

No Minister: 90% of web snoop document censored to stop 'premature unnecessary debate'

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July 23, 2010

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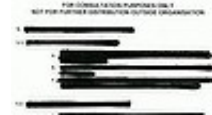
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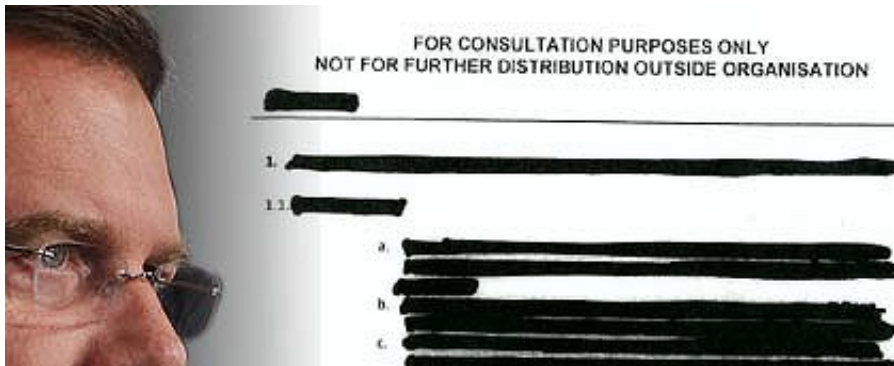
From black list to blacked out. Documents on plans to store web surfing data are heavily censored due to the possibility of 'premature and unnecessary debate'.

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The federal government has censored approximately 90 per cent of a secret document outlining its controversial [plans to snoop on Australians' web surfing](#), obtained under freedom of information (FoI) laws, out of fear the document could cause "premature unnecessary debate".

The government has been consulting with the internet industry over the proposal, which would require ISPs to store certain internet activities of all Australians - regardless of whether they have been suspected of wrongdoing - for law-enforcement agencies to access.

All parties to the consultations have been sworn to secrecy.



Attorney-General Robert McClelland and part of the censored document.

Industry sources have [claimed](#) that the controversial regime could go as far as [collecting the individual web browsing history](#) of every Australian internet user, a claim [denied](#) by the spokesman for Attorney-General Robert McClelland.

The exact details of the web browsing



data the government wants ISPs to collect are contained in the document released to this website under FoI.

The document was handed out to the industry during a secret briefing it held with ISPs in March.

But from the censored document released, it is impossible to know how far the government is planning to take the policy.

The government is hiding the plans from the public and it appears to want to move quickly on industry consultation, asking for participants to respond within only one month after it had held the briefings.

[See the highly-censored document \(PDF, 3.60MB\)](#)
[See government reasons for censoring it \(PDF, 3.23MB\)](#)

The Attorney-General's Department legal officer, FoI and Privacy Section, Claudia Hernandez, wrote in her decision in releasing the highly censored document that the release of some sections of it "may lead to premature unnecessary debate and could potentially prejudice and impede government decision making".

Hernandez said that the material in question related to information the department was "currently weighing up and evaluating in relation to competing considerations that may have a bearing on a particular course of action or decision".

"More specifically, it is information concerning the development of government policy which has not been finalised, and there is a strong possibility that the policy will be amended prior to public consultation," she wrote.

Further, she said that although she had acknowledged the public's right to "participate in and influence the processes of government decision making and policy formulation ... the premature release of the proposal could, more than likely, create a confusing and misleading impression".

"In addition, as the matters are not settled and proposed recommendations may not necessarily be adopted, release of such documents would not make a valuable contribution to public debate."

Hernandez went further to say that she considered disclosure of the document uncensored "could be misleading to the public and cause confusion and premature and unnecessary debate".

"In my opinion, the public interest factors in favour of release are outweighed by those against," Hernandez said.

The "data retention regime" the government is proposing to implement is similar to that adopted by the European Union after terrorist attacks several years ago.

Greens Communications spokesman Scott Ludlam said the excuse not to release the proposal in full was "extraordinary". Since finding out about the scheme, he has [launched a Senate inquiry](#) into it and other issues.

"The idea that its release could cause 'premature' or 'unnecessary' debate is not going to go down well with the thousands of people who have been alarmed by the direction that government is taking," he said in a telephone interview.

"I would really like to know what the government is hiding in this proposal," he said, adding that he hoped that the Attorney-General's Department would be "more forthcoming" about the proposal in the senate

inquiry into privacy he pushed for in June.

Deputy Leader of the Opposition in the Senate, George Brandis, said the government's decision to censor the documents showed "how truly Orwellian this government has become".

"To refuse disclosure of material that had already been circulated among stakeholders, on an issue of intense current political debate on the ground that it might provide unnecessary discussion, shows that the Gillard government has become beyond satire," Brandis said.

