



**Australian  
Privacy  
Foundation**

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13 July 2012

The Hon Robert Clark MLA  
Attorney-General of Victoria

Dear Mr Clark

**Re: Appointment of a Replacement Privacy Commissioner**

APF wrote on 13 Mar 2012:

"We note that Helen Versey's term expired on Monday 12 March, that her Deputy has been appointed Acting Privacy Commissioner, and that no announcement is evident about how soon the new appointee will take up the position.

"An Acting Privacy Commissioner is in an invidious position, especially when the length of their term is unclear. Existing operations and projects can be continued. On the other hand, new initiatives need to be undertaken cautiously, because they may or may not attract the support of the new appointee, and they will be at an uncertain stage of development when the new appointee arrives.

"The Office would inevitably lose momentum, the staff would lose morale, agencies would not be as confident in the advice that they receive from the Acting Commissioner as they have been in the past, and the function of Privacy Commissioner would lose credibility with agencies.

"Victoria's Parliament has led the nation with its legislation, and Victoria's first two Privacy Commissioners have been clearly the most effective in the country".

Your replied "Thank you for your email. I was pleased to attend and speak at Ms Versey's farewell function last week, and am conscious of the importance of effective leadership in relation to privacy oversight".

After 4 months, we can see no evidence of any action being taken.

Such a delay directly and seriously weakens any oversight agency, because all other agencies can safely snub the Acting Commissioner's approaches. Is this your intention? If not, we urge you to make an appropriate appointment at the earliest opportunity, and request your assurance that an appointment is imminent.

Yours sincerely

Roger Clarke  
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