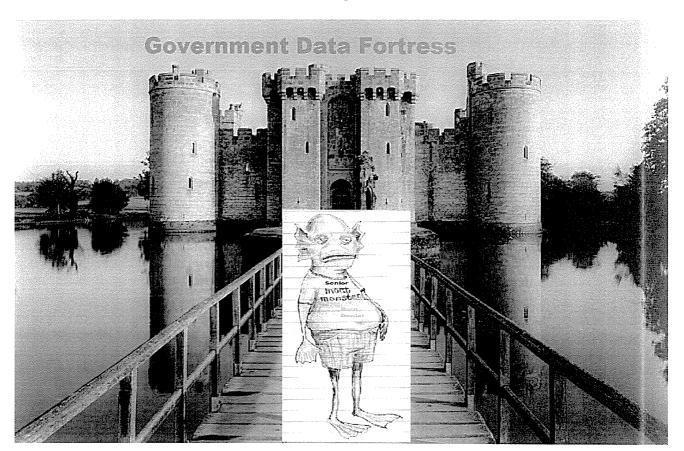
# **The Productivity Commission**

# **Enquiry into Data Access**

Big Data Little Access High Cost

**Double Standards** 

Banish the Data Hoarding Moat Monsters





## **Data Access Enquiry**

## GPO 1428, Canberra, ACT 2601

# **Index Page**

#### Page 1 - Introduction

a) Access to Government Data

#### Page 2 -3- Privacy Act and Freedom of Information Provisions

- a) Debt Recovery
  - b) GIPA Act
- c) The FOI Appeal Process
  - d) The Privacy Laws
- c) Government hypocrisy

#### Page 4 – Federated Style Model

- a) The recommendations of The Murray Enquiry and Harper Review of Competition both recommended reform in Data Access.
  - b) Opening up access for individuals to check AVO and criminal record history
    - c) The failure of Process and failure of legislation,

#### Page 5 In Conclusion

Significant impact in allowing people to have access to AVO and criminal records

There has been numerous reports, but no changes in Legislation

## **BPE Enterprises**

12/53-55 Alexandria Parade
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#### **The Productivity Commission**

#### **Data Access Enquiry Introduction**

I believe the time has come to for Australia to over haul its Data availability and access laws for individuals and the private sector access. Impediments that unnecessarily restrict access to public sector and private sector data. Both the 2014 Financial System Inquiry (The Murray Inquiry) and the Harper Review of Competition policy recommended that the Government consider ways to improve individual and private sector access to data.

The following agencies have information that could assist individuals and the private sector in chasing bad debtors.

1	State Motor Registries
2	Australian Tax Office
3	Centrelink ( Medicare)
4	Police
5	Transport State and Federal Registries
6	ASIO/ASIS
7	Rental Bond Boards
8	Local Councils
9	ASIC
10	Customs
11	Department of Fair Trading / ASIC
12	Australian Signals Directorate
13	National Security Committee

There are many more

Attachment (1) NSW Government Directory Complete List

Why are the current laws skewed towards protecting those who are evading paying their debts under the guise of various privacy provisions? Police and other Government agencies have full access to a person's whereabouts.

Even if you have the following in pursuing bad debtor.

- 1. A Default Judgement
- 2. A Writ for the Levy of Property.
- 3. Examination Order

People can still hide behind the various privacy laws, leaving small business out of pocket, when various Government departments have all the necessary information to track down defendant absconders.

In an Examination Order, I firmly believe that all Government Departments should be mandated to give access to all the information they have on any defendant, the current situation leaves you to face a Court Register and the defendant is obliged to supply the required information, but only the Court Register can question the defendant on the information directly provided by them, if you were to arm the Court Register with access to Government databases, this would close another weak link in the debt recovery process. Does an Examination Order from the court over ride the Privacy Act?

If many Government sector employees were forced to walk the walk that many small businesses have to walk in the debt recovery process, they would see how unfair and floored and skewed it is towards the Defendant and not the Plaintiff. The bias in some Government departments is not help or provides information or assistants to those request it.

Attachment (2) Examination Order

#### **Privacy ACT and Freedom of Information Provisions**

In New South Wales we have the GiPA Act (2009) most States have similar legislation, which was passed to encourage greater transparency and accountability of State Government Departments and agencies.

#### The GIPA Act:

- The Act authorises and encourages the proactive release of information by NSW public sector agencies
- gives members of the public a legally enforceable right to access government information
- ensures that access to government information is restricted only when there is an overriding public interest against releasing that information.

In reality the access is not guaranteed readily as to the original intentions of this legislation and in most cases access can be vetoed by the person who receives your request on the grounds of "An overriding public interest against releasing that information".

We recently applied to the Downing Centre Local Court for details on a case that was 5 years old and I received the following reply to my request "Unfortunately I am unable to provide any information regarding this court case to yourself. I can only disclose information to the parties involved". Most of the details about this case appeared in an article in the Sunday Telegraph 29<sup>th</sup> May 2011 and you could even read this article online in the Sunday Telegraph archives, so what is the point of denying access, when three quarters of the information is already in the public domain? Eventually we were allowed to access the information we needed through the Downing Centre Local Court Library.

# Attachment (3) Letter from Local Courts of NSW Downing Centre Attachment (4) Sunday Telegraph Article on case May 29<sup>th</sup> by Brittany Stack

- 1. What is the freedom of information procedure for each Government Department, this should be outlined in plain English on each Department website, stating how you go about an application and clear guidelines as to why a request maybe denied, the current provisions are assisting those who have a criminal past to hide behind current privacy laws and in a lot of cases committing more crime?
  - 2. Each Government Department should have conditions of acceptance and retention of a claim; this is customary in the private sector; a reference number should be allocated to your request to aid any following up of your FOI claim and a set time period for a reply. This would give the process more transparency and accountability.
  - 3. The Appeal Process, who overseas any appeals and what is the criteria used in any appeal, there is an overriding culture of denial or even fear as to whether you are given access or not, when dealing with various Government departments or agencies. Some would even call this an opinionated decision making process, flip flopping on decisions or referring you to another department, to start the whole process over again.
  - 4. Common Privacy Laws need to be brought up to date and in-line with what is practices in other leading developed countries There should be clearly defined guidelines that allow for the exchange of information between Government Departments, private sector and individuals.
  - 5. Why is it that political parties are except under the Australian Privacy Principals within the Privacy Act and thus from FOI requests on the data they are holding on their constituents? It is anomalous that political parties are exempt from rules that apply to the rest of us. The recent Federal election has seen many complaints flood into The Australian Communications and Media Authority (ACMA) over numerous calls and text messages to those numbers on the Do Not call Register, especially the so called "Robo-calling", where potentials voters are targeted for automated voice message calls. Again this is a double standards applied by Governments and there agencies, if private sector companies did this they would face fines and a hearing at the ACMA.

