

## Score board

Changes to cabinet:  
The Budget:  
Parental Scheme:  
Changes to Racial and  
Discrimination Legislation:  
Changes to the education  
system:  
Illegal boats and process of  
refugees;  
Data retention legislation:  
Definition of Terrorism:  
Carbon Tax:  
Taxation:  
Work for the Dole:  
Welfare changes:  
Raising Pension age to 70



## TONY ABBOTT UNITY IN LEADERSHIP

Peter Adamis  
7 August 2014

There is no higher responsibility of government than that of maintaining the security of its people.

**Governments primary objective.** Given that each Australian governments primary responsibility is the security of its people and as such it must use all of the tools available to it to ensure their safety. In the absence of any tool, legislation is created to arm the government in order to achieve that objective it has to consult with a wide ranging of representatives in order to get it through the safeguards of the Australian Senate. This can be frustrating and confusing at times, but the Westminster model has proven time and time again to be an effective means of government.

**Rhetoric or misinformation.** We as citizens are rightly confused by the admixture of rhetoric and misinformation and/or the lack on the part of the government to provide all of which it is seeking to legislate with the public's knowledge. Since The Liberal Government was elected it has attempted to change the culture of the Australian way of life to a past based on values, traditions and culture that unfortunately are not valued or given the respect they deserve.

It is of interest to that everything takes on a new meaning when one is in government and in power and that the mantle of responsibility of governing a nation is not as easy as it seemed when in opposition. Still in the short time that the Liberal Government has been in power, they have managed to somehow keep their disagreements within the party room and are seen by the people of Australia as a team united.



### Tony Abbott as Prime Minister.

The Prime Minister Tony Abbott has come a long way in demonstrating leadership and it history will judge him as one of the best Prime Ministers this country has ever seen. I say this based on my observations of him when he was the opposition leader traversing Australia and spreading his message of hope and opportunity for all Australians.

Tony Abbott in my view was at his best in the manner in which he handled the two Malaysian air disasters. This was true leadership at its best. Tony Abbot may still have a way to go to achieve all of his political objectives and this is being achieved by working behind the scenes to maintain unity and consistently demonstrating leadership on the job. A job that he is not only well prepared for but also armed with the appropriate political and life experiences to go with it.



**A human side.** He means well, is compassionate, highly educated, hard working, family man comes across as a secure and stable member of our society and a great believer in the maintenance of Australian institutions and cultural values.

The hard exterior that once shrouded him in opposition is now being shed and replaced by a softer side that retains the best of realism, pragmatism and traditionalist in his dream to see a united Australia.

This is most evident in his treatment of his political opponents both on and off the political arena, an arena where no holds are barred and each party fights vigorously during robust debates defending their points of view.

However despite all of his well meaning attempts since he has been in government, he is still subject of the occasional gaffe which in my mind is the actions of a man under heavy responsibility and stress brought about the demands of being a Prime Minister. He is human after all and an Australian at that. History if I am not proven wrong will judge him kindly and future generation s will be able to point back to 2014 and say that it was Tony Abbotts finest hour.

**Government setbacks.** Having said the above, this brings us to the matter of the recent setbacks by the government. I for one am perplexed by the recent revelations over changes to the Racial Discriminations act, Retention of Metadata and changes to the definition of terrorism and its definition of Australians fighting overseas for a cause they believe in. Let's get real for once and try work what exactly does the government want from us. These recent setbacks that have forced the government to return back to the drawing board can only strengthen their resolve to try even harder next time.

**Projects and Policy analysis.** The policies or projects being pursued may only require minor changes to ensure that what they propose is rock solid and up to date with current societal expectations. Policies and projects that may look good on paper are really only effective when they have been trialled or at least modelled on past proven projects. Some of these policies and/or projects which have been presented to the Australian public are as shown in the scorecard below:

