

THE TURNBULL COALITION TEAM

CCHQ 2016



29 June 2016

Mr Jon Lawrence
Electronic Frontiers Australia Inc
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Canberra ACT 2601
Email: email@efa.org.au

Dear Mr Lawrence,

Thank you for the opportunity to provide the views of the Coalition on important issues facing your members. On behalf of the Coalition Members of Parliament and candidates I am pleased to respond to your survey.

Australia's future depends on how well we can continue to grow and shape our economy.

Only the Liberal and National Parties have an **economic plan** to do that and ensure Australia's future.

We have a clear plan to transition the economy from the mining and investment boom to a stronger and more diverse economy.

The key elements of our national economic plan for jobs and growth are:

- An Innovation and Science programme bringing Australian ideas to market. This means greater investment and more jobs and opportunities for our young people;
- A New Defence Industry plan that will secure an advanced defence manufacturing industry in Australia. This will create thousands of new hi-tech, higher paying jobs;

- Export Trade Deals that will generate more than 19,000 new export opportunities. These will create many more jobs for our urban and regional families;
- New Tax Incentives, which will include tax cuts for more small businesses. More than two million businesses can benefit, to deliver more growth and jobs; and
- A Strong New Economy with more than 200,000 jobs expected to be created.

Our national economic plan and management is already paying dividends. Last year our economy continued to grow creating almost 300,000 new jobs, many of them in small business.

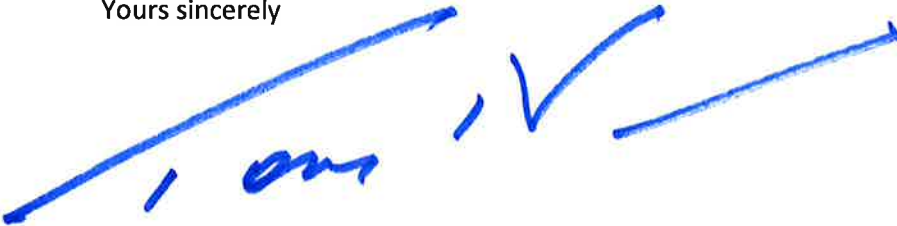
We cannot put economic growth and the jobs that come with it at risk with a return to Labor and their debt and deficits, high taxing, big spending ideas.

Only a Liberal and National Party Government can protect Australia's future.

Once announced, our policies will be available at www.liberal.org.au and www.nationals.org.au.

Thank you for communicating the Coalition's commitments to your members.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Tony Nutt', with a checkmark and a horizontal line drawn through it.

Tony Nutt
National Campaign Director

COALITION RESPONSE to ELECTRONIC FRONTIERS AUSTRALIA INC

General

On launching Australia's cyber strategy policy in April 2016, Prime Minister Turnbull affirmed that Australia, as a stable and creative nation, is committed to ensuring the Internet is open, free and secure.

The Turnbull Government acknowledges that the need for an open, free and secure Internet goes beyond economics. It underpins freedom of expression and reinforces safe and vibrant communities.

To fully realise the social, economic and strategic benefits of being online, the administration of the internet should continue to be governed by those who use it, and not dominated by governments.

Equally, cyberspace cannot be allowed to become a lawless domain. Both Government and the private sector have vital roles to play.

The Turnbull Government will work with international partners to promote norms of behaviour that are consistent with a free, open and secure Internet.

Open Government Partnership

Prime Minister Turnbull confirmed Australia would become a Member of the Open Government Partnership (OGP) in November 2015.

Since then, to finalise Australia's membership, the Government has engaged extensively with relevant stakeholders, including the public, industry, government agencies, and the international headquarters of the OGP.

The Coalition does not foresee any issues meeting the OGP's membership criteria.

Representatives from the OGP provided extremely positive feedback on Australia's consultation process when they met with our representatives from the Australian Government.

Due to caretaker conventions, Australia's OGP Action Plan is now expected to be launched in July this year. This has been communicated to officials from the international headquarters of the OGP.

The OGP recognises that this process cannot be finalised during an election campaign while the government is in caretaker mode.

National Broadband Network

The Coalition is committed to rolling out fast, affordable broadband to all Australians by 2020. The Coalition's nbn rollout is ahead of schedule and on-budget.

