APF 30th Anniversary
28 July 2017

A Quick Stroll Through History

Roger Clarke & Graham Greenleaf
Pre-History

• 'The Private Man', Zelman Cowen, ABC – 1969
• NSW Attorney-General, John Madison – 1972
• Report on Privacy, Morison – 1973
• NSW Privacy Committee Act – 1975
  Michael Kirby, a.n.other
• Australian Accession to OECD Guidelines – 1984
Prelude
The Australia Card
1985-86

• ? Mar 1985 – Risstrom pitches ID card to Hawke
• 24 Jun 1985 – Cabinet gets Inter-Deptal Ctee Rpt
• Jul-Aug 1985 – Caucus haggles over the proposal
• 17 Sep 1985 – Cabinet approves the project
• The Joint Select Committee – Dec 1985 - Mar 1986
  (Puplick, Haines, Saunderson)
• Privacy Advocacy
  Greenleaf, Clarke, Lawrence
  Walker, Costigan, Barter, Stanley
  NSWCCCL, VCCL, QCCL, SACCL, TasCCL,
  NSWPC, ACS, QCOSS, PAIN, CAID
"... as socialists, we shouldn't get too hung up on privacy because privacy, in many ways, is a bourgeois right that is very much associated with the right to private property"

Neal Blewett
Minister for Health, 1986
Dubbo residents urged to protest Aust. Card

A FORMER Dubbo solicitor has latched onto the Government’s proposed Australia Card calling it a national surveillance system more powerful and extensive than those operated by Eastern bloc countries.

Mr Graham Greenfeld, a lecturer in computers and law at the University of NSW, said the card offered thousands of public authorities map-shaping access to private information.

He said people in Dubbo, like most Australians, were ill-informed as to the purposes of the card which, if embraced, were capable of monitoring the blessings and misdeeds of everybody in the country.

While visiting his parents Allan and Gillian Greenfeld over New Year, Mr Greenfeld urged Dubbo residents to write to their local member of Parliament.

"What is being proposed for Australia is not just an identification card but a whole national surveillance system," he said.

"As far as I am aware with the sophisticated computer technology we have in Australia it will be the most powerful and comprehensive system operated anywhere in the world."

"What the Government hasn’t realised is that it can be used for good and bad."

Mr Greenfeld said there were alternatives to the card, such as using tax file numbers which would give 90 per cent of the benefits without invading people’s privacy.

The Government’s stated reason to reduce the number of departments and agencies with access to the card is that it was aactical exercise.

Mr Greenfeld said:

"All the way along the Government has wanted a more extensive identification system so as be seen by its various branches of giving access to 15 departments.

"The system is very expensive to run on a limited basis and could become the Government’s most extensive in its departments to make it more competently.

"He said the proposed plan, which has already been rejected, would be put to the Senate within the next few months, and if rejected again could become the Senate or a double dissolution.

Mr Greenfeld was a former solicitor with North and South of Brolga Street, which was one of the first legal firms to encourage the use of word processors.

He said while attending Dubbo High School he became interested in law but it was his work with the Dunbar firm that fixed his imagination on to the use and abuses of computers in the field of law.
Prelude – The Double-Dissolution Election

1 Apr 1987 – Hawke undertakes not to use the Card as a trigger for a double-dissolution election

2 Apr 1987 – 2nd rejection of the Bill by the Senate

27 May 1987 – Hawke calls double-dissolution

"Labor Senate Leader John Button even burst into laughter when referring to [the Card] in his speech announcing the election"
APF Formation

- 7 Jul 1987 – Martin Place Demo - Dixon, Davies
- 11 Jul 1987 – Double-Dissolution Election, the Card almost unmentioned, Labor wins again
- 12 Jul 1987 – Davies phones APF Founders
- 28 Jul 1987 – planning meeting in Alan Jones’ home ‘loft’ in Newtown
- 29 Jul 1987 – Susan Ryan's poison chalice

https://www.privacy.org.au/About/Formation.html
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- 28 Jul 1987 – planning meeting in Alan Jones’ home ‘loft’ in Newtown
- 29 Jul 1987 – Susan Ryan's poison chalice
- 16 Aug 1987 – 4 Corners – participants: Andrew Olle; Ron Castan, Roger Clarke, Frank Costigan, Peter Garrett, Eric Risstrom, Richard Walsh vs. Yuri Grbich? and Susan Ryan
- 31 Aug 1987 – APF Launch, Sebel Town House (Haines, Shepherd, Wheelwright, Chappell, Castan, et al.)
"Under the banner of the Australian Privacy Foundation ... at yesterday's launch ..." – SMH, 1 September 1987
The Founders

Tim Dixon

Simon Davies
The Founders

Tim Dixon

Simon Davies
'Big Brother Rules when your number's up'
Times on Sunday
30 Aug 1987
NEWS FOCUS on the ‘hit-and-run’ ID campaign

Tim Robertson might well be the Pimpernel of Privacy. He has been given lately to sudden public appearances. He waves yet another “leaked” Canberra document which he declares undermines the Government’s proposed ID card.

