

Policy Questionnaire – Election 2016 – Liberal Democratic Party

General

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

Yes.

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.

National Broadband Network

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

Government ownership and control of NBN prevents competition between technologies, which will increase costs on consumers, imposes huge costs on taxpayers, and risks government misuse of its ownership to serve narrow political ends. Supporters of the status quo fail to recall how the Government owned monopoly that was Telecom failed to deliver Australia a bright technological future. NBN should be split into competing entities, the entities should be sold, and government funding to entities to meet service obligations should be transparent. A private entity undertaking fibre rollout would extend fibre to the home only where commercially viable.

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.

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

Yes.

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?

Yes.

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.

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.

The list should not be expanded. Consideration should be given to removing the ACCC and ASIC from the current list.

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.

The entire regime is flawed. Data retention should be abolished except when required by a court order.

Intelligence Oversight

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

Yes, although a committee of Labor and Coalition parliamentarians intent on demonstrating their suitability for a Ministerial position is hardly sufficient oversight.

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.

Preferential Trade Agreements

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

Yes.

The Liberal Democrats will be relevant as part of a Senate crossbench considering implementing legislation. This legislation will only relate to part of the TPP Agreement, as most of the Agreement requires no legislative change. The Liberal Democrats will most likely support the implementing legislation, as it will most likely consist simply of reductions in Australian tariffs. The Liberal Democrats support reductions in Australian tariffs in all circumstances.

The Liberal Democrats will not be involved in the subsequent ratification of the TPP Agreement. Ratification is done by government, not parliament. The Liberal Democrats' policy is that this should change; treaties should be subject to approval by the parliament. Despite not being involved in the ratification, the Liberal Democrats will support ratification, given the significant benefits from ratification for exporters, importers, investors and consumers.

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

The Liberal Democrats support reductions in barriers to trade in services, as the potential benefits of increased services imports (including increased competitive pressure on local service suppliers) and exports is significant. The Trade in Services Agreement should be pursued if the prospects of reaping these benefits are high, compared to the expected costs incurred by the government in pursuing the agreement.

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?

The problem is the ratification, not the negotiation. Ratification should not occur until an indication of parliamentary approval has been received. It is legitimate for government to negotiate agreements behind closed doors — to suggest that negotiations could involve continuous disclosure is unrealistic.

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

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

Yes.

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.

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?

No.

Censorship

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

No.

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)?

The Liberal Democrats support sufficient long-term resourcing for the functions of the OAIC. The Liberal Democrats will not sign up to the idea that this will always involve the appointment of three statutory Commissioners.

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)?

The Liberal Democrats support a mandatory data breach notification scheme for government entities covered by the Privacy Act. Default rules for mandatory notification should also be in place for private entities covered by the Privacy Act, but individuals and private entities should be able to enter into agreements to opt out of these and other default rules in privacy law.

Civil Cause of Action for Privacy Breaches

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

No blanket commitment can be given as the devil will be in the detail and free speech is paramount.

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.

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 'optout' 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?

The arrangement should be 'opt-in'.