



ATTORNEY-GENERAL  
THE HON ROBERT McCLELLAND MP

**Launch of the  
Australian Law Reform Commission report**

***For Your Information:***

***Australian Privacy Law and Practice***

**Australian Law Reform Commission**

**Level 25, 135 King Street, Sydney**

**11 August 2008, 10.55am**

CHECK AGAINST DELIVERY

**[Acknowledgements]**

- **First, may I acknowledge the traditional owners of the land we meet on – and pay my respects to their elders, both past and present.**

**[Other Acknowledgements]**

- **Senator the Honourable John Faulkner, Special Minister of State (also speaking)**
- **Professor David Weisbrot AM, President, Australian Law Reform Commission (also speaking)**
- **Commissioners, Professor Les McCrimmon (also speaking) and Professor Rosalind Croucher**
- **Ms Sabina Wynn, Executive Director**
- **Ladies and gentlemen.**

## **[Introduction]**

- 1. Thank you David, for your welcome this morning.**

**It's a great pleasure to be making my first visit as Attorney-General to the Commission, and to be here for the launch of this significant report on Australian Privacy Law and Practice.**

- 2. Looking back a mere 20 years when Australia's Privacy Act came into force, the method and movement of data and personal information were, by today's standards, utterly cumbersome.**
- 3. However, as we face the challenges of the 21<sup>st</sup> Australia, as a progressive nation, Australia must develop the attitudes and protections that suit our modern environment.**

**And, at the same time, we must balance this with important rights including the right to privacy.**

- 4. The Commission's Privacy Report is timely. Not only is it the Commission's largest consultation exercise ever undertaken, but it is a classic example of the importance of the work of**

**the Commission in developing proposals for reform of our law – including its simplification and modernisation.**

**[The Role of the ALRC]**

- 5. My colleague, Senator John Faulkner has already spoken about privacy in the context of the Commission's report.**
- 6. I want to add that the Rudd Government values the Commission's independent advice on significant national policy issues.**
- 7. We're not alone.**  
**The record of governments implementing the Commission's recommendations over the past 33 years highlights its insight, expert analysis and practical grasp of law reform.**
- 8. The Rudd Government is committed to genuine community consultation in developing new policies and laws, and we will look to the Commission to assist the broadest possible engagement.**
- 9. We are committed to positive reform.**

- 10. Our role, in my opinion, is to effectively manage our laws to reflect the contemporary era, its aspirations and demands, and to encourage rather than stifle economic growth.**
- 11. As Attorney-General, I am committed to ensuring that reforms to the legal system remove hindrances to business and personal activity by minimising red tape, reducing costs and simplifying and modernising our laws.**
- 12. And I am committed to undertaking reform in a range of areas across my portfolio including in areas such as personal property securities, human rights and courts and tribunals.**  
**All, I note, are areas where the Commission has reported to Government.**
- 13. On the occasion of the Commission's 30<sup>th</sup> anniversary in 2005, Professor Weisbrot noted that one of the future challenges for the Commission would be to prove its continuing value as a law reform institution.**

**14. Let me say that while the Government can choose to source its advice on law reform from various quarters, the Commission has proven its capabilities and is well equipped to continue to be the foremost law reform institution.**

**[New Reference for the ALRC]**

**15. And in recognising the ongoing importance of the Commission, I last week announced a new reference for the Commission – to inquire into and report on secrecy laws.**

**16. This is a comprehensive mandate for review.**

**17. It will complement the privacy inquiry and allow the Commission draw from and capitalise upon its specialist experience and networks with key stakeholders who participated in the privacy inquiry.**

**18. I have asked for options to be developed to ensure a consistent approach across government for the protection of Commonwealth information.**

**19. Currently there are more than one hundred secrecy and confidentiality provisions in Commonwealth legislation.**

**Understandably, the interaction of all these provisions and with other legislation – including privacy and FOI laws – is complex.**

**20. I have also asked the Commission to consider the implications for the increasing need to share information between the Government, other government agencies and the private sector.**

**21. Secrecy provisions should not hinder inter-agency, inter-governmental and whole-of-government collaboration.**

**On the other hand they should be sufficiently robust to ensure Commonwealth information is adequately protected from unauthorised disclosure when shared with other agencies.**

**22. The Commission will also consider the public interest in an open and accountable government. That is, secrecy laws should only protect**

**information from disclosure where there are legitimate reasons to do so.**

- 23. The terms of reference have now been finalised and I have asked the Commission to make its report by the 31<sup>st</sup> of October next year.**

**[Conclusion]**

- 24. David, congratulations to you and the Commission on undertaking and completing this substantial and constructive report on privacy. It's a significant subject dealing with issues of principle that have implications for all Australians.**

- 25. I commend you and the Commissioners, your staff, the members of the various advisory committees, and the many Australians who submitted their views.**

- 26. And I welcome the ongoing work of the Commission.**

**I wish you well as you embark upon your inquiry into secrecy laws.**



**I look forward to receiving the Commissions findings and recommendations next year.**

**ENDS**