

One of my biggest concerns on this matter is collateral damage - when metadata is requested under any pretence - no matter how legitimate that might sound, they will gain access to *everything*. They will have a complete profile detailing everywhere that person has been for the past two years or more, where they have been, who they have been in contact with, how often and for how long. They will be able to find the IP addresses of every website that person has visited on their personal computer and phone. And let's not beat around the bush here - knowing the IP address of a website is the same as knowing what website it was.

They will know if that person visits dating websites or worse - and we cannot forget the suicides that followed the Ashley Madison leaks, because what the Government is asking for is nothing more than a sanctioned means to access that same information. If this goes ahead it will lead to suicides, I am certain of that.

They will know if that person visits mental health support pages (e.g. if the IP address 27.131.68.217 was listed in the metadata, they would know that person has visited the beyondblue website), suggesting that they have a mental health condition or supports someone who does. This is confidential information between the patient and their doctor.

They will know what porn sites that person has visited, how often and how long. They will know what subcultures that person belongs to. They will know if that person likes Bondage, or that the person works as an art nude model, or even a stripper. They will know what that person's political allegiances are.

They will know everything about that person, not just what they wanted to know... and if this scheme comes into place, how can we even be sure that people will not abuse it purely because they *can* get this information?

No safeguard will help - even if safeguards were put in place so that the information was already filtered to only what was relevant, someone has to do that filtering - it cannot be automated. At that point, someone knows this information who has no right to it and the damage is done.

I have a lot of respect for the court system and police force in Australia - Our judges are fair and I truly believe that we have one of the best systems in the world. But that does not mean that I trust those who would use the court system, nor does it mean I trust lawyers, politicians or the public service, and certainly not the attorney general or his department, not even considering that my sister used to work there.

I do not believe that opening up metadata access to civil proceedings is wise. I do not believe that my employer should be able to find out everything I just mentioned about me if I or they ever took each other to court to settle some unrelated dispute. I do not believe that an anti-piracy organisation should be able to get access to any of this information - and I remind you, that anti-piracy organisations have been caught doing dodgy practices such as speculative invoicing and issuing unfounded threats - they have already demonstrated that they cannot be trusted with access to this information. I trust my wife, but if she ever did decide to leave me and wanted some blackmail material to take with her, these laws would give her a means to do so.

If someone were to go to court to apply for something as trivial as an Apprehended Violence Order - which, I remind you, can be taken out by anyone against anyone for any reason, not

necessarily with any legitimacy - they could use that to get access to all the information I have listed. And if they did have a legitimate reason to apply for an AVO, say they believed someone was stalking them, and the defendant decided to fight the claim, then the defendant - the alleged stalker, could also get access to this information about their alleged victim. An AVO being granted has little consequence so long as it is not violated - not even a stain on their criminal record, but getting access to this information has huge repercussions that no one could possibly think is a good idea.

I find it hard to believe that we are even talking about this now. The popular American television series South Park just spent an entire season exploring the possible consequences of what would happen if people could access anyone else's metadata (nothing good), yet here we are proposing a Government sanctioned means to do just that.

When the original laws were passed they were widely criticised for a lot of reasons, and the Government gave us their assurance that it would only be used in the most extreme cases, using the age old excuses that politicians use every time they don't want anyone to be able to argue against them - child pornography, terrorism and so on. The excuses that time and time again have nothing at all to do the real intent of the laws besides a way to make sure they will pass. We all knew the scope of these laws would be increased, that those excuses were only used to get a foot in the door. The Government promised that the laws would not be used in civil or copyright cases to get them passed, yet here we are discussing just that, and barely any time has passed since they made those promises and they are already broken.

I also find it shameful that while in other parts of the world the courts are standing up for their citizens rights by ruling against data retention laws (e.g. the European courts just ruled that the United Kingdom's mass surveillance scheme was inconsistent with privacy rights and is putting a stop to it), while here it is almost like our Government wants to copy every evil deed that any other Government is doing, no matter what criticism those Governments have received, and regardless of whether those other Governments have backed down or been found to be violating human rights. The conversation we should be having is on reversing the original laws to retain this information in the first place, not on increasing their scope.

To answer the consultation papers questions:

1. I am not an expert on what is requested currently, but given that the retained data is not currently available in civil proceedings I would hope the answer is none. Let's not try to change that.
2. None - the courts already function perfectly fine without access to this information and would continue to do so.
3. None - access to this information is a violation of basic human rights and has no place in any civil proceedings for any reason whatsoever, and it is highly questionable if it even has a place in criminal proceedings.

Regards,
Ian Munsie