A NEW federal law could allow authorities easy access to private, stored emails without a warrant, according to civil libertarians. The bill, due to be debated in the Senate tomorrow, allows many new government bodies to access private emails, voicemail messages and SMS messages.

Under current laws, unopened emails can only be accessed if they involve serious crime and only with a telecommunications intercept warrant.

If the bill is passed authorities would need only a search warrant - or in some cases no warrant at all, according to online civil liberties group Electronic Frontiers Australia (EFA).

EFA executive director Irene Graham said the amendment posed a serious threat to privacy.

"In our view email messages, voice-mail messages and SMS are just like telephone calls in terms of the level of infringement of people's privacy," she said.

The government has put forward the amendment twice before but both times Labor opposed it and it was withdrawn.

This time Labor is supporting the amendment and it looks set to pass.

A spokesman for shadow Attorney-General Robert McClelland said the amendment had a sunset clause and would expire after 12 months.

He said Labor would support the bill on the basis that an independent review was undertaken before it expired.

The amendment would clear up confusion between the Australian Federal Police and the Attorney-General's office over when an interception warrant was required, he said.

The opening up of access to emails to non-police bodies like the Australian Securities and Investment Commission (ASIC) and the Australian Competition and Consumer Commission (ACCC) was another benefit of the bill, he said.

"Increasingly the evidence they need to get at to police competition laws and corporate laws are in email form and they are being denied the opportunity to access that," he said.

Nigel Waters of the Privacy Foundation said Labor had made a mistake by deciding to pass the amendment.

"Every time in the past they have said 'no it is too dangerous' but this time for electoral expedience they don't want to be seen to be soft on law and order so they are caving in," he said.

Bodies that will be able to access emails if the bill passes include ASIC, the ACCC, the Australian Taxation Office and the Department of Immigration.
Ms Graham said some government bodies, like the Department of Immigration, could issue search warrants themselves, bypassing the need to make their case to a judge. The amendment is opposed by the Australian Democrats and the Greens.

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