

PJCS

Inquiry into potential reforms ~~of~~

National Security Legislation.

Parliament. House

~~of~~ Canberra.

ACT

2600

17/08/12

Dear Mr Secretary,

The public has not been given enough time to make submissions to the Committee's Inquiry into potential reforms of National Security legislation. The complexity, and far-reaching consequences of the proposals in the 6-page terms of reference warranted much wider consultation with the Australian community.

Several of the proposals this inquiry could mandate greatly expanded surveillance powers in this country. The case has not been adequately made by the government, as to why these powers are needed. They are based on the flawed assumption that all Australians are suspects, not citizens.

The following proposals before the Committee are neither appropriate nor proportionate:

"tailored data retention periods for up to 2 years":
The proposal that internet services providers retain all data on all users for a period of two years turns all citizens into suspects. This proposal is undemocratic and unacceptable; it also creates a

-- security risk as the preserved data can be made available and misused.

"establish an offence for failure to assist in the decryption of communications"

It is misleading for the government to claim that the regime under the Telecommunication Interception Act is out of date. It has been amended 15 times since 2001, and Asio Act has been amended 25 times since 2001.

As the committee deliberates on the proposals the government wishes to progress, is considering and others on which it is seeking the Committee's view, I urge you to uphold and defend the rights of all Australians to privacy and freedom of expression.

I also remind you that in addition to the rights ~~of all~~ affirmed under the Universal Declaration of Human Rights, Australia supported the 6 July 2012 resolution of the United Nations Human Rights Council. This resolution affirmed that the same rights that people have offline must also be protected online.

The internet is a vital communications medium that millions of people use to exercise rights to freedom of expression and collaboration. It is already playing a role in building a globally connected civil society, which has become an important part of how we confront the challenges of the 21st century. It is too important to rush with misconceived proposals such as the ones before the committee.

yours sincerely

Nick Pastalatzis