

MAV Sector Submission to privacy reform consultation for the Exposure Draft of the Privacy Amendment (Personal Data Protection) Bill 2026

September 2026



Climate volatility, social fragmentation, digital disruption and rising costs are reshaping the way we live, work, and connect. Local government is where these global challenges turn into local responses – strengthening trust and resilience through the places, services and experiences people rely on every day.

The Municipal Association of Victoria (MAV) is the legislated peak body for local government in Victoria, advocating for all 79 councils across the state.

MAV works closely with councils, state and federal governments and global experts across industry and academia to deliver services and solutions grounded in local knowledge and community needs across metropolitan, rural and regional Victoria.

MAV offers sector-specific, not-for-profit procurement and insurance services, a local government innovation lab and statewide annual learning, convening programs designed to support Victorian local government to meet the challenges of a fast-changing future.

ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the traditional custodians of the land on which we live. We recognise their continuing connection to land, waters and culture and pay our respects to their Elders past, present and emerging.

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1 Executive Summary

The Municipal Association of Victoria (MAV) recognises that community expectations about privacy, transparency and the responsible use of personal information are changing. Councils are increasingly operating in digital environments and using technology to deliver services, improve accessibility, support community safety and make better use of public resources.

These reforms provide an opportunity to strengthen privacy protections and establish clearer expectations for organisations handling personal information. MAV supports, in principle, the proposed fair and reasonable test, stronger accountability for large technology platforms, improved individual rights and stronger requirements for data security and retention.

However, the reforms also highlight the need for greater alignment between Commonwealth and Victorian privacy regimes. Victorian councils are generally regulated by the Privacy and Data Protection Act 2014 and, where health information is involved, the Health Records Act 2001. The Commonwealth reforms will nevertheless have practical implications for councils through Commonwealth-funded services, contractors, technology providers, data-sharing arrangements and community expectations.

One emerging issue warrants specific attention. MAV is particularly concerned that existing rules and conditions of entry often assume recording devices are visible, an assumption challenged by smart glasses and other discreet wearable recording technologies. This creates new privacy and safety challenges across council facilities and services, particularly pools, libraries, early years and maternal and child health services, youth facilities and community centres where people reasonably expect not to be recorded.

MAV considers there is a strong case for a nationally consistent regulatory approach to emerging wearable recording technologies. This should be supported by clear guidance, manufacturer obligations, model policies and appropriate consideration of accessibility.

2 Introduction

The Municipal Association of Victoria (MAV) is the legislated peak body for local government in Victoria, advocating for all 79 councils across the state.

MAV works closely with councils, state and federal governments, industry and other partners to support Victorian local government to respond to emerging challenges and deliver services that reflect local community needs across metropolitan, rural and regional Victoria.

Privacy reform is increasingly relevant to local government. Councils collect, hold and use information to deliver a wide range of services and programs, while also operating public facilities and places where residents reasonably expect to feel safe and secure.

Technology is changing rapidly. Artificial intelligence, smart-city infrastructure, automated decision-making, connected devices and wearable technologies are creating new opportunities for councils and their communities, while also creating new privacy risks.

MAV therefore supports the Australian Government's objective of modernising privacy regulation. Laws need to remain capable of responding to new technologies and changing community expectations.

The current reforms are particularly relevant to Victorian councils because they sit within a broader and complex regulatory environment. Victorian councils are generally subject to Victoria's privacy legislation rather than the Commonwealth Privacy Act. However, Commonwealth reforms will have direct and indirect implications for councils through Commonwealth-funded programs, contractors, technology providers, data-sharing arrangements and the expectations of residents.

MAV's submission focuses on ensuring that privacy reform provides stronger protections for communities while remaining workable for councils and recognising the different legislative responsibilities of Commonwealth, state and local government.

3 Victorian local government and the privacy framework

Victorian councils are generally regulated by the *Privacy and Data Protection Act 2014*, with the Office of the Victorian Information Commissioner (OVIC) providing oversight of the Victorian privacy framework.

