



Submission No 100

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

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**Sent:** Monday, 20 August 2012 12:26 PM

**To:** Committee, PJCIS (REPS)

**Subject:** Submission to Parliamentary Joint Committee on Intelligence and Security PJCIS

The Parliamentary Joint Committee on Intelligence and Security (PJCIS)'s paper claims that Australia faces terrorist threats and that, in order to defeat these threats:

1. It is to be made an offence for any citizen to fail to "assist in the decryption of communications". In other words, each Internet user may not refuse to give to government agencies a copy of his/her private encryption key so that all his/her electronic business and private correspondence can be read by police and security agencies.

2. It be required that data transmitted by all Internet users be retained for up to two years by their respective Internet Service Providers (ISPs).

So, if these proposals become law, Internet users will be required to allow police and security agencies to read all business and personal correspondence and data uploads, as well as any more going back up to two years.

Nowhere, in the discussion paper, has it been shown how these sweeping powers could have prevented past acts of terrorism or other criminal acts from being carried out on Australian soil.

In Chapter two, "Interception and the TIA Act," the paper notes the greater power and sophistication of communication technologies made available to terrorist and criminal organisations since 1979 when the current Act was enacted.

No-where in the paper, however, is the commensurate increase in sophistication and power of surveillance technologies available to police and security agencies acknowledged or factored in.

If the paper acknowledged that the government possesses equal and possibly superior surveillance technologies to non-government agencies, I believe that the basis of these proposed changes to the law would be nullified.

From its present one-sided appraisal of technology, the Committee has made a breathtaking leap of logic by claiming that only by, in effect, treating all Australian Internet Users as potential terrorists or potential criminals and by subjecting them to the surveillance that only criminal and terrorist suspects were previously subjected to, could the law enforcement authorities and security agencies provide us with the protection that they were previously able to.

The report shows, furthermore, that *current* targeted surveillance powers have been effective in thwarting numerous crimes:

"In 2010/2011 there were 2441 arrests, 3168 prosecutions (2848 for serious offences) and 2034 convictions (1854 for serious offences) based on lawfully intercepted material. 2 Law enforcement agencies made 91 arrests, 33 prosecutions and obtained 33 convictions based on evidence obtained under stored communications warrants.

"These figures may underestimate the effectiveness of interception because a conviction can be recorded without entering the intercepted material into evidence. Interception also allows agencies to identify criminal connections, ...

"Telecommunications data is commonly the first source of important lead information for further investigations and often provides a unique and comprehensive insight into the behaviour of persons of interest." (p14)

The discussion paper fails to explain why, if this was possible under existing laws, the proposed additional powers are necessary.

Four cases in which suspects have been convicted of conspiring to commit terrorist acts are also cited, but, again, the paper fails to explain why, if this was possible under existing laws, the proposed additional powers are necessary.

## AUSTRALIAN PARTICIPATION IN ILLEGAL WARS

How can Australia expect other nations to respect our own sovereignty and territorial integrity, when it has failed to accord that respect to other nations?

Since 1991, Australia has participated in three illegal wars under false pretexts: Two against Iraq and, our longest ever war, in which we are still engaged, against Afghanistan. As a result of the wars against Iraq and sanctions in which Australia participated, some estimates put the death toll as high as one million.

The 1991 war against Iraq was launched after Iraq had been cynically tricked into invading Kuwait by the then ambassador to Kuwait April Glaspie, who has since disappeared from public view. In order to overcome opposition to that war, the "Incubator babies" story, in which cruel Iraqi invaders were said to have thrown babies out of incubators onto hospital floors was fabricated. In 2003 it was claimed that Iraq posed a threat to the world with its renewed Weapons of Mass Destruction program. This claim was demolished in 2003 before the US Congress of CIA by CIA agent Valerie Plame, who testified that she had found no evidence of Iraq WMDs.

## FALSE FLAG TERRORISM

No-where in this discussion paper is another source of terrorism acknowledged, that is false flag terrorism. False flag terrorism is carried out by governments seeking to justify repression and gain political advantage by blaming the terrorism on opponents. Earlier this year, although it denies this, the Syrian Government was accused of having committed the Houla Massacre, in which 108 men, women and children were murdered in order to blame their deaths on the opposition Syrian National Council.

It was because the Syrian government was blamed for the Houla Massacre that the Australian Government expelled the Syrian Ambassador from Australia and imposed sanctions against Syria.

In October 2005 the late former President of Indonesia, Abdurrahman Wahid said, in an interview with SBS, that he believed that either the Indonesian military or the Indonesian police planted the second larger bomb which destroyed the Sari Club on 12 October 2002.[1] 202 people including 88 Australians perished in those attacks known as the Bali Bombing attacks.

Many credible figures including Lieutenant Colonel Robert Bowman, the former Director of Advanced Space Programs Development for the U.S. Air Force in the Ford and Carter administrations, believe that senior figures in the Bush administration were complicit in the terrorist attacks of September 11, 2001 in which almost 3,000 residents of the United States died. I stated my agreement with Lieutenant Colonel Bowman in my submission of 7 September 2009 to the Australian parliamentary Inquiry Into Human Rights

on 7 September 2009.[2] I include a copy with this submission. Until earlier this year that submission was posted on the Federal Parliamentary web-site along with all the other submissions.

