

To Whom it may concern,

The telecommunications and other legislation amendment (2018) creates extremely broad powers with almost no oversight, without any substantive justification. The possibility that such powers might be needed in future is not a proper basis for the making of laws. Among other things, the Bill effectively enacts insecurity by design, which will almost certainly create additional obstacles and exclusions for Australian companies seeking to operate in EU markets.

We recommend that members of the Australian Parliament reject the Bill wholesale, as this is the most appropriate response to the exposure draft in the opinion of the authors of this submission. The remainder of this submission should be read with this recommendation in mind.

We have numerous serious concerns with this Bill, in particular that it:

- Introduces a seemingly scopeless definition of “designated communication providers”;
- Increases the obligations on communication providers to assist with law enforcement agencies;
- Introduces covert computer access warrants enabling law enforcement to search computers and electronic devices without an individual’s knowledge; and
- Increases the powers of law enforcement to use and apply the currently available search and seizure warrants.

Whilst the protection of the Australian community is obviously important, it is incumbent on Government to ensure that this is achieved in a manner which is necessary and proportionate.