



New privacy laws canned

The federal government is no longer to proceed with privacy law reform

ON 21 March, the Prime Minister announced the government's withdrawal of its plans to extend the application of the federal Privacy Act to the private sector. In his press release, Mr Howard states 'The Commonwealth opposes such proposals which will further increase compliance costs for all Australian businesses'.

These 'proposals' are in fact Mr Howard's own. In its November 1996 Discussion Paper, the government sought industry comments about its plans to extend the Privacy Act to the private sector. As recently as 19 February, at the CLC's *The New Privacy Laws* Conference [see *CU* 130 pp 4-6], Senator Coonan delivered a paper on behalf of the Attorney-General, Mr Williams, in which he stated that it was increasingly difficult to justify differing treatment for the public and private sectors, particularly when many government functions were being privatised or contracted out to the private sector. His paper also stressed the need for privacy laws to operate primarily at the national level.

Attorney-General stated that it was increasingly difficult to justify differing treatment for the public and private sectors

This latter point echoed the views of the private sector which, in submissions made in response to the Discussion Paper, called for a unified regime that would forcing business to comply with inconsistent state laws. Mr Howard has taken steps to honour this undertaking by calling on the states and territories to refrain from introducing their own forms of privacy protection.

Business comfortable with proposed laws

Graham Greenleaf, Professor of Law at the University of New South Wales and editor of *Privacy Law and Policy Reporter*, said that the Discussion Paper had been 'surprisingly well greeted by the private sector'. In light of similar developments occurring in North America, Europe and New Zealand, businesses regarded the advent of Australian legislation as inevitable. At the Centre's conference, representatives from *Readers Digest* and *American Express* stated that the New Zealand legislation had not impeded their operations and asserted that the proposed laws simply reflected good business practice.

Greenleaf put the government's reversal down to 'kneejerk ideological reaction against any regulation that may affect business...completely ignoring the fact that in doing so, they will be imposing even greater obligations on companies needing to comply with new European laws'. From June 1998, European companies must incorporate privacy provisions into any contracts with companies from nations having inadequate privacy laws.

Mr Howard's press release states that he has 'offer[ed] the services' of the Privacy Commissioner to assist business in developing voluntary codes of practice. Greenleaf regarded this as 'somewhat remarkable, given that the Privacy Commission is an independent statutory authority'. He suggests the Privacy Commissioner should focus instead on privacy invasions currently conducted by the government sector, the present area of the Commissioner's jurisdiction. □

Communications Law Centre
Conference & Research Papers

The New Privacy Laws

This conference featured leading speakers comprehensively examining the scope and impact of the proposed federal and state laws. Speakers included Moira Scollay, The Hon Jeff Shaw QC, Blair Stewart and Associate Professor Graham Greenleaf.

Privacy and the Media

Paul Chadwick and Jenny Mullaly
CLC Research Paper No. 2 of 1997

Examines all aspects of the conflict between the public's 'right to know' and the individual's right to privacy. Should the media be treated differently from other industries by any privacy legislation?

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