

The committee has sought further comment in relation to the following instruments

Australian Jobs (Australian Industry Participation) Rule 2014

FRLI: F2014L00125

Portfolio: Industry

Tabled: House of Representatives and Senate, 11 February 2014

Summary of committee concerns

2.1 The committee seeks clarification whether the instrument is compatible with the right to privacy.

Overview

2.2 This instrument is made under the authority of the *Australian Jobs Act 2013*. The Act mandates the application of Australian Industry Participation plans for all major projects with capital expenditure of \$500 million or more in Australia, and establishes a statutory position, the Australian Industry Participation Authority.

2.3 The instrument provides for exceptions under the Act, information required for compliance and notification, and further functions for the Australian Industry Participation Authority.

Compatibility with human rights

Statement of compatibility

2.4 The instrument is accompanied by a statement of compatibility that states that the instrument does not engage any human rights.

Committee view on compatibility

Right to privacy

2.5 The instrument lists the required information that a project proponent or a facility operator must provide as part of their compliance report under the Act.¹ The instrument also sets out the required information that a project proponent must provide when they notify the Australian Industry Participation Authority of a preliminary trigger day for a major project.²

2.6 It is not clear whether the range of information required to be disclosed may include personal information about individuals. If so, the provisions may engage the right to privacy in article 17 of the International Covenant on Civil and Political Rights. The statement of compatibility makes no reference to the possible impact of the

1 See rules 7 and 8.

2 See rule 10.

instrument on the right to privacy and whether any limitation on the right is justifiable, that is, whether the limitation is reasonable, necessary and proportionate to a legitimate objective.

2.7 The committee intends to write to the Minister for Industry to seek clarification whether the information that is required to be provided for compliance reports or for notification purposes could include personal information about individuals, and if so, the justification for any limitations on the right to privacy.