



## Secrecy Provisions in Commonwealth laws

On 22 December 2022, the Attorney-General announced a Review of Commonwealth secrecy provisions to examine all secrecy offences in Commonwealth laws.

Secrecy provisions play an important role in circumstances where the unauthorised disclosure of Commonwealth information may cause harm to essential public interests, such as national security and the safety of the public. As outlined in the tables below, many specific secrecy offences including non-disclosure duties were enacted to protect against unauthorised disclosure of personal, commercial or confidential information held by the Commonwealth, and ensure appropriate handling of information by regulatory, integrity and investigatory agencies. However, multiple reviews have raised concerns about the number, inconsistency, appropriateness and complexity of Commonwealth secrecy offences.

The terms of reference for the Review are available [here](#). The Review will also examine the adequacy of protections for public interest journalism, and whether amendments are needed to protect individuals who provide information to Royal Commissions.

As at January 2023, the landscape of Commonwealth secrecy provisions<sup>1</sup> comprises:

- 11 general secrecy offences in Part 5.6 of the Criminal Code
- 542 specific secrecy offences in 178 Commonwealth laws (see table 2 below, pages 2-10)
- 296 non-disclosure duties in 107 Commonwealth laws which attract criminal liability for unauthorised disclosure of information by current or former Commonwealth officers under section 122.4 of the Criminal Code (see table 3 below, pages 11-16)
- 21 override provisions in 18 Commonwealth laws that operate to exclude secrecy provisions in other Commonwealth laws (see table 4 below, pages 16-17).

### General secrecy offences

Part 5.6 of the Criminal Code contains 11 general secrecy offences that protect against harm to essential public interests caused by the unauthorised disclosure of inherently harmful information, which includes sensitive government information or protected information. These criminal offences apply generally to people working in or who receive information from the Commonwealth and require a general standard of conduct from these groups of people.

Table 1 - General secrecy offences	
Legislation	Provision
<i>Criminal Code Act 1995 – Part 5.6</i>	ss 122.1(1), (2), (3), (4); 122.2(1), (2), (3), (4); 122.3(1); 122.4A(1), (2)

<sup>1</sup> A March 2021 survey of Commonwealth laws found 11 general secrecy offences and 487 specific secrecy offences in Commonwealth legislation; and over 200 non-disclosure duties. Additional provisions have been identified from provisions enacted since March 2021, and further review in consultation with departments.

## Specific secrecy offences

Specific secrecy offences in Commonwealth laws apply to particular types of information and to particular agencies or individuals. Often specific secrecy offences are created in legislation establishing an agency or a regulatory scheme, in order to govern the handling and protection of information within that agency or scheme. Specific secrecy offences apply in addition to the general secrecy offences and permit secrecy obligations to be adjusted for the particular information, agencies or individuals. For example, specific secrecy offences that protect personal, commercial, national security or law enforcement information ensure that agencies appropriately deal with these sensitive types of information to protect personal privacy, commercial interests, national security and integrity of law enforcement.

Table 2 - Specific secrecy offences	
Legislation	Provision
<i>A New Tax System (Australian Business Number) Act 1999</i>	s 30
<i>A New Tax System (Family Assistance) (Administration) Act 1999</i>	ss 163; 164; 165; 166
<i>Aboriginal and Torres Strait Islander Act 2005</i>	ss 193S; 200A
<i>Aboriginal Land Rights (Northern Territory) Act 1976</i>	ss 23E; 54AA
<i>Administrative Appeals Tribunal Act 1975</i>	s 39A (10)
<i>Age Discrimination Act 2004</i>	s 60
<i>Aged Care Act 1997</i>	ss 86-2(1); 86-5; 86-6; 86-7
<i>Aged Care Quality and Safety Commission Act 2018</i>	ss 60(1); 62
<i>Agricultural and Veterinary Chemicals Code Act 1994</i>	ss 162(1); 163
<i>Agricultural and Veterinary Chemicals Code Regulations 1995</i>	s 69(3)
<i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i>	ss 121(1), (5), (6); 123(1), (2), (5C), (7AA), (7AC), (7B), (8A); 126; 128; 129; 207; 35H(1); 35J; 35K(1); 50A(1)
<i>Auditor-General Act 1997</i>	ss 36; 48
<i>AusCheck Act 2007</i>	s 15(1), (1A)
<i>Australian Border Force Act 2015</i>	s 42
<i>Australian Charities and Not-for-profits Commission Act 2012</i>	ss 150-25; 150-55

