

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Group 3

Program 1.6

Question No. 27

Senator Ludlam asked the following question at the hearing on 29 May 2013:

Senator LUDLAM: ... I understand that at some stage there was an interdepartmental committee within the government that was set up to look into that issue. Is that the case?

Mrs Smith: Not to specifically look at data retention; that was just to generally look at the need to amend the Telecommunications (Interception and Access) Act in the light of new technologies being provided by industry which were doing what is considered to be 'going dark', which means that they would lose capabilities.

Senator LUDLAM: I understand that concept.

Mrs Smith: That is what the meetings were for.

Senator LUDLAM: Data retention would have been included amidst that set of issues?

Mrs Smith: Most certainly.

Senator LUDLAM: Can you just describe for us how I refer to this interdepartmental committee—what its name was, or what standing those sorts of entities have?

Mrs Smith: I think it was an interdepartmental committee. That is all I recall it being called, but I will certainly take that on notice.

Senator LUDLAM: That is great.

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

A committee was established in 2008 to collaborate in the development of the potential scope of data to be considered for retention and possible storage models. This committee was called the Data Retention Interagency Working Group and consisted of relevant Australian government departments and national security and law enforcement agencies.

A committee was established in 2011 to collaborate on the development of reform to the interception regime, including data retention. This committee was called the Interdepartmental Working Group and was made up of officers from the SES Band 2 Level and an Executive Level 2 sub-committee.