

# Report on laws in australia

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## **With Focus on the Privacy Act 1988, the Freedom of Information Act 1989 and the Anti-Discrimination Act 1977**

In Australia, other than the laws passed by the parliament of Australia which apply to all states and mainland territories, the laws in individual states and mainland territories are applicable only within those states and territories while influencing the jurisdiction of other states. In this paper, three important laws in Australia – The Privacy Act of 1988, the Freedom of Information Act of 1989 and the Anti-Discrimination Act of 1977 are discussed.

### **Privacy Act 1988**

Privacy Act 1988 is Australian act dealing with the regulation of information privacy. The act covers information privacy principles which list down the privacy rights of the citizens. The act also authorizes a select set of Government bodies to collect and access information about individuals while giving the citizens the right to know why the information was collected and for what purpose. The Australian Information Commissioner investigates cases for breach of the privacy act. The third division of the act deals with the National Privacy Principles. An amendment made to the act in the year 2000 covered the private sector within its gambit .

The state of New South Wales which hosts Sydney is governed by the Privacy and Personal Information Protection (PPIP) Act 1998 and the Health Records and Information Privacy (HRIP) Act 2002. The former act – PPIP Act outlines the roles and responsibilities of the New South Wales Privacy Commissioner, giving the office the power to investigate cases for breach of the act. While the public sector agencies in Australia are under the jurisdiction of the

Privacy Act 1988, the private sectors are bound by the PPID act .

The Health Records and Information Privacy Act of 2002, while acting as the national law on handling health information in public sector, also binds the private sector in New South Wales. Though adopted in 2002, the act came into effect from 2004 onwards. In the same year four key guidelines with regards to the HRIP act were developed by New South Wales. In as far as the private sector in NSW is concerned; the act includes laws on retention of health information, access to health information and amendment of health information. The organizations or duties covered under health service providers include hospitals, day surgeries, doctors, pharmacists, psychologists, naturopaths, chiropractors, gyms and related services and child care .

## **Freedom of Information Act 1989**

Australia first passed the Freedom of Information Act in 1982 giving the public the rights to access official Government documents and documents of Government agencies. The Australian Capital Territory consisting of the Australian capital city of Canberra adapted the act for jurisdiction in the territory in the year 1989. The act lists the exemptions to certain bodies and how the act applies to certain records that are older. Jurisdiction on publication of certain documents and information is listed followed by procedure terms on access of documents.

This is followed by the list of exempted documents and the procedure for exemption. The law covers the amendment of personal records and the role of the ombudsman. Review of decisions and miscellaneous sections make up the last part of the act which governs freedom of information in the

## Australian Capital Territory

The legislative instrument governing the freedom of information act of 1989 is the Freedom of Information Regulation 1991 which outlines various regulatory methods. The Act was repealed by section 3 of the Government Information (Consequential Amendments and Repeal) act 2009. This happened with effect from the first of July 2010. The 1989 Freedom of Information act does not affect the operation of any other act among whom are acts that require information with regards to documents that are held by the Australian Government in order to be made available to the public, or the laws that help a citizen get access to Government documents or laws that help citizens ensure the completion of his or her personal records kept by the Government with incorrect, outdated or misleading data .

## **Anti-Discrimination Act 1977**

The Anti-Discrimination Act 1977 is an act passed by the New South Wales (NSW) parliament in order to render unlawful discrimination based on race, sex and other types so that equality between all humans is promoted. This act is administered by the anti-discrimination board of NSW. The law includes within its reach two distinct forms of discrimination which are direct discrimination and indirect discrimination. Direct discrimination between two parties is committed when they are meted out unfair treatment based on race, sex or other reasons in the same circumstance. Indirect discrimination meanwhile clauses in rules that lean towards discrimination as defined above .

The Anti-Discrimination Act 1977 covers racial discrimination, racial vilification, prohibition of sexual harassment, sex discrimination,

discrimination on transgender grounds, discrimination on the grounds of marital or domestic status, discrimination on the grounds of disability, discrimination on the grounds of a person's responsibilities as a carer, discrimination on the grounds of homo sexuality, homosexual vilification, compulsory retirement from employment on the grounds of age, HIV/AIDS vilification, age discrimination and other unlawful acts .

The NSW Anti-Discrimination Board is the authority on complaints of discriminations. The board receives and conciliates such complaints. When the conciliation doesn't come across as successful, the complaint is further referred to the Administrative Decisions Tribunal's equal opportunity division. The board also reports to the government cases which make the board think that the law needs changing. The commonwealth discrimination law also covers discrimination along with the Anti-Discriminatory Act of 1977 aided by the Anti-Discrimination Board.

## **Works cited**

Anti-discrimination act 1977 (NSW). 24 April 2013 .

Freedom of Information Act 1989 No 5. 24 April 2013 .

National Anti-Discrimination Information Gateway. 24 April 2013 .

Privacy Act. 24 April 2013 .

PRIVACY AND PERSONAL INFORMATION PROTECTION ACT 1998. 24 April 2013 .