



New South Wales
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[REDACTED]
Parliamentary Joint Committee on Intelligence and Security
Department of House of Representatives
Parliament House
CANBERRA ACT 2600

By email: pjcis@aph.gov.au

[REDACTED]
Review of the Mandatory Data Retention Regime

I thank you for the opportunity to provide a submission to the review of the mandatory data retention regime per your email request of 9 April 2019.

Please find enclosed a consolidated summary of the records the NSW Crime Commission is required to keep pursuant to section 187N(3) of the Telecommunications (Interception and Access) Act 1976.

The criteria established under section 186 of the Act is answered in the form of seven tables and provided for the benefit of your review.

Yours sincerely, [REDACTED]

[REDACTED]
Peter Cotter APM
Commissioner

A1500659

**Parliamentary Joint Committee on Intelligence and Security – Review of Data
Retention regime**

To assist with its review, the Committee requests that each enforcement agency provide a consolidated summary of the records it is required to keep under subsection 187N(3). This should include figures on the total number of authorisations made each year since the introduction of the regime, as well as each of the other items that are required to be reported on annually under paragraphs 186(1)(e) to (k).

Tables:

1. Total number of authorisations (made under sections 178 and 180) – items 186 (1)(a) and (1)(c)
2. Offence categories for authorisations (made under sections 178 and 180) – item 186 (1)(e)
3. Age of data sought for authorisations (made under section 178) – 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)
6. Number of journalist information warrants - item 186 (1)(j)
7. Number of authorisations made under journalist information warrants - item 186 (1)(i)

Table 1: Total number of authorisations (made under sections 178 and 180)

	Total number of authorisations s178	Total number of authorisations s180
13/10/2015 - 30/06/2016	1695	521
2016 – 2017	2322	796
2017 – 2018	2893	1149
Total since commencement	6910	2466

Note: Regime came into effect 13/10/2015.

Table 2: Offence categories for authorisations (made under sections 178 and 180)

Offence category		s178 13/10/15 – 30/06/16	s178 2016– 2017	s178 2017– 2018	Total s178 since commencement	s180 13/10/15 – 30/06/16	s180 2016-2017	s180 2017–2018	Total s180 since commencement
4.1	Abduction, harassment and other offences against the person	2	0	0	2	2	1	0	3
4.2	ACC investigation	0	0	0	0	0	0	0	0
4.3	Acts intended to cause injury	0	0	0	0	0	0	0	0
4.4	Bribery or corruption	2	0	0	2	0	0	0	0
4.5	Cartel offences	0	0	0	0	0	0	0	0
4.6	Conspire/aid/abet serious offence	0	0	0	0	0	0	0	0
4.7	Cybercrime and telecommunications offences	0	0	0	0	0	0	0	0
4.8	Dangerous or negligent acts and endangering a person	0	0	0	0	0	0	2	2
4.9	Fraud, deception and related offences	601	840	925	2366	195	252	587	1034
4.10	Homicide and related offences	358	376	726	1460	39	105	57	201
4.11	Illicit drug offences	545	755	786	2086	158	216	293	667
4.12	Loss of life	0	0	17	17	0	0	8	8
4.13	Miscellaneous offences	0	0	0	0	0	0	0	0
4.14	Offences against justice procedures, government security and government operations	0	1	3	4	0	0	1	1
4.15	Organised offences and/or criminal organisations	0	0	1	1	0	0	0	0

Offence category		s178 13/10/15 – 30/06/16	s178 2016– 2017	s178 2017– 2018	Total s178 since commencement	s180 13/10/15 – 30/06/16	s180 2016–2017	s180 2017–2018	Total s180 since commencement
4.16	Other offences relating to the enforcement of a law imposing a pecuniary penalty	0	0	0	0	0	0	0	0
4.17	Other offences relating to the enforcement of a law protecting the public revenue	0	0	0	0	0	0	0	0
4.18	People smuggling and related	0	0	0	0	0	0	0	0
4.19	Prohibited and regulated weapons and explosive offences	1	5	0	6	0	8	2	10
4.20	Property damage and environment pollution	0	4	0	4	0	0	0	0
4.21	Public order offences	0	0	0	0	0	0	0	0
4.22	Robbery, extortion and related offences	2	5	11	18	1	0	3	4
4.23	Serious damage to property	11	94	1	106	0	24	0	24
4.24	Sexual Assault and related offences	1	1	1	3	0	0	0	0
4.25	Terrorism offences	171	240	415	826	126	190	196	512
4.26	Theft and related offences	1	1	6	8	0	0	0	0
4.27	Traffic and vehicle regulatory offences	0	0	0	0	0	0	0	0
4.28	Unlawful entry with intent/burglary, break and enter	0	0	1	1	0	0	0	0
TOTALS		1695	2322	2893	6910	521	796	1149	2466

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

Age of data sought	13/10/15 - 30/6/16	2016-2017	2017-2018	Total since commencement
Undated data	Not available	Not available	1402	1402
0-3 months	1296	1624	687	3607
3-6 months	87	145	131	363
6-9 months	33	67	60	160
9-12 months	28	85	118	231
12-15 months	33	28	109	170
15-18 months	13	59	73	145
18-21 months	20	33	107	160
21-24 months	29	66	77	172
24+ months	156	215	129	500
Total	1695	2322	2893	6910

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

Dataset	13/10/15 - 30/6/16	2016-2017	2017-2018	Total since commencement
Item 1	1197	1539	1867	4603
Items 2-6	702	1070	1300	3072
All items 1-6	1695	2322	2893	6910

Table 6: Number of journalist information warrants

	Number of journalist information warrants
13/10/2015 - 30/06/2016	0
2016 – 2017	0
2017 – 2018	0
Total since commencement	0

Table 7: Number of authorisations made under journalist information warrants

	Number of authorisations made under journalist information warrants
13/10/2015 - 30/06/2016	0
2016 – 2017	0
2017 – 2018	0
Total since commencement	0