



The Committee Secretary
House of Representatives Standing Committee on Education and Employment
Parliament House
CANBERRA ACT 2600

Dear Mr

Inquiry into the Higher Education Support Amendment (Maximum Payment Amounts and other Measures) Bill 2012

I refer to your letter of 20 September 2012 inviting a submission to the House of Representatives Standing Committee on Education and Employment inquiry into the Higher Education Support Amendment (Maximum Payments Amounts and other measures) Bill 2012 (the Bill). I would like to thank you for this opportunity.

The Office of the Australian Information Commissioner (OAIC) has been consulted by the Department of Innovation, Industry, Science, Research and Tertiary Education (the Department) on this issue, and has had the opportunity to comment on a number of iterations of this Bill.

At various stages in the development process, the OAIC advised the Department to give further consideration to issues surrounding the use, disclosure and security of the personal information that is to be handled under the proposed changes. The final draft of the Bill seems to reflect the OAIC's comments, and we have no cause to comment further on these proposed amendments.

I do note, however, that the *Higher Education Support Act 2003* contains its own definition of personal information, which is currently consistent with the definition in the *Privacy Act 1988* (the Privacy Act). This definition will change under the proposed reforms to the Privacy Act, currently before the Parliament. The OAIC suggests that personal information is defined by incorporating the definition in the Privacy Act by reference. Accordingly, any amendment to that definition in the Privacy Act will automatically apply to the Higher Education legislation.

I hope that these comments are of assistance. Please contact
if you have any queries.

Yours sincerely

Timothy Pilgrim
Privacy Commissioner
21 September 2012