Attachment (5) ABC News How do political parties get your private phone number 12/07/2016

Attachment (6) The Australian Nick Xenophon to axe political date exemptions 27/07/2011

There should be unified procedures across all Government and agencies in how a FOI is accepted and processed, there should be a standardised form, which clearly states why an application may not be approved and the process for appealing that decision.

#### Federated-Style Model

A national strategy based around a Federated model would offer the best solution to Data Availability, multiple private sector providers being able to offer services to help both businesses and individual's access information. This would enhance the provision of information to the non-

Government sector and would create an innovative and competitive market for Data sharing, while maintaining control over who is accessing the information.

It has been recently estimated that the MyGov gateway, a multiple Government services and agencies website will generate around \$547 million in efficiency savings and it has been anticipated

That giving greater access to data could deliver similar benefits to the private sector. Both the Murray Inquiry (2014) and the Harper Review of Competition policy (2015) recommended there

could be numerous economic benefits to increasing availability and use of Data. It could greatly assist in chasing debt defaulters, who are currently hiding behind Privacy provisions and leaving those businesses or individuals, who provided services or credit to bare the cost, even if you chase such people through the legal system, they can hide behind numerous privacy provisions and make a mockery of the legal system that is skewed in favour of the absconder and not the poor business owner or individual who is left out of pocket. In most cases Government Departments such as local motor registries, rental bond boards and councils would have access to the required information to track down a debt defaulter.

It was estimated by the Australian Securities and Investment Commission (ASIC) that \$1.2 Billion debt is outstanding to the private sector, whereas Government Debt can be claimed against Motor vehicle registrations or legally enforceable fines the private sector is left to cover the liability of most outstanding debt with little or no hope of reclaiming any or part of such debt.

Opening up Data availability along the lines of a Federated style model to commercial providers would open up a competitive market place for many providers, while managing and still maintaining control over who has access. The economic benefits to the economy would be very significant in assisting small businesses and individuals to track down bad debtors and it would also act as a deterrent to those habitual offenders who work their way through the system leaving a trail of debt in their wake and currently hide behind various privacy laws.

For individuals and particularly women being able to have access, if they have doubts about a partner, before they start a relationship. Additionally if an employer has doubts about an employee,

being able to cross check details before an incident occurs, could have a significant impact in the workplace.

- a) History of AVO's
- b) Criminal Records
- a) Motor vehicle or drink driving offences
- b) Mental health history
- c) Work related violence r incidents

Our company employed a sub-contractor for a Government contract we won and only afterwards did we find out that he had a criminal record that would have prohibited him from working on any Government site.

#### In Conclusion

Millions of dollars have been spent on both the Murray Inquiry and the Harper Review of Competition policy to come to a similar recommendation's that access to Data and sharing of Data could provide economic benefits to the Australian economy.

How it is in each case that these enquiries open for submissions, submissions are made for the reform of Data access and Privacy Laws to make this all possible. The recommendations are made by Government Committees qualified to advise the Government on overhauling procedures and the changes to policy, yet these recommendations never make it through to the necessary changes in Legislation, how many more enquiries will be required before this occurs.

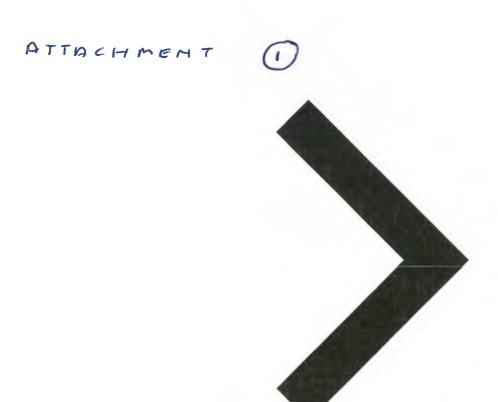
- 1. Is this is an erosion of "due process" in our Parliamentary system, the necessary reforms have been identified and the changes needed to cure the problems have been outlined, by a multitude of people who are well qualified to advise the Government.
  - 2. I would suggest this is also a failure of legislation; the Government is failing to act on the necessary reforms that are suggested time and time again.
    - 3. Its time to share the Data (See Additional attachment 3)

# **Attachments**

- 1) NSW Government Directory Complete List
- 2) Examination Order
- 3) Letter from Local Court of NSW
- 4) Sunday Telegraph Article on case May 29<sup>th</sup> by Brittany Stack
- 5) ABC News How do political parties get your private phone number
- 6) The Australian Nick Xenophon to axe political date exemptions 27/07/2011

#### Additional Attachments

- 1. Malcolm Turnbull says Governement could probe terror suspects' links to metal illness, past criminal behaviour (ABC News 22 /07/2016)
- 2. Clare's Law: SA public asked to consider tool to screen new partners for criminal history (ABC News 24/07/2016)
- 3. Warning of a fake census backlash (Daily Telegraph 23/07/2016)



- NSW Gov Directory
- Complete list

# Complete list

#### Α

- Aboriginal Affairs [/nswgovdirectory/aboriginal-affairs]
- Aboriginal and Torres Strait Islander Health Practice Council of New South Wales
  [/nswgovdirectory/aboriginal-and-torres-strait-islander-health-practice-council-new-south-wales]
- Aboriginal Education Consultative Group Incorporated, NSW [/nswgovdirectory/aboriginal-education-consultative-group-incorporated-nsw]
- Aboriginal Housing Office [/nswgovdirectory/aboriginal-housing-office]
- Aboriginal Land Council. NSW [/nswgovdirectory/aboriginal-land-council-nsw]
- Aboriginal Land Rights Act 1983 (NSW), Office of the [/nswgovdirectory/aboriginal-land-rights-act-1983-nsw-office]
- Adult Migrant English Service, NSW [/nswgovdirectory/adult-migrant-english-service-nsw]
- Ageing, Disability and Home Care [/nswgovdirectory/ageing-disability-and-home-care]
- Agency for Clinical Innovation [/nswgovdirectory/agency-clinical-innovation]

- Agricultural Scientific Collections Trust [/nswgovdirectory/agricultural-scientific-collections-trust]
- Ambulance Service of NSW [/nswgovdirectory/ambulance-service-nsw]
- Anti-Discrimination Board [/nswgovdirectory/anti-discrimination-board]
- Art Gallery of NSW [/nswgovdirectory/art-gallery-nsw]
- Arts NSW [/nswgovdirectory/arts-nsw]
- Audit Office of NSW [/nswgovdirectory/audit-office-nsw]
- Ausgrid [/nswgovdirectory/ausgrid]
- Australian Museum [/nswgovdirectory/australian-museum]

