

ADDITIONAL COMMENTS BY COALITION SENATORS

1.1 Coalition senators are, like a number of submitters to this inquiry, concerned with the lack of due process and time for scrutiny afforded to this bill through the committee.

1.2 Coalition senators understand that the number and depth of analysis of submissions to this inquiry has been hampered by the restrictive timeframe. No explanation has been forthcoming from the government as to the reason for this extraordinarily foreshortened process.

1.3 Given the importance of the nature of this matter, and the extensive criticisms which were levelled at the primary privacy legislation when it was examined by the committee last year, it is most unfortunate that thorough and detailed scrutiny should not have been afforded to this bill.

1.4 In its submission, the Cyberspace Law and Policy Centre of the University of New South Wales, Faculty of Law highlighted that it had "around 10 working hours in which to collaborate on, draft and finalise a submission"[.]¹

1.5 The Australian Privacy Foundation too expressed this concern, citing a:

...seriously negative impact on the democratic process that is inherent in the provision by the Parliament of 1-1/2 working days, during which civil society organisations are expected to discuss, draft and finalise a Submission to your Committee.²

1.6 The Coalition has on a number of occasions highlighted consultation, or lack thereof, as a point of concern when dealing with bills through Senate committees. On this occasion, that concern is self-evident through the limited time available for submissions.

1.7 Coalition senators note the concerns expressed by a number of submitters regarding the lack of definition of the terms 'serious breach' or 'serious harm' in the legislation. We note also concerns expressed about 'regulatory overload' being experienced by industry as it digests both the new privacy regime and this latest tranche of significant enhancements to that regime. In the absence of public hearings of the committee and the receipt of live testimony, it is difficult to know what weight to place on these concerns.

1 *Submission 13*, p. 1.

2 *Submission 4*, p. 1.

1.8 Coalition senators believe that the concerns of key stakeholders should not lightly be set aside, where they are afforded an opportunity to be consulted. Coalition senators believe the concerns raised by those stakeholders should be better scrutinised, understood and acted upon by the relevant government agencies as this new privacy regime is rolled out.

Senator Gary Humphries

Senator Sue Boyce

Deputy Chair