<b>POLICIES PROJECTS AND PROJECTED CHANGES</b>	<b>COMMENTS</b>
<b>Changes to cabinet:</b>	Changes to responsibilities as a result of external investigations
<b>The Budget:</b>	Limited by the Senate and too draconian. Small business suffering
<b>Parental Scheme:</b>	Figures do not match with expectations
<b>Changes to Racial and Discrimination Legislation:</b>	18c amendments did not reflect the majority of Australians. Not well received.
<b>Changes to the education system:</b>	Gaffes and poor selling of the new system
<b>Illegal boats and process of refugees;</b>	Worked well for six months but cracks began to appear
<b>Data retention legislation:</b>	Poorly structured, misunderstood by cabinet and a confused public fearful of Big Brother surveillance
<b>Definition of Terrorism:</b>	Well received but insufficient safeguards
<b>Carbon Tax:</b>	Good call but with some amendments
<b>Taxation:</b>	Many changes designed to capture tax cheats.
<b>Work for the Dole:</b>	Good concept, Name was not well received. Youth are confused and angry.
<b>Welfare changes:</b>	Designed to change welfare culture but seen as harsh and draconian.
<b>Raising Pension age to 70</b>	Poorly sold and misinformation concerning pensioners

**Changes perceptions and behaviours.** The above are but some of the many changes underway if not being pursued by a government determined to ensure long term economic security. What is evident from the above analysis is that the Government has embarked upon an ideological change that is fundamentally flawed in its delivery of its messages. I say this because on many occasion the government has not sold its policies well to the Australian people and its disappointing that policy makers have not done sufficient research to ensure policies are based on domestic and global factors that can be reinforced by data.

**Effective opposition.** Labor, PUP and the Greens have been effective in advising an alternative point of view by misconstruing the government policies and thus creating an environment of scepticism, ignorance and fear of the unknown. This after all is their main responsibility and one must admit whether the reader supports them or not, the opposition parties have been extremely difficult to work with. This is where the talents of Tony Abbot come in and he is able to consult and work with the opposition parties to ensure that legislation is passed through both houses.

**Not all is lost.** I am of the view that the government still has a long way to go and the sting out of their policies has now been driven home to an Australian public who now know that their lives will no longer be the same. This is not a negative analysis but rather a different direction being taken by a government that is determined that short term pain is well worth it to achieve long term economic security. Advice as the man in the streets and a grass roots members is to review their methodologies and delivery of new ideas, concepts, projects and policies.

## WHAT IS THEREFORE REALLY AT STAKE - IS IT SECURITY, SNOOPING, FREEDOM OR BIG BROTHER



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**Malcolm Turnbull says government has not decided what user data it needs to store for spy, law enforcement agencies**

August 7, 2014 Latika Bourke National political reporter. Communications Minister Malcolm Turnbull says the government's data retention plans are still being finalised. *Photo: Alex Ellinghausen.* Data retention policy still to be finalised. The government is on an 'iterative journey' and many details are yet to be determined says Communications Minister Malcolm Turnbull.

The government needs to spell out exactly what internet data it wants stored for spies and law enforcement agencies so it can "explain and justify" it, Communications Minister Malcolm Turnbull says. Speaking on Bloomberg TV in the face of criticism the government has demonstrated a lack of understanding of its own proposals, particularly whether the storage of "metadata" would include users' browser history, Mr Turnbull has stressed the policy is still in the consultation and design phase.

"Metadata means different things to different people so what we have to do is get to the end of our consultation, conclude the very, very clear parameters of our policy and then explain it and then justify it," he said. Labor has questioned whether Attorney-General George Brandis is up to the job. Prime Minister Tony Abbott announced on Tuesday that cabinet had agreed to proceed with a plan to force telecommunications companies to store internet and phone logs of everyday Australians so they can be accessed by spy and law enforcement authorities without a warrant. However, the government has not yet finalised what metadata it wants recorded and for how long. Mr Abbott originally suggested it could include an internet users' browsing history but later clarified it would not include online "content".

Similarly, Attorney-General George Brandis struggled to explain what constituted metadata in a now notorious interview on Sky television on Wednesday. He said authorities would be able to access the IP address, or numerical versions of websites and see what online sites a person had visited, but not what links they clicked on within the website. Senator Brandis, who is under attack from some of his colleagues for his handling of the now discarded changes to the Racial Discrimination Act, cancelled a speech he was scheduled to deliver in Sydney on free speech, saying he would attend the MH17 memorial service in Melbourne on Thursday instead.