#### B

- Barangaroo Delivery Authority [/nswgovdirectory/barangaroo-delivery-authority]
- Biofuels, Office of [/nswgovdirectory/biofuels-office]
- Births, Deaths & Marriages, NSW Registry of [/nswgovdirectory/births-deaths-marriages-nsw-registry]
- Board of Studies, Teaching and Educational Standards NSW [/nswgovdirectory/board-studies-teaching-and-educational-standards-nsw]
- Board of Surveying and Spatial Information [/nswgovdirectory/board-surveying-and-spatial-information]
- Building Insurers Guarantee Corporation [/nswgovdirectory/building-insurers-guarantee-corporation]
- Building Professionals Board [/nswgovdirectory/building-professionals-board]
- Bureau of Health Information [/nswgovdirectory/bureau-health-information]
- Bush Fire Coordinating Committee [/nswgoydirectory/bush-fire-coordinating-committee]
- Business Services, Family and Community Services [/nswgovdirectorv/business-services-family-and-community-services]

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- Cancer Institute NSW [/nswgovdirectory/cancer-institute-nsw]
- Centennial Park and Moore Park Trust [/nswgovdirectory/centennial-park-and-moore-park-trust]
- Central Coast Local Health District [/nswgovdirectory/central-coast-local-health-district]
- <u>Central Coast Regional Development Corporation [/nswgovdirectory/central-coast-regional-development-corporation]</u>
- Centre for Affordable Housing [/nswgovdirectory/centre-affordable-housing]
- Charles Sturt University [/nswgovdirectory/charles-sturt-university]
- Child Health Networks [/nswgovdirectory/child-health-networks]
- Children's Hospital at Westmead, The [/nswgovdirectory/childrens-hospital-westmead]
- Children's Guardian, Office of the [/nswgovdirectory/children%E2%80%99s-guardian-office]
- City West Housing Pty Ltd (CWH) [/nswgovdirectory/city-west-housing-pty-ltd-cwh]
- Clinical Excellence Commission [/nswgoydirectory/clinical-excellence-commission]
- Cobar Water Board [/nswgovdirectory/cobar-water-board]
- Combat Sports Authority of NSW [/nswgovdirectory/combat-sports-authority-nsw]

- Community Housing [/nswgovdirectory/community-housing]
- Community Languages Schools Board, NSW [/nswgovdirectory/community-languages-schools-board-nsw]
- Community Services [/nswgovdirectory/community-services]
- Cooks Cove Development Corporation [/nswgovdirectory/cooks-cove-development-corporation]
- Corrective Services NSW [/nswgovdirectory/corrective-services-nsw]
- Council of Law Reporting for New South Wales [/nswgovdirectorv/council-law-reporting-new-south-wales]
- Crime Commission, NSW [/nswgovdirectory/crime-commission-nsw]
- Crown Finance Entity [/nswgovdirectory/crown-finance-entity]
- Crown Solicitor's Office [/nswgovdirectory/crown-solicitors-office]

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- Delta Electricity [/nswgovdirectorv/delta-electricity]
- Dental Council of New South Wales [/nswgovdirectory/dental-council-new-south-wales]
- Destination NSW [/nswgovdirectorv/destination-nsw]
- Director of Public Prosecutions, Office of the [/nswgovdirectory/director-public-prosecutions-office]

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- Endeavour Energy [/nswgovdirectory/endeavour-energy]
- Energy [/nswgovdirectory/energy]
- Environment and Heritage, Office of [/nswgovdirectorv/environment-and-heritage-office]
- Environment Protection Authority (EPA) NSW [/nswgovdirectory/environment-protection-authority-epa-nsw]
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- Essential Energy [/nswgovdirectory/essential-energy]
- Exhibited Animals Advisory Committee [/nswgovdirectory/exhibited-animals-advisory-committee]

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- Fair Trading Administration Corporation [/nswgovdirectory/fair-trading-administration-corporation]
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- Far West Local Health District [/nswgovdirectory/far-west-local-health-district]
- Farrer Memorial Trust [/nswgovdirectorv/farrer-memorial-trust]
- Finance, Services and Innovation, NSW Department of [/nswgovdirectory/finance-services-and-

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- Fire & Rescue NSW [/nswgovdirectory/fire-rescue-nsw]
- Fire Services Joint Standing Committee [/nswgovdirectory/fire-services-joint-standing-committee]
- First State Super [/nswgovdirectory/first-state-super]
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- Food Authority, NSW [/nswgovdirectory/food-authority-nsw]
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- Guardianship Division [/nswgovdirectory/guardianship-division]

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- Hardship Review Board [/nswgovdirectory/hardship-review-board]
- <u>Hazardous Chemicals Advisory Committee [/nswgovdirectory/hazardous-chemicals-advisory-committee]</u>
- Health Care Complaints Commission [/nswgovdirectory/health-care-complaints-commission]
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- Health Infrastructure [/nswgovdirectory/health-infrastructure]
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- HealthShare NSW [/nswgovdirectory/healthshare-nsw]
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- Housing Appeals Committee [/nswgovdirectory/housing-appeals-committee]
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- Independent Transport Safety Regulator [/nswgovdirectory/independent-transport-safety-regulator]
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- Institute of Sport, NSW [/nswgovdirectory/institute-sport-nsw]

J

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- Juvenile Justice NSW [/nswgovdirectory/juvenile-justice-nsw]

K

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L

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- Medical Radiation Practice Council of New South Wales [/nswgovdirectory/medical-radiation-practice-council-new-south-wales]
- Medical Services Committee [/nswgovdirectory/medical-services-committee]
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- Multicultural NSW [/nswgovdirectory/multicultural-nsw]
- Murrumbidgee Local Health District [/nswgovdirectory/murrumbidgee-local-health-district]
- <u>Museum of Applied Arts and Sciences (Powerhouse Museum) [/nswgovdirectory/museum-applied-arts-and-sciences-powerhouse-museum]</u>

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- NSW Architects Registration Board [/nswgovdirectory/nsw-architects-registration-board]
- NSW Civil and Administrative Tribunal (NCAT) [/nswgovdirectory/nsw-civil-and-administrative-tribunal-ncat-0]
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- NSW Procurement [/nswgovdirectorv/nsw-procurement]
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- NSW TrainLink [/nswgovdirectory/nsw-trainlink]
- NSW Treasury Corporation (TCorp) [/nswgovdirectorv/nsw-treasury-corporation-tcorp]
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- Office of Sport, NSW [/nswgovdirectory/office-sport-nsw]
- Office of State Revenue [/nswgovdirectory/office-state-revenue]
- Office of Strategic Lands [/nswgovdirectory/office-strategic-lands]
- Office of the General Counsel [/nswgovdirectory/office-general-counsel]
- Office of the Governor of NSW [/nswgovdirectory/office-governor-nsw]
- Office of the NSW Advocate for Children and Young People [/nswgovdirectory/office-nsw-advocate-children-and-young-people]
- Official Visitors Program NSW Mental Health Act 2007 [/nswgovdirectory/official-visitors-program-nsw-mental-health-act-2007]
- Ombudsman, NSW [/nswgovdirectorv/ombudsman-nsw]
- Optometry Council of New South Wales [/nswgovdirectory/optometry-council-new-south-wales]
- Osteopathy Council of New South Wales [/nswgovdirectory/osteopathy-council-new-south-wales]

