

## SECOND READING SPEECH

### *Telecommunications (Interception) Tasmania Amendment Bill 2010*

**Michelle O'Byrne MP**

**FOR AND ON BEHALF OF THE  
MINISTER FOR POLICE AND EMERGENCY MANAGEMENT**

MR SPEAKER,

I move that the Bill now be read a second time.

Mr Speaker, this Bill contains amendments to the *Telecommunications (Interception) Tasmania Act 1999* to remove the requirement for the State Minister responsible for the administration of that Act, the Minister for Police and Emergency Management, to provide the Commonwealth Attorney-General with copies of warrants and revocations of warrants, and to remove the requirement for the Commissioner of Police, the Chief Officer of the interception agency in Tasmania to provide the State Minister, with copies of warrants and revocations of warrants.

Mr Speaker, in August 2005, Mr Anthony Blunn (AO), completed his *Review of the Regulation of Access to Communications*, the 'Blunn Report' for the Commonwealth Attorney-General. As part of his review, Mr Blunn recommended that the reporting requirements under section 35 of the Commonwealth *Telecommunications (Interception and Access) Act 1979* and complementary State legislation be re-assessed.

Mr Speaker, section 35 of the Commonwealth Act previously required that the State legislation include a provision for State Ministers to provide the Commonwealth Attorney-General with copies of warrants issued to State interception agencies, copies of instruments revoking warrants, and the written reports provided by the Chief Officers of those agencies.

In response to Mr Blunn's recommendation's and as a result of subsequent consultations, the Commonwealth Act was amended in 2008 to remove the requirement that State legislation provide for the Chief Officer of an interception agency to provide a copy of each interception warrant and a warrant revocation instrument to the State Minister, and for that Minister to give copies to the Commonwealth Attorney-General.

Mr Speaker, the procedure requiring the Commissioner of Police, to provide the State Minister with copies of warrants and warrant revocations, as is currently required by section 6(a) and (b) of the State Act, and the requirement for the State Minister to provide the Commonwealth Attorney-General with those same documents, as is currently required by section 7 of the State Act, is therefore no longer mandated by the Commonwealth Act.

Mr Speaker, there will continue to be sufficient oversight and audit of telecommunications interceptions conducted in this State. Under section 6 of the State Act the State Minister will continue to receive written reports regarding the use and disclosure of communications for each interception warrant from the Commissioner of Police. These reports are to be received within 3 months after a warrant issued to Tasmania Police Service ceases to be in force.

Mr Speaker, the State Minister will also continue to receive the annual reports as are required by section 6(d) of the State Act, and Division 2 of Part 2-8 of the Commonwealth Act from the Commissioner of Police.

The proposed new arrangements Mr Speaker will reduce the risk of highly sensitive police investigations being compromised. Under the current arrangements, copies of interception warrants and revocations provided to

the State Minister identify both the service to be intercepted, and the target in relation to the interception, which are operational police matters and highly sensitive.

To ensure the integrity of an investigation, it is prudent to restrict the information connected to highly sensitive police investigations, including copies of interception warrants and revocations, to as few people as necessary, especially during the actual investigation.

Under section 6 and 7 of the State Act, the State Minister will also continue to provide to the Commonwealth Attorney-General, the written reports regarding the use and disclosure of communications for each interception warrant, and the associated annual reports.

Mr Speaker, copies of all warrants and revocations of warrants issued to the Tasmania Police Service concerning telecommunications interception, will also continue to be provided to the Commonwealth Attorney-General's Department. These will form the basis of the Special and General Warrant registers, which the Attorney-General inspects quarterly. The Attorney-General's Department also compiles an Annual Report which includes details of the interception activities conducted by all jurisdictions, including the Tasmania Police Service.

In addition, under the Part 3 provisions of the State Act, the State Ombudsman's Office will also continue to inspect the Tasmania Police Service records in relation to telecommunication interceptions.

Mr Speaker, this Bill brings the State telecommunications interception legislation into line with the corresponding Commonwealth legislation, will

reduce unnecessary duplication and reduce the risk of police investigations being compromised.

I commend the Bill to the House.