

FACT SHEET

TELECOMMUNICATIONS (INTERCEPTION) TASMANIA AMENDMENT BILL 2010

The Government has introduced legislation into Parliament to amend the *Telecommunications (Interception) Tasmania Act 1999* to remove the requirement for the Commissioner of Police to provide the Minister administering the Act, the Minister for Police and Emergency Management, with copies of warrants and revocations of warrants for telecommunications interception matters.

The legislation also removes the requirement for the Minister to provide the Commonwealth Attorney-General with copies of those warrants and revocations of warrants.

These amendments bring the Tasmanian telecommunications interception legislation into line with the corresponding Commonwealth *Telecommunications (Interception and Access) Act 1979*, which was amended in 2008. The Commonwealth Act no longer requires the Chief Officer of an interception agency, in Tasmania the Commissioner of Police to provide the State Minister with those documents, and no longer requires the State Minister to provide those documents to the Commonwealth Attorney-General.

Under both the Tasmanian Act and Commonwealth Act, the oversight of telecommunications interceptions conducted in this State will continue to be performed at various levels, including:

- the provision of a report by the Commissioner of Police to the Minister for Police and Emergency Management regarding the use and disclose of communications for each interception warrant, which is to be received within 3 months after a warrant issued to the Tasmania Police Service ceases to be in force;
- the provision of an annual report from the Commissioner of Police to the Minister, which will be received as soon as practicable, and in any event within 3 months after the end of the financial year;
- the Minister will provide the Commonwealth Attorney-General with the written reports provided by the Commissioner for Police;
- copies of all warrants and revocations of warrants issued to the Tasmania Police Service in respect to telecommunications interception will continue to be provided to the Commonwealth Attorney-General's Department. These form the basis of the Special and General Warrant register, which the Commonwealth Attorney-General inspects quarterly;
- the Commonwealth Attorney-General's Department compiles an Annual Report which includes details of the interception activities conducted by all jurisdictions, including the Tasmania Police Service; and
- the State Ombudsman's Office inspects bi-annually, the Tasmania Police Service records in relation to telecommunications interceptions.

In summary, the provisions contained in this Bill will bring the Tasmanian Act into line with the Commonwealth *Telecommunications (Interception and Access) Act 1979*, will reduce unnecessary duplication in the legislation and will reduce the risk of police investigations being compromised.