#### P

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- Pharmacy Council of New South Wales [/nswgovdirectory/pharmacy-council-new-south-wales]
- Physiotherapy Council of New South Wales [/nswgovdirectory/physiotherapy-council-new-south-wales]
- Planning and Environment, NSW Department of [/nswgovdirectory/planning-and-environment-nsw-department]
- Poisons Advisory Committee [/nswgovdirectory/poisons-advisory-committee]
- Police Force, NSW [/nswgovdirectory/police-force-nsw]
- Police Integrity Commission [/nswgovdirectory/police-integrity-commission]
- Port Authority of NSW [/nswgovdirectory/port-authority-nsw]
- Port Kembla Port Corporation [/nswgovdirectory/port-kembla-port-corporation]
- Port of Eden [/nswgovdirectory/port-eden]
- Port of Yamba [/nswgovdirectory/port-yamba]
- Premier and Cabinet, NSW Department of [/nswgovdirectory/premier-and-cabinet-nsw-department]
- Primary Industries, Department of [/nswgovdirectory/primary-industries-department]
- Private Health Facilities Advisory Committee [/nswgovdirectory/private-health-facilities-advisory-committee]
- Products Safety Committee [/nswgovdirectory/products-safety-committee]
- <u>Professional Standards Councils</u>, <u>Office of the [/nswgovdirectory/professional-standards-councils-office]</u>
- Public Guardian NSW [/nswgovdirectory/public-guardian-nsw]
- Public Housing [/nswgovdirectory/public-housing]
- Public Service Commission [/nswgovdirectory/public-service-commission]

#### Q

 Queanbeyan Community Corrections Office [/nswgovdirectory/queanbeyan-community-correctionsoffice]

#### R

- Registrar of Community Housing [/nswgovdirectory/registrar-community-housing]
- Registry of Co-operatives and Associations [/nswgovdirectory/registry-co-operatives-and-associations]
- Rental Bond Board [/nswgovdirectory/rental-bond-board]
- Rental Bonds [/nswgovdirectory/rental-bonds]
- Rice Marketing Board for the State of NSW [/nswgovdirectory/rice-marketing-board-state-nsw]
- Riverina Citrus Committee [/nswgovdirectory/riverina-citrus-committee]

- Roads and Maritime Services [/nswgovdirectory/roads-and-maritime-services]
- Royal Botanic Gardens and Domain Trust. The [/nswgovdirectory/royal-botanic-gardens-and-domain-trust]
- Rural Assistance Authority, NSW [/nswgovdirectory/rural-assistance-authority-nsw]
- Rural Fire Service Advisory Council [/nswgovdirectory/rural-fire-service-advisory-council]
- Rural Fire Service, NSW [/nswgovdirectory/rural-fire-service-nsw]

#### S

- SafeWork NSW [/nswgovdirectory/safework-nsw]
- SAS Trustee Corporation (State Super) [/nswgovdirectory/sas-trustee-corporation-state-super]
- Scientific Committee, NSW [/nswgovdirectory/scientific-committee-nsw]
- Screen NSW [/nswgovdirectory/screen-nsw]
- Service NSW [/nswgovdirectory/service-nsw]
- <u>Silverwater Driver Test Centre [/service-centre/silverwater-driver-test-centre]</u>
- Soil Conservation Service [/nswgovdirectory/soil-conservation-service]
- South Eastern Sydney Local Health District [/nswgovdirectorv/south-eastern-sydney-local-health-district]
- <u>South Western Sydney Local Health District [/nswgovdirectory/south-western-sydney-local-health-district]</u>
- Southern Cross University [/nswgovdirectory/southern-cross-university]
- Southern NSW Local Health District [/nswgovdirectory/southern-nsw-local-health-district]
- Sport and Recreation [/nswgovdirectory/sport-and-recreation]
- St Vincent's Health Network [/nswgovdirectory/st-vincents-health-network]
- State Coroner, Office of the NSW [/nswgovdirectory/state-coroner-office-nsw]
- State Debt Recovery [/nswgovdirectory/state-debt-recovery]
- State Emergency Service (SES) NSW [/nswgovdirectory/state-emergency-service-ses-nsw]
- State Insurance Regulatory Authority (SIRA) [/nswgovdirectory/state-insurance-regulatory-authority-sira]
- State Insurance Regulatory Authority Workers Compensation Regulation [/nswgovdirectory/state-insurance-regulatory-authority-%E2%80%93-workers-compensation-regulation]
- State Library of NSW [/nswgovdirectory/state-library-nsw]
- State Records Authority (NSW) [/nswgovdirectory/state-records-authority-nsw]
- State Transit Authority of NSW [/nswgovdirectory/state-transit-authority-nsw]
- StatePlus [/nswgovdirectory/stateplus]
- <u>Sydney Children's Hospitals Network (Randwick and Westmead) [/nswgovdirectory/sydney-childrens-hospitals-network-randwick-and-westmead].</u>
- Svdnev Cricket and Sports Ground Trust [/nswgovdirectory/sydnev-cricket-and-sports-ground-trust]
- Sydney Drug Court [/nswgovdirectory/sydney-drug-court]
- Sydney Harbour Foreshore Authority [/nswgovdirectory/sydney-harbour-foreshore-authority]
- Sydney Living Museums (Historic Houses Trust) [/nswgovdirectory/sydney-living-museums-historic-

#### houses-trust]

- Sydney Local Health District [/nswgovdirectory/sydney-local-health-district-0]
- Sydney Olympic Park Authority [/nswgovdirectory/sydney-olympic-park-authority]
- Sydney Opera House Trust [/nswgovdirectory/sydney-opera-house-trust]
- Sydney Ports Corporation [/nswgovdirectory/sydney-ports-corporation]
- Sydney Trains [/nswgovdirectory/sydney-trains]
- Sydney Water Corporation [/nswgovdirectory/sydney-water-corporation]