Fairfax Media has learned that Mr Turnbull was not consulted and only learned of the National Security Committee's decision to proceed with mandatory data retention via a leak to a newspaper ahead of cabinet. Sources say he angrily complained to his ministerial colleagues about not being consulted and having to learn about NSC's decision, not at cabinet, but via the media. Mr Turnbull said there could be "significant costs" for the telcos if the policy ended up mandating companies store vast amounts of "new classes" of data and said there would then be a question of who would pay to keep and protect the information. But he said there would be almost no cost if the government decided to legislate that the telcos store information they already hoard.

Mr Turnbull apologised for not being able to spell out more clearly the government's intentions. "I'm sorry I can't give you the outcome of the policy formation process, we're in an interim process, we're on a journey and until we get to the end of it it's difficult to be more specific," he said. Mr Turnbull and Mr Brandis were due to meet staff from Telstra on Thursday afternoon to discuss what implications metadata storage would have on telecommunications companies. Labor is questioning whether the Attorney-General is up to the job and is calling on Tony Abbott to consider replacing him. "This Attorney-General, Senator Brandis, is a walking disaster," the shadow attorney-general Mark Dreyfus said. "The Prime Minister should be thinking about getting someone in the portfolio who actually understands about the issues that he is meant to be managing, perhaps someone like Malcolm Turnbull," he said.

<http://www.smh.com.au/federal-politics/political-news/malcolm-turnbull-says-government-has-not-decided-what-user-data-it-needs-to-store-for-spy-law-enforcement-agencies-20140807-3dawv.html>

## Definition of Telecommunications Data

Also known as Metadata, Communications Data and Communications Associated Data

Telecommunications data falls into 2 categories:

1. Information that allows a communication to occur
2. Information about the parties to the communications

Relates to communications for:

1. telephones – both fixed and mobile
2. Internet

Information that allows a communication to occur:

- o The Internet identifier (information that uniquely identifies a person on the Internet) assigned to the user by the provider
- o For Mobile services: the number called or texted.
- o The service identifier used to send a communication, for example the customer's email address, phone number or VoIP number.
- o The time and date of a communication.
- o General location information, ie cell tower.
- o The duration of the communication.

Information about the parties to the communications is information about the person who owns the service. This would include:

- o Name of the customer
- o Address of the customer
- o Postal address of the customer (if different)
- o Billing address of the customer (if different)
- o Contact details, mobile number, email address and landline phone number
- o Same information on recipient party if known by the service provider.

**The definition of telecommunications data does not include information relating to a person's web browsing or the contents or substance of their communications.**

## WHAT IS METADATA AND SHOULD YOU WORRY IF YOURS IS STORED BY LAW?

August 6, 2014 Ben Grubb and James Massola.

The government wants metadata stored for law-enforcement purposes. Photo: Louie Douvis.

The Abbott government has indicated its support for a controversial "data retention" regime, which would require internet and telephone providers by law to store every single subscriber's "metadata" for a period of up to two years for access without a warrant by law-enforcement agencies.

What is metadata? Should Australians be concerned that it's going to be retained for law-enforcement purposes if passed in Parliament? Is it true it can be accessed now without a warrant? And what is already possible? We answer these questions and more.

### 1. What is metadata?

How the Attorney-General's Department defines metadata in a federal parliamentary submission. Currently there is no definition of metadata under Australian telecommunications law.

The Attorney-General's Department has defined it in a parliamentary submission (page 46) as data created when online tasks are undertaken and other forms of electronic communication are made. According to this definition, metadata is not what you type on a device or say over the phone, but rather the footprint that's left behind. For instance, when you use a phone or mobile, this includes the number called, the location from which the call is made, and the duration of the call. When you're surfing the internet, the definition of what constitutes metadata gets murky. On Wednesday morning, Prime Minister Tony Abbott told the Nine Network's *Today* show that metadata included "the sites you're visiting". His office later clarified that it did not include this.

"The government requires a lawful warrant to look at Australians' web-browsing history. This is not metadata, it's content," his office said. Despite this, the Northern Territory Police and Victoria Police continued to push in federal Senate inquiry submissions earlier this year for web-browsing histories to be included as part of any mandatory data retention scheme.

