



Submission No 208

Inquiry into potential reforms of National Security Legislation

Name: Mr C Blackwood

Organisation: Private Capacity

To: [Committee, PJCIS \(REPS\)](#)
Subject: Sub 208: Public comment on the idea of storing Australians Internet history
Date: Monday, 10 September 2012 5:17:58 PM

I am writing to you about the discussion of storing internet history of Australians in the Parliamentary Joint Committee on Intelligence and Security.

I realise that this is not yet actual policy but I believe that this idea is a mistake for the reasons outlined below.

There are a number of issues with this idea:

- * privacy
- * cost / results

The privacy implications of this should be pretty clear to most people, as you are creating a cache of data about users and storing it on computers. Given the various hacks of company network that occur each year, you can expect such information to be leaked.

The cost of forcing ISP's to track this information (while at the same time increasing the capacity of the network by increasing the network infrastructure through the NBN) will obviously be passed on to end users.

Cost really depends on results that can be expected and I hope to outline below why I do not think you will see the results that justify the costs (in dollar terms and privacy impacts).

Why develop this policy? Who is the 'enemy'?

Given the committee is about Intelligence and Security and the proposal is for monitoring inside Australia, one assumes that this is being raised for the standard bugbear of fighting terrorism (although I guess this could also apply to crime, although a policy that does such damage to privacy for simply fighting crime seems a little over the top unless we are under some unpublicised crime wave).

So let us examine the results of such a policy in fighting terrorism.

Our enemy in this 'war' is a statistically microscopic population of people intent on using violence to gain attention to a cause an change behaviour. Although I think the term 'war' is misleading, given that in the same time span as the 'war on terror' you could win world war 2 twice (effectively conquered the whole world), but lets humour our more vocal hawks and say that it is a war.

First, I assume we can all agree that there has been no successful terrorist attack in Australia in the least decade plus of this 'war'. There might have been planned attacks, but they have obviously been stopped with current tools. So we are fighting a menace that has had zero historical impact on Australian soil and has been successfully stopped with current methods.

If there is one key trait that al-qaeda seems to have mastered, it is information security. Look at the difficulty of tracking bin-laden (no phone, no internet). I think that it is a fair assumption to say that it is unlikely that al-qaeda is going to be slack about their

communications protocols, meaning that logs of communication and interception are unlikely to provide preventative intelligence. So we are unlikely to gather much information to prevent 'professional' terrorist threats.

Combine with that the cheap availability of VPN (virtual private networks, which allow you to encrypt and tunnel your traffic to another country for retransmission) which bypass any monitoring Australia will set up for the princely sum of \$5/month. If you are cheap you could use the existing TOR network (which was in part setup to allow people with repressive government internet monitoring to use the internet with freedom, but lets assume that our terrorist cell has not worked out how to type 'secure communications' into google). So we are fighting terrorists who cant afford \$5/month per person.

So in summary, this will help fight:

- 1) a threat that has killed zero Australians
- 2) terrorists who are so inept as to be easily tracked (ie, dont realise you can encrypt things)
- 3) terrorists who cant afford \$5/month to negate this effort

Is this an overreaction? The American TSA

I think the American experience should illustrate that there is a tendency to overreact to the 'terrorist threat' and we should be wary of any overreaction in any policy we do design.

Take for example the American TSA (air port security program).

Has it saved lives? Not really. Post 9/11 there was a large move away from air travel back to driving, but driving is more dangerous than air travel, leading to a large spike in road deaths.

http://dyson.cornell.edu/faculty_sites/gb78/wp/fatalities_120505.pdf

Has it prevented planes being taken over? Not really. No flight crew is going to ever give up control of a plane again and either are passengers. The 9/11 attacks are just not possible again as attitudes to taking over planes have changed.

Has it prevented terrorism? Not really. Terrorists can simply fly potential recruits across America and check if their luggage is searched or the recruit is stopped to check if they are on any no-fly-lists. The no-fly-list actually provides a tool to terrorists to allow them to vet potential recruits.

Would it have prevented 9/11? Not really. 9/11 and the London bombings were all committed by people in the country legally or native residents.

Has it prevented terrorism at large? Not really. The aim of terrorism is to create terror and by building a climate of fear, you are actually providing terrorists with the stated goal that is in their name.

Security experts often call the US TSA system 'security theatre' as it is only designed to be 'seen' to do something, not to actually do something. http://en.wikipedia.org/wiki/Security_theater

Is this an overreaction? Lets put CCTV cameras everywhere to fight crime!

