



Ms Julie Dennett
Committee Secretary
Senate Standing Committee on Legal and Constitutional Affairs
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Ms Dennett

Inquiry into the Commonwealth Commissioner for Children and Young People Bill 2010

I welcome the opportunity to provide the following comments in response to your letters of 25 November 2010 to the Australian Information Commissioner, Professor John McMillan, and myself.

Firstly, I would like to bring to the attention of your Committee that on 1 November 2010, the Office of the Privacy Commissioner was integrated into the Office of the Australian Information Commissioner (OAIC). The OAIC is an independent agency established under the *Australian Information Commissioner Act 2010*. The new agency brings together the functions of privacy protection, freedom of information and information management policy across the Australian Government. The OAIC is headed by the Australian Information Commissioner, Professor John McMillan, and supported by two statutory officers: the Freedom of Information Commissioner, Dr James Popple, and myself as Privacy Commissioner.

The OAIC is now the national privacy regulator of the *Privacy Act 1988* (Privacy Act), including complaint-handling, policy advice and education functions. The Privacy Act applies to the handling of 'personal information' (where an individual's identity can be worked out) held by Australian Government agencies and many private sector organisations. It does this through the application of binding privacy principles.

The OAIC takes a strong interest in promoting the privacy rights of children and young people. The Privacy Act provides rights to individuals and does not distinguish individuals by age. Children are therefore provided with equal rights to adults, with the flexibility to determine, on a case by case basis, who should be responsible for exercising those rights. The OAIC does not consider that this Bill directly raises any

privacy or freedom of information issues. Generally, the OAIC sees the establishment of an independent statutory office at the national level as providing an important mechanism to advocate for the needs, rights and views of children and young people.

Yours sincerely

Timothy Pilgrim
Australian Privacy Commissioner

29 November 2010