



Submission No 82

Inquiry into potential reforms of National Security Legislation

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SUBMISSION TO NATIONAL SECURITY LEGISLATION INQUIRY

The fundamental point of view on which these sweeping and radical changes to the surveillance and intelligence laws of Australia is based is that every citizen should be treated as if they are - or will be at some time in their lives - a criminal. This undermines the foundational principle that living in a free and democratic state represents and destroys the rights of human beings to free speech and freedom of association.

Compelling Internet providers and social networks to retain detailed logs of every citizen's online activities for two years contravenes the right to free speech and ability to associate with others and could be used just as readily to undermine oppositional groups who disagree with the government of the day as to detect potential criminal activity, especially when the government has the power to determine what 'criminal' means.

Compelling individuals to provide authorities with access to their private data - including passwords to their computer - without cause and threatening them with jail time if they refuse would result in innocent citizens being punished when they have not in fact committed a crime nor have had their day in court. The government would, in this case, be circumventing the legal system and condemning an individual without just cause.

Allowing secret agencies - whose activities are condoned by the government without the knowledge of its citizens - to add, modify or delete existing files on an individual's computer, or access that person's private information and plant incriminating data on their computer that they did not write or own, would be tantamount to establishing a system akin to the operations of the Soviet KGB.

Allowing secret agencies to access individual's private data - with very little accountability for their activities and a lack of corresponding oversight and capacity for secure storage - would effectively enable hackers to access this important information for ill use far more readily because it is stored in one location.

Allowing secret agencies to treat an individual like a criminal when they may have inadvertently become associated in any way with the target of an investigation, and obliging them to provide access to their computer and personal information, so the agency can gather information on the subject of their investigation has the potential to ruin the lives of innocent people who may be falsely accused, jailed, and ill-treated as well as having their reputation and standing in the community damaged beyond repair.

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