

From: Cel Truth
To: [Committee, PJCIS \(REPS\)](#)
Subject: Telecommunications and Other Legislation Amendment (Assistance and Access) Bill 2018
Date: Saturday, 6 October 2018 2:10:51 PM

Dear Committee Secretary,

I am writing to voice my concern over the *Telecommunications and Other Legislation Amendment Bill 2018* as I vehemently disagree with the proposed changes.

I am concerned with the proposed change regarding the compelling of industry assistance and for that to be *not* subjected to Judicial review. I feel there must *always* be room for third parties to fairly appraise anything that could result in prosecution within a first world democratic country.

The proposed changes within the *Surveillance Devices Act 2004* and the *Crimes Legislation Amendment (International Crime Cooperation and Other Measures)* are subject to misuse and abuse as well as infringing the privacy of the individual and insinuating guilt until proven innocent. The suggestion that law enforcement (or anyone else) may "collect evidence from a device remotely" is terrifying and a gross violation of individual rights.

Citizens purchase their phones/ipads etc, pay for the internet connection and have a right to maintain their own privacy, from family photos to banking access and private texts. In a civil democracy, they also have the right to not have their property seized, bungled and expose their private data to be left on a server in an office somewhere or deleted and lost all together.

Allowing remote access to an individual's phone/camera/private texts and having the ability to screenshot them without their knowledge during private moments *will* be abused. For every one lowly offender, authorities will have billions of terabytes of data its citizens. A western democracy cannot be allowed to possess these measures as if their citizens have no rights to their own lives. The criminal element in this country is a slim majority.

Some changes in listed in the proposed bill also fail to be of use instantly, particularly penalties for not providing passwords to electronic devices. Many personal devices have lockouts, password resets and kill the device altogether if lost or tampered with, making it impossible for an individual to comply with law enforcement to relinquish passwords. The penalty of a jail sentence or a large fine is grossly unfair for someone who legitimately cannot provide the password.

There are companies who can break encryption and are employed to do so in the event of a criminal investigation. Facebook and other tech companies already have agreements regarding sending data to law enforcement. A random user's private and personal texts to each other should remain their own business and not be readily accessible under the excuse the individual might be partaking in criminal activity.

The proposed change to the *Crimes Act 1914*, in relation to moving an electronic device under warrant to another place of analysis from 14 days to 30 is also inconvenient and likened to theft if you are innocent of a crime. Having your personal property detained for this longer time due to inadequate planning/handling of potential evidence by law enforcement is unfair.

These proposed amendments did not have adequate awareness in the community and I am confident if other people knew about them, there would be a larger number of submissions opposing the draconian measures. I hope that my concerns will be considered.

Thank you very much for your time,

Celina Truelove