

From: Beren Walters
To: [Assistance Bill Consultation](#)
Subject: Submission to consultation on the Assistance and Access Bill 2018
Date: Wednesday, 5 September 2018 5:31:27 PM

Dear Minister

I write to express my concerns over the draft legislation titled 'The Assistance and Access Bill 2018'.

As a person who works in the industry and is entrusted with ensuring the security of data for many of our citizens I find this Bill quite alarming in it's scope.

* I can see little in the way of checks and balances that would prevent mis- and over-use of these powers. A tendency that we have seen time and again when agencies are granted these "big stick" powers, despite the assurances that it will not happen. A simple "written report every financial year that sets out the number of technical assistance notices and technical capability notices" does virtually nothing to prevent this. It doesn't tell the population that the powers were being used to target reporters, activists, opposition parties or other uses not in the interests of Australia.

* There appears to be no consideration of the flow on effects that will occur where (as has already happened with VPNs) people will instead strengthen their defenses and move more of their data and services onto platforms outside the influence of this legislation. Sure the data from my parents will be easier to access but that of actual threats to our country will not. Global access to services, peer to peer encryption, will all see accelerated uptake across the board.

* The "terrorists and pedophiles" catch cry is a rather cynical attempt to emotionally blackmail the country and despite assumptions to the contrary within this government we actually need to carefully consider eroding more of the rights that we as citizens enjoy rather than using it as a blanket excuse to escalate powers. In many ways this digital age has already greatly expanded the amount of information available to our security agencies on these bad actors and to insist that these changes are required actually reflects poorly on our investigators if with more data than ever before they are less able to perform their duties (an assertion that I do not agree with and I believe is backed up by data rather than the cherry picked anecdotes on the Home Affairs website).

* With no implicit limits and no compensation being offered in the bill there is scope for small companies to be financially crippled by requests as all decisions of feasibility are decided by the "decision maker". A decision that cannot be questioned, appealed or indeed even known. These decisions could bankrupt a company, make it infeasible to operate within Australia, and at best will just raise costs for the law abiding consumers of the service.

Now I do support that there is no move to create backdoors or further increase data retention requirements. That shows some degree of technical pragmatism within the policy makers, which is honestly a pleasant change.

I think our government needs to take a long hard look at the systems that have been implemented within the Peoples Republic of China and decide whether that is what they want to achieve. State controlled media, telecommunications and recently even state controlled chat apps. The scope of monitoring of it's own citizens has reached a level that has no precedent either historically or geographically, while at the same time failing to

address organised crime, governmental corruption, business collusion and indeed failing to prevent terrorism or pedophilia.

I hope that you will perform your service to the public and consider the long term consequences of this change. The consequences now, next year and in 20 years time.

Thank you for your time.

Beren Walters

