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Electronic Surveillance Reform Branch  
Department of Home Affairs  
PO Box 25  
BELCONNEN ACT 2616

via online submission portal

## ARA SUBMISSION TO THE REFORM OF AUSTRALIA'S ELECTRONIC SURVEILLANCE FRAMEWORK DISCUSSION PAPER

The Australian Retailers Association (ARA) welcomes the opportunity to contribute to the Commonwealth Government's consultation into the proposed reforms to Australia's electronic surveillance framework.

The ARA is Australia's oldest, largest and most diverse industry retail body representing two-thirds of a \$360 billion sector that employs 1.3 million Australians. We are proud to represent the full spectrum of Australian retail, from our largest national and international retailers to our small and medium sized members, who make up 95% of our membership. Our members operate more than 100,000 shopfronts across the country, complemented by an increasing number of online stores, with offerings across all categories - from food to fashion, hairdressing to hardware, and cosmetics to computers.

The internet and other digital channels have fundamentally changed the way Australian retailers operate, communicate and engage with their customers, employees and suppliers.

However, we agree with the government's proposition that Australian legislation has struggled to keep pace with the transition to the digital economy making current laws cumbersome, difficult to understand and hard to enforce. This follows the government's Comprehensive Review, published in December 2020, that found the existing patchwork of legislation is no longer fit for purpose and recommended the creation of a new legislative framework to govern electronic surveillance powers.

The ARA welcomes the intent of the review and discussion paper, which is to consider how intelligence and police services deploy technology rather than looking at how private operators (like retailers) manage their digital platforms and surveillance equipment. However, we do recognise the role that retailers may play in supporting surveillance activities from time-to-time.

While other stakeholders are better placed to respond to the highly technical questions raised by government, the ARA makes the following principles-based recommendations that we consider to be critical in the design of a new national framework for Australia's Electronic Surveillance network.

- Clear and consistent legislation that allows all stakeholders to operate with minimal complexity.
- A nationally consistent approach where all levels of government are agreed on interpretations and application of the legislation, especially on optical surveillance technology.
- A common-sense approach to how police and intelligence services engage with business to minimise operational impacts, the burden of compliance and associated costs.
- Consideration to the ongoing and continued privacy concerns of consumers and employees.
- Consideration to "future-proofing" the legislation to account for changes in technology.

- Consideration to how the framework's redesign will impact businesses, with special attention provided to ensuring:
  - o Industry stakeholders are included in the redesign to ensure the implementation and compliance of reformed legislation is appropriate and reasonable;
  - o Appropriate lead time and education is provided before compliance is required; and
  - o A pragmatic approach is taken to how businesses may best be able to ensure compliance.

Thank you for the opportunity to contribute to this initial discussion on the reform of Australia's electronic surveillance framework on behalf of our retail membership and community. As this reform process continues, the ARA welcomes the opportunity to participate as an industry stakeholder, to ensure the needs of Australia's retailers are understood and incorporated into the drafting of any future legislation.

Please do not hesitate to contact Jason Robertson, ARA Director of Policy, Sustainability and Impact, via email on [jason.robertson@retail.org.au](mailto:jason.robertson@retail.org.au) should you wish to discuss our submission further.

Yours sincerely



**Paul Zahra**  
Chief Executive Officer