**Table 2 - Specific secrecy offences**

<b>Legislation</b>	<b>Provision</b>
<i>Australian Citizenship Act 2007</i>	ss 42; 43
<i>Australian Crime Commission Act 2002</i>	ss 21C(1); 25A(9); 29B; 51; 59AB; 36Q
<i>Australian Federal Police Act 1979</i>	ss 40ZA; 60A
<i>Australian Hearing Services Act 1991</i>	s 67(8)
<i>Australian Human Rights Commission Act 1986</i>	s 49
<i>Australian Immunisation Register Act 2015</i>	s 23
<i>Australian Information Commissioner Act 2010</i>	s 29
<i>Australian Institute of Health and Welfare Act 1987</i>	s 29(1), (3)
<i>Australian Jobs Act 2013</i>	s 102
<i>Australian Postal Corporation Act 1989</i>	ss 90H; 90LB; 90LE
<i>Australian Prudential Regulation Authority Act 1998</i>	s 56
<i>Australian Securities and Investments Commission Act 2001</i>	s 127(4E), (4EA), (4EB), (4F)
<i>Australian Security Intelligence Organisation Act 1979</i>	ss 18(2); 18A; 18B; 34GE(4); 34GF; 35P(1), (1B), (2), (2A); 81; 92(1), (1A)
<i>Australian Small Business and Family Enterprise Ombudsman Act 2015</i>	ss 52; 82; 86; 91
<i>Australian Trade and Investment Commission Act 1985</i>	s 94
<i>Aviation Transport Security Act 2004</i>	s 74
<i>Aviation Transport Security Regulations 2005</i>	regs 2.06; 4.41ZH; 4.46H; 4.51H; 4.51J; 6.34A(2); 6.37AB(2); 6.34(3); 6.37AA(3)
<i>Banking Act 1959</i>	s 11CI
<i>Bankruptcy Act 1966</i>	sch 2, s 50-35
<i>Biosecurity Act 2015</i>	s 585
<i>Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992</i>	s 25
<i>Building and Construction Industry (Improving Productivity) Act 2016</i>	ss 106; 107

**Table 2 - Specific secrecy offences**

<b>Legislation</b>	<b>Provision</b>
<i>Building Energy Efficiency Disclosure Act 2010</i>	ss 19; 70
<i>Business Names Registration Act 2011</i>	ss 77; 62L(4)
<i>Business Services Wage Assessment Tool Payment Scheme Act 2015</i>	ss 76; 77; 78; 79
<i>Carbon Credits (Carbon Farming Initiative) Act 2011</i>	ss 270; 276(4); 277; 282; 283
<i>Census and Statistics Act 1905</i>	s 19
<i>Chemical Weapons (Prohibition) Act 1994</i>	s 102(2), (3A), (3C)
<i>Child Care Act 1972</i>	ss 12K; 12L; 12Q; 12S(1), (2)
<i>Child Support (Assessment) Act 1989</i>	ss 150; 150AA
<i>Child Support (Registration and Collection) Act 1988</i>	ss 16; 16AA; 58
<i>Civil Aviation Act 1988</i>	s 32AP
<i>Civil Aviation Safety Regulations 1998</i>	reg 117.030
<i>Clean Energy Regulator Act 2011</i>	ss 43; 49(4), (6); 50(4); 55(4)
<i>Coal Mining Industry (Long Service Leave) Payroll Levy Collection Act 1992</i>	s 14(3)
<i>Commonwealth Electoral Act 1918</i>	ss 189B(1), (2), (3); 91A(1); 91B(2), (3); 323
<i>Commonwealth Functions (Statutes Review) Act 1981</i>	s 234
<i>Commonwealth Registers Act 2020</i>	s 17
<i>Competition and Consumer Act 2010</i>	pt X, s 10.89(4); ss 95ZP; 95ZQ
<i>Comprehensive Nuclear-Test-Ban Treaty Act 1998</i>	s 74
<i>Copyright Act 1968</i>	s 203E
<i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i>	ss 175-10; 183-1; 265-25(4); 472-1; 604-15; 604-20; 604-25(8)
<i>Corporations Act 2001</i>	ss 177; 1270K(4); 1270L(1); 1317AAE(1)
<i>Counter-Terrorism (Temporary Exclusion Orders) Act 2019</i>	s 24

