



**Australian
Privacy
Foundation**

email: mail@privacy.org.au
web: www.privacy.org.au

22 April 2010

By email: economics.sen@aph.gov.au

Senate Economics Legislation Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

The Australian Privacy Foundation wishes to endorse the submission by the Consumer Action law centre and other consumer groups dated 21 April.

The new law is generally relevant to privacy as it affects the way in which privacy obligations and rights are explained to consumers in terms and conditions. It is also specifically relevant to compliance with the requirement for collection of personal information to be by 'fair means' (NPP 1.2)

We have particular concerns about the role of consent, including the common practice of 'bundling' consent for several proposed uses or disclosures, and about the way in which consumers are offered choices as to secondary uses of personal information (opt-in or opt-out).

We therefore particularly welcome the introduction of a national unfair contract terms law and the creation of new enforcement and remedies provisions to enable more effective and responsive enforcement of the consumer laws by consumer regulators.

However, while welcoming the overall improvements that the new law will bring, we share the specific concerns of consumer organizations about the requirements of legibility and clarity for consumer documents; the characterisation of unsolicited consumer agreements; and the continuing and unnecessary exclusion of insurance contracts from the unfair contract terms provisions.

We endorse the recommendations of Consumer Action in relation to these deficiencies.

Nigel Waters
Board Member, APF
Phone: 02 4981 0828, 0407 230342
Email: Board5@privacy.org.au