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Submission by the Synod of Victoria and Tasmania, Uniting Church in Australia to the inquiry into the *Telecommunications Legislation Amendment (Information Disclosure, National Interest and Other Measures) Bill 2022*
January 2023

The Synod of Victoria and Tasmania, Uniting Church in Australia, welcomes this opportunity to make a submission to the inquiry on the *Telecommunications Legislation Amendment (Information Disclosure, National Interest and Other Measures) Bill 2022*. The Synod supports the Bill and believes the Parliament should pass it. We particularly support the amendments to assist in locating missing persons or other people to "prevent or lessen a serious threat to life or health of a person."

The Synod is deeply concerned about serious human rights abuses facilitated through telecommunication or online platforms, including child exploitation.

The Synod meeting of hundreds of congregation representatives from across Victoria and Tasmania in February 2021 adopted a resolution that called on the Commonwealth Government to ensure that law enforcement agencies had the tools they needed to prevent and address harm through telecommunication and online. The resolution also:

- called for appropriate protections for the privacy of people not engaged in inflicting harm on others or criminal activity;
- however, at the same time, privacy protections should not undermine the ability of law enforcement agencies to address serious online harm;
- called for thorough oversight and transparency on how law enforcement agencies use the powers they are provided with; and,
- called for adequate sanctions to deter any misuse of powers granted to law enforcement agents.

Consistent with the above resolution, the Synod supports Part 2 of the Bill to amend Section 306 of the *Telecommunications Act 1997* to increase the disclosure requirements to improve the ability of the Office of the Australian Information Commissioner to provide greater oversight on the use of law enforcement powers.



In the amendment to Section 300, we assume that the requirement to seek the person's consent to the disclosure or use would not apply where the person in question is engaged in criminal activity that poses a serious threat to the life or health of a person. We assume that in such circumstances, another part of the Act would apply, and the information would be accessed under a warrant.

Possible Amendment to the Bill

The Synod would support amending the Bill in line with the recommendation of the NSW Deputy State Coroner in the Thomas Hunt inquest to lower the threshold of 'believes' to 'suspects', to read:

*300 (2)(b)(ii) the first person **suspects** on reasonable grounds that the disclosure or use is reasonably necessary to prevent or lessen a serious threat to the life or health of a person.*

Where a person's life or health is likely to be in grave danger, the threshold to access information should be low. The Synod would not oppose stronger sanctions against law enforcement agents that deliberately misuse the lower threshold as cover to access information not related to a serious threat to the life or health of a person if such sanctions were seen as a necessary safeguard to be able to lower the threshold.

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