**Table 2 - Specific secrecy offences**

<b>Legislation</b>	<b>Provision</b>
<i>Crimes (Taxation Offences) Act 1980</i>	s 4
<i>Crimes Act 1914</i>	ss 3ZQJ; 3ZQT; 3ZZHA; 3ZZVH; 15HK(1), (1B), (1D), (1E); 15JQ(1); 15JR(1); 15LC(1), (2), (3); 15MS(1), (2), (3); 23XG(2); 23XH; 23YO(1);
<i>Criminal Code Act 1995</i>	ss 91.1(1), (2); 91.2(1); 91.3; 91.6; 91.8(1), (2), (3); 105.41(1), (2), (3), (4A), (5), (6), (7)
<i>Customs Act 1901</i>	ss 64ADA; 233BABAF
<i>Dairy Produce Act 1986</i>	s 119; sch 2, s 43
<i>Data-Matching Program (Assistance and Tax) Act 1990</i>	s 15
<i>Defence (Inquiry) Regulations 2018</i>	ss 36(1); 37(1); 66(1)
<i>Defence (Special Undertakings) Act 1952</i>	ss 31(1)(b); 9(2)(a)(ii)
<i>Defence Act 1903</i>	ss 110XD(2); 73A(1), (2); 90
<i>Defence Force Discipline Act 1982</i>	ss 16; 16B; 58
<i>Defence Regulation 2016</i>	s 37(1)
<i>Dental Benefits Act 2008</i>	ss 34(1); 43; 44; 45; 46
<i>Designs Act 2003</i>	s 109
<i>Disability Discrimination Act 1992</i>	s 127
<i>Disability Services Act 1986</i>	s 28
<i>Environment Protection (Alligator Rivers Region) Act 1978</i>	s 31
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	sch 1, cls 51, 53
<i>Epidemiological Studies (Confidentiality) Act 1981</i>	ss 4; 6
<i>Export Control Act 2020</i>	s 397
<i>Export Finance and Insurance Corporation Act 1991</i>	s 87(5)
<i>Family Assistance Legislation Amendment (Child Care Management System and Other Measures) Act 2007</i>	s 99

