

# Science Party responses to EFA Election 2016 Policy Questionnaire

14 June 2016

## General

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

Yes. The Internet needs to be unobstructed as a medium for the free exchange of ideas.

## 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?*

The Science Party supports open and efficient government, with all non-sensitive material made public (and easily searchable online), and with strong protections for whistleblowers. The Open Government Partnership describes such measures as “ambitious”. We see them as “essential to a functioning democracy”.

## National Broadband Network

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

It has been a shambles. We support FTTP. Nothing else needs to be said.

## Encryption

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

Definitely. Privacy and encryption are the cornerstone of security, without either of these, financial institutions and Governments would be left vulnerable and face the possibility of collapse. Likewise, so would an individual's financial recourses, consumer rights and identity. These are the foundations of a modern, healthy democracy.

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

Yes. If this technology is not available to all, it will put individuals at risk by privileging some communications over others. Further, the unavailability of universal, strong encryption jeopardises the security of our nation, and our governance structures and financial systems. The primary cause of security and computer faults (both simple and devastating) is user error or compromise. Humans are the weakest link and therefore universal availability of strong encryption is a **must, not an option** if we are to keep Australians safe.

*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. We support privacy laws, and in particular we oppose metadata retention. On the matter of encryption “backdoors” for government agencies, we believe (and there is evidence to suggest) that traditional investigative methods have superior outcomes over the use of metadata (from metadata dragnets) and device decryption. These very government-endorsed backdoors historically have a tendency to allow unfriendly governments to access the data as well.

### **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. The protection of journalists’ metadata without a warrant is window-dressing. Further, it should not be illegal to inform a journalist that their metadata is the subject of a warrant application; journalists should have the opportunity to explain why protecting the identity of their sources might be in the public interest.

*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.*

We oppose metadata collection without a warrant. Therefore, we believe that any access to metadata collected without a warrant is excessive. This data should be treated like any other private information stored by an individual was historically treated. The extensive list of offices already seeking access for reasons that have nothing to do with national security shows the potential for misuse, and creates an inherent mistrust of government. We are determined to rebuild confidence in our elected representatives and systems of government through fact-based policy and open data.

*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.*

Storing two years’ worth of data is costly, and history shows both that it is unlikely to help solve crimes and that much less time than this is enough to allow abuse. Shorter storage periods are less inappropriate, but if long retention times do not benefit law enforcement, then the value of shorter retention periods needs to be questioned.

## **Intelligence Oversight**

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

We support strong oversight of Australia's intelligence and security organisations. Some methods to achieve this are more beneficial than others and the Science Party would review all feasible options to achieve this outcome.

*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?*

This would potentially cause diplomatic and economic friction between our collaborative partners, so any and all actioning on said inquiry should be considered exhaustively and carefully. Whilst an independent inquiry would be welcomed, we simply do not have enough information (part of the problem when considering secret intelligence) on the subject to determine what the best course of action would be post-inquiry.

## **Preferential Trade Agreements**

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

No, due to the lack of transparency surrounding the TPP. We are not opposed to trade, but preferential trade agreements should be open to scrutiny following negotiation, especially if any of the clauses or policies could potentially deny Australia any rights (such as privacy) or financial freedoms.

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

The language surrounding the Trade in Services Agreement is quite opaque. If the same amount of effort had gone into explaining the agreement in plain terms as has gone into selling it (e.g. writing a "myths vs. reality" FAQ), then the Science Party would be able to take a position on it.

*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. The lack of transparency surrounding the TPP is entirely inappropriate. We believe that transparency and open access to trade agreements will lead to better outcomes for society.

## **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?*

While we are not certain of all the proposed details, in principle, the Science Party supports widening the definition of fair use when it does not disadvantage the content creator.

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

Yes. As above.

## **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 Internet should not be filtered. The Internet owes its success to the openness on which it was built. We believe that maintaining the free exchange of information is an important aspect for any society and is not limited to the Internet.

*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. It is not the place of the ISP to investigate copyright infringement.

## **Censorship**

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

No. It is difficult to believe that a government would not manipulate such a filter to restrict access to material that is politically inconvenient to them. Cynicism aside, the slower performance, financial burdens and unintended screening effects of a filter would have negative effects on the economy, and on personal and scientific research. Moreover, individuals who wish to circumvent a filter for criminal purposes will find a way to do so.

## **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)?*

Possibly. We would have to do more research to decide which option would have more beneficial outcomes for Australian citizens and society as a whole.

## **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, if only to encourage organisations to place a higher value on private information and protect it accordingly.

## **Civil Cause of Action for Privacy Breaches**

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

In principle, the Science Party supports the right to sue for a serious breach of privacy where there is a gap in the existing legislation with regards to a particular situation.

## **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. Data should be anonymised for the sake of all Australians' privacy, but also to ensure the best data collection. We need reliable and accurate data to help plan for the future of our country. The threat of identification will conceivably intimidate some people into answering certain questions a certain way or not at all.

## **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?*

It is Science Party policy to promote electronic health records as an opt-in system. Well-integrated health data has the potential to significantly improve healthcare delivery (so it is unlike metadata retention as it might actually be beneficial). If the system works well, the benefits will speak for themselves and individuals will be able to choose whichever option they prefer. This health data must be stored with the utmost security.