



vodafone

11 July 2007

The Secretary
Senate Legal and Constitutional Committee
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600

Email: legcon.sen@aph.gov.au

Dear Secretary

Proposed Telecommunications (Interception and Access) Amendment Bill 2007

Thankyou for the opportunity to provide comment on the proposed Bill.

Vodafone recognises the important role it plays as a participant carrier within the Australian telecommunications infrastructure to support national interest objectives in the provision of telecommunications data to law enforcement and national security agencies. Vodafone further recognises that in these times the wider Australian public also shares a legitimate interest in such aims.

To this end, Vodafone commends the aims behind the Draft to the Telecommunications (Interception and Access) Amendment Bill 2007 insofar as they promote a more comprehensive and over-arching legislative regime and to achieve a clarification of the obligations placed upon Carriers and Carrier Service Providers while removing the 'double-referencing' and disparate treatment arising from having more than one piece of controlling legislation.

Vodafone holds some concerns however, that certain issues may require further consideration. We note in particular:

- (1) There are broad implications to be considered behind the increased cost-shifting from interception agencies to Carriers. It is clear that this may result in Carriers being made subject to additional compliance costs, uncertain implementation charges and changed internal resourcing requirements.

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(2) Third party content providers. Some clarification may be required in the area of converged services with the apparent grouping and classification of internet content services and applications onto the existing responsibilities of Carriers and Carriage Service Providers. These obligations appear to be imposed without adequate consideration given to the nature of proprietary applications and attention to the inability of Carriers to apply operational control over such matters as third party equipment.

(3) There appears to be a lack of guidance afforded to the role of Communications Access Co-ordinator in the conduct of its functions where previously there existed at least some degree of clarity. This arises as a result of the removal of provisions under the Telecommunications Act 1997 that mandated that certain objects of the legislation were to be borne into account in the exercise of these Co-ordinator's functions.

Vodafone recognises that it has engaged in and enjoyed extensive discussions with AMTA concerning the industry response to this Bill. Vodafone advises that it is fully in agreement with the AMTA stated position contained in the report by AMTA titled "AMTA Submission to the Senate Inquiry" and supplied to your Committee dated 9 July 2007.

Therefore, subject to the concerns stated above and the more detailed submissions referred in the AMTA paper; Vodafone submits to the Committee that it is in support of the proposed transfer of key provisions stated within the Bill with the continued reference of those key provisions under the Telecommunications Act 1997 being adapted.

Yours sincerely

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