The Parliament of the Commonwealth of Australia

THE SENATE

Telecommunications and Other Legislation Amendment (Assistance and Access) Bill 2018

(Amendment to be moved by Senator Wong, on behalf of the Opposition, in committee of the whole)

(1) Schedule 1, item 7, page 52 (lines 2 to 25), omit section 317ZG, substitute:

317ZG Designated communications provider must not be requested or required to implement or build a systemic weakness or systemic vulnerability etc.

(1) A technical assistance request, technical assistance notice or technical capability notice must not have the effect of:

(a) requesting or requiring a designated communications provider to implement or build a systemic weakness, or a systemic vulnerability; or

(b) preventing a designated communications provider from rectifying a systemic weakness, or a systemic vulnerability.

(2) The reference in paragraph (1)(a) to implement or build a systemic weakness, or a systemic vulnerability, includes a reference to implement or build a new decryption capability.

(3) The reference in paragraph (1)(a) to implement or build a systemic weakness, or a systemic vulnerability, includes a reference to one or more actions that would render systemic methods of authentication or encryption less effective.

(4) The reference in paragraph (1)(a) to implement or build a systemic weakness, or a systemic vulnerability, includes a reference to any act or thing that would or may create a material risk that otherwise secure information would or may in the future be accessed, used, manipulated, disclosed or otherwise compromised by an unauthorised third party.

(5) The reference in subsection (4) to otherwise secure information includes a reference to the information of, about or relating to any person who is not the subject, or is not communicating directly with the subject, of an investigation by the interception agency that issued, or asked the Attorney-General to issue, the relevant technical assistance request, technical assistance notice or technical capability notice.
(6) The reference in subsection (4) to an unauthorised third party includes a reference to any person other than:

(a) the person who is the subject of, or who is a person communicating directly with the subject of, the investigation by the interception agency to which the relevant technical assistance request, technical assistance notice or technical capability notice; or

(b) the interception agency that issued, or asked the Attorney-General to issue, the relevant technical assistance request, technical assistance notice or technical capability notice.

(7) Subsections (2), (3) and (4) are enacted for the avoidance of doubt.

[systemic weaknesses and vulnerabilities]