

To whom it may concern,

I'm writing to you today in order to voice strong concern with the consideration of using Metadata held by Australian ISPs in civil cases.

As a qualified web developer currently in employment with one of this nation's top universities, I can state with professional opinion that the methods of obfuscation - both available in the present and those which will undoubtedly arise in the future - mean that the use cases of using this data in any legitimate way is an extremely slippery slope when taken in to consideration as evidence in court.

That the burden of proof required in civil cases \*does not\* need to be beyond reasonable doubt, but only to satisfactory levels of reasonable inference, ultimately means that use of data - if taken on face value - could decide cases in the realm of civil courts.

The biggest issues surrounding this is that unlike criminal cases where more evidence is required - this becomes open to abuse from entities who are either :

1. Individuals or groups willing and able to misuse devices tied with individuals.
2. Individuals or groups who would be open to "scatter gun" approaches in legal accusations trying to target a specific subset of people (namely media organisations)
3. Individuals or groups who may easily be able to hold undue sway over others with threats of targeting them in malicious digital planting or "human hacks".

All of which causes undue stress on our courts to be able to differentiate between legitimate cases and those that aren't, places burden of proof upon individuals when the majority of the public sphere can be categorically placed in a "technologically illiterate" section, and acts to serve a very very limited set of groups or individuals whose only burden of proof is an accusation paired with Metadata which ultimately can be originated in external malicious attacks or simple obfuscation.

As an Australian citizen with expertise in this field - to even consider this appears to be a gross miscomprehension of what Metadata is, how it is generated, and just how easily it can be manipulated - and the trend of relying upon this as "hard evidence" in any capacity is extremely dubious in even criminal cases, let alone civil cases.

I hope that you can take this in to consideration upon the advice of the majority of the technology sector which our country relies on when we say to please consider our views when instituting laws and policy.

I would be happy to have further correspondence with you in this matter if you wish for any professional guidance.

Sincerely,

- James Porich

Web developer, the University of Melbourne