



Submission No 53

Inquiry into potential reforms of National Security Legislation

Name: J Fergeus

Organisation: Private Capacity

From:

Sent: Friday, 17 August 2012 12:38 PM

To: Committee, PJCIS (REPS)

Subject: RE: Inquiry into potential reforms of National Security Legislation - Sub 53

Dear Mr Secretary,

The scope of this Inquiry is hugely worrying to me. Some of the proposals being put before the Committee would directly result in Australia being a place in which I no longer want to live. We do not want to live in a real life 1984.

The following proposals before the Committee are neither appropriate nor proportionate:

- "tailored data retention periods for up to 2 years": The proposal that internet services providers retain all data on all users for a period of two years turns all citizens into suspects. This proposal is undemocratic and unacceptable; it also creates a security risk as the preserved data can be made available and misused.

- "establish an offence for failure to assist in the decryption of communications":

It is misleading for the government to claim that the regime under the Telecommunications Interception Act is out of date. It has been amended 45 times since 2001, and the ASIO Act has been amended 25 times since 2001.

As the Committee deliberates on the proposals the government wishes to progress, is considering and others on which it is seeking the Committee's view, I urge you to uphold and defend the rights of all Australians to privacy and freedom of expression.

I also remind you that in addition to the rights affirmed under the Universal Declaration of Human Rights, Australia supported the 6 July 2012 resolution of the United Nations Human Rights Council. This resolution affirmed that the same rights that people have offline must also be protected online.

The internet is a vital communications medium that millions of people use to exercise rights to freedom of expression and collaboration. It is already playing a role in building a globally connected civil society, which has become an important part of how we confront the challenges of the 21st century. It is too important to risk with misconceived proposals such as the ones before the committee.

Sincerely,

Josh Fergeus