



PRIVACY ACT REVIEW – ISSUES PAPER

Australia's Right to Know (ARTK) coalition of media organisations welcomes the opportunity to provide a short submission to the Attorney-General's Department's *Privacy Act Review – Issues Paper* (Issues Paper).

In particular we make the following comments regarding the Journalist exemption and a statutory tort of privacy.

Regarding the journalist exemption, ARTK holds that the existing arrangement/s are fit for purpose and do not require amendment.

Additionally, ARTK does not support a statutory tort of privacy. ARTK and its members have made submissions on this issue to a number of previous inquiries. The concerns raised in those submissions remain relevant today, including that a statutory tort of privacy will have a detrimental impact on freedom of expression and freedom of the media and will undermine news reporting.

Further, the problem – to the extent that there is a problem – must be clearly articulated before considering a response, noting that a response must be proportionate to the problem. We hold that this has not been satisfied.

In relation to media and news reporting, the current privacy framework is extensive and provides strong protection for individuals. That framework consists of:

- Legislation protecting the use of personal information, including the *Privacy Act 1988 (Cth)* and various state and territory privacy and personal information acts;
- Surveillance and listening devices legislation and telecommunications interception legislation;
- Various legislative restrictions on the reporting of matters, including matters involving children, family law matters, adoptions, coronial inquiries, sexual offences, jurors, communication with prisoners and other detained persons;
- Specific legislative provisions that empower courts and tribunals to make non publication and suppression orders prohibiting or restricting reporting of court proceedings;
- Specific provisions which restrict the reporting of particular events or matters.

In addition to these laws, there are also actions available at common law that operate to protect privacy and restrict the obtaining and publication of information, including trespass; nuisance; breach of confidence; defamation law; malicious falsehood; and contempt. ARTK is of the view that these laws, and associated avenues of redress, adequately address concerns regarding potential breaches of privacy.

We look forward to engaging further with the Review as it progresses.