



INTERNET ASSOCIATION OF AUSTRALIA
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To: Committee Secretary
Senate Standing Committees on Environment and Communication

PO Box 6100
Parliament House
Canberra ACT 2600

By submission:

https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/Telecommunications47

RE: Telecommunications Legislation Amendment (Information Disclosure, National Interest and Other Measures) Bill 2022

Thank you for the opportunity to express the Internet Association of Australia's (IAA) perspective on the *Telecommunications Legislation Amendment (Information Disclosure, National Interest and Other Measures) Bill 2022 (Bill)*.

IAA is a member-based association representing Australia's Internet community. Our membership is largely comprised of small to medium sized Internet Service Providers. This response is primarily in representation of these members, as well as for the general public good of the industry.

IAA and our members are committed to assisting law enforcement and emergency service bodies where assistance is legitimately necessary. As such, in general, we do not see major issues with the Bill. We recognise the need for a disclosure framework that adequately balances privacy protections on one hand, and allowing Australia's law enforcement agencies and emergency services to carry out their functions to ensure individual and wider public safety on the other.

However, we note that in the development of the Bill, the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (**Department**) conducted only a targeted consultation involving only select industry representatives. We do not believe that this is good practice. The Bill includes reforms such as changes to s 306 which pertains to record keeping rules where disclosures have been made. While we support these changes being made to ensure appropriate oversight, we note that this will require telecommunications providers to be aware of these changes to ensure correct record keeping processes. Contravening s 306 carries a fine of up to 300 penalty units.

Given the implications of these changes which will affect processes for telecommunications providers, and pose fines if such changes aren't complied with, it is important that sufficient effort is made to raise awareness across the entire industry regarding the new requirements. We

encourage the Department to engage with industry to ensure these changes are well-understood and implemented.

Regarding the removal of the “imminent” qualifier, we recommend that additional guides are developed and adopted by agencies in appropriately defining whether a threat is “serious” to ensure that the balance between privacy and public interest is maintained.

Once again, IAA appreciates the opportunity to contribute to the Bill. IAA and our members take assisting law enforcement agencies and emergency services organisations extremely seriously. We are committed to the development and implementation of the Bill in a manner that ensures providers are aware of their obligations and the effect of the Bill is such that it does not unnecessarily infringe upon the privacy of individuals. IAA sincerely looks forward to working with the Department, industry, law enforcement, emergency services and other stakeholders to ensure an appropriate framework that will balance the protection of the nation and individuals’ safety and security as well as the privacy of personal information and communications in Australia.

ABOUT THE INTERNET ASSOCIATION OF AUSTRALIA

The Internet Association of Australia (IAA) is a member-based association representing the Internet community. Founded in 1995, as the Western Australian Internet Association (WAIA), the Association changed its name in early 2016 to better reflect our national membership and growth.

Our members comprise industry professionals, corporations, and affiliate organisations. IAA provides a range of services and resources for members and supports the development of the Internet industry both within Australia and internationally. Providing technical services as well as social and professional development events, IAA aims to provide services and resources that our members need.

IX-Australia is a service provided by the Internet Association of Australia to Corporate and Affiliate members. It is the longest running carrier neutral Internet Exchange in Australia. Spanning six states and territories, IAA operates over 30 points of presence and operates the New Zealand Internet Exchange on behalf of NZIX Inc in New Zealand.

IAA is also a licenced telecommunications carrier, and operates on a not-for-profit basis.

Yours faithfully,

Narelle Clark
Chief Executive Officer
Internet Association of Australia