**Metadata is widely understood by government officials to include the following :**

Telephone numbers

The time and length of phone calls

The internet protocol addresses (IP addresses) of computers from which messages are received or sent

Location of parties making phone calls

To and from email addresses on emails

Logs of visitors to chat rooms online

Status of chat sites – whether they are active and how many people are participating

Chat aliases or identifiers (the name a person uses in a chat room online)

Start and finish times of internet sessions

The location of an individual involved in communications

The name of the application someone uses online and when, where and for how long used

**Metadata is not:**

The content of a communication such as a phone call or an email

The subject line of an email

The content of the discussion in a chat room online (what is said)

The content of a mobile phone text message (SMS)

Attachments to emails such as photos or videos

Web camera transmissions

Websites a person visits (i.e. browsing histories)

The name of a website a person visits

The substance of a person's social media posts

**2. Why is there no legal definition for metadata in Australia?** One of the main reasons metadata hasn't been defined in legislation is that law enforcement agencies do not want to restrict what they have access to as technology rapidly changes. It is unlikely that there will be a legal definition of metadata in the proposed legislation.

**3. Who has access to your metadata now?** What many people don't realise is that, already, a number of Australian law-enforcement agencies are now able to access your metadata without a warrant if telcos - such as Telstra, Optus and Vodafone - retain it, which under current legislation they are not required to.

Agencies that can access, and have accessed, the metadata as defined by the Attorney-General's Department include federal, state and territory police, Medicare, Bankstown Council in NSW, Work safe Victoria, the RSPCA, the Tax Office, Australia Post, domestic spy agency ASIO, ASIC and many others when conducting criminal and financial investigations.

**4. How many times do these agencies access metadata?** Agencies accessed metadata 330,640 times in 2012-13 - an 11 per cent increase in a year and a jump of 31 per cent over two years. However, it is unclear whether the 330,000 figure is a true representation of the number of Australian citizens who had their metadata accessed as the Attorney-General's Department is yet to clarify whether one request can include access to multiple peoples' metadata. Further, ASIO is not included in the figures as it is exempt from having to report the number of requests it makes.

**5 Is there potential for misuse?** There are many uncontroversial reasons to access metadata including allowing police to solve crimes by, for example, using mobile phone data to pinpoint the location of a suspect. However, some controversial requests have been uncovered. For example, Bankstown Council in NSW used metadata to find litterbugs and fine them. Meanwhile, officials at Queensland Police began accessing the private metadata of cadets last July to determine whether they were sleeping with one another or faking sick days. This access was labelled by the state's police union as "disturbing" and "potentially unlawful".

Greens Party senator Scott Ludlam has argued that warrants should be required for access, but law-enforcement agencies have said that this would clog up the courts. In 2012, Victoria's then acting Privacy Commissioner Anthony Bendall dubbed data retention as "characteristic of a police state", arguing "it is premised on the assumption that all citizens should be monitored". Abbott's recently appointed Human Rights Commissioner Tim Wilson said that he did not support data retention.

"I don't support the idea of data retention at all but I do realise that there are ways that it can be more or less infringing on peoples' right to privacy. That's not really in dispute," he said. When in opposition, Communications Minister Malcolm Turnbull also criticised the thought of data retention regime in Australia, saying: "Now this data retention proposal is only the latest effort by the Gillard government to restrain freedom of speech."

**6. Why are law enforcement and the government pushing for new laws?** The Attorney-General's Department says that anecdotal reporting from law-enforcement agencies suggests that, increasingly, their requests for metadata from internet and phone providers are not being met as carriers are no longer retaining the data requested. Traditionally, some telcos have kept the data for analytics and billing purposes. But they say they are beginning to delete it as it takes up a lot of storage space, which can be costly if it's not needed. One of Australia's largest internet providers, iiNet Group, has said that if it was required to bear the costs of a data retention regime then customer internet bills could go up by \$10 a month.

**7. Is there an international precedent for these laws?** In April, a similar data retention scheme in the European Union was ruled "invalid" by the Court of Justice in response to a case brought by Digital Rights Ireland against the Irish authorities and others. Soon after, notwithstanding the ruling, Britain rushed through its own new "emergency" laws that made it mandatory again.



