

The data retention regime was established specifically for law enforcement and national security purposes. It would therefore be inappropriate for data retained under the scheme to be drawn on as a new source of evidence in civil proceedings.

Given that the Parliamentary Joint Committee on Intelligence and Security Advisory report on the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014, recommended that civil litigants be prohibited from being able to access telecommunications data, and no compelling argument has been presented as to why this advice should be ignored, there seems no reason to permit access to metadata for purposes of civil litigation.

Furthermore, given the dramatic implications for privacy and the lack of review by parliament a change of this nature would undermine confidence in the parliamentary process.