

To Whom it May Concern,

This is a submission regarding "The Review of the Telecommunications and Other Legislation Amendment (Assistance and Access) Act 2018".

This act is overreaching and sets a dangerous precedent for the technical and legal communities of Australia, with consequences yet unrealised.

* This act will damage Australia's technical community and reputation.

As a result of this act, Australia's technical community, and trust placed into it will and has been compromised. Some smaller IT firms have already moved or are in the process of moving technical staff outside of the country. There are many individuals (including myself) who work on security-critical opensource components who now are considering our options to leave the country as our work may now no longer be trusted. This is irrespective of whether an assistance notice is issued to us or not. On principle, it is hard to assert my work is trust worthy when there exists legislation that gags-and-compromises my work.

* This act fundamentally breaks trust and security of applications

A cornerstone of modern application security is the ability to apply security updates from vendors. By the threat of potentially back dooring updates, people will no longer apply these updates leaving them open to greater risks from various online threats that exist.

Additionally, any backdoor that you use, can and will be abused by other entities. This has been proven time and time again that it is fundamentally impossible to provide backdoors that are secure.

These factors combined, citizens must now choose:

- * update their applications and risk a backdoor that threatens their privacy or could be abused by online threats
- * don't update their applications and risk online threats due to a lack of security patches.

These options are unacceptable.

* This act does not provide meaningful solutions to terror or criminal threats.

It is well known that the leading indicator of terror or criminal actions is domestic violence. However despite many reports of DV being submitted, and large amounts of evidence to this fact, it is ignored by our political entities. It would be a better use of police resources to take DV seriously as a threat and a pre-cursor to violent crimes. This would have a more significant impact than the ability to read encrypted messages.

Additionally, it's well known that police already have many ways to investigate crimes today, without the need to break encryption. Consider that two people can have a conversation in private in a car – this has the same profile as encrypted text communication in that it can't be over-heard, nor witnessed remotely, or even replayed. Yet, even in the past police were able to investigate and prosecute crimes without over-reaching spy powers. Encrypted communication access will not aid investigations today, and is not necessary.

* This act will be abused by legal entities

The meta data retention bill had many similar submissions made warning of no meaningful evidence production and a risk of abuse by authorities. So far to date, there is large evidence to support this as the reality, where the predictions of the technical community have come to pass. Once again, the technical community is telling you that this will be abused, broken, and will violate trust of our citizens.

* Citizens must be respected.

The majority of citizens of this country are law abiding individuals who deserve respect and service from the Government. Your job is to respect the desire, interests and safety of citizens rather than advancing ideological, dangerous and authoritarian legislation. Today, you are abusing the fact that these technical bills are complex and out of subject-matter knowledge of the majority of the population to advance them. You are also abusing the fact our journalistic entities have a similar deficit in their ability to correctly understand and report on technical matters. This does not however allow you to abuse the power vested in your for yourselves, when your singular job is to respect citizens and our privacy. You are expected to be in a position of ethics, morality, to look beyond hype and to implement laws that are respecting of privacy and expert advice.

As a result, I can only conclude this bill will undermine our technical community, it will violate trust and security of computer applications, it solves no meaningful crimes, and is a gross abuse of citizens privacy and the trust we place in your, our government.

This law must be rescinded, with no compromises or half-way measures. The only reasonable approach is to remove this law.

Sincerely,

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