations			-			-
Other offences relating to the enforcement of a law imposing a pecuniary penalty			-			15
Other offences relating to the enforcement of a law protecting the public revenue			-			-
People smuggling and related			-			-
Prohibited and regulated weapons and explosive offences			-			-
Property damage and environment pollution			-			-
Public order offences			-			-
Robbery, extortion and related offences			-			-
Serious damage to property			-			-
Sexual assault and related offences			-			-
Terrorism offences			-			-
Theft and related offences			-			-
Traffic and vehicle regulatory offences			-			-
Unlawful entry with intent/ burglary, break and enter			-			-
Totals	34	53	40	10	10	21

Table 3: Age of data sought for authorisations (made under section 178 &179)

Time period	13 October			Total
	2015-16	2016-17	2017-18	
0-3 months	0	16	3	19
3-6 months	3	0	6	9
6-9 months	2	23	3	28
9-12 months	0	5	1	6
12-15 months	1	0	10	11
15-18 months	13	1	9	23
18-21 months	6	0	6	12
21-24 months	6	5	6	17
Older than 24 months	13	13	17	43
Grand Total	44	63	61	168

Table 4 /5: Authorisations relating to item 1 of the dataset and Authorisations relating to items 2-6 of the dataset

Dataset	13 October			Total
	2015-16	2016-17	2017-18	
Item 1	33	53	43	129
Items 2-6	11	10	18	39
All items 1-6	44	63	61	168