



VICTORIA POLICE

**Assistant Commissioners Office
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Mr Andrew Hastie MP
Chair
Parliamentary Joint Committee on Intelligence and Security
PO Box 6021
Parliament House
Canberra ACT 2600

Dear Mr Hastie

I am writing in relation to your review of the Telecommunications and Other Legislation Amendment (Assistance and Access) Bill 2018 (the Bill).

I understand that subsequent to my evidence before the committee on Monday 26 November 2018 that the committee may be considering limiting the proposed powers to only the Australian Federal Police (AFP) and the Australian Security Intelligence Organisation (ASIO) and in addition limiting the powers to the crimes types of terrorism and child exploitation offences.

In addition to my evidence I would like to provide the following information about the operational impact of such a proposal.

Agency limitation

The role of Victoria Police is to serve the Victorian community and uphold the law so as to promote a safe, secure and orderly society.

Victoria Police has significant concerns with limiting the agencies that can access the powers under the Bill to the AFP and ASIO as such a limitation will significantly impact our role in an environment where our fight against many crime types that harm community is hampered by encryption. I note that in Victoria, Victoria Police has a Counter Terrorism Command with broad responsibility to fight terrorism. Many terrorism investigations commence in the Counter Terrorism Command and sometimes only progress to the Joint Counter Terrorism Team, the joint agency investigation team involving Victoria Police, the AFP and ASIO, towards the final resolution phase. Indeed, in terms of dedicated police resources to fight

terrorism, Victoria Police has significantly more resources than our federal partners located in the Victorian environment.

State and Territory police are key partners with the AFP in protecting the Victorian community, not only against terrorism, but also in the fight against serious and organised crime. Victoria Police has broader responsibilities than the AFP, with a focus on all crimes in the State, particularly crimes against the person which cause the most significant harm to the Victorian community. I would respectfully suggest that limiting powers under the Bill to only Commonwealth agencies does not address the current serious harm to the Victorian community presented by terrorists, serious and organised crime identities and other serious crime offenders and would also significantly hamper the partnership approach to policing these issues.

Offence limitation

Victoria Police has significant concerns with limiting the specific offences in the Bill to offences of terrorism and child exploitation. Victoria Police is concerned that such an approach would significantly limit the effectiveness of the regime and undermine the policy intent of the measures.


In particular, Victoria Police notes the significant harm to the community caused by serious and organised crime. Victoria Police has observed the convergence with organised crime entities and terrorists, particularly in the corrections environment and also in respect to financing terrorism. Such convergence is also evident in the international community. In the early stages of terrorism related investigations, Victoria Police often relies on other offence categories to enable warrants under the *Telecommunications (Interception and Access) Act 1979*. Limiting the proposed powers would have a significant impact on Victoria Police's ability to identify early evidence of terrorism and other serious crime planning.

In accordance with my evidence before the committee, encryption is now evident across 98% of all warrants issued to Victoria Police under the *Telecommunications (Interception and Access) Act 1979*. Limiting the proposed powers would also have a significant impact on Victoria Police's ability to address the current harm to the Victorian community caused from serious and organised crime, and offences such as murder, drug offences, sexual assault, gang crime and firearm crime and other crimes against the person.

The continued inclusion in the Bill of State and Territory police agencies and all crime types is seen as particularly important to Victoria Police. Capabilities such as those proposed in the Bill have the potential to greatly enhance opportunities for collaboration and sharing of information and intelligence in a timely manner to positively impact the safety of the whole Australian community.

Victoria Police is thankful for the ongoing engagement on this Bill and remains available to provide any assistance that is necessary to the Committee to finalise the review of the Bill.

Yours sincerely,



Neil Paterson APM
Assistant Commissioner

30/11/2018