



Australian Federation
of Islamic Councils

Reform of Australia's electronic surveillance framework By the Australian Federation of Islamic Councils

The Australian Federation of Islamic Councils (AFIC) is the peak Muslim body in Australia. As a peak community organisation, we concur with the need to refine and reform the current surveillance laws in order to better protect the individual and society. It is imperative that the Australian Government takes into account the interests, expectations and requirements of the public and also the individual when developing the new framework.

Society has drastically been changed by the numerous advancements in technology. Technological advancements have increased accessibility, flexibility, efficiency and availability. However, it is crucial that the Australian Government revises the laws around protecting people's privacy and effectively controlling intrusions not only by law enforcement agencies and ASIO, but also by hackers, marketers, private operators order to prevent complications and unnecessary invasions of privacy.

Submission

As part of our submission, we believe that the Australian Government needs to put greater emphasis on individual privacies. However, we understand that there also needs for surveillance in order to protect the public. The AFIC responds to the questions posed in this discussion paper as follows:

- a) *What data generated by 'Internet of Things' and other devices should or should not be retained by providers?*

Our Answer/comment:

There are two key points about data retention, these are:

- (i) What to retain*
- (ii) How long to retain it.*

From these flow other points such as whether the subject whose data is collected is a person of interest. Providers should not retain any information that does not relate to an illegal activity for more than 12 months.

The first instance of invasion of privacy is advertisements

- b) *Are there additional records that agencies should be required to keep or matters that agencies should be required to report on in relation to data retention and to warrants obtained in relation to journalists or media organisations? How can any new reporting requirements be balanced against the need to ensure sensitive law enforcement or security investigations and capabilities are not compromised or revealed?*



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Our Answer/comment:

- *Journalist confidentiality should remain protected. There are comments that are made off the record in order to give the journalist a background to understand the matter and there are situation where the source is a whistle-blower fearing for his or her safety. The knowledge that certain authorities can wilfully access such sensitive information will in many instances hamper the flow of information that needs to be publicly shared (for the public interest). To balance this need with the need to protect our security, we need to install safeguards such as a requirement for a Federal Court Judge to view this information and determine what information needs to be shared with the authorities and in particular, whether the name of the whistle-blower should be given in the circumstances. There would need to be very stringent requirements to satisfy before such a name is given out. These requirements would include imminent and immediate risk to life.*

- c) *Is it appropriate that the Public Interest Advocate framework be expanded only in relation to journalists and media organisations?*

Our Answer/comment:

There are always cases that do not fall into the guidelines that need protection, it would make sense to create a guideline that make the framework available to non-media groups based on the merits of their case.

- d) *What would be the impact on reducing the number of officers who may be designated as 'authorised officers' for the purposes of authorising the disclosure of telecommunications data?*

Our Answer/comment:

This is a necessary step to create the needed protection, in some cases, such access should only be provided by Federal Court judges, but there will be cases of lesser significance where an officer at a senior executive level will have the requisite level of public awareness and experience to make a determination, however, such power should be in the hand of less officers, and as stated, they must be of a high level.

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