



**THE HON PETER DUTTON MP
MINISTER FOR HOME AFFAIRS**

Andrew Hastie MP
Chair
Parliamentary Joint Committee on Intelligence and Security
Parliament House
CANBERRA ACT 2600

Andrew.

Dear Mr Hastie

I am writing pursuant to subparagraphs 29(1)(b)(i) and (ia) of the *Intelligence Services Act 2001* to refer a matter to the Parliamentary Joint Committee on Intelligence and Security (the Committee) for review and report.

Terms of reference

I refer to your Committee, for inquiry, the effectiveness of the Telecommunications Legislation Amendment (International Production Orders) Bill 2020 (the Bill).

This Bill is an essential pre-condition to the finalisation of the proposed cross-border access to data agreement between Australia and the United States, pursuant to the *United States Clarifying Lawful Overseas Use of Data Act* (CLOUD Act).

Accordingly, it is vital that the Bill be positioned to pass both Houses of the Parliament before the end of the 2020 Winter sittings. Given this, and the significance of the legislation and the public's interest in ensuring more effective law enforcement and national security investigations, I request that your Committee consider the terms of the legislation and report to each House of Parliament, the Minister for Home Affairs and me, by 22 May 2020.

Subject to your agreement the Committee should, as far as possible, conduct its inquiry in public.

Background to the referral

The Bill will amend the *Telecommunications (Interception and Access) Act 1979* to provide Australian law enforcement and national security agencies with improved access to electronic information in accordance with bilateral and multilateral agreements with foreign countries (including, in the first instance, the United States), specifically by:

- creating a framework for the issuing of international production orders for interception, stored communications and telecommunications data that can be

directed to designated communications providers based in foreign countries with which Australia has an agreement; and

- amending the regulatory framework to allow Australian communications providers to intercept and disclose electronic information in response to an incoming order or request from a foreign country with which Australia has an agreement.

In developing this Bill, the Government conducted consultations with relevant stakeholders including Commonwealth agencies, State and Territory agencies, the United States Government, and targeted industry stakeholders. The Bill contains extensive safeguard and oversight mechanisms, and privacy protections, to ensure that the framework is used appropriately.

I look forward to the Committee's report on the Telecommunications Legislation Amendment (International Production Orders) Bill 2020.

Yours sincerely



PETER DUTTON 09/03/20