In 1963, the US joint Chiefs of Staff put to President John F Kennedy that the US military stage apparent hijackings of civilian aircraft, terrorist murders and apparent military attacks against United States military bases in order to put the blame on Cuba. this proposal was known as Operation Northwoods.[3] Fortunately, President Kennedy rejected that proposal before he was sadly murdered.

## DEREGULATION AND PRIVATISATION OF INSTITUTIONS AND INFORMATION

Successive Australian governments, both state and federal, have deregulated and privatised institutions and their information and outsourced services from the time of Primeministers Hawke and Keating. They have done this without the permission of the electorate, which has never been asked, as *Financial Review* Editor, Laura Tingle, recently put forward in her *Quarterly Review* essay, "Great Expectations,".[4] Corroborating Tingle's observations, sociologist, Sheila Newman wrote that,

"With deregulation and privatisation (under Hawke and Keating), governments dissolved the very institutions that gave them power. Because of Hawke and Keating's actions, Australian governments now have so little power that they are unable to satisfy the promises they make at election time to the electorate."[5]

How can Australian citizens trust governments which are now almost powerless against corporate interests to represent their citizens? How can the Committee ask Australians to cede yet more power and information to feeble government powers that have shown undeniable trends to privilege corporations like News Ltd with lax media ownership laws even when British parliamentary inquiries have exposed their management as condoning and encouraging spying at every level? How can the Committee ask Australians to cede yet more power and information to governments which have allowed a myriad of private fly-by-night organisations to take over our entire telecommunications system, power, water and other utilities, resulting in so many complaints that states have now replaced one ombudsman with many ombudsmen?

If Australian governments were serious about protecting Australians from terrorism, they would not have given transnational corporations with interests in every kind of industry including military total access to information about resources and infrastructure relating to location and operation of power, water supply and telecommunications, land-use planning, national statistics, scientific research institutions and banks.

What is left, I ask, for terrorists?

Surely Australia's best defense against terrorism lies in Australian citizens being able to protect their own interests and privacy from government and commercial organisations? Who else can they really trust?

## CONCLUSION

To the extent that Australia faces a terrorist threat at all, the paper offers no practical proposal of how to meet that threat. In all likelihood, greater surveillance at the hands of Governments and security agencies, which have done so little to earn the trust of Australians, will only serve to make larger numbers more apathetic and less able to act if they see evidence of real terrorist threats.

Australians need more civil rights, not fewer, to ensure that dark or incompetent processes cannot proceed behind a wall of secrecy and ill-informed authority in the name of security. It has been suggested that Australia could consider adopting the European Civil Code, also known as the Napoleonic Code, instead of its 'ad hoc British system'. In the EU, only Britain has failed to adopt this Roman Law based model. Australia needs a Civil Code of citizens' rights, legally defendable, modelled on the French one to combat the disorganising forces of the markets and perceived threats to security.[6]

There is a great deal more in the 61 pages of this discussion paper than I have been able to properly address

in the limited time available to me. Nevertheless, I believe this submission demonstrates that the measures proposed in discussion paper pose an unwarranted threat to the democratic freedoms of Internet users.

The proposals have never been put to the voting public and had this been done I believe that they would have been rejected just as the Australian public previously rejected a proposal to filter Internet traffic.

Accordingly, I ask that either the proposals contained in the discussion paper be rejected by Parliament or that they be put to the public in a referendum.

## NOTES

[1] "Miscarriage of Justice: Who was behind the October 2002 Bali bombings?" by Michel Chossudovsky at <http://www.globalresearch.ca/index.php?context=va&aid=10931>

[2] The submission [see attached pdf file] I made to the Australian parliamentary Inquiry Into Human Rights on 7 September 2009 contained the following factual errors:

(i) Lieutenant Colene Robert Bowman did not serve on "President Ronald Reagan's Star Wars program." He had retired when Jimmy Carter was President.

(ii) Morgan Reynolds, who is listed in my submission, claims that the WTC Twin Towers were destroyed by particle beams from outer space and that the aircraft seen to fly into each of the respective WTC Twin Towers were, in fact, holograms, so cannot be considered a credible supporter of 9/11 Truth.

[3] [http://en.wikipedia.org/wiki/Operation\\_Northwoods](http://en.wikipedia.org/wiki/Operation_Northwoods)

[4] Laura Tingle in "Great Expectations," *Quarterly Essay*, June 2012, p.34, writes: "Yet, here is the crucial point: voters weren't consulted about the changes - except belatedly at the ballot box, when both major parties were in fundamental accord."

[5] <http://www.independentaustralia.net/2012/politics/tingle-verbals-australians-in-quarterly-essay>

[6] Loose paraphrase from last paragraph in Sheila Newman, "Tingle-ing Australians," in Independent Australia