

Department of Communications' appearance before the House Standing Committee on Infrastructure and Communications.

Inquiry into the use of section 313(3) of the Telecommunications Act 1997 by government agencies to disrupt the operation of illegal online services

29 October 2014

Questions on Notice from Mrs Prentice (Chair) to the Department of Communications

(Proof Committee Hansard - p.1)

What do you estimate to be the percentage of Australian internet users who are on a private network?

On 3 October 2014 it was reported that, in the World Internet Project's last survey of Australian internet usage patterns and trends, conducted by Swinburne University, twenty per cent of respondents indicated that they use either a Virtual Private Network (VPN) or a web proxy – or both – to access the internet and download files at home.¹

What are your views on how VPNs circumvent website blocking, perhaps looking at the American example?

VPNs create an encrypted tunnel between a person's computer and a server and route the person's internet traffic through that server.²

Both individuals and organisations use VPNs for a range of legitimate activities, such as remote access to corporate networks, and to protect individuals' identities and credentials when using unsecure networks.

We note that the Australian Federal Police has provided evidence to the inquiry on the use of VPNs and related technologies in the context of disrupting access to illegal online services.³

Clarification regarding response made during the Department of Communications' appearance before the House Standing Committee on Infrastructure and Communications on 29 October.

In response to Mr Thistlethwaite's question "Does this mean that any government body can make this request to the carrier?" Mr Buettel responded "Yes" (Proof Committee Hansard - p.4).

The Department seeks to clarify that any request to disrupt access to illegal online services under section 313(3) of the *Telecommunications Act 1997* is subject to the requirements of that section.

¹ <http://www.swinburne.edu.au/media-centre/news/2014/10/australians-embrace-vpns.html>

² See paragraph 4.63 of 'At what cost? IT pricing and the Australia tax', House of Representatives Standing Committee on Infrastructure and Communications, July 2013
http://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=ic/it/pricing/report.htm

³ Proof Committee Hansard, House of Representatives, Standing Committee on Infrastructure and Communications, 29 October 2014, p.7

As outlined in the Department's submission, section 313(3) requires carriers and carriage service providers to give officers and authorities of the Commonwealth, and of the states and territories, such help as is reasonably necessary to:

- enforce the criminal law and laws imposing pecuniary penalties;
- assist the enforcement of the criminal laws in force in a foreign country;
- protect the public revenue; and
- safeguard national security.