



**Australian
Privacy
Foundation**

post: GPO Box 1196
Sydney NSW 2001
phone: +61 2 9231 4949
facsimile: +61 2 9262 3553
email: mail@privacy.org.au
web: www.privacy.org.au

The Secretary
Parliamentary Joint Committee on the Australian Crime Commission
Suite S1 107
Parliament House
Canberra ACT 2600

29 April 2003

Dear Ms Weeks

Cybercrime Inquiry

Thank you for the invitation received today and addressed to me as Convenor of the Australian Privacy Charter Council, for the Council to make a submission to this Inquiry.

Please note that the Australian Privacy Charter Council has been wound up and absorbed back into the Australian Privacy Foundation, which is the main non-governmental organisation dedicated to protecting the privacy rights of Australians. The Foundation aims to focus public attention on emerging issues which pose a threat to the freedom and privacy of Australians. The Foundation still uses the Australian Privacy Charter as a benchmark against which laws, regulations and privacy invasive initiatives can be assessed. For information about the Foundation and the Charter, see www.privacy.org.au

The Foundation is interested in the Inquiry, but at this stage it appears to us that the onus is on ACC and/or other law enforcement agencies to demonstrate if they see existing privacy protections as creating a barrier to effective criminal investigations and prosecution. We would obviously be concerned if there were any proposals to weaken existing protections, which are already subject to major exceptions and exemptions to accommodate the public

interest in law enforcement. But there seems little point in us speculating about what initiatives or changes to the law might be suggested.

If it suits the Committee, we would prefer to wait and see what if any proposals with privacy implications are submitted by other interested parties, and then have the opportunity to comment, both in a written submission and at hearings.

Please advise if the Committee's processes and timetable will accommodate this approach.

Thank you

Nigel Waters
Board Member