

AAPONE



CRACKDOWN: *New penalties to hit tobacco smugglers*

market is, we do have very strong indications that this is a problem and that illegal tobacco is smuggled through our borders,” Mr Keenan said.

“This is clearly an issue the government is in denial on and it is refusing to address with any real conviction or action.”

But Ms Roxon said the government is clearly committed to reducing the harm caused by tobacco and stamping out illegal operators.

“Tobacco, of all types, can kill its users,” she said. “Australia has regulated this dangerous product very tightly – and these steps strengthen our arm if smugglers try to get around those regulations and try to avoid the payment of taxes.”

The Customs Amendment (Smuggled Tobacco) Bill received Royal Assent on 6 November 2012 and will come into effect in the coming months. •

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PRIVACY

Update for privacy laws

Bill aims for simpler system of protections.

A new set of privacy principles for both public and private sectors in Australia is one step closer after the bill to create them passed through federal parliament.

The Privacy Amendment (Enhancing Privacy Protection) Bill 2012 was drafted following recommendations from the Australian Law Reform Commission to simplify, consolidate and enhance privacy protection laws in Australia.

The bill amends the Privacy Act 1988 to replace the current privacy principles for the public and private sectors with a single set of privacy principles – the Australian Privacy Principles or APPs – and an APP code of practice.

The APPs will set out how public organisations such as government departments and private organisations such as banks or retailers can collect, use and distribute people’s personal information.

Government agencies that are involved in law enforcement would be able to collect and share information with each other, without seeking permission from the person whose details are being viewed.

Agencies and companies will also have an obligation to proactively ensure that any personal information they collect will be handled properly and protected from misuse.

The bill would also implement a comprehensive credit reporting system and code of practice; give further powers to the Privacy Commissioner; and clarify the functions, powers and role of the Information Commissioner.

However a House of Representatives Social Policy and Legal Affairs Committee inquiry into the bill heard there are some concerns about the structure and scope of the new principles.

The Law Council of Australia told the committee it was concerned the bills did not achieve their aim of making privacy laws simpler and easier to understand.

“The simple language and structure contained in the current National Privacy Principles (NPPs) has been replaced with a more verbose and complex set of principles,” the Law Council said in its submission.

“The structure and drafting of the APPs should be reviewed with the aim of reverting to the simpler drafting style of the NPPs.”

The council also had concerns that principle eight, which seeks to protect personal information from being misused if it is sent overseas, would place an unfair burden on organisations such as banks that have branches or customer service operators overseas.

The council warned consular activities and defence might also be impacted, as could internet companies that store information in ‘clouds’ offshore.

“In an era of global trade and other interactions, the council believes that APP 8 errs too much on the side of cross-border compliance at the cost of the convenient flow of information,” the Law Council said.

“APP 8 may deter the growing use of cloud computing. The council submits that this may impede access for Australian businesses and other entities to the economic and other benefits that cloud computing has to offer, putting Australian businesses and other entities at a competitive disadvantage with their international counterparts. [It] should be redrafted to impose less onerous, but still effective requirements.”

In its submission to the inquiry, the Office of the Australian Information Commissioner (OAIC) raised concerns about the range of government departments that would receive special provisions for law enforcement activities under the APPs.

“The Immigration Department would appear to be of a different character to the other agencies included within the definition of an ‘enforcement body’, in the sense that its usual activities are not of an enforcement related nature... The OAIC recommends that the Immigration Department be removed from the definition of ‘enforcement body’,” the OAIC said.

The committee said while it was aware there were a number of outstanding concerns from industry and consumers about the APPs, it supported the House passing the bill.

It recommended the Attorney-General conduct a review of the legislation one year after it becomes law. Issues to be reviewed include any conflicting overseas laws and direct marketing and opt out provisions for direct marketing. •