Then, just as suddenly, he’s gone.

Of all the “strange bedfellows” whom Mr Hawke accuses of trying to sink the ID card, Robertson ranks spectacularly low on the scale of public recognition.

The likes of rock singer Peter Garrett and yacht designer Ben Lexcen are out there talking up a media storm to swing public sentiment and contributions.

In contrast, Robertson takes a hit-and-run approach.

That, he says, is because he has to cope with a legal practice.

“Obviously, I couldn’t be available all the time. I just couldn’t cope physically,” said Robertson, 28, a barrister and younger brother of Hypotheticals host, Geoffrey Robertson, also a barrister.

Robertson is the secretary of the NSW Council for Civil Liberties and, among younger Sydney lawyers, is known as “well connected” and a committed member of the Australian Society of Labor Lawyers.

His non-appearance this week at the society’s conference in Perth raised some eyebrows.

In fact, he’s been in a Sydney courtroom. He recently represented the US Marine deserter, Douglas Beane.

Robertson is less well known as a 1977 drop-out from Sydney University who earned his legal “connections” rather than inheriting them.

“I wasn’t happy at uni,” he says. “I decided it was about time I learnt what the real world was like.

“In 1977, during the recession induced by the Fraser Government, I walked the streets of Sydney looking for a...
Demise of the Australia Card

• Australians nationwide + Davies and friends
• "There has never been a debate like it on the letters page; there has never been such a cry of opposition from the nation over one topic" Letters Editor, The Australian, 15 Sep 1987
• 20-30,000 people march in Perth
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• 23 Sep 1987 – Withdrawal of the Bill (Ewart Smith, John Stone)

https://www.privacy.org.au/Campaigns/ID_cards/Resources.html#OzCard
APF's First Testimonials

"The Australian Privacy Foundation ... has contributed so much to the development of discussion about privacy in this nation"

Phillip Ruddock, Hansard, 17 Sep 1987
APF's First Testimonials

"The Australian Privacy Foundation ... has contributed so much to the development of discussion about privacy in this nation"
Phillip Ruddock, Hansard, 17 Sep 1987

"A funny collection of people"
Bob Hawke
Early Campaigns

• Privacy Act 1988
  APF negotiations with Lib Dep Neil Brown
  Improvements to the token Privacy Bill 1986

• The Original TFN (1988) – with APF involved
• TFN's Many Extensions (1989-1999) – without

• The Credit Reporting Amendments (1989)
  Summit with Nick Bolkus (, Bronwyn Bishop)
  ‘World’s toughest credit reporting laws'
  Davies, Dixon, Greenleaf, Connolly
The Australian Privacy Charter – 1994

• Beyond 'data privacy' to privacy as a whole
• 25 invited members with backgrounds in law, business, auditing, information technology, security, privacy, media and politics (1992-94)
• Driven by Cameron, Dixon, Waters, Greenleaf
• Chaired by Kirby, Haines
• The Charter put Principles on the public agenda, and some were incorporated into the NPPs
  • Consent, Accountability, Anonymity,
  • Retention Limitation, No Disadvantage
Policy, Policy, Policy
1990s and 2000s

• Data Protection Laws (Cth, NSW, Vic) – Greenleaf, Waters, Clarke, ...
• A Privacy Tort – Vaile, Lindsay, Clarke, ...
• ID Schemes (incl. Id Authentication, Biometrics)
• Credit (esp. Credit Bureaux) – Greenleaf, Connolly, Davies, Dixon
• Health (esp. eHealth Records) – Fernando, Vaile, Robertson-Dunn, Cameron, Whitaker, Clarke, ...
• Census, Compulsory Surveys – Johnston, Waters, Clarke
• Telecommunications – Waters, Vaile, Whitaker, ...
• Media – Waters, Clarke
• Data Surveillance Initiatives
• Visual Surveillance (esp. CCTV)
• Waters, Vaile, Cameron, Greenleaf, Clarke, ...