#### T

- TAFE NSW [/nswgovdirectory/tafe-nsw]
- Taronga Conservation Society Australia [/nswgovdirectory/taronga-conservation-society-australia]
- Taronga Western Plains Zoo, Dubbo [/nswgovdirectory/taronga-western-plains-zoo-dubbo]
- Taronga Zoo, Sydney [/nswgovdirectory/taronga-zoo-sydney]
- Teacher Housing Authority NSW [/nswgovdirectory/teacher-housing-authority-nsw]
- The Treasury [/nswgovdirectory/treasury]
- TransGrid [/nswgovdirectory/transgrid]
- Transport Appeal Boards (TAB) [/nswgovdirectory/transport-appeal-boards-tab]
- Transport Safety Investigations, Office of [/nswgovdirectory/transport-safety-investigations-office]
- Transport, NSW Department of [/nswgovdirectory/transport-nsw-department]
- Trustee and Guardian, NSW [/nswgovdirectory/trustee-and-guardian-nsw]
- Trustee of the ANZAC Memorial [/nswgovdirectory/trustee-anzac-memorial]

#### U

- Universities Admissions Centre [/nswgovdirectory/universities-admissions-centre]
- University of New England [/nswgovdirectory/university-new-england]
- <u>University of New South Wales [/nswgovdirectory/university-new-south-wales]</u>
- University of Newcastle [/nswgovdirectory/university-newcastle]
- University of Sydney [/nswgovdirectory/university-sydney]
- University of Technology Sydney [/nswgovdirectory/university-technology-sydney]
- University of Western Sydney [/nswgovdirectory/university-western-sydney]
- University of Wollongong [/nswgovdirectory/university-wollongong]
- UrbanGrowth NSW [/nswgovdirectory/urbangrowth-nsw]
- <u>UrbanGrowth NSW Development Corporation [/nswgovdirectory/urbangrowth-nsw-development-corporation]</u>

#### V

- Valuer General of NSW [/nswgovdirectory/valuer-general-nsw]
- Venues NSW [/nswgovdirectory/venues-nsw]

- Veterans' Affairs [/nswgovdirectory/veterans-affairs]
- Veterinary Practitioners Board, NSW [/nswgovdirectory/veterinary-practitioners-board-nsw]
- <u>Vocational Education and Training Accreditation Board, NSW [/nswgovdirectory/vocational-education-and-training-accreditation-board-nsw]</u>

#### W

- Waste Assets Management Corporation [/nswgovdirectory/waste-assets-management-corporation]
- Water NSW [/nswgovdirectorv/water-nsw-0]
- Water, NSW Office of [/nswgovdirectory/water-nsw-office]
- Western NSW Local Health District [/nswgovdirectory/western-nsw-local-health-district]
- Western Sydney Local Health District [/nswgovdirectory/western-sydney-local-health-district]
- Western Sydney Parklands Trust [/nswgovdirectory/western-sydney-parklands-trust]
- Wine Grapes Marketing Board [/nswgovdirectory/wine-grapes-marketing-board]
- Women NSW [/nswgovdirectorv/women-nsw]



- Young Offenders Advisory Council [/nswgovdirectory/voung-offenders-advisory-council]
- Youth NSW [/nswgovdirectory/youth-nsw]

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Departments [https://www.service.nsw.gov.au/nswgovdirectorv/departments]

Key list [https://www.service.nsw.gov.au/nswgovdirectory/kevlist]

A to Z list [https://www.service.nsw.gov.au/nswgovdirectorv/atoz/a]

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#### **Departments**

- > Attorney-General's Department &
- > Department of Agriculture and Water Resources &
- > Department of Communications and the Arts &
- > Department of Defence 2
- > Department of Education and Training 2
- > <u>Department of Employment</u>
- > Department of Finance 2
- > Department of Foreign Affairs and Trade []
- > Department of Health @
- Department of Human Services <a>C</a>
- > Department of Immigration and Border Protection @
- > Department of Industry, Innovation and Science &
- > Department of Infrastructure and Regional Development &
- > Department of Social Services [2]
- > Department of the Environment 2
- > Department of the Prime Minister and Cabinet &
- > Department of Veterans' Affairs &
- > <u>Treasury</u> 区

# **Agencies**

- > ABC Australian Broadcasting Corporation &
- > Aboriginal Hostels Limited &

- > Administrative Appeals Tribunal @
- > Airservices Australia 🗗
- > Anindilyakwa Land Council @
- > Army and Air Force Canteen Service [7]
- > Asbestos Safety and Eradication Agency @
- > Auditing and Assurance Standards Board @
- > Austrade Australian Trade and Investment Commission @
- > Australia Council for the Arts 🗗
- > Australia Post 2
- > Australian Accounting Standards Board @
- > Australian Aged Care Quality Agency @
- > Australian Antarctic Division &
- > Australian Border Force 2
- > Australian Bureau of Statistics &
- > <u>Australian Centre for International Agricultural Research</u>
- > Australian Charities and Not-for-profits Commission @
- > Australian Civil-Military Centre @
- > Australian Commission for Law Enforcement Integrity @
- > Australian Commission on Safety and Quality in Health Care @
- > Australian Communications and Media Authority &
- > Australian Competition and Consumer Commission @
- > Australian Competition Tribunal @
- > Australian Criminal Intelligence Commission &
- > Australian Curriculum, Assessment and Reporting Authority @
- > Australian Egg Corporation Ltd &
- > Australian Electoral Commission &
- > Australian Energy Regulator @
- > Australian Federal Police @
- > Australian Film Television and Radio School @
- > Australian Financial Security Authority @
- > Australian Fisheries Management Authority @
- > Australian Government Solicitor @
- > <u>Australian Hearing</u> <a href="#">
  </a>
- > Australian Human Rights Commission @
- > Australian Institute for Teaching and School Leadership @
- > Australian Institute of Aboriginal and Torres Strait Islander Studies @

- > Australian Institute of Criminology @
- > Australian Institute of Family Studies (AIFS) []
- > Australian Institute of Health and Welfare @
- > Australian Institute of Marine Science 2
- > Australian Institute of Police Management @
- > Australian Law Reform Commission @
- > Australian Maritime Safety Authority @
- > Australian National Audit Office @
- > Australian National Botanic Gardens @
- > Australian National Maritime Museum @
- > Australian Nuclear Science and Technology Organisation @
- > Australian Office of Financial Management @
- > Australian Pesticides and Veterinary Medicines Authority @
- > Australian Pork Ltd @
- > Australian Prudential Regulation Authority @
- > Australian Public Service Commission @
- > Australian Radiation Protection and Nuclear Safety Agency @
- > Australian Rail Track Corporation @
- > Australian Reinsurance Pool Corporation &
- > Australian Renewable Energy Agency @
- > Australian Research Council @
- > Australian Secret Intelligence Service [4]
- > Australian Securities and Investments Commission &
- > Australian Security Intelligence Organisation &
- > Australian Signals Directorate [2]
- > Australian Skills Quality Authority &
- > Australian Small Business and Family Enterprise Ombudsman @
- > Australian Sports Anti-Doping Authority @
- > Australian Sports Commission @
- > Australian Sports Foundation @
- > Australian Statistics Advisory Council &
- > Australian Strategic Policy Institute [4]
- > Australian Taxation Office 2
- > <u>Australian Transaction Reports and Analysis Centre</u>
- > Australian Transport Safety Bureau @
- > Australian War Memorial @