8. Will internet and phone providers be required to store metadata by law? Yes. If the proposed laws pass, companies such as iiNet, Optus, Telstra and others would need to retain your metadata. In the past, a time period of two years has been suggested for how long it should be stored.

9. When is the government planning to legislate? Attorney-General George Brandis said on Tuesday that laws to make data retention mandatory would be introduced into Parliament later this year and that the question of who would pay was yet to be decided.

<http://www.smh.com.au/digital-life/digital-life-news/what-is-metadata-and-should-you-worry-if-yours-is-stored-by-law-20140806-100zae.html>

## SECURITY WHAT'S NEW

- ▶ **Mandatory retention of metadata by telecommunications providers**
- ▶ **\$630m boost to national security agencies over four years**
- ▶ **Make it an offence to travel to designated areas without legitimate reasons**
- ▶ **Broaden definition of terrorist organisation to include promotion or encouragement of terrorism**
- ▶ **Make it easier to arrest suspected terrorists without a warrant and extend questioning, detention and control powers**
- ▶ **Foreign minister empowered to quickly suspend passports**
- ▶ **Improve co-operation with foreign intelligence agencies and improve collection of evidence for offences committed overseas**

## MUSLIM GROUPS SLAM ABBOTT GOVERNMENT'S NEW COUNTER-TERROR PLANS

August 7, 2014 - 2:23PM Latika Bourke  
National political reporter

Muslim groups warn the government's proposed counter-terror laws will impinge on the rights and freedoms of all Australians but "especially those of Muslim faith". Photo: Andrew Meares

Prime Minister Tony Abbott's hope for a united "Team Australia" approach to proposed new terror laws has hit a hurdle with a Muslim group describing them as "more destructive" than the now abandoned changes to the race-hate laws. On Tuesday the government backed down on its plans to repeal a section of the Racial Discrimination Act which makes it illegal to offend or insult someone on the basis of their ethnicity.

The law was used to successfully prosecute News Corp columnist Andrew Bolt and Mr Abbott pledged to repeal the laws if elected. But the Prime Minister while announcing new counter-terror laws this week said that the debate over Section 18C had become a "complication" in maintaining national unity.

He said he was "determined" to engage in "even closer consultation" with communities and singled out the Australian Muslim community on the counter-terror changes. But the Lebanese Muslim Association has described them as "deplorable" and vowed to fight them because they are "widely perceived to target Muslims".

The organisation has described as "deplorable" the government's plans to "soften the definition of terrorism", retain internet and phone data, make it easier to detain and question suspects returning from overseas, and reversing the onus of proof for people returning from terror hot-spots. "These measures will only force the Muslim community further offside [and] will cause relations with the Australian Muslim community to deteriorate significantly," the association said in a statement. The Australian National Imams Council has joined the criticism and says it believes the proposed changes will "severely impinge" on the rights and freedoms of all Australians but "especially those of Muslim faith".

<http://www.smh.com.au/federal-politics/political-news/muslim-groups-slam-abbott-governments--new-counterterror-plans-20140807-3daj0.html#ixzz39hLGxBJA>



## SPY NETWORKS TO RECEIVE \$630M FUNDS BOOST

August 6, 2014 Latika Bourke, James Massola

Prime Minister Tony Abbott announces the new security laws with Foreign Minister Julie Bishop and Attorney-General George Brandis. *Photo: Andrew Meares*

Australia's spy and counter-terror agencies will receive a \$630 million funding boost to fight the threat of home-grown terrorism, which Prime Minister Tony Abbott says "has not changed" and is still "as high as it has ever been". Mr Abbott unveiled a suite of counter-terrorism measures on Tuesday that include stronger powers for authorities to detain and question jihadists who have fought alongside terrorists overseas in countries such as Syria and Iraq.

This includes lowering the threshold for police wanting to arrest suspected terrorists without a warrant and giving the Australian Federal Police greater powers to seek control orders on returning foreign fighters. It will also be an offence to travel to designated countries where terrorists are actively operating unless there is a "legitimate purpose". But controversial plans to store the phone and internet records of Australians will be included in a later "third tranche" of legislation. The cost of storing and protecting the data is still subject to discussions between the government and telecommunications companies.

