



Submission No 81

Inquiry into potential reforms of National Security Legislation

Organisation: Ms Katherine Copsey

Submission to the Parliamentary Joint Committee on Intelligence and Security

I write regarding the potential reforms of National Security Legislation.

The potential reforms do not strike an appropriate balance between the need for modern and coherent intelligence powers and citizens' privacy and due process rights.

There is no demonstrated need for the excessively broad increase in powers and responsibilities proposed for intelligence agencies and telecommunications companies by these reforms. Security and intelligence agencies were granted extraordinary enhancements to their powers approximately a decade ago in response to a perceived enhanced threat of terrorism following attacks in other countries. The sunset clause and review attached to those powers was applied because of their extraordinary nature and their incursion into due process and privacy rights. It is appropriate that the powers of security agencies now be reviewed with a view to restoring due process and privacy rights, not further eroding them.

The proposed reductions on checks to vary warrants, increased personal search powers, the extension of warrants to cover a broader range of activities, the ability to interfere with computers without notice and the proposed retention of citizens telecommunications records are particularly worrisome. In addition to unnecessarily interfering with citizens' rights, the implementation of these overreaching reforms would have detrimental cultural impacts on our intelligence services by creating, for want of a better phrase, a 'presumption of guilt' mentality.

Australian citizens should not be treated as suspects. It is not acceptable for Australian citizens to be subjected to de facto surveillance measures, such as having their telecommunications records retained for two years without reason. Nor is it acceptable for Australian citizens' due process rights and the rule of law to suffer through the weakening of required checks and balances on the issue of warrants, searches and interference with personal property such as computers and telecommunications devices.

The way to create a safe and secure society should lie first in governments and their agencies having respect for citizens' rights and their capacity to conduct themselves lawfully and responsibly. These proposed legislative changes do not start from that proposition. They will be bad law and I urge the Joint Committee to recommend against their implementation.

Sincerely,

Katherine Copsey