- > Board of Taxation @
- > Bundanon Trust @
- > Bureau of Meteorology 2
- > Cancer Australia 🗹
- > Central Land Council @
- > <u>Centre for Australian National Biodiversity Research and Australian National Herbarium</u>
- > Civil Aviation Safety Authority @
- > Clean Energy Finance Corporation @
- > Clean Energy Regulator &
- > Climate Change Authority &
- > Comcare 🗹
- > Commonwealth Director of Public Prosecutions &
- > Commonwealth Grants Commission [7]
- > Commonwealth Ombudsman &
- > Commonwealth Superannuation Corporation @
- > Cotton Research and Development Corporation &
- > Creative Partnerships Australia &
- > CSIRO Commonwealth Scientific and Industrial Research Organisation @
- > Dairy Australia 🗷
- > Defence Force Discipline Appeal Tribunal @
- > Defence Force Remuneration Tribunal @
- > Defence Housing Australia [7]
- > <u>Defence Materiel Organisation</u> **Z**
- > Defence Science and Technology Group @
- > Department of Parliamentary Services &
- > Department of the Senate &
- > <u>Digital Transformation Office</u>
- > Export Finance and Insurance Corporation @
- > Fair Work Building and Construction &
- > Fair Work Commission @
- > Fair Work Ombudsman &
- > Family Court of Australia @
- > Federal Circuit Court of Australia @
- > Federal Court of Australia @
- > Financial Reporting Council &

- > Fisheries Research and Development Corporation &
- > Food Standards Australia New Zealand @
- > Foreign Investment Review Board @
- > Forest and Wood Products Australia 🗹
- > Future Fund @
- > Geoscience Australia 🗹
- > Grains Research and Development Corporation @
- > Great Barrier Reef Marine Park Authority @
- > High Court of Australia @
- > Independent Hospital Pricing Authority @
- > Indigenous Business Australia 🗹
- > Indigenous Land Corporation [2]
- > Inspector General of Taxation @
- > Inspector-General of Intelligence and Security @
- > IP Australia 🗹
- > LiveCorp ☑
- > Meat and Livestock Australia &
- > Ministry for the Arts 2
- > Murray-Darling Basin Authority @
- > Museum of Australian Democracy at Old Parliament House &
- > National Archives of Australia 🗗
- > National Blood Authority @
- > National Capital Authority 2
- > National Competition Council @
- > National Disability Insurance Scheme @
- > National Film and Sound Archive 🗗
- > National Gallery of Australia 🗷
- > National Health and Medical Research Council @
- > National Health Funding Body @
- > National Health Performance Authority &
- > National Health Practitioner Ombudsman and Privacy Commissioner @
- > National Heavy Vehicle Regulator [2]
- > National Industrial Chemicals Notification and Assessment Scheme @
- > National Library of Australia 🗗
- > National Measurement Institute 2
- > National Mental Health Commission &

- > National Museum of Australia 🗷
- > National Native Title Tribunal &
- > National Offshore Petroleum Safety and Environmental Management Authority &
- > National Portrait Gallery 2
- > National Transport Commission &
- > NBN Co 区
- > Northern Land Council &
- > NRL National Serology Reference Laboratory 2
- > Office of National Assessments 🗗
- > Office of Parliamentary Counsel [2]
- > Office of the Australian Information Commissioner
- > Office of the Children's eSafety Commissioner @
- > Office of the Federal Safety Commissioner ☑
- > Office of the Migration Agents Registration Authority &
- > Office of the Registrar of Indigenous Corporations &
- > Office of Township Leasing @
- > Organ and Tissue Authority &
- > Parks Australia 🗗
- > Parliament of Australia 🗗
- > Parliamentary Education Office &
- > Productivity Commission &
- > Professional Services Review
- > Professional Standards Board for Patent and Trade Mark Attorneys &
- > Questacon The National Science and Technology Centre @
- > Regional Development Australia &
- > Remuneration Tribunal &
- > Reserve Bank of Australia &
- > Royal Australian Mint @
- > Rural Industries Research and Development Corporation &
- > Safe Work Australia 🗷
- > Safety, Rehabilitation and Compensation Commission &
- > SBS Special Broadcasting Service [7]
- > Screen Australia 🗗
- > Seafarers Safety, Rehabilitation and Compensation Authority @
- > Sugar Research Australia 🗗
- > Superannuation Complaints Tribunal &

- > Sydney Harbour Federation Trust &
- > <u>Tax Practitioners Board</u> **Z**
- > <u>Telecommunications Universal Service Management Agency</u> <a href="#">
  </a>
- > Tertiary Education Quality and Standards Agency 2
- > Tiwi Land Council 🗷
- > Torres Strait Regional Authority &
- > Tourism Australia 🗗
- > Veterans' Review Board 2
- > Workplace Gender Equality Agency 🗷

# Fooled by this hi-tech robber

- by: Brittany Stack
- From: The Sunday Telegraph
- May 29, 2011 12:00AM 0



**TAB on George st, Haymark**et, which has recently been robbed. Picture: Tim Hunter *Source*: The Sunday Telegraph

A MAN posing as a phone technician embarked on a two-month crime spree, robbing hotels, travel agencies, TABs and even the RTA, a court heard yesterday.

Dressed in a blue chambray shirt and hat bearing the logo of a telecommunications company, work pants and white shoes, John Paul Gerard Sheargold, 43, of Kings Cross allegedly used his disguise to fleece businesses of thousands of dollars.

Telling staff the phones needed fixing, he then monitored their movements, before stealing property and cash, Parramatta Bail Court heard.

Since early April, Sheargold allegedly targeted clubs, travel agencies, and betting agencies throughout Sydney's CBD, eastern suburbs and lower north shore.

On April 4, police allege Sheargold stole cash from Club Bondi Junction in Gray St.

He also allegedly stole money from the TAB on George St, Haymarket, in May, then struck again on May 17 at the Ticketek store in Park St, in the city.

On May 19, Sheargold allegedly targeted the Returned Serviceman's Club on Military Rd, Mosman, followed by the RTA on York St later that day.

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He also allegedly robbed Abbotts Hotel in Waterloo and the Erskineville Hotel on May 20, and stole property worth \$3800 from Flight Centre in York St on Thursday.

Sheargold was arrested at Kings Cross Railway station on Friday morning by officers attached to Operation Cobra 2. Police allege he was in possession of a large sum of cash at the time.

Sheargold was taken to St Vincent's Hospital for medical treatment and later interviewed at Kings Cross Police Station where he was charged with a number of aggravated break, enter and steal offences, plus assault police and resist arrest offences.

