



Australian Government
Office of the Privacy Commissioner

Mr Peter Hallahan
Committee Secretary
Standing Committee on Legal & Constitutional Affairs
Parliament House
Canberra ACT 2600

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Dear Mr Hallahan

Inquiry into Personal Property Securities Bill 2009

The Office of the Privacy Commissioner (the Office) appreciates the opportunity to have appeared before the Committee on 6 August. During the hearing, we were asked to take several issues on notice and provide a response for the Committee's consideration. This letter provides those responses.

The Privacy Impact Assessment recommendations

The Committee requested the Office comment on whether any of the recommendations from the PIA, which apart from Recommendation 3 the Government has accepted, require legislative amendment and what are the consequences of these recommendations being implemented.

The Office believes that apart from Recommendation 12, which may require some criteria being set out in the regulations, all the recommendations that the Government has accepted have either already been reflected in the current Bill (eg; the 3 year review) or are matters of a policy or administrative nature that do not require legislative amendment.

As indicated at the hearing the Office views the Government's response to Recommendation 3 a reasonable alternative approach.

In relation to Recommendation 12 the Office agrees with the Attorney-General's Department, as stated in their evidence before the Committee, that criteria to guide the registrar in dealing with applications to remove personal information from the register would be best dealt with in the regulations.

Overall, the Office believes that the consequences of the Government's acceptance of all the recommendations in the PIA except recommendation 3 and its alternative approach to the issue raised by Recommendation 3 will result in greater privacy protections for those whose personal information will be included in the register.

Amendments to legislation other than the Privacy Act

The Committee requested the Office consider whether any other legislation requires amendment other than the Bill or the Privacy Act.

The Office is not aware of any other legislation that requires amendment in relation to privacy issues connected with the register.

State and Territory privacy authorities awareness

The Committee requested the Office advise whether State and Territory privacy authorities are aware of the reforms being introduced on personal property securities.

The Office meets on a regular basis with privacy authorities in the other Australian jurisdictions. Over the last two years a new forum has been formed titled 'Privacy Authorities Australia'. This forum meets two or three times a year and canvasses issues of relevance to all the jurisdictions. In States where there is no privacy statutory authority the relevant policy area of the state government attends.

Although the personal property security reforms have not been a formal agenda item at that forum the Office is aware, through informal discussions, and by the fact that the Victorian Office of the Privacy Commissioner has made its own submission to the Committee, that the jurisdictions are aware of the reforms.

Yours sincerely

A handwritten signature in cursive script, reading "Andrew Solomon".

Mr Andrew Solomon
Policy Director

17 August 2009