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To: [Assistance Bill Consultation](#)
Subject: Submission on proposed bill: The Assistance and Access Bill 2018
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I would like to voice in strongest terms my opposition for this further erosion of privacy and digital freedom of Australians.

As someone who has been involved in technology my entire life I've noticed particularly in recent years there has been a callous disregard for the notion of personal privacy and a constant whittling away of the normal protections (such as warrants, presumption of innocence, freedom from random searches) 'just because' we're talking digital data. Citizens of this country should not be treated as suspects and they should have reasonable expectations of privacy.

Where is the need for yet another expansion of surveillance/snooping?

Our spy agencies already have far too much power, money and far too little oversight and accountability. And this is a common theme with just about everything that is signed into law using fear-mongering about terrorism as a justification to treat the citizens of this country (and others) as criminals or suspects. While the weasel language (including the name "The Assistance and Access Bill 2018") in this act might pretend that ASIO asking politely for help is going to be treated as voluntary: in reality it will not be voluntary.

People who have nothing to hide still have curtains on their windows

The idea several decades back that a government would introduce a measure that meant they could break into people's homes at any time, copy any and all private diaries, photos, track all movements the entire day, listen in on conversations is something that even the most dystopian science fiction writers couldn't have imagined. The long list of short sighted, fear-mongering policy that keeps producing laws like this are edging us closer to total surveillance and zero privacy.

Big picture: what's the end state?

What is the point of all this if the end result is we live in under a constant risk/threat of search, of silent spying on everything we do, of constant instability and insecurity of IT systems due to government mandated spyware and back-doors.

Enough is enough: where is the justification?

There has never been a good, evidence-based reason made for this unparalleled intrusion and search powers. For cost/benefit: if we are talking lives saved - then mass surveillance/expanded search powers is poor money and legislative effort per live saved. It is not an evidence based position at all.

If we're looking at "does this make this country better" or serve the interests of the public: the answer is no it does not make Australia better to be adopting the very worst cold war spying/expanded powers of police as "day to day".

Serve the public, not treat citizens or privacy as the enemy

This ugly habit of treating citizens as suspects at all times is an indication that anyone writing or sponsoring these bills is unfit to be in parliament. We don't need some sort of ultimate power set of spy powers - the threat of terrorism is minuscule in the grand scheme of things. Combine this with the illegal use or misuse of spy powers so well documented in so many cases in so many governments (including the ones we have signed up to share any of our collected data via the five eyes scheme) that it is without doubt occurring within Australia's current spy agencies - and almost without question in violation of many laws

due to the lack of effective oversight or accountability.

Whole agencies have been misused by the government of the day

A public example of how Australia's spy agency resources were misused was in the E Timor spying scandal - an action carried out by the government minister of the day for the benefit of his now employer, Woodside. We have seen a government, when caught out doing the wrong thing, double down and go after the whistle-blowers (and the lawyer!) - using all manner of dirty tricks (such as denying them a passport) and unfair targeting of the wrong people (Alexander Downer is not currently under arrest for this gross misuse of spy resources). So we have seen corporate espionage be included in the responsibilities list for Australian spy agencies (and this was above those of safeguarding our foreign embassies). This is grossly unfair to the people in our spy agencies who are interested in helping protect the country. So the safeguards are woefully insufficient and this can only be by design or incompetence. So if "in Australia's interests" became "for the profit of a tax dodging company" - the idea that having such broad powers for such broad categories that can apply to anything makes them untenable.

Suggestion: Any direction given by a minister to spy agencies needs to have oversight and clear limits (including a ban on using public spy resources for the benefit of companies).

Powers used to go after good people

Based on recent actions of the government - I have no doubt that these powers in the proposed bill will be used to go after decent people doing the right thing in the case of whistle-blowing on illegal activities or corrupt officials (who regard their actions counter to the public good as being "national security"). It will also undoubtedly be a political tool used to criminalise doing the right thing or simply a way to lean on those doing nothing wrong at all. That we've seen the "protecting the public revenue" involve disclosing Australian citizen's private information for political reasons during the "robodebt" debacle - the idea that this revenue clause will crop up in every one of these bills is a sure sign it is set up to be misused.

Suggestion: text on the reasons about protecting revenue needs to be removed - it is too broad.

Suggestion: additional oversight, transparency and accountability to protect whistle-blowers.

Missing some important focus on child abuse prevention

As for the case of paedophile activities cited in the Dept of Home Affairs site on this proposed bill - I fail to see why that hasn't been the focus of this act if that's the flagship example of why an entire country needs to have their freedoms and privacy reduced. If this was an act to go after paedophiles, rather than such broad categories - perhaps it might be more useful as a bill for preventing harm.

Suggestion: Narrow down the scope to just those involving child abuse, paedophiles and sex trafficking if that truly is why this act is needed as claimed.

Dial back the spying, dial up the transparency and accountability

This stuff sounds like something you'd expect from a cold war movie or a failed state authoritarian dictator. Requests to assist/help with spying on people anywhere, via any device or software that can be considered "communications"? This broad reaching grab bag of blunt legal tools to do whatever, whenever and to whomever is yet another giant leap toward a police state/mass surveillance - where is the justification? Again - back to lives saved? Absolutely doesn't stack up. Cost to the country? Well - you could instead focus on taxation and powers to compel corporate tax lawyers to give evidence and that would save tens of billions. If it is about the country's interests: those diverged with those of the spy-legislation-obsessed political class a long time ago, and we look like paranoid fools arguing for these powers. From a technology business perspective it creates a mess

and could compel businesses to put their customers at risk so that ASIO or some other agency can get a data feed - and any breaches of that would then be unable to be reported to the public no doubt. If the safeguards are to be believed it doesn't actually do what the whole thing is geared up to do - so it's either pointless or the interpretations of the safeguards are a lie.

Conclusion

As someone who works in the technology field: personally I feel this act is a terrible idea. If I was to pick a focus instead: we should be legally requiring privacy, and requiring encryption of providers - not trying to blow a big hole in it or our rights to privacy to further treat your increasingly distrustful public as suspects and/or criminals.

Democracy is in a dire state because of the growing divide between the technology-inept politicians coming up with increasingly terrible ideas for anything to do with privacy/technology and the internet in general.

Withdraw this bill. It is a terrible, terrible idea on top of a series of terrible ideas.

regards,
Nathan Lee