Mr Abbott said while the terror threat facing Australia "hasn't changed" since the setting of "medium" following the September 11, 2001, attacks there is "heightened concern" about the threat of a local terror attack. "Everything that government can reasonably do is being done to ensure our community is safe," he said, vowing to leave no stone unturned in ensuring public safety. Foreign Minister Julie Bishop said the measures were needed because "hardened home-grown terrorists" who had been radicalised overseas may use their skills to carry out an attack in Australia.

The government is also proposing giving the Foreign Minister a new power to suspend the passports of people ASIO suspects of planning to fight alongside terrorists or returning home from combat. Mr Abbott also revealed the election promise to repeal section 18C of the Racial Discrimination Act would be dumped because "when it comes to counter-terrorism, everyone needs to be part of Team Australia". Ms Bishop said while the concept of Australians fighting abroad was not new, it is posing a greater threat than ever before. "Preventing Australian citizens from becoming foreign fighters is now one of our highest national security priorities," she said.

"To put the threat in context, prior to the NATO-led experience in Afghanistan our intelligence and security agencies were aware of 30 people, Australian citizens, in Afghanistan fighting against the interest of the West; 25 of them came back to Australia. "Five times that number are of interest to our security and intelligence agencies, so this is a far greater challenge for us in sheer numbers."

Labor legal affairs spokesman Mark Dreyfus said the opposition had not yet received a briefing on the announcement and would examine it closely. "There are always concerns when additional powers are given to police and intelligence agencies. We have to make sure that changes to national security laws are informed by Australian values, which are the values of a free and democratic society," Mr Dreyfus said.

<http://www.smh.com.au/federal-politics/political-news/spy-networks-to-receive-630m-funds-boost-20140805-3d6mr.html>

## **DESIRE TO BRING MUSLIMS BACK 'ON-SIDE' LED TO DUMPING**

August 6, 2014 James Massola & Latika Bourke. "As recently as Monday night, Senator Brandis had defended his legislation on television". *Photo: Andrew Meares.* Racial discrimination changes dropped. The Prime Minister says the government won't proceed with changes to the Racial Discrimination Act as the government attempts to expand terrorism laws. After nearly six months of political pain, it took only 60 minutes for federal cabinet to kill the proposed changes to section 18C on Tuesday.

Prime Minister Tony Abbott told Attorney-General George Brandis on Tuesday morning his legislation had to be dropped. Cabinet had no idea the move was coming. After months of consulting community groups and more than 5000 submissions, the decision, in the end, was overwhelming and cabinet's decision was unanimous. It was the first time the proposal had been discussed by the cabinet since March, when Senator Brandis was forced to water down his legislation to an exposure draft, which then opened the changes to public consultation.

As recently as Monday night, Senator Brandis had defended his legislation on television. But, less than 24 hours later, Senator Brandis opened the discussion at the cabinet table. The Prime Minister's view was that the overwhelmingly negative feedback about the changes, combined with the proposed anti-terror laws, meant the government could no longer keep Muslims offside. In the cabinet room, as one senior source put it, the Prime Minister allowed the Attorney-General the dignity of opening debate and then endorsed the decision to dump the legislation.

"It was seen to be swimming in a different direction to the terror legislation," a cabinet source said. "The purpose of the exposure draft was to get community feedback and the feedback has been 'don't change it'. As part of combating terrorism, we want the moderate Muslim community to be onside. One of the sticking points has been 18C." Mr Abbott had been considering for weeks whether to ditch the plans once and for all and offered "no defence" of the draft legislation.

Not a single minister argued in favour of proceeding with the election promise. The pledge was made before the election and ethnic groups had not signalled they would marshal their opposition in such an aggressive and effective way. The Attorney-General's opening salvo, "everyone has a right to be a bigot you know", had resonated badly in the electorate, especially in the migrant-rich outer suburban seats of Sydney and Melbourne. As one source put it, "it told every person who had ever been called a wog" it was OK to be called such names.

