

## Promoting consumer internet of things

### protection in Australia.

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## THESES

# consumeR-IOT: where every thing collides Promoting consumer internet of things protection in Australia.

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### Abstract

The 'smart'(ly) disruptive world of the consumer internet of things (CIOT) is here. Australian consumers are poised to live in 'smart' homes, monitor their 'smart' selves and ride in ever- 'smarter' cars, while smart(er) cities, transport and industrial IOT brilliance changes their world, and the world around them, irretrievably. This thesis both celebrates and exposes this radical, impending CIOT-driven disruption in all its consumer-abusive, privacy-intrusive glory. It posits that consumers and regulators do not yet understand the adverse implications of this new panopticon technology which surveys everything and blurs traditional understandings of human autonomy and privacy, nor has consumer law yet properly tackled the many adverse implications of an expanded big data universe: from ubiquitous collection to consumer profiling and analytics, anonymisation failures, data breach and so on. With the coming of the consumer IOT, there is a perfect consumer-adverse storm, in which multiple fast-paced and little-regulated technologies collide - seismically. As one of the first few legal studies of the consumer internet of things in Australia, this thesis partly fills a vast gap in scholarly literature by scoping the Australian CIOT and its stakes, identifying potential gaps in Australian consumer protective laws, and adapting the Australian Consumer Law Policy Framework (Framework) to the critical question of whether the CIOT exhibits consumer detriment sufficient to warrant regulatory action now, using the smart car, home and self contexts as rapidly-evolving reference-points. Informed by aspects of behavioural economics,



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regulatory theory and the first international CIOT cases and defect reports, this thesis is a confronting snapshot which concludes with a call for strategic policy and various regulatory and self-regulatory actions. It also proposes a simple series of draft principles for CIOT policy and regulation which synthesise established best practice by design and default, conform to the normative Framework values and offer an improved prospect of protecting and realising the indisputable public interest in a principled, morally-grounded and trusted CIOT world.

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