



Submission No 55

**Inquiry into potential reforms of National Security Legislation**

**Name:**                      **Withheld**

Addressing: Parliamentary Joint Committee on Intelligence and Security

15 August 2012

I am writing to submit my formal opposition to proposed changes to National Security Legislation currently under consideration by your Committee; specifically, I oppose the proposals to:

1. Keep all Australians online data for two years
2. Track everything said on Twitter, Facebook and other social media
3. Force Australians who have committed no crime from giving up their online passwords

It is vital that the Federal Government act to preserve Australia's security interests, however, it is necessary to constantly watch that government doesn't overstep legitimate bounds or step outside its authority under the auspices of "security". These proposals will do nothing to improve our nation's security, at great cost to all of us. By tracking and recording every single Australian online, and keeping these records for two years, this proposal will destroy our online privacy, make every Australian into a criminal, give too much power to the government and bureaucracy and go far beyond what is necessary.

The old lemon "if you are doing nothing wrong then you have nothing to worry about", does not cut it for the following reasons:

- Total loss of personal privacy
- Loss of presumption of innocence – investigation and loose warrants (eg creating a single warrant with multiple TI powers) will be made on the assumption that we are all guilty and results in the subsequent corruption of the justice system . It must be noted here that legislation in NSW already exists that has trespassed on this most sacred judicial principle of being innocent until proven guilty. Just because one person kills with an axe, it does not make us all axe murderers.
- Will empower a "dob in a lawbreaker" mentality usually found in communist or dictatorial states and which is not appropriate in a lawful democratic society
- Will put all stored information at risk of being accessed by criminal elements as proved by ANONYMOUS recently
- Who will be "watching the watchers"? It will inappropriately delegate legislative powers into the hands of bureaucrats, quote point 10 in the terms of reference: "Amending the ASIO Act to create an authorised intelligence operations scheme. This will provide ASIO officers and human sources with protection from criminal and civil liability for certain conduct in the course of authorised intelligence operations." This seems to indicate that the "watchers" can be excluded from the lawful judicial system that everyone else has to abide by, in their pursuit of an assumed 'guilty until proven innocent' target person or organisation
- It puts the ASIO officers into unprecedented access of personal private information which could corrupt the whole system

I feel very strongly that while government needs to keep abreast of technology and preserve Australia's security interests it is very important that we, the people who make up the Commonwealth of Australia, must be allowed personal privacy, a just and lawful society and the self ownership that our democracy demands.

Yours faithfully

Name Withheld