The *Health Records Act 2001* also applies where councils hold health information, including information collected through services such as Maternal and Child Health.

The Commonwealth Privacy Act reforms therefore do not simply create a new set of obligations for Victorian councils. Instead, they will operate alongside existing Victorian requirements and, in some circumstances, will apply directly to council activities.

This distinction is important.

The proposed reforms will have direct relevance where councils deliver Commonwealth-funded or contracted services that bring them within the Commonwealth framework. Contractors, technology vendors and other organisations working with councils may also be subject to the new requirements.

For example, council procurement and service arrangements increasingly involve cloud providers, software platforms, CCTV and sensor providers, parking technology, automated systems and other digital service providers.

The proposed controller and processor model may therefore have implications for how councils allocate responsibility and manage privacy requirements through contracts and procurement.

At the same time, residents are unlikely to distinguish between different legislative regimes. They will reasonably expect their personal information to receive strong and consistent protection regardless of which level of government or service provider holds it.

MAV therefore considers there is an opportunity for the Commonwealth to work with states and territories towards greater alignment between privacy regimes.

This should not require immediate duplication or wholesale legislative change. However, over time, greater consistency would reduce complexity for councils, service providers and communities and help avoid different privacy rights applying depending on which organisation holds an individual's information.

4 Supporting a fair and reasonable privacy framework

MAV supports, in principle, the proposed fair and reasonable test.

A clear requirement that the collection, use and disclosure of personal information must be fair, reasonable and lawful provides a more meaningful framework than relying primarily on lengthy privacy notices and technical consent arrangements.

The test provides an opportunity to better reflect what community members reasonably expect when their personal information is collected and used.

For councils, this is particularly important because many interactions with residents occur in circumstances where there is an inherent power imbalance or where individuals have limited ability to choose whether information is collected. (E.g. include applying for permits, interacting with council enforcement processes, accessing community services or using council facilities.)

MAV supports the proposed focus on proportionality, transparency, data minimisation and genuine choice. However, implementation guidance will be important.

Councils will need practical examples of how the test should operate in public sector environments, including where councils are performing statutory functions, providing essential services or responding to community safety matters.

MAV supports the development of practical guidance and case studies to help organisations understand and apply the proposed privacy framework, and should further consider the develop of them also within a local government context.

Improving privacy literacy across communities and frontline workforces should also be an important part of implementation, supported by clear and accessible guidance.

5 Implications for Victorian councils

While the direct application of the proposed Commonwealth reforms to Victorian councils is limited, their practical impact will be broader.

Commonwealth-funded and contracted services

Councils delivering Commonwealth-funded services may become subject to Commonwealth privacy obligations in relation to those services. This will be particularly relevant where councils operate within Commonwealth-funded service systems or enter into contractual arrangements with Commonwealth-regulated entities.

MAV supports clear guidance on how responsibilities will operate where council services sit across Commonwealth and Victorian regulatory frameworks.

Contractors, technology providers and procurement

Councils increasingly rely on third-party technology and service providers.

The proposed controller and processor model, stronger security obligations and retention requirements may therefore flow through council contracts and procurement arrangements.

Retention and destruction requirements will also need to sit alongside councils' obligations under the Public Records Act 1973 and Public Record Office Victoria retention and disposal authorities, so that councils and their providers are not subject to conflicting instructions for the same records.

This is particularly important for rural and regional councils, which may have less specialist privacy capability and less negotiating leverage with major technology providers.

The Commonwealth should ensure that implementation does not inadvertently create disproportionate compliance burdens for smaller councils.

Councils, councillors and council staff

Guidance is also needed on how the reforms apply to councils, councillors and council staff when carrying out official duties. Councillors in particular handle constituent correspondence, casework and community engagement, and may hold personal information outside council systems. Clear advice on where responsibility sits in these circumstances would assist councils and reduce the risk of inconsistent practice.

