

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

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Question No. 6

Senator McKenzie asked the following question at the hearing on 14 February 2012:

Senator McKENZIE: ... Has the appropriate person given any consideration to the development of the code that includes a do-not-track model?

Mr Pilgrim: We have been in discussion with the department on that and there are a number of issues that we face in terms of the ability to undertake a code. A number of those hang off the reforms of the Privacy Act itself and what powers both the Information Commissioner and I would have to develop the code. We need to consider those reforms prior to being able to give a firm response on that particular recommendation.

Senator McKENZIE: As part of those reforms can you give us an update around the recommendation to remove the small business exemptions?

Mr Pilgrim: Senator, I think that is the question that should be responded to properly by the department as it goes to the timeframe for the recommendations. Sorry, the Attorney-General's Department is responsible for the reforms to the Privacy Act.

Senator McKENZIE: Thank you. I will look forward to that update in questions on notice.

The answer to the honourable senator's question is as follows:

The Government has indicated it will respond to the Australian Law Reform Commission's report 108 *For Your Information: Australian Privacy Law and Practice* in two stages. Recommendations concerning the small business exemption in the *Privacy Act 1988* will be dealt with as part of the second stage which will be advanced during 2012.