

From: [REDACTED]
To: [Assistance Bill Consultation](#)
Subject: Assistance and Access Bill 2018
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Hello,

As a concerned Australian citizen, I'm writing to provide my view of the proposed Bill and ways it could be improved.

First off, there are limited oversight and accountability structures and processes in place. A better way would be to add judicial oversight to actions from the Director-General of Security, the Attorney-General and the chief officer of an interception agency. Similar to the UK's Investigatory Powers Act on which the Bill is based, it would be beneficial to add an oversight role such as the Investigatory Powers Commissioner.

Secondly, the Bill essentially makes the decision maker for each request the Agency that has made the request, which is a clear conflict of interest. A better way would be to utilise a disinterested third party such as the courts, or the aforementioned Investigatory Powers Commissioner.

Finally, the Bill has far-reaching scope which appears to be over-reach. While it is being sold as a tool to catch terrorists, paedophiles and organised crime, there's potential for mission-creep with this wording: "enforcing the criminal law and laws imposing pecuniary penalties: or assisting the enforcement of the criminal laws in force of a foreign country; or protecting the public revenue; or the interests of Australia's national security, the interest of Australia's foreign relations, or the interests of Australia's national economic well-being". These categories are big enough to drive a B-double road train through. The wording should be changed to limit the powers to the express purpose they're being sold as: catching terrorists, paedophiles and organised crime.

The public has a very real concern over mission creep and misuse of powers, and this Bill does nothing to assuage their fears. There has been dozens of incidents of police misusing information in the last decade alone, and without proper protection, the powers outlined in this bill will be misused as well. Cyber Security Minister Taylor was quoted as saying the powers would only be invoked for serious crimes attracting sentences of three years or greater, but given there is no way to know how and when they are used, can you blame Australians for thinking this is, shall we say, utter bullshit?

The Bill needs to be changed provide firm limits, penalties and transparency over how and when its powers can be used. Otherwise, citizens concerned about their privacy will start using end-to-end encryption and VPN services based outside Australia for all their online communications, which will just make the AFP's job that much harder.

Yours sincerely,
Andrew James