Police later searched a property in Potts Point and allegedly found clothing bearing the logo of a telecommunications company and a falsified technician identity card.

Sheargold was charged with seven counts of aggravated break and enter and commit serious indictable offence, larceny and resisting an officer in the execution of his duty.

Police have urged any other businesses who believe they have been a victim of the scam to contact them, as they continue their investigations.

Sheargold was refused bail. He will appear via video link in Central Local Court on July 19.



# Election 2016: How did political parties get your private phone number?

7.30 By Pat McGrath

Updated Tue 12 Jul 2016, 6:27am

Privacy advocates have demanded Labor and the Coalition explain how they accessed voters' unlisted telephone numbers during the election campaign.

Australia's privacy laws allow political parties to call and send text messages to telephone numbers on the Australian Communications and Media Authority's Do Not Call Register.

Unlike businesses, political parties are also allowed to campaign directly to voters who have opted for their telephone numbers to not appear on directories.

The Privacy Foundation's vice-chair David Vaile said that raised the question: where did Labor and the Coalition source the private numbers?

"I am worried about the level of transparency in how they have accessed this information," Mr Vaile said.

"Some of this data can come from very murky sources, so I think Labor and the Coalition need to make clear exactly where they got it from."

#### 'We certainly didn't have access to them'

Last week deputy Liberal leader Julie Bishop criticised Labor for allegedly sending text messages to private telephone numbers.

The Australian Federal Police are looking into the source of a text message voters received the night before the election which appeared to be sent by "Medicare".

"Mr Turnbull's plans to privatise Medicare will take us down the road of no return. Time is running out to Save Medicare," the text read.

Ms Bishop also accused Labor of calling voters "up to 10 times a night".

"I don't know how they get hold of private mobile numbers but clearly they did — and we certainly didn't have access to them — and rang people," Ms Bishop told 7.30.

But 7.30 can reveal the Liberal party also sent messages to private mobile numbers during the election campaign.

One message, which appeared to come from "M Turnbull", was sent to voters around the country the day before the election.

"A vote for your local Liberal = Stable Govt & a Plan for job. An Ind/Green/ALP vote means chaos. Together, lets see it through. Malcolm Turnbull," it said.

Adelaide resident Judi Storer said she had received robo-calls from the Liberal Party "every day for the final two weeks of the campaign".

"I don't think the Liberals have any moral high ground to complain about Labor's aggressive campaign tactics," Ms Storer,

#### Turnbull willing to look at reforming phone campaigning

Other voters with unlisted phone numbers have told 7.30 they received "robo-calls" from Prime Minister Malcolm Turnbull and Julie Bishop.

A robo-call is an automated telephone call that delivers a recorded voice message.

On Sunday, Mr Turnbull singled out telephone campaigning as an "important electoral reform issue" to arise from this year's election.

"These robo-calls are basically unregulated at the moment," he said.

"They don't have to have authorisation like a television advertisement or a newspaper advertisement, so they're basically existing in a legal vacuum."

Mr Turnbull said he was willing to look into reforming telephone campaigning.

"I think we say that if a television advertisement or a newspaper advertisement by law has to say 'authorised by XYZ on behalf of the Liberal Party of Australia or the Australian Labor Party' then so should a text message, so should a robocall," he said.

**Topics:** federal-election, federal-elections, liberals, alp, political-parties, federal-government, government-and-politics, australia *First posted Tue 12 Jul 2016*, 6:17am

#### THE AUSTRALIAN

## Nick Xenophon acts to axe political data exemption

PETER VAN ONSELEN AND MILANDA ROUT. THE AUSTRALIAN, JULY 27, 2011, 12:00AM



Senator Nick Xenophon with former Democrats leader Natasha Stott Despoja. Picture: Kelly Barnes Source: The Australian

INDEPENDENT senator Nick Xenophon will introduce a private member's bill to remove exemptions for political parties from the Privacy Act - and the Greens and Tasmanian independent Andrew Wilkie have indicated they will support the legislation.

Senator Xenophon said yesterday an overhaul of the rules of privacy that applied to politicians was necessary.

"I don't agree with the push where some are using the reform of privacy laws to muzzle the media," Senator Xenophon said. "This is about removing a rort of an exemption for political parties."

Political parties ean - and the major ones do - operate sophisticated voter-tracking software that compiles information about voters without their consent.

Political parties are exempted from privacy laws that would otherwise render this practice illegal. The public has no right of access to the information, and no way of knowing what information is contained on the databases about them or even how accurate it is.

"It is anomalous that political parties are exempt from rules that apply to the rest of us," Senator Xenophon said.

Mr Wilkie said yesterday he strongly supported his fellow independent's move.

"It strikes me as extraordinary that the exemption exists," Mr Wilkie said.

News of the proposed Xenophon bill came as Privacy Commissioner Timothy Pilgrim told The Australian yesterday he believed an Australian Law Reform Commission recommendation to remove the exemption given to political parties should be considered, echoing comments made at the weekend by former privacy commissioner Malcolm Crompton, who opposed the exemptions when they were first

legislated in 2000. "It's appropriate to consider these exemptions as part of the reform process." Mr Pilgrim said.

He said other exemptions for the media and small businesses should be also examined. Senator Xenophon's bill, to be introduced when parliament resumes next month, picks up where Natasha Stott Despoja left off. The former Democrats senator and leader made multiple attempts to remove the political parties' exemption from privacy laws during her time in parliament, but was blocked each time by the major parties voting together.

In 2000 when the Private Sector Amendment Bill was passed into law, the Democrats tried unsuccessfully to have the political party exception removed. They tried again in 2004, initiating a Senate inquiry into privacy.

"I am pleased that Nick is reintroducing my private senator's bill, which removes the exemption of political acts and practices from the Privacy Act," Ms Stott Despoja said yesterday. "I tried many times over many years without support from the major parties to address this issue. It would be great to see this undemocratic, invasive and hypocritical exemption removed."

She said the bill would be a test for all parties, "not only to demonstrate their commitment to greater privacy in Australia, but to reveal their current practices in relation to data collection, specifically their provision for consent".

A spokesman for Bob Brown confirmed that the Greens leader had supported Ms Stott Despoja's attempts at amendments, and the Greens would do so again this time, assuming Senator Xenophon's bill was similarly presented.

While the major parties have successfully united to oppose any changes to the Privacy Act, the new parliamentary paradigm - and the Greens' influence as an alliance partner with the government - may give Senator Xenophon's attempt at reform a greater chance of success.

The government has shown interest in reforming privacy laws as they relate to the media, citing the recommendations of an Australian Law Reform Commission report in 2008. That report recommended the privacy exemption for political parties be removed. A spokeswoman for the Minister for Privacy. Brendan O'Connor, said the government had responded to the bulk of the ALRC's 295 recommendations on improving the privacy framework in Australia.