Under the Coalition, more than 60,000 homes a month are being connected to the nbn, compared to just 51,000 connected during Labor's six years in government. Under Labor, rollout targets were not met, contractors walked off the job, and people's homes became construction zones.

The nbn has now passed more than two and a half million premises nationwide and has over one million active connections. By the end of June 2017, 5.4 million premises will be able to connect to the nbn, increasing to 9 million premises by the end of June 2018.

The Turnbull Coalition Government has provided a Statement of Expectations which notes that nbn must provide minimum wholesale data rates of 25 Mbps to all premises in Australia, and speeds of at least 50 Mbps to 90 per cent of the fixed-line footprint.

The Coalition's nbn offers broadband speeds that are well above what the majority of users are purchasing. Fibre-to-the-node has an average download speed of 70 Mbps and most users are able to access speeds of 100Mbps, while users on fixed wireless can access speeds of up to 50Mbps.

Consumers are unwilling to pay for Labor's high-price nbn. Four out of five users are purchasing nbn plans with speeds of 25Mbps or less, and not a single user has connected to the 1Gbps service promised by Labor in 2013.

Encryption

The Turnbull Government supports the use of strong encryption to protect personal, commercial and Government information.

We welcome the ongoing efforts of private companies to protect the privacy of their customers' information against criminal access. However, strong encryption is a double-edged sword. As encryption becomes ubiquitous, it is preventing our law enforcement and security agencies from investigating serious crimes, and combatting threats to national security and public safety.

The Government is committed to ensuring that law enforcement and security agencies can operate in an environment characterised by strong, ubiquitous encryption, while ensuring the protection of our fundamental freedoms.

Telecommunications Data Retention

The *Telecommunications (Interception and Access) Amendment (Data Retention) Act 2015* (the Data Retention Act) ensures that law enforcement and security agencies have the information they need to keep the community safe. Law enforcement agencies have long been able to access telecommunications data in connection with the enforcement of the criminal law.

The *Data Retention Act* simply standardises the type of data telecommunications companies are required to retain and the length of time they are required to retain it.

An additional requirement to obtain an independently issued warrant before accessing a journalist's metadata for the purpose of identifying a source was introduced on 13 October 2015. It did not apply prior to that time. The new journalist information warrant regime recognises journalists' ethical obligation to protect the confidentiality of their sources while ensuring that law enforcement agencies can investigate crimes and protect the community.

The Coalition Government reduced the number of agencies that have access to telecommunications data under the Data Retention Act from nearly 90 to 21 specified core criminal law enforcement and security agencies. Applications from other agencies to have access to telecommunications data will be considered on a case by case basis.

The Attorney-General has not temporarily declared any additional enforcement agencies.

The Turnbull Government considers the retention period is appropriate to ensure that our law enforcement and security agencies have access to the information they need to investigate serious crime and terrorism.

Intelligence Oversight

The Coalition appreciates the important work of the Parliamentary Joint Committee on Intelligence and Security and believes that the current scope of its oversight role is appropriate.

The Coalition believes that the current oversight and accountability arrangements for Australia's intelligence agencies are appropriate. These include the review role of the Inspector-General of Intelligence and Security (particularly the Inspector-General's ability to conduct own motion inquiries) and the Parliamentary Joint Committee on Intelligence and Security.

Preferential Trade Agreements

Australia's export trade agreements with China, Japan and South Korea – three of our four largest export markets – will set Australia up for the long term.

These agreements will grow our economy, create jobs and benefit consumers.

Independent economic modelling has found that together these three free trade agreements will, over the next two decades, create many thousands of new jobs, make households more than \$4,000 better off and boost GDP by almost \$25 billion.

For Australian consumers and businesses, the new trade agreements will also place downward pressure on the prices of some goods, such as vehicles, electronics, clothes and household appliances.

The Trans-Pacific Partnership Agreement (TPP) promises even greater benefits for Australian exporters and investors in the fast growing Asia-Pacific region. We are negotiating further export agreements with India, Indonesia, and regional and Pacific nations and have agreed to negotiate a Free Trade Agreement with the 28-member European Union, creating even greater opportunities for Australian businesses.

Copyright Reform

The Coalition understands the need for copyright reform.

We have already introduced legislation which came into effect last year to address the illegal downloading of content in Australia and have consulted on further improvements to the *Copyright Act* to update and simplify the protections for copyright owners that will be introduced at the start of the next term of Parliament.