Online users' lobby group Electronic Frontiers Australia spokesman Colin Jacobs said what was released was "a joke".

"We have to assume the worse," he said. "And that is that the government has been badgering the telcos with very aggressive demands that should worry everybody."

Jacobs said that the onus was now on government to "explain what data they need, what problem it solves and, just as importantly, why it can't be done in an open process".

"The more sensitive the process and the data they want, the more transparent the government needs to be about why it wants that data," he said. "Nobody could argue that public consultation ... would somehow help criminals," he added.

"We have to turn the age-old question back on the government: if you don't have anything to hide, then you shouldn't be worried about people having insight into the consultation.

"This is a very sensitive and important issue. It raises huge questions about privacy, data security and the burden of increased costs to smaller internet service providers. What really needs to be debated is what particular information they want, because that's where the privacy issue rears its ugly head," he said.

According to one internet industry source, the release of the highly censored document was "illustrative of government's approach to things where they don't want people to know what they're thinking in advance of them getting it ready to package for public consumption".

"And that's worrying."

The Attorney-General's spokesman declined to comment, referring comment to the department. The department said it had "nothing to add" to the FOI letter it provided.

You can follow the author on Twitter [@bengrubb](#) or email bgrubb@smh.com.au.

Comments

186 comments

»«

»*Who to vote for? Woodpecker (Julia Gillrudd) or Hitler? A hard choice.*«

»«

X | Sydney - July 23, 2010, 12:11PM

»«

»*Whatever happened to the presumption of innocence?*«

»«

Merri - July 23, 2010, 12:12PM

»«

»*This is an absolute insult!!*

The document should have either been released or withheld because it was premature and a working document. Democracy gone pear-shaped and the spin justifying the censoring is garbage.«

»«

DEnis | Balmain - July 23, 2010, 12:12PM

»«

»State control - all part of Gillard's Communist agenda.«

»1984 - springs to mind.«

»«

Slats | Sydney - July 23, 2010, 12:15PM

»«

»So according to Attorney General's office, the public commenting on government policy is "unneeded debate." And here I thought we were living in a democracy. Silly me, mixing up autocracy with democracy.«

»«

RR - July 23, 2010, 12:15PM

»«

*»YOU MUST BE KIDDING! I am lost for words. Why is this happening in Australia? How can we let this happen? People have the wool pulled over their eyes and are drawn into shallow unimportant topics that the government intentionally push for the election, while internet censorship and critical issues like this go under the radar. This is *serious* trouble, and unless we all stand up and shout - loudly, it will be too late. Once all these rights are taken away from us, once we're censored, nothing can be done. This freedom of information we currently take for granted is the KEY to ALL other information we get (refugees, asylum seekers, economy, work choices). And yet why isn't this stuff #1 topics for the election?? Why won't they make it a topic we can vote for as a mandate? The answer is very clear.«*

»«

GavinSpaceFace | Sydney - July 23, 2010, 12:15PM

»«

»"The Attorney-General's Department legal officer, FoI and Privacy Section, Claudia Hernandez, [wrote that] the release of some sections of it "... may lead to premature unnecessary debate and could potentially prejudice and impede government decision making".«

»Oh Claudia, God forbid that the public should actually have access to documents affecting them and that they should convey their opinions to their elected representatives.«

»Shock horror. Don't we need public servants like you to tell us what to do?«

»Time for McClelland to have a clean-out of Howard - era appointees I think. This sounds like the spin we were getting in Ruddock's time.«

»«

spook - July 23, 2010, 12:20PM

»«

»this is the reason why the government has to be replaced. «

»our freedoms are being encroached, where being monitored all the time, recorded, and spied upon, now they want to come into our homes, our last refuge, conroy is a dangerous religious fanatic, in his world, my name address and details would be retrieved and the police sent to "interveiw" me about this post, probably with phonebooks. «

»VICTORIA MUST VOTE CONROY OUT! and we must back up victoria by replacing this entire fascist government.«

»«

blue | bris - July 23, 2010, 12:20PM

»«

»First Conroy's censorship plan and now this. I bet Conroy is kicking himself that he didn't think of "premature unnecessary debate" as an excuse to suppress his plans. Silly me thinking that in a democracy debate was both necessary and desired. When are they going to get it over and done with and just rename ASIO as The Stasi?«

»«

gregsta82@gmail.com | Sydney - July 23, 2010, 12:20PM

»«

»The only people disturbed by this are ignorant of our legal framework or just determined to be upset about something. Comments such as those above are indicative of just the premature and unnecessary "debate" the AG's is concerned about.«

»«

Belacqua | Sydne - July 23, 2010, 12:25PM

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