

SUPPLEMENTARY BUDGET ESTIMATES BRIEFING – OCTOBER 2016

ACCESS TO TELECOMMUNICATIONS DATA BY THE CLEAN ENERGY REGULATOR

ISSUE

On 4 October 2016, an article was published on the ABC online news website regarding Australian Government agencies requesting the Australian Federal Police (AFP) to access telecommunications data on behalf of the agencies. The report implied this was done to circumvent the telecommunications access legislation.

TALKING POINTS

- As of 13 October 2015, the Clean Energy Regulator is no longer able to utilise the provisions of the TIA Act to access telecommunications data.
- Since that date, the Clean Energy Regulator has not requested the AFP, or any other law enforcement agency, to provide the Clean Energy Regulator with access to telecommunications metadata.
- The Clean Energy Regulator did seek continued access to telecommunications data. This request was not granted.
- The Clean Energy Regulator is responsible for administering climate change laws that contain offences with significant criminal and civil penalties. Circumstances giving rise to breaches of climate change laws often also provide evidence of offences under the *Criminal Code Act 1995*.
- The Clean Energy Regulator considers access to telecommunications data to be a valuable investigative tool.
- If a future situation arises where access to telecommunications data is crucial to an investigation, the Clean Energy Regulator will explore other options to obtain access to telecommunications data, which may include utilising our own coercive information gathering powers.

ATTACHMENTS

Attachment A SE16/2 – February 2016 briefing on accessing telecommunications data