I was one of the four primary authors of the Australian Law Reform Commission ("ALRC") Report and Bill that substantially became the *Privacy Act 1988* (Cth).

Over the nearly 20 years since that Report, inroads into privacy have increased considerably, substantially as a result of technological changes.

But in addition, the Privacy Act 1988 (Cth) and its cousins have been subverted by the very institutions that Act was designed to control. Government departments and agencies have used the Privacy Act to avoid accountability and transparency. This is a totally unintended effect of the ALRC's work.

In large matters and small, government bodies routinely deny information to inquirers on the asserted basis that the Privacy Act prevents disclosure. Even solicitors enquiring on behalf of a client are often stonewalled in this way when the person whose privacy is allegedly in issue is the solicitor's client.

Likewise, I have had a number of experiences of privacy being claimed on the basis that the information sought will identify a governmental decision maker. Privacy was never intended to be an absolute right. Public servants must in most circumstances expect to have their names disclosed as having made a particular decision or recommendation. The assertion that a document cannot be released because it has a public servant's name on it is usually a furphy and simply obstructive.

Unfortunately, just as important inroads into privacy have developed apace over the last two decades, so the machinery designed to check such obstructionism – the Ombudsman and the AAT – have, in my view, shown themselves to be pretty ineffective in jumping on such obstructionism. New or revamped machinery is needed to do so. It needs to be properly resourced, sceptical of the claims of bureaucrats, and result oriented. (Some of the industry ombudsman achieve such a modus operandi).

My work involves needing to get information from government than from large private sector entities, but I have also experienced the latter being obstructive. Many times there is no real privacy issue is involved.

Whether or not with sinister intent, people who answer telephone "information lines" and the like in many organisations have apparently been brainwashed that they can only talk to a person who "proves" by quoting PINs and the like that they are the holder of the account in question. As a result, if an account is in my name, for example, my partner is precluded from having any inquiry answered. Often the information involved is something quite innocuous like whether the credit on my Citylink account needs to be topped up.

A few days ago, in enquiring of Centrelink on behalf of my daughter as her father and her solicitor I had to resort to hypotheticals to get some simple questions answered (: "If a person had sought this benefit and had supplied X,Y and Z information and had completed all the questions on form 123 , do they really need to supply further proof of identity as this letter to my daughter dated ABC says she has to do? Or have you made a mistake?". It transpired that a mistake had been made by an over zealous, new Centrelink officer.)

My movements and actions can now be closely monitored by mobile phone records, email records, "tracks" left by internet usage, banking transactions and the like. But governments avoid transparency, and life is made frustrating by organisations in public and private sector alike insisting that they can only deal with someone who can prove they are the subject of the account in question - even in relation to the most innocuous inquiry.

There is actually a negative security aspect to this development. All sorts of people demand that I have a PIN – Citylink, various banks, my fixed phone provider, mobile phone provider etc etc. Some of those really require security. Some don't. The temptation is to use the same PIN for each. To do so means that the number of people who can get access to my PIN is quite large.

Something needs to be done.