

# Commission news

## Privacy Inquiry

The legal team working on the ALRC's review of Australia's privacy laws has completed an extensive round of public consultations in the lead-up to the release of a Discussion Paper, which is expected to be available in early September.

The team has held about 180 meetings with stakeholders in Sydney, Perth, Melbourne, Darwin, Adelaide, Brisbane, Canberra, Hobart and Coffs Harbour.

The ALRC also has received about 300 written submissions in response to the release of its issues papers—Issues Paper 31, *Review of Privacy* (released in October 2006); Issues Paper 32, *Review of Privacy: Credit Reporting Provisions* (December 2006) and a summary of both documents, *Reviewing Australia's Privacy Laws: Is Privacy Passé?* (December 2006).

In addition to the ALRC's main Privacy Inquiry Advisory Committee, three specialist sub-committees also have been established to assist the ALRC in developing recommendations for reform in the areas of health privacy, credit reporting and developing technology.

ALRC President, Professor David Weisbrot, attended the First Asia-Pacific Economic Cooperation (APEC) Technical Assistance Seminar on Cross-Border Privacy Rules in Canberra in January 2007 and will be attending a further seminar in Cairns in June.

## Privacy public forums

The ALRC has held three public forums to gauge the general community's views about how well Australia's privacy laws are working and where changes are needed.

The first of these forums was held in Melbourne in February, on the theme of 'Consumers and

Privacy'. A second public forum was held in the Sydney CBD in March, on the topic 'Is Privacy Good Business?'. The third forum—on the topic of 'Privacy, Health Services and Research'—was held in Coffs Harbour in April 2007.

All forums were well attended and comments and questions from the audience provided valuable input to the ALRC's inquiry.

## Young people and privacy

The ALRC is keen to establish whether attitudes to privacy differ across generations, and to that end has held a series of youth workshops. The workshops have been for small groups of up to 12 young people, ranging in age from 15 to 21, and have been held in Perth, Brisbane and Hobart. More workshops will be held following the release of the Discussion Paper.

The 'Talking Privacy' website, specifically aimed at young people, has also been established. Accessible through the front page of the ALRC website, it provides a youth-oriented guide to the ALRC's Privacy Inquiry, links to other relevant sites and resources for legal studies teachers, as well as the opportunity to 'Have Your Say'.

The website received more than 1000 'hits' in its first month of operation.

## Client Legal Privilege

Issues Paper 33, *Client Legal Privilege and Federal Investigatory Bodies* was released by the ALRC on 23 April. The team has now begun public consultations on the matters raised in the Issues Paper, meeting with key stakeholders in Sydney, Perth, Melbourne and Canberra.

A more comprehensive Discussion Paper, outlining proposals for reform, will be released in August this year, with a final report due by December.

## Kirby Cup

The Kirby Cup Law Reform Competition, initially held every two years in conjunction with the Australasian Law Reform Agencies Conference, has now become an annual event, organised by the ALRC in association with the Australian Law Students' Association (ALSA).

Teams of two students must provide a written submission on a topic of law reform nominated by the ALRC. This year's topic is: 'Would further modification or abrogation of legal professional privilege in some areas be desirable in order to achieve more effective performance of Commonwealth investigatory functions?'

Based on the written submissions, three teams have been selected to participate in the oral advocacy round, which will be held in Canberra on 5 July 2007 during the Annual ALSA Conference. The teams advancing to the oral round are Peter Clay and Vanja Tekic (Murdoch University); Tom Smyth and Christian Strauch (ANU); and Susan Cirillo and Radhika Withana (University of Sydney).

The winners will have their names engraved on the perpetual Kirby Cup, which was donated by the Hon Justice Michael Kirby AC CMG, the Foundation Chairman of the ALRC. In addition, a summary of the winning entry will be published in the Summer 2007/08 edition of this journal.

## Internship program

The ALRC's internship program continues to provoke strong interest. Five students were selected for semester one internships in 2007, including two students undertaking the University of NSW Public Interest Internship Program, for which the students obtain academic credit for their ALRC internship. The other students were from Macquarie University, the University of Sydney and the University of Technology, Sydney. All students commenced in March 2007 and continued a one-day per week internship to mid-June.

