



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**THE SENATE**

**TELECOMMUNICATIONS**  
**(INTERCEPTION) AMENDMENT BILL 2006**

**In Committee**

**SPEECH**

**Thursday, 30 March 2006**

BY AUTHORITY OF THE SENATE

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## SPEECH

<b>Date</b>	Thursday, 30 March 2006	<b>Source</b>	Senate
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<b>Questioner</b>		<b>Responder</b>	
<b>Speaker</b>	Stott Despoja, Sen Natasha	<b>Question No.</b>	

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**Senator STOTT DESPOJA** (South Australia) (12.47 pm)—I move Democrat amendment (27) on sheet 4869, standing in my name, on behalf of the Democrats:

(27) Schedule 2, page 63 (after line 30), at the end of the Schedule, add:

12 After subsection 49(2A)

Insert:

(2B) Without limiting subsection (2), a warrant issued under section 46B must state that the warrant does not include the storage of:

- (i) any communications that do not involve the person suspected of an offence under paragraph 46(1)(b); or
- (ii) any communications not material to the investigation on which the application for the warrant was based;

and that recordings of any such communications must be destroyed immediately once the agency determines that this section applies.

This amendment requires that any communications not material to an investigation be destroyed. We think this is a particularly important provision because currently there are not adequate destruction provisions for this material. I have spoken about this in the committee stage and in other fora. I believe that the maintenance or holding of that information is problematic, especially when we are talking about communications that are not required because they are not material to the investigation at hand. There is no reason why they should not be destroyed, and that is the intent of this amendment.