



LEGISLATIVE COUNCIL

STANDING COMMITTEE ON LAW AND JUSTICE

MEDIA RELEASE

Committee recommends legislation to allow people to sue for serious invasions of privacy

FOR IMMEDIATE RELEASE

3 March 2016

An Upper House committee has recommended that a statutory cause of action be introduced in New South Wales that would enable people who have suffered a serious invasion of privacy to commence civil action.

The Standing Committee on Law and Justice found that the existing statutory and common law framework, including the equitable action of breach of confidence, did not provide adequate remedies for serious invasions of privacy, particularly to people who are victims of the distribution (or threatened distribution) of intimate images without the subject's consent, commonly referred to as 'revenge pornography'.

Committee Chair, the Hon Natasha Maclaren-Jones MLC, said: 'Privacy is an asset, which cannot be recovered once it is lost. The impacts of that loss can be devastating. The committee considers that there is a clear need to ensure better protection of privacy, and to provide adequate remedies to people who experience a serious invasion of privacy.'

The committee recommended that New South Wales adopt a model based on that recommended by the Australian Law Reform Commission in its 2014 'Serious Invasions of Privacy in the Digital Era' report.

'Participants in our inquiry expressed frustration at the lack of decisive action on this issue, despite several eminent reports recommending a similar course,' Mrs Maclaren-Jones said.

The committee also recommended that the scope of the NSW Privacy Commissioner's jurisdiction be expanded to enable the Commissioner to hear complaints between individuals relating to alleged serious invasions of privacy, and to make determinations for non-financial forms of redress. It also recommended that NSW Police take steps to ensure its officers receive appropriate training and education about the harms of technology-facilitated stalking, abuse and harassment and on the use of existing offences and apprehended violence orders in respect of this type of conduct.

To obtain a copy of the report either visit the NSW Parliament website at www.parliament.nsw.gov.au/lawandjustice, or contact the committee secretariat on (02) 9230 2456 or email lawandjustice@parliament.nsw.gov.au.

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For further information please contact Committee Chair, Mrs Natasha Maclaren-Jones MLC, on 0404 099 348.