



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



THE SENATE

TELECOMMUNICATIONS
(INTERCEPTION) AMENDMENT BILL 2006

In Committee

SPEECH

Thursday, 30 March 2006

BY AUTHORITY OF THE SENATE

SPEECH

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Questioner
Speaker Stott Despoja, Sen Natasha

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Senator STOTT DESPOJA (South Australia) (12.00 pm)—Indeed, they do need those additional protections. Obviously, the Democrat approach to this bill has been an attempt to entrench as much protection of privacy for individual Australians as possible. Senator Ludwig makes the important point that we are talking about nonsuspects in these dealings. I think it is very important that we seek to do what Senator Ludwig, referring to Labor amendment (1) on sheet 4893, suggests: place some kind of limit on the derivative use of information obtained under a B-party warrant. I think that is incredibly important. We definitely support that amendment.

Introducing the concept of A parties, B parties and C parties into the substance of the act is, you bet, really important. Essentially, that seeks to stop any C party—a person who is not the person of interest and happens to contact the B party—from having information obtained during an interception used against them in any criminal offence proceedings, other than for a serious offence, or any civil proceedings. We think that is a good amendment and we will certainly be supporting it.

We support amendment (15), on the same sheet, as well. It increases the requirements for the issuing of B-party warrants. I note that those requirements are the same as those at the end of our amendment (23), which will come up shortly. I note, however, that the Labor Party amendment still allows members of the AAT to issue warrants. Obviously, from the debate on the amendments that we have just had, the Democrats have grave concerns. We do not support having the AAT as an issuing authority. We believe, not only from looking at the statistics, that it is lowering a threshold. It is making it easier for warrants to be issued or obtained.

So, with that obviously different view in relation to amendment (15) on behalf of the opposition, we certainly support amendment (11), which makes B-party warrants available only to enforcement agencies when investigating an issue to do with national security. We think that is a reasonable proviso. We think that is quite a good safeguard and we support that. It is a relevant amendment. It increases the threshold for the B-party warrants. Any protection for Australians against invasive measures such as the B-party warrants is welcomed at this late stage of the legislative process. The text of the amendment refers to the activities that are prejudicial to security. The inference from the description of the amendment suggests that it is for national security.

We support amendment (13). It prevents any further applications for B-party warrants to proceed. That leaves me with amendment (17). Again, the Democrats support that amendment. Senator Ludwig is right to refer to the deliberations of the Senate committee and the views of backbenchers in relation to the prevention of the renewal of B-party warrants. The Democrats have sought to achieve a similar outcome with our amendments. Our amendments allow for the renewal of B-party warrants where information obtained in the interception is material to the investigation and it is likely that further interception will result in further material information. Indeed, this was a recommendation that arose out of the committee proceedings—specifically, I think, in the submission provided by Electronic Frontiers Australia.

The period of operation of B-party warrants is limited to 14 days in our case, but I do not believe that there is a Labor Party amendment that deals with the period of operation. I still think that is important and deserves some consideration. I think I have covered all the new amendments—(11), (13), (15) and (17) on sheet 4882 and (1) on new sheet 4893. With those comments—again desperate to enshrine some protection; they are not protections that have come from out of nowhere; they are protections that have been signed off in most cases by a committee inquiry that had the support of both the government backbenchers and the Labor Party—the Democrats support the amendments before us.