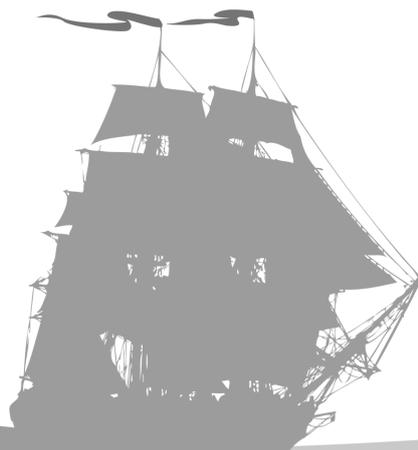




Submission regarding the *Reform of
Australia's electronic surveillance framework*
discussion paper

John August (john.august@pirateparty.org.au)

11 February 2022



While we welcome the opportunity to make a first reply to this discussion paper, we nevertheless note that there has been limited opportunity to develop an appreciation for the details in this discussion paper. We therefore choose to make some general comments about how electronic surveillance has recently developed in Australia.

We make the main point that so far, in our view, legislation around electronic surveillance has been characterised by :

- political motivation for the developing legislation, along with inconsistency of the freedoms of the public as compared to those of Government authorities and parliamentarians.
- over-reach by Government authorities
- limited check and balances, including oversight by judicial authorities
- limited public appreciation of its developing scope, and things often being "rushed through parliament" at the end of successive years. The "Assistance and Access" Bill was a particularly bad example.

For example, there recent "anti-trolling" bill has been developed in the shadow of abuse of anonymous identity on the part of parliamentarians. However, this has not been of concern of Government, but rather such claimed abuse by members of the general public. Various advocacy bodies have observed that the legislation will have limited effect in controlling such trolling behaviour, and we observe that the legal tools provided will only be of use to those with the financial and legal resources to take legal action - in other words, not "regular internet users", but rather wealthy people with public profiles - hardly what you thought would have been the intent of the legislation.

We note that while the Government sees that citizens have no right to privacy, they nevertheless wish to keep Government discussions outside of public scrutiny, a theme that is representative of an over-arching hypocrisy apparent in numerous different areas.

Much legislation introduced has included extreme powers - for example, people who receive Government scrutiny being unable to discuss it with others under subject of further penalty. Partly, these things are extreme in themselves. Further, however, as far as we can ascertain, they have not in fact seen use.

Much legislation is put into place in the shadow of a claimed "emergency", but is not in fact withdrawn after that supposed "emergency" has passed. We endorse the idea - at least in principle - of a general review of legislation, given how it has grown over the years in an ad-hoc way. However, we would like such a review to acknowledge that there has in fact been past abuse and over-reach.

Numerous items of legislation have either not included, or had the ability to bypass, scrutiny by judicial authorities - contrary to the advice of qualified people in the area.

There are several media reports of citizens surprise at just how pervasive has been the roll out of surveillance cameras in our community. We feel that if this increase over the past few years was more apparent to more Australian citizens, they would have railed against it.

We nevertheless welcome this review, and hope it will make a real and substantive critique of the current situation.

About Pirate Party Australia

Pirate Party Australia is based around the core tenets of freedom of information and culture, civil and digital liberties, privacy and anonymity, government transparency, and participatory democracy. It formed in 2008, and is part of an international movement that began in Sweden in 2006. Pirate Parties have been elected to all levels of government worldwide.