Submission No 70

Inquiry into potential reforms of National Security Legislation

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Sent: Friday, 17 August 2012 4:40 PM
To: Committee, PJCIS (REPS)
Subject: RE: Inquiry into potential reforms of National Security Legislation

G'day,

There appears to be no reasoning to support the need for such Stalinist style legislation.
It is of great concern that we are following the USAnians down the path to the worst excesses they have accused the Nazis, USSR, North Korea and China of committing upon their own citizens.

Is all parliamentary and government electronic communication to be stored under exactly the same conditions as those proposed for ordinary Australian citizens?

Julian Assange has been effectively hung out to dry by the Australian government for the Americans to bash like a pinata over Wiki-leaks publication of electronically stored communications.
Governments the world over did little to deny the content was true, but instead insisted it was private and it was a terrible crime that someone to whom they were not addressed could read them.
I argue this proposal will expose every Australian to a foreseeably high risk of the same problem.

The proposed data holding provisions will create a potential nightmare for every Australian (apart from those who are "off the grid") from at least 4 perspectives:

1: Why do what is proposed?
No one has put forward any reasoned argument that this will improve our security or liberty in any significant way. The costs and risks inherent in these proposals far outweigh any demonstrable good they could do. Natural justice in a free and democratic society demands that any entity, who is not under suspicion of wrong doing, is free to go about his/her/it's personal business without interference by any other entity - that includes government! One of the fundamental purposes of government is to protect its citizens from this sort of interference in their everyday lives.

2: Who pays for it?
This will become yet another prize pile of bureaucratic red tape (I was going to use a more evocative term) which will act to erode our efforts to improve our struggling national productivity and mire all Australians in additional non-productive costs. These will almost certainly start with the significant costs it will impose directly on potentially struggling ISPs, and therefore their customers pockets, and no doubt another expensive blundering bureaucracy that will suck hundreds of millions of dollars in additional taxes out of the real economy every year.

3: How can mandatory storage of nearly all of our private information by third parties be guaranteed to be secure?
When governments and major corporations around the world have demonstrated that they can't secure tiny quantities of their user's most important

personal information, which their users have entrusted to them freely without potentially violent coercion of government, what reasonably intelligent person could possibly think that ISPs can reliably safeguard what will be almost EVERYTHING, both intensely personal, critically important and banally mundane, about almost EVERY Australian's day to day life. These releases of personal data happen now and all too often - sometimes accidentally through stupidity, or failure of bureaucratic process without bad intentions, but almost always with potentially dire consequences.
The total data from most of the recent publicly acknowledged data security breaches could fit on ONE of the $10 USB memory sticks hanging from my keyring.

4: This will form a honey-pot of biblical proportions for every criminal, fraudster and government cyber-warfare department on the planet. If you collect everything of value in one pace - millions will try, and from much painful recent real world experience, many will succeed in taking it.

Its a dumb idea - don't do it.

There are better, cheaper, less risky ways to go about achieving security.

Sincerely
Roman Rzechowicz