Web-Site, Incorporation

• **Web-Site v.0.5 (2000)**
  http://web.archive.org/web/20000310204600/

• **Incorporation (2002)**
  https://www.privacy.org.au/About/RulesofInc-of-021025.html

• **Web-Site v.1.0 (2004-17)**
  http://web.archive.org/web/20040405224313/
  http://web.archive.org/web/20051210165413/
  http://web.archive.org/web/20091209064620/
  http://web.archive.org/web/20130118111701/

• **Web-Site v.2.0 (28 July 17!)**
  http://www.privacy.org.au/
Big Brother Awards

• Part of a world-wide phenomenon
  started by PI (Simon Davies) in 1998
  c. 150 events in c. 20 countries
  http://bigbrotherawards.or

• 6 APF Events (2003-2011)
  https://www.privacy.org.au/bba/WinnersTable.html
  TICA, Biometrics, ANPR, Telstra, Banks, NEHTA,
  Justice Ministers, AGs, ABS, Hockey, Eric Schmidt, …

• Smiths:
  Stott-Despoja, Waters, Lane & Bond
  Pane, Stanhope, Lasry QC, Ciobo, ACMA, Carey

• Thanks to Cameron, Vaile, …
The Access Card Campaign

- 14 Media Releases May 2006 to Jun 2007
- Submissions 28 Feb, 1 Mar, 24 Aug
- 22 May 2007 - Senate Ctee Report demolished it
  (Mason's PhD was 'Privacy Without Principle: Use and Abuse of Privacy in Australian Law and Public Policy' – ?)

- Johnston, Clarke, Greenleaf, Waters
Bennett C. 'The Privacy Advocates: Resisting the Spread of Surveillance' (MIT Press, 2008, 260 pp.)

- "One of the strongest national privacy groups exists in Australia" (p.19) – and the world's longest-established privacy advocacy organisation
- "APF remains one of the only national organizations dedicated solely to the protection of privacy rights ... small organization ... big reputation"
- "a core and relatively stable group of advocates consistently and expertly advanced the cause and gained respect with business and government"
- "APF essentially boycotted [attempts by the government to introduce self-regulatory solutions in the private sector because they] were devised to avoid legislation, rather than paving the way for it. Such stands can only be taken when an organization is sufficiently cohesive, and when it has the credibility to make the wider case in the public arena" (p. 103)

https://www.privacy.org.au/About/Bennett08.html
Some Major Challenges

• Privacy C'r Relationships, esp. Commonwealth
  • 1st 15 Years – at worst Cordial
  • 2nd 15 Years – at best Adversarial

• Substantial Impediments re Legal Activism:
  • Appeals against PC'er Decisions (few s.52s)
  • Representative Complaints (no standing)
  • Pro Bono Litigation (no right of action)
  • Amicus Curiae roles (judicial lack of interest)

• Decline in quality of public policy deliberations incl. collapse of Senate Committee processes

• Funding to support policy coordination
Patrons and Advisory Panel
Since 2009

- Evatt AC, Kirby AC CMG
- Brennan AO, Burnside AO QC, Chaney AO, Cox AO, Disney AO, Dowd AO QC, Funder, Goldsworthy AO OBE KM FTSE FCIE, Huston, Jones AC FAA FASSA FAHA FTSE FACE, Kostakidis, Klugman OAM, O'Connor AM, O’Gorman AM, O’Kane AC FTSE, Robertson QC, Stanhope AO, Stott Despoja AM, Sylvan, Williams AO
- (Cowen AK GCMG GCVO QC; Fraser AC CH, Orme)

http://www.privacy.org.au/About/AdvisoryPanel.html
Proactive Policy Statements, 2008-

- Meta-Principles and Privacy Impact Assessments
- Biometrics, Body Scanning, Substance Abuse Testing
- CCTV, ANPR, Drones, Workplace Surveillance
- A Tort, Security, Smart Grids, eHealth, Road Tolls
- Wifi Surveillance, Cloud, Content Filtering
2016 Onwards – A More Activist Stance?

• Make more dynamic use of social media?
• Establish stronger links with activist organisations?
• Conduct organised campaigns more often?
• Develop an active 'representative complaints' arm?
• Apply for amicus curiae recognition more often?
'Honour Board'


Directors
Simon Davies (1987-1993)
Tim Dixon (1993-1999)

Board-Members
C.60 and counting

Chairs
Tim Dixon (1999-2002)
John Corker (2002-2004)
Anna Johnston (2004-2006)
Roger Clarke (2006-2014)
Kat Lane (2016-2017)
David Vaile (2017-)

Many further members of Committees, currently Health, International, Surveillance, Telecomms & Internet, Technical
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