By Renée Harris

Freedom of information and privacy might at first glance seem somewhat remote from the Alliance's core concerns, but in fact both issues cut across all of our key areas of interest – personal injury, medical negligence, workers' compensation, industrial relations, immigration law and civil rights. As several of the articles in this edition show, our right to privacy is threatened by the intrusive acts of governments that often seek to shield their own activities from public scrutiny.

Penelope Watson argues that the time for a specific tort of invasion of privacy in Australia is well overdue, and that the current situation – whereby privacy is protected only tangentially through a patchwork of other torts – is no longer acceptable.

Nigel Waters similarly concludes that a combination of flawed principles, weak enforcement mechanisms and a lack of commitment from government and business results in protection that is unequal to the powers of recent anti-terrorism, law enforcement and border-control legislation.

National security imperatives are typically invoked to justify the steady erosion of our right to privacy, among others. But far from being acceptable and necessary to preserve our security, Richard Abraham argues that these measures have exposed the fundamental weakness of human rights protection in Australia; a structural weakness that is further explored by Philip Lynch in his examination of the Jack Thomas case.

Liam Byrne assesses recent developments regarding the admissibility of relevant evidence obtained in breach of privacy laws and explains how outcomes can differ, depending on the jurisdiction, which privacy law is breached and the type of proceeding at issue.

Of course, the privacy of parties to court proceedings must be balanced against the need for open justice. Lisa Grindlay considers when and why courts depart from this important democratic principle to make suppression orders.

Technological progress and increasing computerisation pose particular threats to our privacy. Graham Greenleaf focuses on the need to have a proper debate about the implications of a national ID card, comparing the proposed Access Card with the Australia Card of 20 years ago.

On the face of it, the recent *McKinnon* decision exposed the weakness of FOI laws to withstand ministerial intervention. But Moira Paterson argues that the case may result in a more pro-disclosure interpretation of exemption provisions, and might ultimately prompt a welcome overhaul of the FOI Act.

Finally, we welcome the first contribution to a new column on migration law and procedure from John Gibson, reflecting the Alliance's growth into this area of practice. ■

Renée Harris *is the Alliance's Publications Officer and editor of Precedent.* **PHONE** *(02) 9258 7721*
EMAIL *renee@lawyersalliance.com.au*

This issue of Precedent is cited as (2006) 78 PRECEDENT. ISSN 1449-7719 © 2006 Australian Lawyers Alliance, ABN 96 086 880 499
Trading as the Australian Lawyers Alliance, GPO Box 7052, Sydney 2001, DX 10126, Sydney Stock Exchange Phone: (02) 9258 7700 Fax: (02) 9258 7777
Email: enquiries@lawyersalliance.com.au Website: http://www.lawyersalliance.com.au

PRECEDENT is published bi-monthly by the Australian Lawyers Alliance Ltd. Contributors and advertisers should submit their copy and/or artwork in electronic form by the agreed deadline.