



## Submission No 47

### **Inquiry into potential reforms of National Security Legislation**

**Name:** J Vallentine

**Organisation:** Private capacity

**Joint Parliamentary Committee on Intelligence and Security:**

**Re: Inquiry into potential reforms of National Security Legislation.**

**Taking into account the following legislation**

- Australian Security Intelligence Organisation Act 1979
- Telecommunication (Interception & Access) Act 1979
- Telecommunications Act 1997
- Intelligence Services Act 2001

I question proposed changes to these acts, and the extent to which such changes may compromise the human rights of Australians, and whether the extra powers are needed, given the wide range of powers already available.

I am concerned that the increasing allocation of powers to various government intelligence agencies tips the balance too far towards the state rather than the individual, and places too much emphasis on security at the expense of interpersonal communications, education, and the building community harmony.

Collection of so much personal details of individuals' transactions across the community, and the holding of such personal data for as long as two years makes it extremely vulnerable to hacking and inappropriate use. Even Britain does not allow that. Recently, hacker network Anonymous recently breached security of one of Australia's largest security providers, AAPT, and stole large amounts of user data, highlighting the vulnerability of such data collection systems.

More than forty proposals that would see a significant expansion of powers of the nation's intelligence and security agencies require close scrutiny. Changes proposed seem to be based on a presumption that the intelligence and security agencies can be responsible in the use of their powers. Yet there have been a number of cases where action they have taken has proved to be unfounded - there remains the potential for serious invasions of privacy. I do not have confidence in these agencies to always act with the human rights of individual Australian citizens as a priority.

What provision would be included to require regular and detailed parliamentary and /or independent scrutiny of intelligence agencies' activities? Knowing that such agencies generally pride themselves on being very secretive, to give them obvious advantages in doing their work, there is far too much scope for breaching of human rights on a routine basis if these amendments are enacted.

Already, we saw laws rushed through Parliament in July 2011 to enhance the powers of national security agencies, despite the fact that Australia had already slavishly followed the United States Government's restrictions on civil liberties (Patriot Act, Homeland Security Act) in the wake of the 2001 terrorist attacks. So what has changed now, to require further measures to control and oversee the population?

Responding to terrorist attacks in these negative ways breeds fear and suspicion in the community, especially amongst minority groups, although they would not be the only ones who might feel the consequences of these new powers.

Australian approaches to terrorism should be guided by the framework set by the United Nations (not the United States!), and should pay particular attention to UN resolutions on ensuring that human rights are protected, when acting against the threat of potential terrorist acts .

I think that most Australians are horrified at the prospect of living in a Big Brother environment – we do not like the idea of our privacy being invaded by our own government.

With good wishes to committee members and secretariat, in your deliberations.

Yours sincerely,

Jo Vallentine (former Greens Senator – W.A.)

13/8/12.