

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Output 1.3

Question No. 33

Senator Carr asked the following question at the hearing on 31 October 2006:

On 30 October 2006, the Attorney-General announced that the Australian Law Reform Commission (ALRC) will explore whether a binding industry code should cover residential tenancy databases. In regard to this announcement:

- (a) The media release indicates that the ALRC is doing this as part of a "comprehensive inquiry into the effectiveness of the Privacy Act". Is this inquiry already underway?
- (b) Are there terms of reference for the ALRC's examination of whether there should be a binding code for the RTD industry? If so, please provide a copy.
- (c) What is the timeframe for this examination?
- (d) Is it the same as the timeframe for the broader inquiry into the effectiveness of the Privacy Act?
- (e) If the ALRC finds that a binding industry code would be appropriate, what would the process be for developing such a code?
- (f) Would this process involve States and Territories through the Standing Committee of Attorneys-General or the Ministerial Council on Consumer Affairs?
- (g) How does the ALRC's inquiry into the effectiveness of the privacy Act relate to the Privacy Commissioner's review of the private sector provisions of the Act, which was completed in March last year?
- (h) In response to QoN 25 from May 2006, the Department advised that the draft response to the Privacy Commissioner's report remained under consideration by the Government. Is this still the case?
- (i) Has the Government requested changes to the draft response? If so, how long did it take to consider the draft and request changes? When was the new draft provided to the Government?
- (j) Have you any idea when we can expect to see a response to this review?

The answer to the honourable senator's question is as follows:

- (a) Yes.
- (b) The terms of reference provided to the ALRC encompass the extent to which the Privacy Act and related laws continue to provide an effective framework for the protection of privacy in Australia. The terms of reference can be accessed at: www.alrc.gov.au/inquiries/current/privacy/terms.htm. Chapter 6 of the ALRC Issues Paper published on 9 October 2006 addresses the issue of a binding code for the RTD industry
- (c) The terms of reference require the ALRC to report no later than 31 March 2008.
- (d) See answer to part (c).

- (e) The Government will consider all of the ALRC's recommendations when it receives the final report.
- (f) This is a matter for the Government.
- (g) The Privacy Commissioner's recommendation to the Government to consider undertaking a wider review of the privacy laws in Australia was an issue the Government took into account in giving the ALRC reference.
- (h) No.
- (i) That is a matter for Government.
- (j) The Government Response was tabled on 30 November 2006.