

Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014

Virgil Hesse

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Submission to Committee

Thankyou for the opportunity to send a submission to clearly a fundamentally important Bill for Australia into the 21st Century.

Sadly recent events have left State and Federal Law Enforcement asking questions which in hindsight point to a breakdown across the Law Enforcement's and their ability to adequately monitor one individual who had intentions no one person could predict.

I would ask the Committee to be very careful in reacting emotively with regard to this aberration when considering the third tranche of legislation, that being the Data Retention component.

It was clear from the proceedings of the 17th December 2014 in the PJCIS that even the most basic part of this tranche is still in "proposed" shunting mode. The six points which make up the 'data set' are ambiguous and porous in their intent. In fact the really only concrete point is number 4.

"The date, time and duration of a communication, or of its connection to a relevant service"

This point is basically pulling at the *real* metadata, the stuff which Telco's use for billing and for network prediction and forward planning. With so many small operators using the already well worn infrastructure, these are details which are currently collected and traditionally stored, as PM Mr Tony Abbott stated on August 6th 2014 .."which they are already keeping"

Of course...how else would a telecommunication billing operation work..?

My other concern is that Telecommunication Companies will see this as a boom opportunity and pass the cost onto the end user. A double dipping opportunity which will be abused and corrupted.

One estimate which has floated around for some time is in the region of \$500 million dollars. With pre-paid and household broadband plans delicately balanced in families budgets, and with more and more online services available, this increased cost would push out the people on low incomes and make an internet only for those who can afford it.

And basically , that's not what the internet is about.

The previous Government's Attorney General made a complete mess out of data retention and I ask that the committee carefully and prudently look at all checks and balances in this new legislation.

Try and avoid further expensive and time consuming amendments which are all too prevalent in the Australian Governments inability to do anything correctly first time round.

The other concern is that if you make a great big honeypot of citizenary data, you will attract Gorillas...they love honey.

I say this not in a humours sense but in the cold light of computer intrusions as a day to day occurrence.

Australian Parliament passively uses only industry issued patches and experiences approximately three to four hundred 'probes' per month.

My point is that along with the data retention the Government must also be clear on the fact that if you build it, they will come.

I hope that the Committee listens not only to Industry experts, but does it's own fact finding and not allow itself to be pressured by public emotions and develops a clear and well defined Data Set for this Bill.

Of course it astuonds me that this is still a "proposed" data set at this stage of the legislation.

I also add a image of the Gorilla and the honeypot



Thankyou ,

Virgil Hesse