



Ms Julie Dennett
Committee Secretary
Senate Standing Committee on Legal and Constitutional Affairs
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Dear Ms Dennett

Human Rights (Parliamentary Scrutiny) Bill 2010 and the Human Rights (Parliamentary Scrutiny) (Consequential Provisions) Bill 2010

I welcome the opportunity to provide the following comments in respect of the above Bills.

The Office of the Privacy Commissioner (the Office) supports the proposal for the creation of a Joint Parliamentary Committee on Human Rights (the proposed Committee).

In particular, my Office sees the establishment of such a Committee as providing an important mechanism which will allow for additional dialogue on human rights issues between the Australian Parliament, the Executive and the Australian community.

I note that the proposed Committee would, amongst other things, examine proposed and existing Commonwealth legislation for compatibility with Australia's international human rights obligations, including those under the International Covenant on Civil and Political Rights (the ICCPR). In that regard, I would also note that Australia's obligations under the ICCPR include the protection of, and prevention of interferences with, the privacy of individuals (Article 17). The enactment by the Australian Parliament of the *Privacy Act 1988* (Cth) was, in part, to give effect to Article 17 of the ICCPR.

I would also like to bring to the attention of your Committee the fact that on 1 November 2010, my Office will be integrated into a new statutory agency, the Office of the Australian Information Commissioner (the OAIC). The OAIC will be led by the Australian Information Commissioner, and will bring together the three functions of privacy protection, the promotion of open government and the provision of advice to the Government on information policy generally to assist the development of a consistent workable information policy across all Australian Government agencies.

I, and Professor John McMillan, the Australian Information Commissioner Designate, look forward to engaging with the proposed Committee to improve and strengthen Australia's human rights framework, particularly with respect to the ongoing reforms to the legislation governing the manner in which the Australian Government handles personal information.

Yours sincerely,

Timothy Pilgrim
Australian Privacy Commissioner

21 October 2010