

Dear Attorney General,

Given that this has already been the subject of a Parliamentary Committee Report which concluded "Advisory Report on the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014, the Committee recommended that the Bill 'be amended to prohibit civil litigants from being able to access telecommunications data that is held by a service provider solely for the purpose of complying with the mandatory data retention regime.'" I believe it is unjust and undemocratic to release this quietly before Christmas so as to minimise the backlash both in the public and the media. If it isn't broken, don't try and fix it.

In response to the discussion paper questions in particular:

1. In what circumstances do parties to civil proceedings currently request access to telecommunications data in the data set outlined in section 187AA of the TIA Act (refer to Attachment A)?

None.

2. What, if any, impact would there be on civil proceedings if parties were unable to access the telecommunications data set as outlined in section 187AA of the TIA Act?

None.

3. Are there particular kinds of civil proceedings or circumstances in which the prohibition in section 280(1B) of the Telecommunications Act 1997 should not apply?

No.

This debate was centered around protecting us from Terrorists and Pedophiles not being used in Civil cases to help corporations chase individuals. I was supportive of a non-civil based data retention only on the basis of the overriding threat posed by terrorism and radicalization by online means. Even then it was borderline for me as government surveillance on the scale of the NSA in America concerns me on principle. However I was swayed by the national security interests involved having seen recent terror attacks around the world.

I hope you will reconsider amending this Act or as a minimum send it back to the parliament for full and open debate.

Regards

Mark Bennett

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