

From: Ethan Moffat
To: [Assistance Bill Consultation](#)
Subject: The Assistance and Access Bill 2018
Date: Wednesday, 5 September 2018 4:27:27 PM

To whom it may concern,

I am writing today to express my dislike of The Assistance and Access Bill that is due to be introduced to parliament. On your website you specifically state the vitality of encryption and its ability to make our digital lives more secure. You then proceed to say how this technology is being used by criminals to hide their abhorrent behaviour. Your solution? - Treat everyone as criminals. This is effectively what you are telling the Australian public. You are saying that, rather than focusing on well crafted policy and policing, you are working to make your job easier, regardless of the insinuations made and the consequences that we, the public, will endure.

Encryption is not something that is exclusively devised by tech giants. One person can create an encryption program from their home. If this law is enacted and companies are forced to offer a way to unlock a person's device or provide their information to you, what is stopping a criminal from using a home made encryption program that doesn't have a means of access such as those that you would like to use? Unfortunately, criminals inherently are law breakers, and therefore will not be bound by laws requiring them to provide access to devices like the rest of the law-abiding public.

On your website there is also a testimonial given by the Victorian Police, which details a registered sex offender who was on parole who was allegedly breaking the conditions of this parole by speaking to underage girls online. He then refused to provide his passcode to access his phone.

While this is a potentially devastating situation, it does not deny someone their right to due process. While this does make the job of the police harder, given a search warrant was presented that instructed the accused to provide his passcode, he could then be found to be guilty of attempting to pervert justice. The maximum penalty for this crime is 25 years in Victoria, which is MUCH more significant than the penalty for online grooming of a minor, which is roughly 10-15 years.

My concern here is that the right to privacy in Australia is becoming eroded in small steps, and as each law is passed, it becomes a precedent on which new surveillance laws can be built. While the suggested bill could possibly result in the uncovering of some malicious crimes, it also adversely affects the vast majority of the Australian public. Due to this, I cannot, in good conscience, be silent. It seems that the government is using the general lack of awareness and apathetic attitude of many people to pass through a law that they do not understand the consequences of. For instance, NO ONE would be in favour of letting a governing body keep copies of their house keys in case police felt like there was an emergency where they needed to access them, regardless of probable cause.

While you may say that the bill will be executed with "reasonable and proportionate response", there is an alarming amount of stories surfacing in Australia, like excessive force and unlawful seizure of phones and cameras, that make me wonder if a small proportion of officers are even capable of reasonable and proportionate response. This is not to discount the hard work and integrity of the vast majority of the Australian Police Force, but it worries me that this power will also be in the hands of those who will abuse it.

Lastly, I would like to finish by saying, if there exists an ability for companies to access encrypted devices of individuals, it ALSO exists for those who would seek to use it nefariously. To believe the government is only one to ever have possible access to this power would be foolhardy. This is not the country I want to see shaped before me.

Thank you for your time,

Ethan moffat