"We are considering our response to the remaining 98 recommendations, including a recommendation that political parties are no longer exempt from the Privacy Act," she said.

Bronwyn Bishop, who has responsibility for Coalition policy in this area, indicated it was unlikely the opposition would support removing the political exemption to privacy laws, citing "the principle that there is a freedom of political expression".

In addition to amending the Privacy Act, Senator Xenophon wants to amend the Electoral Act to include a "do not contact" register on the electoral roll, similar to the "do not call" register that prevents political parties and independent members of parliament from being provided with electronic information on voters who "opt out". At present, all lower and upper house MPs get electronic copies of the electoral roll, updated every month, which include the names, addresses, dates of birth and occupations of all voters.

Mr Wilkie said he would also support a "do not contact" register.



# Malcolm Turnbull says Government could probe terror suspects' links to mental illness, past criminal behaviour

By political reporter Caitlyn Gribbin and national affairs correspondent Greg Jennett Updated Fri 22 Jul 2016, 11:13am

Prime Minister Malcolm Turnbull has indicated the Federal Government may want access to the mental health files of individuals suspected of terrorist activity.

The Government's top anti-terror adviser has been asked to investigate Australian terror suspects' potential links with mental illness and past criminal behaviour.

The Prime Minister's request to counter-terrorism coordinator Greg Moriarty is part of a full "lessons learnt" review of Australia's defences against so-called "lone wolf" attacks, such as those carried out with a truck in Nice, an axe in Germany and guns in Orlando.

Mr Turnbull has told Macquarie Radio the Government wants to protect people's privacy, but that needs to be balanced with national security.

"I think it's important that we are all mindful of the new environment in which we're operating and that is why we've got to look at it very carefully," Mr Turnbull said.

Mr Turnbull conceded accessing the files would be a "huge step".

"Yes it would be, and that's why it's important to speak with some precision.

"You've got a number of important interests to balance here. Mental health alone, leaving aside issues of terrorism, is a gigantic challenge."

Mr Turnbull said he valued Australia's "very significant" privacy protections, but his priority was to keep people safe.

"It is critical too that people feel and know that when they go to [youth mental health organisation] Headspace, for example, they do so confidentially.

"That is why it has to be approached carefully, but my most important obligation, my most important responsibility as the Prime Minister of Australia, is to keep the people of Australia safe."

#### Extreme narrative luring Australians to terror: Turnbull

In ordering the review, Mr Turnbull wrote to Mr Moriarty, noting "the extremist narrative and ISIL's slick propaganda are clearly luring some Australians to support terrorism, but we need to ensure that we are actively looking at all the areas of potential vulnerability".

The coordinator was specifically tasked with checking "the full range of persons of interest who we are watching" as part of terrorism investigations "to see if there is a significant connection with mental health concerns or ... patterns of criminal behaviour".

Mr Turnbull said Australia would have to reassess how gatherings of large people are protected and be mindful of the changing threat level.

"We will certainly have to rethink the way in which we design and protect places where large numbers of Australians are

The review will look at terrorists' use of encryption technology to hide their online communications.

It will also assess whether simple but deadly attacks, such as driving a truck into a crowd, could be prevented.

Mr Turnbull has asked his adviser to investigate the "vulnerability of, and means of protecting, open areas where large numbers congregate" against the threat of a truck maliciously being driven into them.

Topics: terrorism, federal-government, law-crime-and-justice, australia

First posted Fri 22 Jul 2016, 12:24am



# Clare's Law: SA public asked to consider tool to screen new partners for criminal history

By Nicola Gage

Updated Sun 24 Jul 2016, 12:20pm

A disclosure scheme that reveals a person's violent history to a new partner is among measures the South Australian Government wants considered to help prevent domestic violence.

It today released a Domestic Violence Discussion Paper asking for public feedback on the measure, based on Britain's Clare's Law, which allows partners to access that information.

SA Attorney General John Rau said the first step in addressing domestic violence was to expose it.

"Domestic violence is everybody's business," he said.

The paper used police statistics to reveal the extent of domestic violence in SA.

There were more than 8,400 reports of domestic violence in SA last year, with nearly 80 per cent of those victims female.

Almost half of all assaults, homicides and homicide-related offences involved domestic violence.

Mr Rau said the paper highlighted possible areas that could be reformed.

"The discussion paper shines a light into the dark corners, providing unprecedented levels of information and analysis in South Australia," he said.

A number of measures surrounding domestic violence have been implemented in South Australia in recent years, following an inquest into the 2010 murder of Zahra Abrahimzadeh by her estranged husband.

SA Status of Women Minister Zoe Bettison said it was unacceptable that a significant number of women did not feel safe.

"As a Government and as a community we must work hard to eliminate domestic violence," she said.

"I urge South Australians to be part of the solution."

Mr Rau said the paper's measures would create a framework for authorities and the community to work from.

"Success will hinge on the measures [chosen] being appropriate, efficient and effective, qualities that require community support," he said.

Public consultation on the paper will run for six weeks.

Topics: domestic-violence, community-organisations, charities-and-community-organisations, community-and-society, law-crime-and-justice, adelaide-5000, sa

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# Warning of a fake census backlash

#### **KELLY BURKE**

PRIVACY experts claim people may list false information on next month's census because their names and addresses will be kept as part of the data.

Previously identifying information was destroyed once the other census data had been recorded but it will now be kept until 2020.

An Australian Bureau of Statistics spokesman yesterday said all personal information would be stored "securely and separate" but the NSW Council for Civil Liberties warned that some people's concerns over how the government might use the information could cause a backlash of false information, from income bracket to religion.

"If people know their information will be identifiable and retained by the government, then it is very likely some people may chose not to answer all the questions honestly," president Stephen Blanks said.

"We now have some politicians calling for discriminatory action against people of a particular faith, for example. It wouldn't be unreasonable for them to think twice (before filling out the survey)."

For the first time in the 100year census history, the ABS will retain personal data obtained on August 9 "for the purpose of richer and more dynamic statistics and more efficient statistical operations".

Australian Privacy Foundation vice-chair David Vaile said the census "has gone from a valuable anonymous snapshot to an identifiable longitudinal dossier on Australians, with technology now capable of crossmatching and analysing people's private information".

An ABS spokesman confirmed all census information collected next month would be held until 2020 but after initial processing all names and addresses would be removed and stored separately from other personal and household data.

"Australians have willingly co-operated in the census for more than 100 years, including accurately providing names and addresses, which demonstrates their support and understanding of the importance of the census and their trust of the ABS," the spokesman said. "The ABS is confident Australians will continue to participate fully and truthfully."

Providing false or misleading information on a census form can attract a \$1800 fine.