

## **ADDITIONAL COMMENTS BY THE AUSTRALIAN DEMOCRATS**

- 1.1 The Democrats agree with the evidence presented in the Chair's report.
- 1.2 We share the concerns raised and endorse the recommendations contained therein.
- 1.3 We are particularly concerned about the possible use of foreign evidence that may have been obtained through torture and agree with The Gilbert and Tobin Centre of Public Law that this would be an "excellent opportunity for the Commonwealth Parliament to affirm its abhorrence of the use of torture in the procurement of evidence".<sup>1</sup>
- 1.4 We also note the views of the Law Society of New South Wales in relation to part 1D (DNA profiles), that they could not see a justification for "why DNA that is provided for a specific purpose by a volunteer should then be made available for investigations of any offence".<sup>2</sup> Similarly, the Australian Privacy Foundation also expressed concerns that there may be "function creep" in relation to the exchange of DNA evidence and privacy considerations.<sup>3</sup>
- 1.5 The Australian Privacy Foundation also urged the committee to look at "how the changes relate to the recommendations of the ALRC in its 2003 genetic privacy report *Essentially Yours*, to which the government has yet to respond".<sup>4</sup>
- 1.6 The Democrats believe that these issues once again highlight the need for a comprehensive privacy regime that covers genetic privacy and discrimination.
- 1.7 We reserve our judgement on the Bill contingent with the Committee's recommendations and the resolution of the matters outlined above.

**Senator Natasha Stott Despoja**  
**Australian Democrats**

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<sup>1</sup> Gilbert and Tobin Centre of Public Law, Submission 1, page 4

<sup>2</sup> The Law Society of New South Wales, submission 7, page 1

<sup>3</sup> Australian Privacy Foundation, correspondence, 18 October 2005

<sup>4</sup> Australian Privacy Foundation, correspondence, 18 October 2005

