

17 August 2017

ASIC Enforcement Review  
Financial System Division  
The Treasury  
Langton Crescent  
PARKES ACT 2600

Dear Sir/Madam

### **ASIC's Access to Telecommunications Intercept Material**

The Insurance Council of Australia (the Insurance Council) appreciates the opportunity to respond to the ASIC Enforcement Review Taskforce's position paper, *ASIC's Access to Telecommunications Intercept Material* (the Position Paper). While the proposed expansion of ASIC's powers being considered in the Position Paper would have limited impact on the Insurance Council's members, we are in-principle supportive of better enabling ASIC to receive telecommunications intercept (TI) material to investigate and prosecute serious offences.

While the Insurance Council supports ASIC being classified as a "recipient agency" for the purposes of investigating and prosecuting serious offences, any expansion of ASIC's powers that would require a significant increase to ASIC's resourcing and funding should be carefully considered given these costs will ultimately be borne by industry under the new cost recovery arrangements. We agree with the Taskforce's analysis that the more expansive option of classifying ASIC as an "interception agency" should not be pursued given the costs associated with building ASIC's capability as required by this option.

In expanding ASIC's powers as proposed, the Insurance Council suggests that the following good regulation principles should be taken into consideration:

- There should be an appropriate balance between ASIC's ability to access TI material and the privacy of individuals.
- Independent reviews of ASIC's use of its powers and handling of information should be conducted to ensure transparency and accountability.
- There should be minimum security and encryption standards for data retention.

If you have any questions or comments in relation to our submission, please contact John Anning, General Manager Policy, Regulation Directorate, on (02) 9253 5121 or [janning@insurancecouncil.com.au](mailto:janning@insurancecouncil.com.au).

Yours sincerely



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Executive Director and CEO