"It only matters what people hear and they heard their government telling them it was OK to be a bigot," the source said. A colleague said: "That moment in the Senate was the moment we lost the argument. George Brandis is responsible for losing the politics of this." Before the Prime Minister had made his "leadership call" public, News Corp columnist Andrew Bolt, who had been prosecuted under the current laws, blogged about his disappointment.

"Too many lobby groups hate free speech," he wrote. "And the reforms were badly sold." One Liberal noted: "We're now in the worst of both worlds - we've defended the rights of bigots and now we're selling out the bigots, even though it was never about that and only about free speech."

<http://www.smh.com.au/federal-politics/political-news/desire-to-bring-muslims-back-onside-led-to-dumping-20140805-3d6n0.html>



### GEORGE BRANDIS VIDEO SHOWS HE QUESTIONED STORAGE OF WEB BROWSING DATA IN 2012

August 7, 2014 Ben Grubb Deputy technology editor *Photo: Andrew Meares.*

Brandis and the unspeakable metadata. George Brandis grills Roger Wilkins about the collection of internet metadata during 2012 Joint Committee Proceedings.

If only George Brandis had listened to ... George Brandis. A day after the Attorney-General's train wreck interview, in which he attempted to explain details of his government's data retention policy, footage from 2012 has emerged of Senator Brandis questioning a similar proposal later shelved by Labor. While Senator Brandis and Prime Minister Tony Abbott struggled to define in TV and radio interviews this week what metadata is and what ramifications its collection would have on internet and phone users under a data retention policy, in November 2012 the then opposition senator saw the issue a lot more clearly.

Attorney-General Senator George Brandis has concerns about data retention including web browsing histories. "I do not know how I can make this any more straightforward," Senator Brandis told Attorney-General's Department officials in 2012, attempting to get a definition of metadata. "What this committee wants is a clear statement, which you can call a definition if you want ..." He then said he wanted an assurance that content data, which he considered included browsing history, would not be retained. "That is in the face of the evidence from the internet industry that you cannot do that; you cannot give that assurance," he said.

On Tuesday night, Sky News presenter David Speers was forced to repeatedly ask Senator Brandis for the government's definition of metadata and whether web browsing histories would be stored for warrantless access by law-enforcement and intelligence officials in criminal and financial investigations. Senator Brandis stammered through the interview and said "web addresses" would be kept, but not individual web pages that a user visits. What this means remains unclear, although intelligence officials have told Fairfax Media that URLs people visit would not be stored.

"There is no way in a million years that the public would not react very strongly against a [mandatory data retention] proposal unless they were absolutely guaranteed that their internet browsing history or use would not be the subject of the mandatory retention regime," Senator Brandis said in 2012. His two points - that the metadata needed to be clearly defined and that the public would require a guarantee their browsing history would not be recorded - appeared lost on him and other colleagues this week.

In 2012, under then Attorney-General Nicola Roxon's direction, Senator Brandis was involved with the Parliamentary Joint Committee on Intelligence and Security when the Labor government asked it to consider whether telcos should be required to store internet and phone metadata for a period of up to two years. Labor had put the committee in charge of investigating the proposal without indicating support for it, as law-enforcement and intelligence officials warned then, that they would begin to lose access to metadata retained by some telcos if they weren't required to store it.

While the Abbott government has given "in principle" cabinet approval to the data retention policy, Communications Minister Malcolm Turnbull said on Thursday that details of the policy were yet to be worked out. "I'm sorry I can't give you the outcome of the policy formation process, we're in an interim process, we're on a journey and until we get to the end of it it's difficult to be more specific," Turnbull told Bloomberg TV.

Although the Abbott government's floating of the data retention idea is similar to Labor's in 2012, Labor only put the idea before parliamentary inquiries for consideration and did not indicate support for it, while the Abbott government gave it the green light before divulging policy detail. As it stands, Australian telco legislation doesn't define what metadata is, which adds to the confusion surrounding what ministers believe it to be.

Shadow attorney-general Mark Dreyfus said Senator Brandis and Mr Abbott needed to come clean on what data would be stored. "We've seen ... the Prime Minister and the Attorney-General not even able to agree from one day to the next on what they had said that they had agreed in principle about their mandatory data regime," Mr Dreyfus said. "The Australian people that deserve to be told what is proposed by the government in the national security area, particularly what is proposed by the government on mandatory data retention."

