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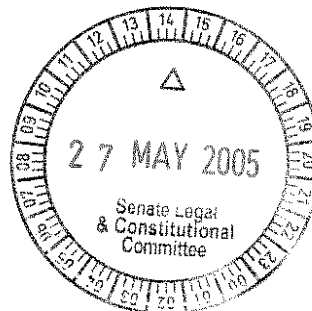
Commonwealth Director of Public Prosecutions

Your reference:

Our reference: HA05100634

26 May, 2005

Mr Owen Walsh
Secretary
Senate Legal and Constitutional Legislation Committee
Parliament House
Canberra ACT 2600



Dear Mr Walsh

Inquiry into the Crimes Legislation Amendment (Telecommunications Interception and Other Measures) Bill 2005

I refer to the above matter and to your email dated 16 May 2005 inviting this office to provide a submission to this parliamentary inquiry.

This office has considered the items in the Crimes Legislation Amendment (Telecommunications Interception and Other Measures) Bill 2005 (the Bill) and would like to take this opportunity to provide the inquiry with the following comment in relation to Item 15 of the Bill.

Item 15 of the Bill inserts subsection 5(4A) into the Telecommunications (Interception) Act 1979 (the Act) which provides the following definition of "employee of a carrier":

"A reference in this Act to an employee of a carrier includes a reference to a person who is engaged by the carrier or whose services are made available to the carrier."

This definition widens the concept of "employee of a carrier" to include contractors or people working for a subsidiary company of the carrier. This office welcomes the widening of this definition as it reflects the practice of carriers to use the services of contractors and, in particular, it would allow evidentiary certificates to be issued by a Managing Director or Secretary of a carrier under section 61(1) of the Act which included acts or things done by contractors to the carrier.

Please feel free to contact me on 6206 5675 if you wish to discuss this letter.

Yours sincerely

[Handwritten signature]

Jaala Hinchcliffe
for Director