



Submission No 111

Inquiry into potential reforms of National Security Legislation

Organisation: Mr Frederick C Glaum

The Secretary
Inquiry into potential reforms of National Security Legislation
20/08/2012

Dear Sir

Comment on proposal that private data be retained for 2years

INTRODUCTION

"Australians all let us rejoice for we are young and free". This is what it means to be Australian, but we need to remain vigilant for there are many who want power over us and will destroy our freedom and our society to get that power.

This proposed legislation reform should be about balance. It is recognized that on the one hand, law enforcement and security agencies need to use surveillance to perform their function, but there is also a need to look closely at what attributes of Democracy we really value and whether freedom should ever be sacrificed for vague promises of greater security. Will our future be controlled by a few unaccountable individuals and organizations who have usurped power for themselves, or will Australia's identity still be "Young and Free".

The famous quote, attributed to Benjamin Franklin has never been more appropriate:

"They who can give up essential liberty to obtain a little temporary safety, deserve neither liberty nor safety."

Australia needs idealism like that!

1. WHAT IS THE THREAT

Firstly we need to look very closely at who is requesting these changes to the legislation, what is their motivation? Are they driven by idealism to create a strong, peace loving and just society in Australia or have they lost their perspective due to the nature of their work and see everyone as a potential criminal or terrorist.

Secondly, have those individuals and organizations who are requesting this legislative reform made an adequate case for such drastic changes, and have they clearly defined why surveillance should not be judicially pre- approved in ALL cases? The introduction to the Discussion Paper produced by the Attorney-General's department is a good example of emotive language using the words "Terrorist", and "Agents of espionage", without defining these terms. Depending on where you live in the world "Terrorist" can be defined so broadly that it means anyone whose ideas challenge the political status quo of the day, and the term "Espionage" can be extended to include whistle blowers that expose government misconduct and breaches of international law. The scope for misuse of security legislation is immense, so in order to guarantee a balance, the terms "Terrorism", and "Agents of Espionage", need to be formally defined.

The most worrying possible cause for these security proposals is that they are being driven by requests or pressure from foreign governments. This is the greatest threat to our identity.

2. UNDER WHAT CONDITIONS WILL DATA BE GIVEN TO FOREIGN GOVERNMENTS

These legislative proposals go to the very heart of what it means to be Australian. We are not Americans, we are not Chinese or North Koreans, so why should we be subject to the laws and domestic political agendas of other countries. The betrayal of Australian citizens to foreign Governments has occurred in the past so we need to be vigilant that any new legislation provides a clear framework defining the conditions for which the sharing of personal information with foreign governments is permissible.

3. ACCOUNTABILITY

It is unacceptable that ASIO employees (or any other citizen) should have immunity from the law. What is the point of having the law at all if it can be broken by favored persons? This is a step toward anarchy.

4. SAFEGUARDS FOR HOLDERS OF PUBLIC OFFICE

There are no Safeguards for anyone. The retention of personal data for 2 years would in essence be the creation of treasure troves of data just waiting to be hacked. The costs of securing this data would be subject to the law of diminishing returns, and even after extremely large expenditure it would not be possible to guarantee that it was safe from malicious access. Those who are advocating spying on others must be prepared to be spied on themselves. The families of those people are also high value targets. Those most at risk will be: Politicians, Senior Federal and State employees, Ministers of religion, Celebrities, etc.

Sincerely,
Frederick C Glaum