Data sharing

Victorian councils routinely interact with state and Commonwealth agencies across areas including children and families, health, housing, homelessness, aged care, disability, community safety and emergency management. Data may move between organisations operating under different legislative frameworks.

MAV supports clearer guidance about how information can be shared across these interfaces, including which legislative framework applies and how responsibilities should be allocated.

Automated decision-making

The proposed transparency requirements for automated decision-making are also relevant to local government.

Councils are increasingly exploring automation and artificial intelligence across areas such as customer service, administrative processes, rates, permits, infringements and service eligibility.

MAV supports transparency and accountability in the use of automated systems. However, councils will require practical guidance that recognises the different uses of automation and artificial intelligence across local government, particularly where systems support rather than replace human decision-making.

6 Emerging technology: smart glasses and discreet recording devices

The rapid development of smart glasses and other wearable technologies presents a new and increasingly important privacy issue for local government.

MAV recognises that councils are already considering the use of body-worn cameras and other recording technologies in their operations, and that emerging wearable technologies are likely to become increasingly relevant.

The privacy and safety implications are particularly acute in public and public environments, where people may reasonably expect not to be recorded.

Councils operate a range of facilities and services where these expectations are particularly important, including:

- swimming pools and aquatic centres
- libraries
- early years services
- Maternal and Child Health services
- youth spaces
- community centres
- recreation facilities
- customer service environments.

In many of these settings, existing photography and recording rules assume that a device is visible and that other people can reasonably identify when they are being recorded.

Smart glasses challenge that assumption.

The discreet nature of some wearable devices can make it difficult for a person to know whether they are being recorded, photographed or livestreamed.

This creates particular concerns for children, families, frontline council workers and other people using council services.

MAV supports a national approach to regulating the use of smart glasses and similar discreet recording devices.

A nationally consistent approach would be preferable to requiring individual states, territories and ultimately councils to develop different regulatory responses to the same technology.

7 Privacy, safety and manufacturer obligations

The regulatory framework for wearable recording technologies should address both the behaviour of individuals using the technology and the design of the technology itself. MAV recognises that obligations on manufacturers sit beyond the scope of the Privacy Act and would need to be delivered through complementary product and consumer regulation. The privacy reforms nonetheless provide the right opportunity for the Australian Government to lead a cross-portfolio approach.

MAV supports consideration of measures including:

Clear recording indicators

Smart glasses should have a clear and readily visible indication when recording is occurring. Recording indicators should not be capable of being disabled by the user. This would help people understand when they may be captured by a device and support informed decision-making about their participation in an environment.

Automatic privacy protections

Consideration should be given to requiring or incentivising technical safeguards, including automatic blurring of people's faces where appropriate. Other mechanisms, such as livestream delays or technical limitations on recording in designated environments, should also be explored.

Conditions of entry

The Commonwealth should work with states, territories and local government to develop nationally consistent model conditions of entry for facilities where recording presents particular privacy or safety concerns.

Councils should be able to clearly and lawfully restrict inappropriate recording in sensitive environments.

Sensitive environments

Particular consideration should be given to environments involving children and young people, health services, change rooms, pools and aquatic facilities.

The regulatory framework should recognise that privacy expectations can be substantially higher in these settings than in general public spaces.

8 Accessibility and inclusion

Any regulatory response to wearable technologies must also recognise their potential benefits.

Wearable technologies can provide significant accessibility benefits, including AI-enabled description, captioning, navigation and other assistive functions for people with disability.

A blanket prohibition on smart glasses or similar devices could therefore create unintended barriers for people who rely on technology for accessibility.

MAV considers that regulation should focus on preventing inappropriate recording and protecting the privacy of others, rather than prohibiting the technology itself.

The Commonwealth should ensure that any national framework is consistent with obligations under the *Disability Discrimination Act 1992* and is developed with accessibility considerations embedded from the outset.

This is particularly important for councils because local government facilities and services must remain accessible and inclusive to the communities they serve.