There is an endless stream of things you can spend money on to 'fight crime' or 'fight terrorism' but we really should be doing a proper

examination of the effects of each one, rather than just pulling ideas out of a hat.

How about spending money on CCTV cameras?

The UK has gone the CCTV route to 'fight crime'. How effective is that? Well according to the Australian Government: "The best available research consistently suggests that CCTV has no effect on violent crime. Better results have been found for its ability to prevent property crime, particularly vehicle crime."

<http://www.aic.gov.au/en/publications/current%20series/crm/1-20/crm018.aspx>

What might be effective is to implant GPS trackers in every Australian to instantly detect where they were every second of the day. Oh hold on, no that wouldnt prevent 9/11 (seemingly 'normal' people travelling on planes, who were not connected until after their attack) and I dont think it would have stopped the London bombings either.

There could be an argument that these kinds of technology help investigate crime/terrorism after the event, but that hardly stops the initial crime/attack. Investigation is a different argument than prevention and it seems to me that it is harder to justify such a privacy intrusion for something that will not prevent a terrorist attack.

Our real enemy: lightning and dog bites! I demand a war on dog bites!

<http://reason.com/archives/2011/09/06/how-scared-of-terrorism-should>

"How many Americans have been killed in terrorist attacks inside the United States since the September 11, 2001, atrocities? Arguably 16."

or how about:

<http://thinkprogress.org/security/2011/08/25/304113/chart-only-15-americans-died-from-terrorism-last-year-less-than-from-dog-bites-or-lightning-strikes/>

In summary:

2010: 29 killed by lightning strikes, 34 killed by dog bites, 15 American private citizens died from terrorism last year worldwide

Now one could argue that there is a massive number of attacks that have been prevented by the security apparatus that seems to have taken over, but the reason.com article discusses that in some numerical detail.

So how should we react to terrorism?

How about 'these people are mentally disturbed, lets ignore them'?

If the terrorists really do 'hate us for our freedoms' then why are we trading those freedoms away (which is I assume what they want, given they seem to 'hate' them) to fight terrorism? Shouldnt we be *increasing* our freedoms to fight terrorism?

Terrorists seem to want:

- 1) create terror (which is fear)

2) to make their cause 'heard' and be important

Declaring a 'war on terrorism' and having all these security overreactions to 'prevent the terrorist menace' seems to be exactly the outcome the terrorists want. Why dont we just mock the fact that lightning is almost twice as effective (against their great satan target) and ignore them.

For an organisation looking to gain traction in a religious war, isn't accepting their declaration of war giving them the attention and response they want?

Personally, I would rather keep living under this threat of 'zero terrorist deaths' and also keep my privacy and freedoms. Im willing to risk even *double* the US terrorism rate (still under the dog bite deaths). Actually, I'd happily increase my freedom just to 'stick it to the terrorists'.

Seriously?

This country has some *real* problems that should be addressed.

The Heart foundation just ran an ad saying "Australian dies from heart disease every 24 minutes", so thats 60 per day or 21900 people per year! Can we get some legislation to help with that? If terrorists killed 20000 Australians a year, Im sure you'd see protests in the streets.

Statistics are a little hazy, given the massive under reporting, but figures seem to suggest that 1 in 3 women will experience sexual assault in her life. How the hell can we be looking at legislation to help prevent a rise in the 0 (zero) terrorism attacks in Australia while 30% of women (15% of Australians) are attacked during their lives? If al-qaeda came to Australia and assaulted 3 million Australians there would be riots on the streets and mobilisation!

Can we get some legislation to help with the some real problems instead?

Why are we reacting so poorly to terrorism?

Our brains are wired poorly to accurately measure threats. An excellent article on this by security expert, Bruce Schneier.

<http://edition.cnn.com/2012/07/31/opinion/schneier-aurora-aftermath/index.html>

Being unable to recognise common and numerous dangers and over-reacting to rare but 'Hollywood' dangers causes two problems:

- * as a public we dont recognise common dangers and demand action on them
- * our politicians are rewarded for playing to 'Hollywood' dangers
- * our politicians are effectively punished (by having the effort ignored) for fixing the real problems that we dont recognise

Id love a scientifically literate political party that used the Australian Bureau of Statistics top ten causes of death and worked on solving some of those. Even if you cant help cure diseases, "Intentional self-harm" is number 10 on the list (above car accidents) on the ABS list:

<http://www.abs.gov.au/ausstats/abs@.nsf/Products/BBC4B00DFF0E942ACA2579C6000F6B15?opendocument>

Thank you for reading my gibberish,
Cameron Blackwood

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