**Table 2 - Specific secrecy offences**

<b>Legislation</b>	<b>Provision</b>
<i>Family Law Act 1975</i>	ss 121(1), (2); 67P
<i>Financial Regulator Assessment Authority Act 2021</i>	s 40
<i>Financial Transaction Reports Act 1988</i>	s 16(5A), (5AA)
<i>Fisheries Management Act 1991</i>	s 155; sch 1A, cl 53
<i>Food Standards Australia New Zealand Act 1991</i>	s 114(8)
<i>Foreign Acquisitions and Takeovers Act 1975</i>	s 128
<i>Gene Technology Act 2000</i>	ss 187(1), (2); 53(4)
<i>Greenhouse and Energy Minimum Standards Act 2012</i>	s 169
<i>Hazardous Waste (Regulation of Exports and Imports) Act 1989</i>	ss 41W; 41V
<i>Health Insurance Act 1973</i>	ss 106ZR; 124Y(1); 130(1), (8), (9)
<i>Healthcare Identifiers Act 2010</i>	s 26(1), (2)
<i>Higher Education Funding Act 1988</i>	s 78(4)
<i>Higher Education Support Act 2003</i>	ss 179-10; 179-35; 180-25(5), (6); sch 1A, cls 73, 78
<i>Industrial Chemicals Act 2019</i>	ss 115; 117
<i>Industrial Chemicals Environmental Management (Register) Act 2021</i>	ss 50; 52
<i>Inspector General of Intelligence and Security Act 1986</i>	s 34(1), (1AA), (1AB)
<i>Inspector of Transport Security Act 2006</i>	ss 63(4), (5); 35(7); 36(7); 37(8); 49(2); 56; 60(5); 67; 75(2); 77(9)
<i>Inspector-General of Live Animal Exports Act 2019</i>	s 31
<i>Inspector-General of Taxation Act 2003</i>	s 37
<i>Insurance Act 1973</i>	s 109A
<i>Intelligence Services Act 2001</i>	ss 39A; 40; 40B; 40E; 40F; 40G; 40H; 40L; 40M; 39; 40C; 40D; 41; sch 1, cl 9
<i>Interactive Gambling Act 2001</i>	s 61NB

**Table 2 - Specific secrecy offences**

<b>Legislation</b>	<b>Provision</b>
<i>International Criminal Court Act 2002</i>	s 92
<i>International War Crimes Tribunals Act 1995</i>	s 40AL
<i>Life Insurance Act 1995</i>	s 231A
<i>Maritime Transport and Offshore Facilities Security Act 2003</i>	s 40
<i>Maritime Transport and Offshore Facilities Security Regulations 2003</i>	regs 6.08JB(2); 6.08JA(3)
<i>Medical Indemnity Act 2002</i>	s 77(2), (5)
<i>Midwife Professional Indemnity (Commonwealth Contribution) Scheme Act 2010</i>	s 88(2)
<i>Migration Act 1958</i>	ss 336C; 336E; s 488(1), (4); s 261AKD
<i>Mutual Assistance in Criminal Matters Act 1987</i>	ss 34V; 43C; 43B
<i>My Health Records Act 2012</i>	ss 71A(1); 59; 60(1)
<i>Narcotic Drugs Act 1967</i>	s 14MA(1)
<i>National Anti-Corruption Commission Act 2022</i>	ss 98(1); 101(1); 228; 233; 234
<i>National Blood Authority Act 2003</i>	s 11(1)
<i>National Cancer Screening Register Act 2016</i>	s 18
<i>National Consumer Credit Protection Act 2009</i>	ss 212L(4); 212M(1)
<i>National Disability Insurance Scheme Act 2013</i>	ss 62; 63; 64; 67B; 67C; 67D
<i>National Environment Protection Measures (Implementation) Act 1998</i>	s 36
<i>National Greenhouse and Energy Reporting Act 2007</i>	s 23
<i>National Health Act 1953</i>	ss 135A(1), (4), (8), (9), (14), (16), (18); 135AAA(1), (3), (5), (6), (8)
<i>National Health and Medical Research Council Act 1992</i>	s 80(2), (7), (8), (11)
<i>National Health Reform Act 2011</i>	ss 213(1); 215(2); 268(1); 269(1); 54A; 54C(2); 215A(2)
<i>National Health Security Act 2007</i>	ss 21; 90(1)