9 Supporting councils to implement reform

Local government will likely be on the frontline of community expectations, complaints and enforcement associated with emerging privacy technologies.

Councils should not be expected to develop individual responses to rapidly changing technology without practical support.

MAV therefore supports the development of:

- model council policies and procedures
- model conditions of entry for public facilities
- practical guidance for frontline staff
- guidance on privacy and recording in sensitive environments
- clear advice on the interaction between Commonwealth and Victorian privacy legislation
- guidance for procurement and contracts involving technology providers
- case studies demonstrating how the fair and reasonable test applies in local government
- guidance on wearable technology and accessibility
- resources to improve community privacy literacy.

Implementation support should also recognise the different capacity of metropolitan, rural and regional councils.

A framework that is technically sound but requires significant specialist capability to interpret and administer may create disproportionate impacts for smaller councils.

10 MAV recommendations

MAV recommends that the Australian Government:

Recommendation 1

Support the proposed fair and reasonable test as a clearer and more contemporary basis for privacy regulation, supported by practical guidance and examples relevant to public sector and local government environments.

Recommendation 2

Work with states and territories towards greater alignment between Commonwealth and state privacy frameworks, including consideration of the interaction between the Commonwealth reforms, Victoria's Privacy and Data Protection Act 2014 and Health Records Act 2001.

Recommendation 3

Develop clear guidance for local government on the operation of the proposed reforms where councils interact with Commonwealth-funded services, contractors, technology providers and other Commonwealth-regulated entities.

Recommendation 4

Provide clear guidance on how the new privacy rules will apply to councils, councillors and council staff when they are carrying out their official duties.

Recommendation 5

Develop clearer national guidance for data sharing between Commonwealth, state and local government, particularly across health, children and families, aged care, disability, housing, homelessness, community safety and emergency management.

Recommendation 6

Establish, through the privacy reforms and complementary product and consumer regulation, a nationally consistent approach to smart glasses and similar discreet recording technologies, including clear requirements for manufacturers and practical guidance for councils on managing inappropriate recording.

This should include appropriate privacy safeguards, such as visible recording indicators that cannot be disabled, automatic face blurring and livestream delays, while recognising the accessibility benefits of wearable technologies and avoiding unintended barriers for people with disability.

Recommendation 7

Provide councils with practical implementation resources, including model policies, procurement guidance, case studies, community education resources and frontline guidance.

11 Conclusion

MAV supports the Australian Government's objective of modernising Australia's privacy framework and strengthening protections for individuals in an increasingly digital environment.

The proposed reforms provide an important opportunity to establish clearer expectations around fairness, proportionality, transparency, security and accountability.

For Victorian councils, however, the effectiveness of these reforms will depend on how they interact with existing state privacy requirements and the increasingly complex network of Commonwealth, state and local government service arrangements.

MAV supports a longer-term objective of greater consistency between privacy regimes and clearer guidance for councils operating at the Commonwealth-state interface.

Emerging wearable technologies demonstrate why this work is important. Smart glasses and similar devices are changing the nature of recording in public spaces and creating challenges that existing privacy and facility rules were not designed to address.

A nationally consistent approach, supported by clear manufacturer obligations, practical safeguards and model rules for sensitive environments, would provide greater certainty for councils and communities.

At the same time, privacy regulation must remain proportionate and inclusive. Wearable technologies can provide significant benefits, including accessibility and assistive functions, and regulation should address inappropriate recording rather than unnecessarily restricting beneficial technology.

Victorian councils are committed to protecting the privacy, safety and dignity of their communities. With clear national settings, better alignment between jurisdictions and practical implementation support, privacy reform can strengthen those protections while enabling councils to continue adopting technology that improves local services and community outcomes.

MAV would welcome further engagement with the Australian Government, the Attorney-General's Department and relevant regulators as the reforms progress, particularly on their implications for local government and the development of a national approach to emerging wearable recording technologies.

MAV would be pleased to provide clarification on any information in this submission. For further information, please contact inquiries@mav.asn.au

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