

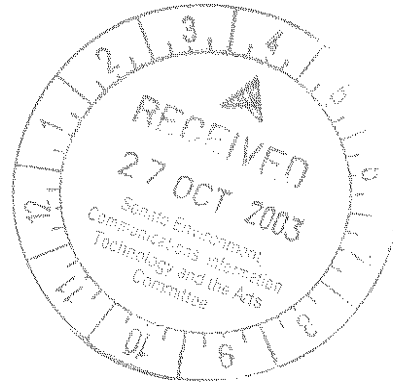


Sharon Grierson MP
Federal Member for Newcastle



20 October 2003

The Secretary
Senate Environment Communications,
Information Technology and
The Arts Legislation Committee
Parliament House
CANBERRA ACT 2600



Dear Secretary

I wish to forward to you correspondence received in my office on the 16 October 2003, from Mr Frank Gatt, PO Box 307, Hamilton NSW 2303.

Mr Gatt brings to my attention eight points in relation to the Anti-Spam Legislation. Mr Gatt writes that after reading and scanning the bill he finds that the bill is deficient in definitions and devoid of solutions, but is heavy in regulation and penalty for contravention.

I would appreciate if you would consider Mr Gatts concerns and advise me of your findings.

Yours sincerely

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16 OCT 2003

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October 16, 2003

----- Anti-spam "legislation" -----

Dear Ms Grierson,

Thank you for the information on the spam bill. After reading and scanning it I find that it is somewhat deficient in detail (definitions) and devoid of solutions. It is however quite heavy in regulation and penalty for contravention.

Educated in engineering (two degrees) and with great respect for fact and effective solutions, I have lived, worked and run small businesses in three countries (Canada, USA and Australia). I also possess dual citizenship (Canadian and Australian) and am conversant in programming (high level languages), internet and genetic algorithms. My comments on this literature which you have sent me (at my request) are the following:

1. The internet is a "world" or "trans-national" phenomenon not a "national" phenomenon. As such 100% compliance with this bill in Australia will result in the elimination of (20 million / 6 billion x 100) % of the emails in an email in-tray ie. 0.33%. The bill is 99.67% ineffective.
2. Mandating a notion that one requests permission to send an email (or a lot of emails) to strangers is a dangerous restriction on free expression and free trade. Is the government to make advertising billboards illegal also? lest my eyes fall unbidden upon their message? The government exempts itself from these draconian yet still ineffective rules. You should not exempt government, as exposure is the way government learns its errors.
3. Unnecessary and ineffective legislation such as this adds a further layer of fear and apprehension into this once great Australian society and as such, purveyors of this legislation have a further something to answer for.
4. The internet (and software generally) are emergent phenomena and are subject to the laws of these phenomena. You will find much in the study of genetic algorithms ie. the formalised math structure of the ways in which entities (trees, humans, ideas, ant-nests etc) evolve. In the case of spam you will generally and gradually see an increase in anti-spam software ie. semi-intelligent software which does an adequate job of culling the unwanted emails or conversely allowing a specified few through.
5. Outlawing these internet activities not only attempts to eliminate them with a blunt instrument but also tends to stifle legitimate (or not yet illegitimate) activities. A far better solution is education, ie. educate those who use the internet. Indeed educate everyone. It is more difficult, but indeed far more effective. This sort of "legislation" can be construed as a "cop-out". It's convenient for politicians to drag out at election time as to how they've

spent their time "protecting" the citizenry. In fact this sort of legislation doesn't protect nor deter uneducated citizens. It simply frightens and further restricts them.

6. Reading the literature was somewhat bewildering (and I believe that I'm educated). How any average citizen can make sense of the byzantine jargon used is unknown to me. Passing this off in the name of Australian Law is a dis-service to the Australian citizen and further deepens the chasm between everyday life and "government". I believe that a genuine case exists for citing a normal citizen's inability to readily decipher what is being said. It strengthens my belief that "government" is becoming increasingly irrelevant in the face of accelerating technological advances.
7. It's easy to set up an anonymous server in an accommodating country and "spam" through these (back) into Australia thereby circumventing detection. Fake addresses, accounts etc are also easy to obtain. The policing authorities will spend much more time and money tracking down the "offenders" than what it is worth in fines. Besides, by the time they think they've found these people (a reasonable 3-6 months per case) they would be long gone and using a different assumed name . . . all for 0.33% of the world's spam ?? I hope that this is not representative of intelligent response and preparedness of the government for problems. If so, what will happen when a very real and threatening problem comes along ?
8. Government and elected representatives should keep up with technology and advance effective solutions to real problems and exclude "politically correct" problems such as this ie. lead, don't follow. Should elected representatives not keep up then they will surely have a real need for this emerging "police state" (in Australia) in order to subdue the dis-satisfied (or worse) citizens. Being "politically correct" and "being seen" to be busy is counter-productive, wastes legislators' and citizens' time, money and assets and will result (has already resulted) in the present sorry state of my (Australian) nation.

Those in government who spend their time at taxpayers' expense to produce this sort of output probably realize that they may never get to be held responsible for it. Nevertheless it serves to degrade the quality of government and further lower the respect which the general populace has for those in power. The connections are obvious. I do not know who originated this. I can but urge you to resist its passage and find a real problem (there are a neglected plethora) on which to exercise good governance. Perhaps I could assist in some small way in the future.

So the above are my comments on the literature pertaining to the proposed "legislation". The comments in no way reflect my opinion of you Ms Grierson. Indeed, as yet I have not met you. I believe that being an elected representative these days is not easy nor getting any easier. But although I am male I firmly believe that females would do a far better job at all levels of senior governance than the currently installed sorry lot in most nations, including this one.

Sincerely,



Frank Gatt B.E., M.Eng.Sc.
