

**SENATE STANDING COMMITTEE ON
FINANCE AND PUBLIC
ADMINISTRATION**

LEGISLATION COMMITTEE

**Exposure Drafts of Australian Privacy
Amendment Legislation**

SUBMISSION

SUBMISSION NUMBER: 30

SUBMITTER

Name and Address Withheld

9 August 2010

The Secretariat
Finance & Public Administration Committee
CANBERRA ACT 2600
By email: fpa.sen@aph.gov.au

Dear Sir/Madam

I wish to make a submission for the following to be considered for inclusion in the Australian Privacy Policy Reform Draft Legislation and request that my name and contact details not be published:

1. Privacy issues pertaining to the rights and protection of children be removed from the jurisdiction of the individual state and be included within the jurisdiction of the new APP. With families spread throughout Australia, children have an inherent right to be afforded consistency in the application of their rights, no matter what state they reside; and
2. In placing the protection and best interests of a child above all other considerations, the important role that grandparents play within the family be recognised and included, as it exists under Section 60 (c) of the Family Law Act.

In addition to the willingness to step up and provide unconditional love, support and care for their grandchildren during any family crisis, a grandparent is also a valuable resource for information on both family background and medical history. Currently however, by omitting any reference to grandparents, the privacy laws (both federal and state) fail to recognise the importance and value to the child of this support, relying solely on the parent(s) for information that is known only to family. By requiring parental consent to bring grandparents into the process, the rights of the parent(s) who are often the source of the risk, overrides the rights of children. The tragic reports of flawed decision-making processes when assessing children at high risk are too often featured in the media.

I look forward to your response in due course.

Yours sincerely