

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
ATTORNEY-GENERAL'S DEPARTMENT

**Output 2.2**

**Question No. 52**

**Senator Stott Despoja asked the following question at the hearing on 14 February 2006:**

The 'stored communication' provisions in the Bill appears to pre-empt a response to some findings of last year's Blunn Report on the Review of the Regulation of Access to Communications, but without taking up Blunn's accompanying recommendations for clarification and strengthening of privacy safeguards. Why are these amendments being rushed through rather than developed in the context of a considered government response to the entirety of the Blunn Report, so that the need for the changes can be debated in a wider context?

**The answer to the honourable senator's question is as follows:**

The concept of 'stored communications' was originally introduced by the *Telecommunications (Interception) Amendment (Stored Communications) Act 2004* as an interim measure pending the outcome of the Blunn Report.

The amendments were originally subject to a 12-month sunset clause meaning that the provisions were to cease operation on 14 December 2005. The *Telecommunications (Interception) Amendments (Stored Communications and Other Measures) Act 2005* extended the sunset date until 14 June 2006 to provide sufficient time to consider the recommendations of the Blunn Report which was presented to Parliament on 14 September 2005.

The Telecommunications (Interception) Amendment Bill 2006 is the first step in implementing the Blunn Report. If the stored communications provisions are not passed by 14 June 2006, they will lapse, restoring what the Blunn Report refers to as an unsatisfactory and uncertain position.