



CHIEF MINISTER
MINISTER FOR POLICE, FIRE AND EMERGENCY SERVICES

Parliament House
State Square
Darwin NT 0800

GPO Box 3146
Darwin NT 0801

Senator Trish Crossin
Chair
Standing Committee on Legal and Constitutional Affairs
Parliament House
CANBERRA ACT 2600

Dear Senator Crossin

Thank you for your email of 25 June 2013, providing the Northern Territory (NT) with the opportunity to make a submission to the Parliamentary Inquiry into the Telecommunications Amendment (Get a Warrant) Bill 2013. I note that the intention of the Bill is to require standard warrant authorisation procedure for law enforcement and intelligence agencies that wish to access telecommunications data.

The NT does not support the amendments proposed in the Bill. The NT position is as follows:

- The implementation of the proposed amendments would have a significant adverse impact on the ability of law enforcement agencies to perform their investigative functions NT Police made 2,828 requests for telecommunications data in the year 2011/2012.¹ The requirement to apply for a warrant in each of these instances would impede and delay investigations adding a significant administrative burden. Access to telecommunications data typically occurs in the early stages of an investigation and in many cases provides the information required to enable applications for telecommunications interception and other warrants to be made.
- The existing legislation, the *Telecommunications (Interception and Access) Act 1979* (Cth) (TIA Act) already contains an authorisation process that requires a specifically delegated 'authorised officer' to consider a number of factors before making authorisations, including the seriousness of the offence under investigation and the privacy of individuals affected. These provisions provide for authorised access to telecommunications data in certain circumstances. Access to the content of telecommunications is only possible under either an interception or stored communications warrant.

¹ Telecommunications (Interception and Access) Act 1979, Report for the year ending 30 June 2012 pg 66.

- The NT supports the recommendation in the May 2013 report of the Parliamentary Joint Committee on Intelligence and Security, that the *TIA Act* be comprehensively revised (Recommendation 18).

Should you require further information, please do not hesitate to contact Assistant Commissioner Reece Kershaw, Crime and Specialist Services at NT Police on telephone

Thank you again for the opportunity to provide input into this inquiry.

Yours sincerely

ADAM GILES

31 JUL 2013