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9 August, 2004

Mr Phillip Bailey
Acting Secretary
Senate Legal and Constitutional Committee
Room S1.61, Parliament House
Canberra ACT 2600

Dear Mr Bailey

**Re. Inquiry into the provisions of the Crimes Legislation Amendment
(Telecommunications Offences and Other Measures) Bill (No. 2) 2004**

The Action Group into the Law Enforcement Implications of Electronic Commerce (AGEC) is a Commonwealth law enforcement group comprising representatives of law enforcement, revenue and regulatory agencies¹, covering a wide mix of Australian Government programs. I am writing in my capacity as Chair of AGECE.

AGEC members have long supported the concept of a 'wire-fraud' type offence within Australia. Additionally, members have seen a need to update the telecommunications offences within the *Crimes Act 1914*.

The proposed offence *474.14 Using a telecommunications network with intention to commit a serious offence* will go some way towards delivering a wire fraud offence within Australia and given AGECE's previous support for such a concept, this amendment would be welcomed by AGECE members.

The proposed offence *474.17 Using a carriage service to menace, harass or cause offence* as noted in the explanatory memorandum, will now cover Internet content. This amendment recognises the manner in which modern telecommunications services are being used, and reflects AGECE's general support for updating the Crimes Act offences.

¹ AGECE comprises the following HOCOLEA agencies: Australian Crime Commission, Australian Competition and Consumer Commission, Australian Customs Service, Australian Federal Police/Australian High Tech Crime Centre, Australian Prudential Regulation Authority, Australian Securities and Investments Commission, Australian Taxation Office, Australian Transaction Reports and Analysis Centre, Commonwealth Director of Public Prosecutions, Department of Immigration and Multicultural and Indigenous Affairs.

Thank you for the opportunity to comment on the Bill. If you have any queries or require further information, please contact the Strategic Coordinator of AGEC, Jodie Durrant, on (02) 6246 2222, or myself.

A handwritten signature in black ink, appearing to read 'Neil J Jensen', with a stylized flourish at the end.

Neil J Jensen PSM
Director AUSTRAC and Chair AGEC