

Policy Questionnaire – Election 2016 General

Q. Do you support the principle of an open, free and secure Internet?

Yes. The Greens have and will continue to campaign strongly in support of encryption, against data retention and government surveillance, for transparency of government and privacy for citizens, for a fast, publicly owned NBN, and for the industries that rely on and flourish with an open, free and secure internet.

Open Government Partnership

Q. Do you support Australia's involvement in the Open Government Partnership, which Prime Minister Turnbull recommitted Australia to in November 2015?

Yes, though it is the Greens view that the government can and should do much more to make Australia a leader in the area of open government.

National Broadband Network

Q. What is your position on the National Broadband Network?

Australia should return to a universal service, publicly owned fast fibre NBN.

Encryption

Q. Do you accept that meaningful privacy and strong encryption technologies are critical and necessary enablers of communications and commerce across all contexts?

Yes. Senator Ludlam's media statement on encryption: <http://scott-ludlam.greensmps.org.au/content/media-releases/encryption-keeps-everyone-safe-greens>

Q. Do you support the universal availability of strong encryption technologies?

Yes, refer to the same media statement as above.

Q. Will you oppose any laws or regulations that seek to undermine encryption and privacy technologies in order to provide law enforcement agencies with access to data?

Law enforcement should be required to obtain a warrant before obtaining personal data. The pursuit of information relevant to specific cases must not come at the expense of the safety of the broader public, and that includes encryption.

Telecommunications Data Retention

Access to retained telecommunications data is currently available without a warrant, except where the subject of the request is a journalist.

Q. Do you support the extension of this warrant requirement to other groups, including to all members of society, as is currently the case in a number of EU countries?

Yes, Senator Ludlam introduced the “get a warrant bill” into parliament. <http://scott-ludlam.greensmps.org.au/campaigns/get-warrant>

Q. Do you believe that the current list of agencies able to access retained telecommunications data is sufficient? If not, please indicate which additional agencies you believe should also be able to access such data.

This data should require a warrant. As it exists, the reduced list of agencies able to access this data was the only positive outcome of the data retention debates.

Q. Do you believe that the current two year retention period for internet data is appropriate? If not, please specify what retention period you believe is appropriate.

No – 0 years, this data should not be retained. Numerous international examples, most prominently in the EU demonstrate that these schemes have no measurable impact on crime clearance rates.

Intelligence Oversight

Q. Do you support increasing the oversight powers of the Parliamentary Joint Committee on Intelligence and Security over operational matters?

Yes, the oversight should be expanded, and the committee itself should have a crossbench position on it so it is not just Liberal and Labor.

Q. Do you support a wide-ranging inquiry into Australia's intelligence gathering capabilities and data sharing arrangements , particularly under the so-called 'Five Eyes' agreement which includes the US, UK, Canada and New Zealand?

Yes, Senator Ludlam called for a committee inquiry that would examine this, but was shut down by the Labor and Liberal parties. <http://www.itnews.com.au/news/labor-coalition-reject-electronic-surveillance-committee-367132>

Preferential Trade Agreements

Q. Do you support Australia ratifying the Trans-Pacific Partnership Agreement? Please provide reasons.

No, the Greens have long campaigned against the TPP, see: <http://scott-ludlam.greensmps.org.au/campaigns/tpp>

Q. Do you have a position on the prospective Trade in Services Agreement?

The Greens have also campaigned against TISA
<https://www.facebook.com/SenatorLudlam/posts/10153400762534470>

Q. Do you believe that the current processes for negotiating preferential trade agreements (either bilateral, such as the agreement with China or plurilateral, such as the TPP) are acceptably transparent and consistent with democratic principles?

No. Secrecy is no way to trade. We need to know what the government is preparing to trade away in our names. These processes should be open and transparent.

Copyright Reform

In 2013 the Australian Law Reform Commission (ALRC) recommended that Australia adopt a number of reforms to modernise the Copyright Act, particularly a broadening of the currently limited fair dealing exceptions to a much broader, flexible fair use exception, in line with US copyright law.

In December 2015, the Government released draft legislation which

included reforms which address a number of key issues (such as extending the Safe Harbour scheme and facilitating the implementation of the Marrakesh Treaty) but which fall well short of the introduction of a broad, flexible fair use exception.

In April 2016 the Productivity Commission issued a draft report which supported the ALRC's recommendation for Australia to adopt a broad, flexible fair use exception.

Q. Do you support the limited reforms proposed by the Government in December 2015?

Yes, as a first step, but much more work is needed.

Q. Do you support the introduction of a broad, flexible fair use exception into Australia's Copyright Act?

Yes, Senator Ludlam introduced a bill for fair use.

<http://scott-ludlam.greensmps.org.au/content/media-releases/greens%E2%80%99-bill-rebalance-copyright-law>

Copyright Enforcement

Q. Do you support the legislation passed in 2015 that gives copyright holders the ability to seek Federal Court injunctions to block access to Internet sites that they believe are primarily facilitating copyright infringement?

No, the Greens will continue to campaign against this legislation.

<http://scott-ludlam.greensmps.org.au/content/media-releases/greens-oppose-online-infringement-bill>

These schemes are trivially easy to circumvent, and are unnecessary. Rights holders should modernize distribution technologies and models, not rely on government to block sites they don't like

<http://scott-ludlam.greensmps.org.au/content/media-releases/just-make-content-available-greens>

Q. Do you support a scheme that will require Internet Service Providers to serve notices on their customers that are alleged to have infringed copyright? If so, who should bear the cost for this scheme?

Any such expense should be borne by the rights holders, ISPs should not have to pay to facilitate rights holders suing their customers.

Censorship

Q. Do you support the introduction of mandatory internet filtering to try to prevent access to 'harmful content'?

No. Tools available at the household level are far more effective and efficient than ISP or network level filtering. Parents are better able to supervise their children's internet use, a cumbersome government filter will likely block legitimate sites and be easy to circumvent.

Office of the Australian Information Commission

Q. Do you support sufficient and long-term resourcing for the functions of the Office of the Australian Information Commissioner, including the appointment of the three statutory Commissioners (Information, Privacy and Freedom of Information – at present these roles are held by one person)?

Yes, the Greens advocated for the OAIC to be exempt from cuts, and for the return to proper funding arrangements.

<http://lee-rhiannon.greensmps.org.au/content/media-releases/exempt-foi-crippling-funding-cuts-sake-open-govt-greens>

Mandatory Data Breach Notification

Q. Do you support the introduction of a mandatory data breach notification scheme for entities covered by the Privacy Act (the current government committed to pass such legislation in 2015 but it has yet to happen)?

Yes this legislation is long overdue, Senator Ludlam introduced a senate motion calling for it: <http://scott-ludlam.greensmps.org.au/content/motions/data-breach-legislation-where-it-george>

Civil Cause of Action for Privacy Breaches

Q. Do you support the introduction of a civil cause of action for serious breaches of privacy?

Yes. During the Convergence Review debate of 2012/13 the Greens argued for a Tort of Privacy.

Census Data

Starting with the August 2016 Census, the Australian Bureau of Statistics will begin retaining identity information (names and addresses) collected as part of the Census.

Q. Do you support this change?

No, see <http://grns.mp/save-our-census>

Health Records

The implementation of the MyHealth (Personally Controlled Electronic Health Records) program was recently changed from an 'opt-in' to an 'opt-out' arrangement.

Q. Do you support the implementation of the MyHealth electronic health record system on an 'opt- out' basis (ie where the default is to include everyone unless they proactively opt-out), or do you believe it should revert to an 'opt-in' approach?

This system should stay opt-in, and should not be contracted out to private corporations.