

Welcoming remarks by

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Victorian Privacy Commissioner

at the function to mark the full operation of

Victoria's Information Privacy Act

Australian Centre for Contemporary Art

South Melbourne

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Welcome –

- Attorney-General Rob Hulls
- Judge Kevin O'Connor,
- distinguished guests,
- beneficiaries of privacy rights, all.

Privacy. It's real. It's a right. It's the law.

That is a slogan the people of Victoria will be hearing and seeing a lot from today, the day on which Victoria's Information Privacy Act comes into full operation.

Everyone has a deeply felt instinct about privacy. But the law has traditionally found it difficult to define and protect it.

Today, Victoria takes a step in more sophisticated privacy protection for this sophisticated Information Age.

Ten Information Privacy Principles now govern the collection and handling of personal information by state and local government. The principles have a fine international pedigree. They can be summarised very simply, like this:

The right information
to the right people
for the right reason
in the right way
at the right time.

There was nothing instant or simple about this privacy reform, just as there will be nothing instant or simple about its detailed implementation.

Respect for privacy under law has been evolving in Australia. In 1969, Sir Zelman Cowen put the issue on the agenda with his Boyer Lectures entitled *The Private Man*. Sir Zelman sends his best wishes for today's event.

In 1982, Victoria's Freedom of Information Act contained a little-noticed part that gave people the right to seek access and correction of information that government held about them. That was the statutory seed from which today's information privacy law matured. The Attorney-General and Premier who introduced that FoI Act was John Cain. I welcome him today to witness what grew from that part of his work.

In the late 1980s, Australia debated whether to have a national identity card. We decided against, adopted the Tax File Number and passed the Commonwealth Privacy Act. The first Federal Privacy Commissioner, Kevin O'Connor, will tell us more today.

The Commonwealth Privacy Act was extended in 2001 to cover much of the private sector. It was the result of a long process in the 1990s. As the capacities of information technologies grew, concern for privacy grew as well. It has been a bipartisan concern. As government and commerce explored the potential benefits of the technologies, it was recognised on all sides of politics that the law would need to address people's wariness about their privacy. Otherwise, they would be reluctant to engage with the technologies.

In Victoria, one of the prime movers in giving legislative shape to privacy protection in the 1990s was the MLA for Doncaster, Victor Perton, now shadow Attorney-General. I welcome him to witness what grew from that part of his work.

Early in its life, the current State Government passed the Information Privacy Act. The Attorney-General, Rob Hulls, is the responsible minister. I will ask the Attorney to address us a little later.

Parliament gave the Victorian public sector a year to prepare for today. This law means change, but not complete change. Parliament was hard-headed. It recognised that a healthy democratic society needs privacy rights, but they cannot be absolute. Government needs personal information to do many tasks necessary to administer a community. But it should collect only what it needs. It should use it only for authorised purposes. It should keep it accurate and secure. It should let people see and correct their own information. That is basically what this law is about.

The Information Privacy Act shifts some control. It shifts some control from the collectors and users of personal information, across to the source and subject of that information. Many of us are in all four categories: we *collect* and *use* information about other people; we are the *source* or *subject* of information collected and used by others.

Any law that wraps new standards and rights around information flows in government will take time to settle in. I urge everyone to embrace the reform, acknowledge the complexities and remember that, while the law is new, the concept is old. As a society, we have been dealing with privacy for ages by other names. All that experience still counts.

Thank you for your attendance and your attention.

I am pleased now to introduce Judge Kevin O'Connor. Currently the President of the NSW Administrative Decisions Tribunal, Judge O'Connor was Australia's first privacy commissioner from 1989 to 1996. He is no stranger to Victoria, as you will hear. Please welcome Judge O'Connor.