**Table 2 - Specific secrecy offences**

<b>Legislation</b>	<b>Provision</b>
<i>National Measurement Act 1960</i>	s 19H
<i>National Redress Scheme for Institutional Child Sexual Abuse Act 2018</i>	ss 99; 100; 101; 104
<i>National Residue Survey Administration Act 1992</i>	s 11(5)
<i>National Security Information (Criminal and Civil Proceedings) Act 2004<sup>2</sup></i>	ss 46G; 46H(1), (3), (4), (5); ; 40(1), (1A), (2); 41; 42; 43; 46; 46A; 46B; 46C; 46D; 46FA
<i>National Sports Tribunal Act 2019</i>	ss 72; 27
<i>National Sports Tribunal Rule 2020</i>	s 15
<i>National Vocational Education and Training Regulator Act 2011</i>	s 204
<i>Native Title Act 1993</i>	s 94L
<i>Nuclear Non-Proliferation (Safeguards) Act 1987</i>	s 71
<i>Office of National Intelligence Act 2018</i>	ss 42; 44(1), (2)
<i>Offshore Minerals Act 1994</i>	ss 374; 758
<i>Offshore Petroleum and Greenhouse Gas Storage Act 2006</i>	s 758(1), (3)
<i>Ombudsman Act 1976</i>	s 35(2), (5)
<i>Paid Parental Leave Act 2010</i>	ss 129; 130; 131; 132
<i>Parliamentary Commission of Inquiry (Repeal) Act 1986</i>	s 7
<i>Parliamentary Privileges Act 1987</i>	s 13
<i>Patents Act 1990</i>	s 152; 173(2); 184
<i>Payment Times Reporting Act 2020</i>	s 46

<sup>2</sup> Under the Review's terms of reference, the department will not be reporting on amendments to the secrecy offences in the *National Security Information (Criminal and Civil Proceedings) Act 2004*. At the request of the Attorney-General, the Independent National Security Legislation Monitor is currently undertaking a review of that Act and will report to Government by 31 October 2023.



**Table 2 - Specific secrecy offences**

<b>Legislation</b>	<b>Provision</b>
<i>Petroleum and Other Fuels Reporting Act 2017</i>	s 20; 24(7); 30 (7)
<i>Pooled Development Funds Act 1992</i>	s 71
<i>Port Statistics Act 1977</i>	s 7
<i>Privacy Act 1988</i>	s 80Q
<i>Private Health Insurance Act 2007</i>	ss 282-25; 323-1; 323-40; 323-45; 323-50; 323-55
<i>Proceeds of Crime Act 1987</i>	ss 74; 210(1), (2); 217; 223(1), (2), (3); sch 1, cls 9(1), (2), 16
<i>Productivity Commission Act 1998</i>	s 53
<i>Public Interest Disclosure Act 2013</i>	ss 20(1), (2); 65; 67
<i>Racial Discrimination Act 1975</i>	s 27F
<i>Recycling and Waste Reduction Act 2020</i>	s 148
<i>Referendum (Machinery Provisions) Act 1984</i>	ss 62B(1), (2), (3); 116
<i>Resale Royalty Right for Visual Artists Act 2009</i>	s 48
<i>Research Involving Human Embryos Act 2002</i>	ss 30(1), (2); 28R(6), (6A), (6B), (8); 29A(7)
<i>Reserve Bank Act 1959</i>	ss 79B(1); 79A
<i>Royal Commissions Act 1902</i>	s 60H
<i>Security of Critical Infrastructure Act 2018</i>	s 45
<i>Sex Discrimination Act 1984</i>	ss 112; 92
<i>Social Security (Administration) Act 1999</i>	ss 203; 204; 205; 206
<i>Space (Launches and Returns) Act 2018</i>	s 96
<i>Sport Integrity Australia Act 2020</i>	s 67(1)
<i>Student Assistance Act 1973</i>	s 12ZU; 352; 353; 357; 358; 359
<i>Surveillance Devices Act 2004</i>	ss 45(1), (2), (7); 45B (1), (2)

