

Customs Administration Amendment Regulations 2000 (No. 1) 2000 No. 351

EXPLANATORY STATEMENT

STATUTORY RULES 2000 No. 351

Issued by the Authority of the Minister for Justice and Customs

Customs Administration Act 1985

Customs Administration Amendment Regulations 2000 (No. 1)

Section 18 of the *Customs Administration Act 1985* (the Act) provides that the Governor-General may make regulations for the purposes of the Act.

Section 16 of the Act concerns the recording and disclosure of protected information by authorised persons. In particular, subsection 16(10) of the Act provides that:

(10) This subsection is complied with in relation to a disclosure of a class of information pursuant to an authorisation under subsection (3A), (3B), (3C), or (3D) as referred to in subsection (7) if:

(a) the disclosure is made to a Commonwealth agency, State agency, a foreign country, an instrumentality or agency of a foreign country or an international organisation, that is specified in the regulations; and

(b) the class of information specified by the CEO [the Chief Executive Officer of the Australian Customs Service] in the authorisation is specified in the regulations as a class of information that may be disclosed to the agency, country, instrumentality or organisation concerned.

For example, the CEO may authorise the disclosure of documents and information about commercial transactions, including the importation or exportation of goods to and from Australia (being a class of information), to the Department of Industry, Science and Resources, for the purpose of facilitating that Department's administration of the Tariff Concession system.

The *Customs Administration Regulations 2000* (the CA Regulations) prescribe a number of Commonwealth agencies, State agencies, foreign countries, instrumentalities or agencies of foreign countries, and international organisations (entities) for the purposes of subsection 16(10) of the Act, along with specific classes of information relating to each entity.

The purposes of the Regulations are to prescribe new entities to which the CEO may authorise the disclosure of a class of information that includes personal information, to prescribe classes of information in relation to those entities, and to prescribe additional classes of information in relation to entities that have already been prescribed.

Item numbers 1 to 6 (inclusive), 8, 9, 12, 13, 14, 16 and 20 of Schedule 1 of the Regulations specify eighteen new entities to which classes of information that include personal information may be disclosed, should the CEO so authorise. They also identify certain classes of information in relation to each of these entities.

Item numbers 7, 10, 11, 15, 17, 18 and 19 of Schedule 1 of the Regulations prescribe new classes of information that include personal information in relation to seven entities that have previously been prescribed. This enables the CEO to authorise the disclosure of the new classes of information to those entities.

The regulations commenced on the day of gazettal.

