

15/5524

16 March 2016



Australian Government  
Attorney-General's Department

Ms Chloe Munro  
Chair  
Clean Energy Regulator  
GPO Box 621  
Canberra ACT 2601

30 MAR 2016

Dear Ms Munro

**Enforcement agency access to telecommunications data**

In May 2015, I wrote to you in relation to the changes to the definition 'enforcement agency' made by the *Telecommunications (Interception and Access) Amendment (Data Retention) Act 2015*, and its effect on your agency's access to historical telecommunications data.

In your response, you indicated that the Clean Energy Regulator continues to have an interest in obtaining direct access to metadata under the *Telecommunications (Interception and Access) Act 1979*. Thank you for the detailed information provided to the Department to support that position.

The Attorney-General acknowledges agency concerns generally and will continue to consider applications to be included in the Act as an enforcement agency on a case by case basis. However, it is unlikely that any agencies will be added to the legislated list of specified enforcement agencies in the immediate term.

You may wish to consider how the Clean Energy Regulator might otherwise obtain the information it needs to undertake its functions. You could consider joint investigation arrangements with a criminal law-enforcement agency. Alternatively, I am advised that by virtue of the *Telecommunications Act 1997*, some agencies may be able to obtain information where they have separate notice to produce powers.

If you require further assistance or would like to discuss this matter in more detail, please contact [REDACTED] Director of the Electronic Surveillance Policy Section on (02) 6141 [REDACTED] or email [REDACTED]

Thank you again for writing in relation to this matter.

Yours sincerely

Katherine Jones  
Acting Secretary