**Table 2 - Specific secrecy offences**

<b>Legislation</b>	<b>Provision</b>
<i>Tax Agent Services Act 2009</i>	ss 70-35; 70-45
<i>Taxation Administration Act 1953</i>	ss 8XA; 8WB; 14ZZW; sch 1, ss 355-155, 355-25, 355-265
<i>Telecommunications (Interception and Access) Act 1979</i>	ss 7; 63(1), (2); 108; 181A(1), (2), (4), (5); 181B(1), (2), (4), (5); 133; 182; 182A; sch 1, s 152
<i>Telecommunications Act 1997</i>	ss 276(3); 277(3); 278(3); 295Z; 295ZA; 296; 297; 299A(1), (2); 300; 301; 302; 302A; 317ZF
<i>Tertiary Education Quality and Standards Agency Act 2011</i>	ss 188, 197A
<i>Torres Strait Fisheries Act 1984</i>	sch 2, ss 51, 53
<i>Torres Strait Fisheries Regulations 1985</i>	reg 13
<i>Transport Safety Investigation Act 2003</i>	ss 26; 53(1), (2); 59(4), (5); 60(1), (2), (3)
<i>VET Student Loans Act 2016</i>	ss 100(1), (3); 101; 99
<i>Wheat Export Marketing (Repeal and Consequential Amendments) Act 2008</i>	sch 3, item 6
<i>Wheat Export Marketing Amendment Act 2012</i>	s 35
<i>Witness Protection Act 1994</i>	ss 22(1), (2), (3), (4); 22A(1), (2), (3), (4); 22B(1), (2)
<i>Work Health and Safety Act 2011</i>	s 271(2), (4)
<i>Workplace Gender Equality Act 2012</i>	s 32

### **Specific Secrecy Offences - Non-disclosure duties**

A subset of specific secrecy offences are **non-disclosure duties** which are provisions included in a range of Commonwealth laws that establish a duty not to disclose or otherwise deal with certain information. These provisions do not directly impose criminal liability but rely on section 122.4 of the Criminal Code, which imposes criminal liability for the breach of a non-disclosure duty by current and former Commonwealth officers or a person otherwise engaged to perform work for a Commonwealth entity. Section 122.4 will sunset on 29 December 2023. The purpose of section 122.4 sunset was intended to preserve the operation of non-disclosure duties until such time as each duty could be reviewed to determine whether it should be converted into a stand-alone specific secrecy offence, or whether criminal liability should be removed. This is a key task of the Review.

**Table 3 - Non-disclosure duties**

<b>Legislation</b>	<b>Provision</b>
<i>A New Tax System (Australian Business Number) Act 1999</i>	s 26(4)
<i>Aboriginal and Torres Strait Islander Act 2005</i>	s 191
<i>Administrative Appeals Tribunal Act 1975</i>	ss 36(2); 36B(2); 39B(3)(a); 46(2)
<i>Aged Care Act 1997</i>	ss 62-1; 86-10(3); 86-11(4); 86-9(2)
<i>Air Navigation Regulation 2016</i>	reg 10
<i>Airports (Building Control) Regulations 1996</i>	reg 4.03
<i>Airports (Environment Protection) Regulations 1997</i>	reg 10.06
<i>Archives Act 1983</i>	s 30A
<i>Auditor-General Act 1997</i>	s 37
<i>Australian Crime Commission Act 2002</i>	ss 9(4), (6); 59(2), (5); 59AD; 60; 61(4)
<i>Australian Federal Police Regulations 2018</i>	regs 28; 29
<i>Australian Hearing Services Act 1991</i>	s 67(1), (3), (5), (6), (8C)
<i>Australian Institute of Aboriginal and Torres Strait Islander Studies Act 1989</i>	s 41(1), (2)
<i>Australian Organ and Tissue Donation and Transplantation Authority Act 2008</i>	s 58(1)
<i>Australian Securities and Investments Commission Act 2001</i>	ss 127(1), (2F); 213; 237
<i>Australian Small Business and Family Enterprise Ombudsman Act 2015</i>	ss 53(2); 56(3); 58(3); 63(3); 41(3)
<i>Aviation Transport Security Regulations 2005</i>	regs 2.79(3); 3.29(3); 4.92; 2.11(4)
<i>Banking Act 1959</i>	s 69A
<i>Biosecurity Regulation 2016</i>	ss 102; 94
<i>Business Names Registration Act 2011</i>	s 60(6); s 62M(1)
<i>Carbon Credits (Carbon Farming Initiative) Act 2011</i>	s 123D
<i>Census and Statistics Act 1905</i>	ss 19A; 12; 13(3)

