

SUBMISSION NO. 1



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The Secretary
Joint Select Committee on Cyber-Safety
R1-109 Parliament House
PO Box 6021 Canberra ACT 2600

By email: jssc@aph.gov.au

Dear Committee Secretary

Thank you for the opportunity to comment on the *Cybercrime Legislation Amendment Bill 2011* which "...will facilitate Australia's accession to the Council of Europe's (CoE) Convention on Cybercrime (CoC)". Civil Liberties Australia (CLA) opposes the bill in its entirety.

We do so because the bill would "*facilitate Australia's accession to a CoE convention*" which:

- Australia has had no part in formulating; and
- Australia has no say in whether, or how, the convention may be amended in future.

Australia should not sign on to a cybercrime convention of a body on which Australia is not represented. CLA does not believe we should amend Australia's laws – as demanded by this bill – to fall in line with the laws of a foreign political grouping without a considerable and lengthy public consultation period and debate in Australia over whether the convention is appropriate. We are our own country. Europe may have debated the terms of the convention, and thrashed them out in its councils, but Australia hasn't.

It is not readily apparent why an Australian Attorney-General would agree to Australia self-submitting to a convention regime under which Australia had, has and would have no say. It is not clear why the Australian Parliament would enact legislation that transfers the sovereignty of the Australian Parliament to a foreign institution, the CoE. This transfer would occur in a way that Australia and its Parliament could have no formal input to the current or future terms of that foreign convention.

This legislation is entirely inappropriate to even put before the Australian Parliament. CLA expects backbenchers from many different political groupings, if they are diligent in their duty towards the national interest, will vote against this bill. It is quite clear that the Independents may consider it their duty to oppose this legislation as much on principle as for the unprincipled way it is being rushed into and through the House and Committee processes.

Yours sincerely,

Bill Rowlings
Secretary

14 July 2011