If re-elected, the Coalition will consider broader changes to the *Copyright Act*, including considering findings of the Productivity Commission Report into intellectual property arrangements.

Copyright Enforcement

The Coalition understands that copyright protection is an essential mechanism for ensuring the viability and success of creative industries by incentivising and rewarding creators. We have already introduced legislation which came into effect last year to address the illegal downloading of content in Australia.

A draft notice scheme is an industry code and details of the scheme, including cost apportionment, are properly determined by industry.

Censorship

The Coalition does not support mandatory internet filtering. Indeed, the Coalition has a long record of opposing it. However, we do support a number of measures to protect children from harmful content online. Since the 2013 election, the Coalition has established the Office of the Children's eSafety Commissioner, and passed the *Enhancing Online Safety for Children Act 2015*.

The Office of the Children's eSafety Commissioner has implemented an effective complaints system, backed by legislation, to quickly remove harmful material targeted at Australian children from large social media sites. The scheme applies specifically to cyber-bullying material – that is, content targeted at and harmful to an Australian child. It is not a general content scheme.

The Office of the Children's eSafety Commissioner is working with mobile phone companies (such as Telstra, Optus, Vodafone and their resellers) and internet service providers (which provide fixed broadband services to their home) to make available software which parents can choose to install on their own devices to protect their children from inappropriate material.

The Coalition's measures will bring a better and more rapid response to online dangers and help keep Australian children safer.

Office of the Australian Information Commission

In 2016-17 Budget, the Coalition allocated \$37 million of ongoing funding to the Office of the Australian Information Commission to continue its privacy and FOI functions.

Mr Timothy Pilgrim PSM is undertaking functions and exercising the Commissioner powers under the *Privacy Act 1988*, *Freedom of Information Act 1982* and the *Australian Information Commissioner Act 2010*.

Mandatory Data Breach Notification

The Coalition held public consultation on mandatory data breach notification legislation between 3 December 2015 and 4 March 2016.

We considered all stakeholder feedback in the process of designing a simple, effective mandatory data breach notification scheme with minimal costs and regulatory impact. If re-elected, the Coalition would introduce finalised legislation as part of its legislative agenda early in the life of the next Parliament.

Civil Cause of Action for Privacy Breaches

The Turnbull Government is committed to protecting the right of Australians to personal privacy.

We acknowledge that a statutory tort of privacy is recognised in some international jurisdictions.

However, no Australian jurisdiction has legislated a cause of action for the invasion of privacy and the Coalition has no plans to introduce a statutory tort of privacy.

Census data

In the 2016 Census, the Australian Bureau of Statistics (ABS) will temporarily retain names and addresses. This will allow Census data to be connected with other existing datasets by the ABS for the strict purpose of statistical analysis. All names and addresses will be destroyed no later than four years after the 2016 Census.

Privacy is an important issue in our modern society. Under the *Census and Statistics Act 1905*, all information provided in the Census remains strictly confidential to the ABS, and can never be released in an identifiable form, whether to a court, tribunal or other agency.

The technical approach by the ABS for storage of Census data is best practice and on par with Australian Defence Department standards. Names, addresses and Census data will be stored separately and made anonymous. Encrypted versions of name and addresses will be produced to bring datasets together so the names and addresses are never re-combined with other Census data.

Health Records

The Coalition has undertaken an independent review of Labor's failed Personally Controlled Electronic Health Record. The review found that, despite Labor's mismanagement, there was a strong case for a National Electronic Health Record.

The review specifically took into account the security and privacy of people's health information and made a number of recommendations in this area.

The Coalition has implemented these recommendations with strict laws to protect privacy and security. A new Australian Digital health Agency and Cyber Security Centre will be established to minimise privacy risks with the use of information provided.

The MyHealth Record will save lives, most significantly by reducing medication errors. This is the basis for the Coalition ensuring general practices and hospitals are engaged in the national pilots.

Digital technology provides the opportunity for Australians to receive better health services through their medical professionals having immediate access to health information. Digital services can deliver affordable 24 hour help, when and where people need it.

The Coalition favours opt-out participation in the electronic health record system.

Evaluation of opt-out trials will conclude later in 2016. The feedback from the evaluation will be used to inform future participation arrangements in the MyHealth Record system.