<http://www.smh.com.au/digital-life/digital-life-news/george-brandis-video-shows-he-questioned-storage-of-web-browsing-data-in-2012-20140807-101mg3.html>

## **GEORGE BRANDIS IN 'CAR CRASH' INTERVIEW OVER CONTROVERSIAL DATA RETENTION REGIME**

August 7, 2014 Ben Grubb Deputy technology editor.

George Brandis struggled to explain metadata on live TV. Brandis fumbles metadata explanation. Attorney-General George Brandis struggles to explain the government's proposed metadata retention laws in a Sky News TV interview. It's been called "excruciating" and "the most embarrassing interview you'll ever be likely to see". Attorney-General George Brandis struggled to explain live on Sky News on Wednesday afternoon the details of his government's controversial "data retention" policy, which would force all telcos to keep logs on what their customers do on the phone and online for up to two years, so law enforcement agencies could access the information without a warrant when investigating crime.

Earlier in the day, Prime Minister Tony Abbott said the policy would capture "the sites you're visiting". But his office later clarified this was not the case and that this would require a warrant. Now Senator Brandis has confused matters again, telling Sky News that web addresses would be captured by his proposal to strengthen the powers of law-enforcement and intelligence agencies. After repeated questions over whether the sites people visited would be captured, he conceded they would be, but confusingly contradicted himself by saying his policy wouldn't extend to web surfing. He then attempted to clarify this by saying that the sites people visited would be captured, but not the individual web pages a person navigated to within a site.

Asked if metadata from sites such as Twitter and Facebook would also be captured, Senator Brandis said the extent to which social media would be involved was something that was still "under discussion". Twitter users immediately mocked the interview. "What an absolutely glorious train wreck of an interview," wrote one. "Brandis has no idea what he's talking about on data retention," said another.

"Complete car crash interview with Brandis and @David\_Speers [on] @SkyNewsAust as he tries to explain metadata," said yet another. Steve Dalby, the chief regulatory officer at iiNet, an internet provider that is against the government's data retention proposal, called the interview "as clear as mud". He's called on the government to release exactly what data they are after under the data retention proposal before it is legislated later this year.

The government did not have the best day in selling the proposal on Wednesday, with contradictory statements and broken metaphors used to explain the issue. When describing that "web addresses" would be captured, it's possible Senator Brandis meant to say that the IP addresses of web servers people accessed would be stored. When a web user visits Google, for instance, the IP address left behind as metadata is 74.125.237.198. When visiting Sky News, it's 101.167.166.43. But if a law enforcement agency accessed this IP address metadata and put it into a web browser they would then be able to determine that the user went to Google or Sky.

Law enforcement or intelligence officials would also be able to determine the duration of time a user spent on the sites, the date they visited them, and the location of the device they visited the sites on. The same applies to some other sites, but not all. In many smaller website hosting environments for instance, a single IP address might service hundreds of completely different and independent websites. This means that an IP cannot be considered a full web browsing history. Mr Dalby told Fairfax Media on Wednesday evening that storing IP addresses was very similar to storing web browsing histories.

**"[Law enforcement agencies] only have to type the damn IP address [into a web browser] and they'll get the website [you were looking at and] they'll get all the content on it," Mr Dalby said. "It's just as invasive as standing with a video camera over my shoulder while I'm browsing and of course that's what they want," Mr Dalby said.**

Mr Abbott's recently appointed Human Rights Commissioner, Tim Wilson, is also against data retention, as are a number of other civil liberties groups. "I don't support the idea of data retention at all but I do realise that there are ways that it can be more or less infringing on peoples' right to privacy," Mr Wilson told Fairfax. Senator Brandis' interview is reminiscent of an interview Mr Abbott gave in opposition when attempting to describe the broadband policy he was trying to take to the 2010 election. He said then he was "no Bill Gates" and "no tech head".

<http://www.smh.com.au/digital-life/digital-life-news/george-brandis-in-car-crash-interview-over-controversial-data-retention-regime-20140806-101849.html>