



**Australian  
Privacy  
Foundation**

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**Media Release  
The Major Parties Fail the Privacy Test  
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“The government and the alternative government continue to score very badly on privacy”, said Roger Clarke, Chair of the Australian Privacy Foundation (APF).

The Australian Privacy Foundation set an Election Challenge in July 2007, asking the Parties to declare their positions on 8 critical privacy issues. The APF’s assessment is:

<b>The Coalition</b>	<b>1.5 / 10</b>
<b>Labor</b>	<b>4.5 / 10</b>
<b>The Greens</b>	<b>8.0 / 10</b>
<b>The Democrats</b>	<b>9.0 / 10</b>

In its response to the challenge, the Coalition simply ignored the key privacy issues. It failed to rule out a further attempt to bring in a defacto ID card via the Access Card proposal, and it refused to rule out the highly intrusive use of biometrics and RFID tagging of humans.

“For its total disregard of privacy issues, we need look no further than the recent law introduced by the Government – the new Anti-Money Laundering and Counter Terrorism Financial (AML-CTF) Law.” said Clarke. “Thousands of small businesses are required to collect much more information from customers, and dob them in for anything suspicious. This isn’t just more red-tape for small business; it destroys the trust within Australian society. Alarm bells should be raised merely from the fact that the Government is trying not to draw attention to this new law before the election.”

The Labor Party fared only marginally better in the Privacy Election Challenge.

“It is extremely disappointing that the Labor party has not opposed the Government’s privacy-intrusive laws,” Clarke said. “The Australian public has to wonder whether a Labor government will continue to override basic rights to privacy and freedom of speech once in office. However, we are heartened that Labor continues to voice opposition to the Access Card proposal and has ruled out support for invasive measures such as RFID tagging of humans.”

The Democrats’ response to the Privacy Election Challenge rated very highly, with a strong response to each of the 8 challenges set. “This is perhaps a reflection of Senator Natasha Stott-Despoja’s commitment to privacy issues over many years” said Clarke.

The Greens also rated highly, due to the Party’s opposition to the Access Card proposal and its campaign against the excessive elements in the counter terrorism laws.

The APF is not Party partisan, and does not make recommendations about how to vote in elections. “However,” Clarke said, “people need to be aware of the Coalition’s appalling record and Labor’s inadequate position on privacy matters.”

# Australian Privacy Foundation

## Key Factors for Each Party

### The Coalition

- Large numbers of grossly privacy-intrusive 'counter-terrorism' measures
- The Access Card proposal
- Failure to address most of the 8 points in APF's Election Challenge
- Plus-Points: the Spam Act, the Do Not Call Register, the ALRC Enquiry

Response at <http://www.privacy.org.au/Papers/Libs-ChResp-071008.pdf>

There appear to be no policy statements on privacy-related matters at:

<http://www.liberal.org.au/search/searchResult.php>

<http://www.nationals.org.au/About/Policies/default.asp>

### Labor

- Support for grossly privacy-intrusive 'counter-terrorism' measures
- Opposition to the Access Card not translated into an election commitment
- Inadequate responses to many of the 8 points in the APF's Election Challenge
- Plus-Points: Tanya Plibersek's persistent opposition to the Access Card

Response at <http://www.privacy.org.au/Papers/ALP-ChResp-071101.pdf>

<http://www.alp.org.au/media/1007/msagloo260.php>

<http://www.alp.org.au/search.php?keywords=%22access+card%22&image.x=0&image.y=0>

<http://www.alp.org.au/search.php?keywords=privacy&image.x=0&image.y=0>

### The Greens

- Strong position on human rights
- Opposition to 'counter-terrorism' measures and the Access Card
- Positive responses to the 8 points in the APF's Election

Response at <http://www.privacy.org.au/Papers/Greens-ChResp-071105.doc>

[http://greens.org.au/about/policy/policy.php?policy\\_id=39](http://greens.org.au/about/policy/policy.php?policy_id=39)

### The Democrats

- Strong opposition to 'counter-terrorism' measures and the Access Card
- Privacy Amendments Bills re exemptions for political parties and data security
- Many initiatives, over many years, driven by Senator Natasha Stott-Despoja
- Positive responses to the 8 points in the APF's Election Challenge

Response at <http://www.privacy.org.au/Papers/Dems-ChResp-070821.pdf>  
and [Dems-ChRespLtr-070821.pdf](http://www.privacy.org.au/Papers/Dems-ChRespLtr-070821.pdf)

[http://www.democrats.org.au/campaigns/election\\_07\\_our\\_election\\_platform/#rights](http://www.democrats.org.au/campaigns/election_07_our_election_platform/#rights)

Response by the Democrat Candidate in Hinkler, Robert Bromwich, at

<http://www.privacy.org.au/Papers/Bromwich-ElectCh-071107.doc>

## **Election Challenge – 2007**

The Australian Privacy Foundation challenges Parties and candidates participating in the 2007 Federal Election to make clear their positions on the following 8 critical matters.

### **8. Withdraw the Access Card Proposal, Make Appropriate Use of Smartcards**

The 'Access Card' project has been shown up as an attempt to impose a national identification scheme and an ill-conceived waste of taxpayers' money. The project must be abandoned. A new project should be commenced to upgrade the Medicare card, using smartcards to protect privacy as well as to assist agencies' operations and support their social control objectives.

### **7. Strengthen Controls over Telemarketing**

The valuable Do Not Call Register initiative has been seriously weakened by government compliance with lobbying by industry and by political parties. These weaknesses must be overcome.

### **6. Establish an Open Appointment Process for the Privacy Commissioner**

Successive Privacy Commissioners have been appointed in secret by the Attorney-General. They have been captured by the bureaucracy and by industry associations. The position must be openly advertised, appointment criteria must be transparent, the selection committee must be representative of the public rather than of the organisations the appointee is meant to regulate, and the appointee must be attuned to the interests of the public rather than those of government and business.

### **5. Prevent the Inappropriate Export of Personal Data**

Many countries have even less protection for personal data than Australia. There is supposed to be a prohibition against the export of personal data to such countries. Yet corporations and government agencies are releasing data to places like India and the USA. The Government and the Privacy Commissioner must fulfil their responsibility to get those data flows back under control.

### **4. Establish Standards and Guidelines for Public Consultation**

Many major government initiatives have substantial negative impacts on privacy and other interests. But agencies are avoiding the involvement of the public in their conception, design and implementation. Authoritative documents need to be negotiated that set minimum standards, and that guide the more enlightened agencies in the conduct of effective consultation processes.

### **3. Declare a Moratorium on All Biometrics and RFID-Tagging of Humans**

The Biometrics industry is immature, is plagued by high error-rates and misinformation, and is creating profound risks for the future of personal information security. A significant number of grossly intrusive projects are in progress. They need to be halted, pending public information and consultation processes, followed by enactment of strong and enforceable laws regulating the use of all such technologies by all agencies and corporations.

### **2. Cancel the 'KYC' Requirements Imposed on Businesses**

Under the guise of anti-money-laundering provisions, so-called AML-CTF legislation is about to come into effect. It substantially widens and deepens requirements of business enterprises to 'Know Your Customer', far beyond the '100-point check'. The enlistment of companies as State informers is not consistent with a free and open society, but rather with East Germany under the Stasi.

### **1. Rollback all of the Unjustified 'Counter-Terrorism' Provisions**

Many privacy-hostile measures have been enacted, on the pretext that they are somehow necessary to protect public security. Changes are needed. All accesses by all agencies, including all national security and law enforcement agencies, require prior justification and a judicial warrant.