

## **Responses requiring no further comment**

### **Customs Amendment (Anti-Dumping Commissioner Transfer) Bill 2013**

*Portfolio: Infrastructure and Regional Development*

*Introduced: House of Representatives, 14 November 2013*

*Status: Act, received Royal Assent 13 December 2013*

*PJCHR comments: First Report of 44<sup>th</sup> Parliament, tabled 10 December 2013*

*Response dated: 24 December 2013*

#### **Information sought by the committee**

3.43 The committee sought clarification as to whether the power to disclose personal information to officers of the Australian Customs and Border protection Service was consistent with the right to privacy.

3.44 The Minister's response is attached.

#### **Committee's response**

3.45 The committee thanks the Minister for his response.

3.46 In light of the information provided the committee makes no further comments on this bill.

3.47 The committee notes it would have been useful had the information provided in this response been included in the statement of compatibility.



**THE HON IAN MACFARLANE MP**

**MINISTER FOR INDUSTRY**

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C13/2817

Senator Dean Smith  
Chair  
Parliamentary Joint Committee on Human Rights  
S1.111  
Parliament House  
CANBERRA ACT 2600

24 DEC 2013

Dear Senator Smith

Thank you for your letter of 10 December 2013 concerning the Customs Amendment (Anti-Dumping Commission Transfer) Bill 2013. This Bill has received royal assent making it the *Customs Amendment (Anti-Dumping Commission Transfer) Act 2013* (the Act). You sought clarification as to whether the provisions of the Act dealing with disclosure of personal information between the Anti-Dumping Commission (the Commission) and the Australian Customs and Border Protection Service (Customs), were consistent with provisions regarding the right to privacy.

The purpose of the Act is to allow the Commission to transfer from Customs to the Department of Industry. After the transfer has been completed, Customs will retain certain functions and powers associated with anti-dumping administration, such as duty collection and compliance assurance. The Commission currently exchanges information, including personal information, with those in Customs who are outside the Commission and who perform those functions and powers. The need to exchange information necessary for the performance of those functions and powers will continue after the transfer of the Commission to the Department.

Items 12 and 93 of the Act provide for the disclosure of information obtained under Parts XVB and XVC of the *Customs Act 1901* (the Customs Act) from the Commission to Customs for the purposes of the Customs Act. The purpose of these provisions is to make it clear that the Commission can continue to exchange information with Customs once the Commission transfers to the Department, but only for proper purposes. In this respect, the Act is compatible with human rights because, to the extent that it may be deemed to engage and limit the right to privacy, those limitations are reasonable, necessary and proportionate.

Yours sincerely

Ian Macfarlane

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