



Submission No 51

Inquiry into potential reforms of National Security Legislation

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Organisation: Private capacity

From:
Sent: Thursday, 16 August 2012 9:45 AM
To: Committee, PJCS (REPS)
Subject: Submission: Inquiry into Potential Reforms of National Security Legislation

Submission:

To The Joint Parliamentary Committee on Intelligence & Security

Terms of Reference: INQUIRY INTO POTENTIAL REFORMS OF NATIONAL SECURITY LEGISLATION

I wish to submit my formal opposition to proposed changes to National Security Legislation currently under consideration by the Joint Committee on Intelligence & Security. Acts affected possibly being:-

1. Telecommunications (Interception and Access) Act 1979
2. Telecommunications Act 1997
3. Australian Security Intelligence Organisation Act 1979
4. Intelligence Services Act 2001

Whilst it's in Australia's interests that our Federal Government protect the country's security, it is not acceptable to shackle her population with draconian legislation that impinges upon our very right to freedom and privacy. I'd have thought this current government would have learnt a lesson after the abject failure of the Mandatory Internet Filter thought bubble.

Potential amendment of the Telecommunications (Interception and Access) Act 1979 to include:-

“a. establish an offence for failure to assist in the decryption of communications”

“c. tailored data retention periods for up to 2 years for parts of a data set, with specific timeframes taking into account agency priorities, and privacy and cost impacts”

By tracking and recording every single Australian online and retaining these records for two years, this proposal will obviously kill our right to privacy online and has the potential, under the proposed law, to render Australians criminals. The proposed legislation delivers far too much power to the government and could be rapidly expanded upon by the government of the day. This is Australia – not China or Iran!

Telecommunications Act 1997:

“a. by instituting obligations on the Australian telecommunications industry to protect their networks from unauthorised interference”

Is this Government capable of categorically guaranteeing Internet Service Providers cannot or will not be subject to hacking? If not, then there is absolutely no guarantee details of Australian citizens will not fall into possession of cyber criminals.

By instituting enhanced obligations on ISPs with regard to ongoing and continually updating endeavours to protect their networks from unauthorised interference, this will see costs of such implementation obviously passed onto customers. Many people, including those in regional and remote Australia already struggle with a basic monthly payment for access to the internet. Requiring Internet Service Providers to retain the private data of individuals for a period of 2 years places an unfair and unrealistic burden on them.

I am opposed to the proposals to:

- (a) Retain all Australians' online data for two years
- (b) Enforce ISPs to maintain such databanks
- (c) Track the movements of all Australian citizens on the Internet
- (d) Enforce Australians to decrypt material including their password protection or face criminal charges if they refuse
- (e) Have unfettered access to my private correspondence

And further opposition on the grounds that:

- (f) There can be no guarantee ISPs will not be subject to hacking
- (g) Stolen information can easily fall into the hands of cyber criminals et al

What is being proposed with regard to tracking, monitoring and retention of online data for 2 years is akin to some stranger opening every piece of mail sent through Australia Post and reading the contents. Some aspects of the proposal may expose Australians to cyber criminals (via hacking or other methods of ISP security infiltration) through no fault of their own and that is disgusting!

I believe some avenues proposed set a very unhealthy and dangerous precedent.

As you seem to desire feedback, I sincerely trust my submission is taken into consideration and some aspects of the proposal aborted – as they should be.

Jenny Holmes