The ALRC has an ongoing internship arrangement with the University of Maryland and American University in Washington DC as part of their student summer externship programs (coinciding with the Australian winter). The ALRC received eight applications from students at the University of Maryland for the mid-2007 internship. Michael Ostroff, a first-year

student at the School of Law in Baltimore, was successful and will commence his six-week internship in late June.

## Commonwealth Association of Law Reform Agencies

The second biannual CALRAs conference will be held in conjunction with the Commonwealth Law Conference 2007, in Nairobi, Kenya in September 2007.

The Commonwealth Law Conference 'Governance, Globalisation and the Commonwealth' will be held from 9–13 September. The CALRAs conference 2007 will be a satellite meeting of the main conference, and will be held on 8–9 September.

The CALRAs conference is being organised by the host agency, the Kenya Law Reform Commission.

ALRC President Professor David Weisbrot—the Acting President of CALRAs—will be attending the conference, as will ALRC Commissioner Professor Rosalind Croucher and Executive Director Alan Kirkland.

## Papua New Guinea visit

The ALRC takes a lead role in promoting the exchange of information and ideas among members of the international law reform community, and is able to use its staff and research capacity to provide assistance to other law reform agencies from time to time.

In February 2007, ALRC President Professor David Weisbrot and Research Manager Lani Blackman travelled to Port Moresby in Papua New Guinea, to visit the recently reformed PNG Constitutional and Law Reform Commission. They provided seven training sessions to Commissioners and staff of the Commission, covering topics such as research and writing, inquiry planning, consultation and media strategies and general management issues.

While in PNG, the President and Ms Blackman also met with—and attended a dinner at the residence of—the Australian High Commissioner to PNG, His Excellency Chris Moraitis. They also met with other PNG justice officials.

The President presented the First Vice Chancellor's Lecture for 2007 at the University of Papua of Guinea, Port Moresby, on the topic of 'The Challenges of Law Reform in Papua New Guinea'.

The visit concluded with an official dinner hosted by the PNG Constitutional and Law Reform Commission.

## Past reports update

### ALRC 104—*Fighting Words*

The ALRC's report *Fighting Words: A Review of Sedition Laws in Australia* (ALRC 104) was completed in July 2006, and tabled in September. While the 27 recommendations have been the subject of much comment, mostly positive, the Australian Government has not yet indicated whether or not the ALRC's recommendations will be accepted and implemented.

### ALRC 102—*Uniform Evidence Law*

The Standing Committee of Attorneys-General (SCAG) is continuing to progress discussion on the implementation of the recommendations of *Uniform Evidence Law* (ALRC 102, 2005). The recommendations of the ALRC, the NSW Law Reform Commission and Victorian Law Reform Commission have received further support with the March 2007 release of a report by the Northern Territory Law Reform Committee giving full support for introduction of the uniform *Evidence Act* in the Territory.

### ALRC 95—*Principled Regulation*

On 5 March 2007, the Treasury released a discussion paper entitled *Review of Sanctions in Corporate Law*, which reviews criminal, civil and administrative sanctions in the *Corporations Act 2001* (Cth) and the *Australian Securities and Investments Commission Act 2001* (Cth). The paper draws heavily on the work of the ALRC in *Principled Regulation: Federal Civil and Administrative Penalties in Australia* (ALRC 95, 2002), indicating that this report has had influence within government agencies despite the absence of a formal government response to the report.



Australian Government  
Attorney-General's Department

## Changes to the law affecting separating families and family dispute resolution practitioners

Changes to the *Family Law Act 1975*, which are being phased in from 1 July 2007, provide that a court will not be able to hear an application for a parenting order unless the parties file a certificate from a registered family dispute resolution provider. There are some exceptions to this requirement.

All family dispute resolution practitioners (except those authorised by the courts) are required to be included on the Family Dispute Resolution Register in order to issue valid certificates. Accreditation rules for family dispute resolution practitioners are also being introduced.

Family dispute resolution practitioners, family lawyers and others working in the family law system are encouraged to find out how the new requirements will affect them. For further information about the changes, go to

[www.ag.gov.au/fdrproviders](http://www.ag.gov.au/fdrproviders)

hmasC063241