

Migration Amendment (Disclosure of Information) Regulation 2013 [F2013L02101]

Portfolio: Immigration and Border Protection

Authorising legislation: Migration Act 1958

Last day to disallow: 13 May 2014 (Senate)

Purpose

2.74 The Migration Amendment (Disclosure of Information) Regulation 2013 amended the *Migration Regulations 1994* to enable the Minister for Immigration and Border Protection to authorise the disclosure of personal information about Bridging E (Class WE) visa (BE) holders to the Australian Federal Police (AFP) or the police force of any Australian state or territory for the purposes of supporting existing powers to cancel a BVE.

Background

2.75 The committee initially reported on the instruments in its *Second Report of the 44th Parliament*. The committee made further comments on the instruments in its *Fourth Report of the 44th Parliament*.

Committee view on compatibility

Right to privacy

Disclosure of personal information

2.76 The committee sought clarification from the Minister for Immigration and Border Protection that the Memoranda of Understanding being negotiated with the Federal, State and Territory police would be provided to the committee once finalised.

2.77 The committee also sought clarification from the minister as to whether the disclosure powers authorised by the Migration Amendment (Disclosure of Information) Regulation 2013 are intended to be used prior to the relevant memoranda being finalised.

Minister's response

Provision of the Memoranda of Understanding to the Committee

The Committee has sought confirmation that copies of the final Memoranda of Understanding will be provided for its information and assessment. The Memoranda of Understanding are still being developed with the various Federal, State and Territory police and none have been finalised at this stage. I will provide copies of the Memoranda of Understanding once they are finalised and signed.

Use of provisions in amendments

The Committee also sought clarification as to whether the disclosure powers authorised by these amendments are intended to be used prior to the relevant Memoranda being finalised. I can confirm that the information authorised for disclosure by these amendments has not been released, and will not be released, prior to the relevant Memoranda of Understanding being finalised.¹

Committee response

2.78 The committee thanks the Minister for Immigration and Border Protection for his response.

2.79 The committee thanks the minister for his commitment to provide the committee with a copy of the Memoranda of Understanding.

2.80 The committee notes that, as many of the key safeguards and procedures for implementing the new disclosure powers are to be contained in the relevant Memoranda of Understanding being negotiated with the federal, state and territory police, the committee is unable to complete its assessment of whether the powers are compatible with human rights until it can consider the specific content of the Memoranda of Understanding.

2.81 The committee will conclude its examination of the instruments once it has received and considered a copy of the final Memoranda of Understanding.

1 See Appendix 2, Letter from Mr Scott Morrison MP, Minister for Immigration and Border Protection to Senator Dean Smith, 15 April 2014, p. 8.