

CHAPTER 1

INTRODUCTION

1.1 On 1 March 2006, the Selection of Bills Committee referred the provisions of the *Telecommunications (Interception) Amendment Bill 2006* to the Legal and Constitutional Legislation Committee for inquiry and report by 27 March 2006.

1.2 The purpose of the *Telecommunications (Interception) Amendment Bill 2006* (the Bill) is to amend the *Telecommunications (Interception) Act 1979* to implement certain recommendations of the *Report of the Review of the Regulation of Access to Communications*, written by Mr Anthony Blunn AO (the Blunn Report).

Key provisions of the Bill

1.3 The Bill proposes to amend the Act to:

- establish a regime to govern access to stored communications held by a telecommunications carrier (Schedule 1);
- enable the interception of communications of a person known to communicate with a person of interest (Schedule 2);
- enable interception of telecommunications services on the basis of a telecommunications device (Schedule 3);
- remove the distinction between class 1 and class 2 offences for which telecommunications interception powers are available to law enforcement agencies (Schedule 4);
- remove the Telecommunications Interception Remote Authority Connection function currently exercised by the Australian Federal Police and transfer the associated warrant register function to the Department administering the legislation (Schedule 5); and
- make other necessary amendments to the Act to ensure the ongoing effective operation of the interception regime in Australia (Schedule 6).

1.4 Chapter 2 provides a more detailed overview of the provisions of the bill.

Conduct of the inquiry

1.5 The Committee wrote to over sixty individuals and organisations inviting submissions by 13 March 2006. Details of the inquiry, the Bill and associated documents were also placed on the Committee's website.

1.6 The Committee received 24 submissions including 4 supplementary submissions. These are listed at Appendix 1. Submissions were placed on the Committee's website for ease of access by the public.

1.7 The Committee held a public hearing in Sydney on Wednesday, 15 March 2006. A list of witnesses who appeared at the hearing is at Appendix 2 and copies of the Hansard transcript are available on the internet at <http://www.aph.gov.au/hansard>

Acknowledgement

1.8 The Committee thanks those organisations and individuals who made submissions and gave evidence at the public hearing. In particular, the Committee notes the extremely short time frame in which the inquiry was conducted, and the difficulty this imposes on individuals and organisations – particularly volunteer based ones – to consider the provisions of a complex piece of legislation.

Note on references

1.9 References in this report are to individual submissions as received by the Committee, not to a bound volume. References to Committee Hansard are to the proof Hansard. Page numbers may vary between the proof and the official Hansard transcript.