



Submission No 94

Inquiry into potential reforms of National Security Legislation

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SUBMISSION TO INQUIRY INTO POTENTIAL REFORMS OF NATIONAL SECURITY LEGISLATION

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The following short submission outlines my views on a single proposal set forth in the terms of reference and discussion paper for the Inquiry into potential reforms of National Security Legislation, assigned to the Joint Parliamentary Committee on Intelligence and Security. My support of the other proposals should *not* be assumed, nor should my views on the relative importance of said proposals be inferred by their omission in the following discussion.

OPPOSITION TO DATA RETENTION

The government is "*expressly seeking the views of the Committee*" on the matter of:

"Tailored data retention periods for up to 2 years for parts of a data set, with specific timeframes taking into account agency priorities, and privacy and cost impacts"

I strongly object to the suggestion that telecommunications providers should be forced to retain customer data for a period longer than that necessary for the provision of their actual service, and I urge the committee to recommend against implementing such a change to our legislation.

I assume that many submissions have already covered the point that such a proposal is undemocratic and will turn all citizens into suspects. I will also assume the same about the creation of a security risk, with the stored data potentially being made available and misused. Therefore I will not discuss these here. Instead I will focus on an additional problem with the proposal - that it will have a fundamentally negative impact on society as a whole.

My opposition begins with a simple proposition: *People's thoughts evolve over time*. No one is born with the same opinions that they die with, and much changes in between those two events. Some of this change is brought about by the acquisition of new knowledge. Some is brought about by discussion with others, where different viewpoints are presented, and each party walks away with a new perspective and a new set of knowledge. It is not a zero sum game however; this interaction between individuals is what ultimately allows the total of human knowledge to keep expanding at an ever increasing rate. During the formation of new ideas and opinions, much will be said by individuals that they will later not believe in. As telecommunications technologies advance, more and more of this discussion will take place via electronic means.

Now consider the situation where this process is recorded, for others to peruse; to analyse. Many participants will not feel so free to present partially-formed ideas and opinions. Others will of course, the loud individuals who believe they will always be right, in mediums designed to be read by all; websites and blogs will thrive. However the mediums behind the scenes, the private chats, the private wikis and the emails will no longer be used for the exchange of new ideas. Although these are not necessarily truly private, current users can feel comfortable in the knowledge that no one is actively analysing what they have to say, except their intended audience. However if they are recorded, they can (and will) be analysed en masse, so that natural trust will be lost.

When people know what they are saying is being recorded verbatim, they will only present popular, palatable views and avoid serious discussion. Consider the difference between debates in parliament recorded in Hansard and those that take place in committee meetings. In the latter, frank discussion can take place and only the final outcomes are minuted once agreed to.

In response to this surveillance, more people will turn to encryption and offline communication methods, mitigating the advantages of modern telecommunications. And thus the advances that society makes in leaps and bounds thanks to telecommunications technology will be transformed into shuffling steps.