

# **INSLM Review of the Telecommunications and other Legislation Amendment ( Assistance & Access) Act 2018 ( TOLA Act)**

Dr Renwick SC

Independent National Security Legislation Monitor  
1 National Circuit  
Barton ACT 2600

Dear Dr Renwick SC,

The following is my submission to the Review.

The introduction of the Assistance and Access Bill as well as the Metadata Retention Bill both have been introduced without the true understanding of the legislators. It has been obfuscated and emotionally driven.

The same terms are spruiked every time to create an emotive reason for increased powers but the agencies already know they can't access certain classes of technology with this Bill and all the other changes to other Bills.

In a previous submission I highlighted the problem and stated it was a binary problem. Since that time we have all heard/read the report of a leaked document that the executive wants to bring in more legislative changes. This confirms that position.

Even if we had a frame work with no oversight and the full resources of the ASD and the Five Eyes counterparts you still will not be able to get the data you want if someone does not want you to have it. As I have said in a previous submission you would have to ban certain classes of technology. You would have to follow the lead that Russia and China have set. But once again it will not stop the problem it just undermines the sovereignty of Australian citizens. The collateral damage would be huge though.

The Five Eyes Alliance has become inward focus toward its own states. The alliance should not have this level of influence over domestic policy. The alliance is shrouded in secrecy with no real accountability to the nations it supposed to protect. The Executives of the Alliance all use the legislative instruments implemented in another state(s) to justify its position in their own state. What is the mandate of this alliance and why has it become inward focus?

We are now a surveillance state moving at a rapid pace to deploy more tools and expand the capabilities for the executive branch. Will this protect or make Australia safer? Probably not.

