



Submission No 125

Inquiry into potential reforms of National Security Legislation

Organisation: Youngman Consultancy

YoungmanConsultancy

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The Secretary
Parliamentary Joint Committee on Intelligence and Security
PO Box 6021
Parliament House
CANBERRA ACT 2600

Dear Sir

The Terms of Reference provided by the Committee specifically referred, in part, to the proposal to:

Government is expressly seeking the views of the Committee on the following matters:

Telecommunications (Interception and Access) Act 1979

15. Modernising the Industry assistance framework

- c. 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

Whilst I could not find the specifics of this proposal in my reading of the Discussion Paper, I would like to comment on such a move.

- The United Kingdom recently proposed to log details about every Web visit, email, phone call or text message is breathtaking in its audacity. Not only will it record the logs of citizens' Internet history, giving officials access to the browsing habits of roughly 60 million people — it will include sensitive visits to medical, dating, or pornography websites
http://www.washingtonpost.com/world/europe/mass-surveillance-uk-releases-new-details-of-plan-to-track-all-citizens-communications/2012/06/14/gJQAR153bV_print.html
- The Royal Canadian Mounted Police, when responding to concern it would retain information related to people who had been intercepted, but not committed an offence, responded with the argument: "If you haven't done anything wrong and there's no issues, what's to be worried about?"

http://www.timescolonist.com/news/Licence+plate+surveillance+more+loss+privacy/7044396/story.html?goback=%2Egde_42462_member_143752586

- The Sydney Morning Herald reports: “The telephone and internet data of every Australian will be retained for up to two years and intelligence agencies would be given increased access to social media sites such as Facebook and Twitter.”
<http://www.smh.com.au/technology/technology-news/spy-bid-to-keep-our-net-data-20120711-21wne.html>

I was the NSW Roads and Traffic Authority’s (RTA’s) Privacy Officer from 2000 until 2008. In that time I was involved in countless discussions with law enforcement agencies and other government agencies wanting to access the RTA’s registration and licence databases for their investigative purposes.

One thing that became blatantly clear is those law enforcement organisations generally do not consider privacy something they need to worry about. I believe a major contributor to this view is that they, for the most part, they are exempt from the Privacy Acts with which other government agencies have to comply.

Whilst I acknowledge the importance of being able to fight against terrorism and organised crime, I do not support the view that the means justify the ends.

Too many times since the terrible affair of 9/11, the catch cry for any law enforcement organisation is that “whatever they want to do is so that they can fight against terrorism”.

The idea that all accesses by all citizens should be retained in case they are required by law enforcement organisations is an anathema to the concept of a free society. I do not agree that, in order to triumph over evil we need to forgo our civil liberties.

It appears from my reading of the Discussion Paper there are a number of checks and balances and independent parties responsible for monitoring the operations of Australia’s security organisations.

Vigilance not only must be obtained by the organisations established to protect Australia from its enemies, but also by those charged with protecting the rights and freedoms we enjoy as citizens in a free country.

We cannot accept that the only thing that will protect our country from our enemies is the freedoms our forebears fought and died for to protect. By accepting and adopting those concepts we become what we decry a country without freedom for our people.

I think you are doing the right thing in seeking the views of the general public. The responses need to be reviewed in the light of the potential impact on the rights of the individual Australian.

Yours sincerely

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