

## **Senate Standing Committee on Community Affairs**

### **SUPPLEMENTARY ESTIMATES – 21 OCTOBER 2010 ANSWER TO QUESTION ON NOTICE**

#### **Human Services Portfolio**

**Topic:** CSA powers to obtain information – legal action

**Question reference number:** HS 2

**Senator:** Fifield

**Type of question:** Hansard CA 104-105

**Date set by the committee for the return of answer:** 10 December 2010

**Number of pages:** 1

#### **Question:**

**Senator FIFIELD** - Has the CSA been subject to any legal action in relation to someone considering that the CSA has abused its powers to seek information?

**Ms Godwin** - To give you a thorough answer I would need to take it on notice. I am aware of at least one piece of litigation of that sort, but the CSA was successful in that litigation. It was not found that we were abusing our powers. It was not exactly an abuse of power case; it was one where there was a question about the way in which we interact with the tax office.

#### **Answer:**

The Registrar has powers to lawfully gather information. Given the nature of these powers is to require production of personal information that has not been provided voluntarily, the exercise of these powers sometimes leads to objections. Those objections can arise in the course of litigation. However, the Department of Human Services (DHS) is not aware of any cases where a Court has held that DHS has abused its powers to seek information.