**Table 3 - Non-disclosure duties**

<b>Legislation</b>	<b>Provision</b>
<i>Census and Statistics Ordinance 1961</i>	s 26
<i>Clean Energy Finance Corporation Act 2012</i>	s 73
<i>Commonwealth Electoral Act 1918</i>	ss 176(3); 189A(4); 90B(6), (6A), (7), (8A)
<i>Competition and Consumer (Industry Codes—Food and Grocery) Regulation 2015</i>	reg 34
<i>Competition and Consumer (Industry Codes—Franchising) Regulation 2014</i>	reg 32
<i>Competition and Consumer Act 2010</i>	ss 10.89; 152AYA; 10.88; 89(5A); 95ZN; 155AA; 155AAA; sch 2, s 132A
<i>Corporations Regulations 2001</i>	reg 7.8.18
<i>Crimes Act 1914</i>	ss 3ZZUH(4); 15HN(3), (4); 15HO(2), (5); 15JS(3); 15LD(3); 23XWO(8); 85ZS(1)(d)(i)
<i>Customs (Prohibited Exports) Regulations 1958</i>	s 13EH(2), (3)
<i>Customs Act 1901</i>	ss 112BA(3); 269U(7); 269ZI(9); 269ZJ(2); 269ZZX(2)
<i>Data Availability and Transparency Act 2022</i>	s 105
<i>Defence Force Discipline (Disciplinary Infringement Records) Rules 2022</i>	r 9
<i>Defence Service Homes Act 1918</i>	sch 1, cl 29
<i>Defence Trade Controls Act 2012</i>	s 68(1), (2)
<i>Designs Act 2003</i>	s 61
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	ss 131AA(4); 133(4); 143(6); 146B(4); 170B; 189B; 251(3); 324R; 341R; 390R
<i>Export Finance and Insurance Corporation Act 1991</i>	s 87(4)
<i>Fair Work Act 2009</i>	s 714A
<i>Family Law Act 1975</i>	ss 10H(1); 10U; 10D
<i>Federal Court of Australia Act 1976</i>	ss 23CN; 23DN
<i>Financial Sector (Collection of Data) Act 2001</i>	s 13B

**Table 3 - Non-disclosure duties**

<b>Legislation</b>	<b>Provision</b>
<i>Fisheries Administration Act 1991</i>	s 101(6)
<i>Food Standards Australia New Zealand Act 1991</i>	s 114 (1), (6)
<i>Great Barrier Reef Marine Park Act 1975</i>	s 61AAB
<i>Health Insurance Act 1973</i>	s 92(6)
<i>Health Insurance Regulations 2018</i>	reg 86
<i>Imported Food Control Act 1992</i>	s 42A(4)
<i>Industry Research and Development Act 1986</i>	s 47
<i>Inspector of Transport Security Act 2006</i>	ss 36(6); 37(7); 52(2), (3), (4), (5), (6); 55(4), (5), (6), (7), (8); 61; 62; 63(1), (2), (3), (4); 64(2), (3), (4), (5); 67(7)(a); 68(2); 69(2); 75(8)
<i>International Arbitration Act 1974</i>	s 23C
<i>International Criminal Court Act 2002</i>	s 13(1)
<i>Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Act 2012</i>	s 48(7)
<i>Life Insurance Act 1995</i>	s 216A
<i>Maritime Transport and Offshore Facilities Security Act 2003</i>	regs 3.12; 4.115; 5A.105
<i>Migration (Migration Agents Code of Conduct) Regulations 2021</i>	regs 35; 56(7)
<i>Migration Act 1958</i>	ss 33(7); 46A(5); 46B(5); 48B(4); 72(5); 91F(4); 91L(4); 91Q(5); 195A(7); 197AG(2); 198AE(5); 503A(1), (2), (4A), (5), (5A);
<i>Military Rehabilitation and Compensation Act 2004</i>	s 409(3)
<i>My Health Records Act 2012</i>	ss 70B; 59A; 71B(1)
<i>Narcotic Drugs Act 1967</i>	ss 15F(2A); 15J(4); 15N
<i>Narcotic Drugs Regulation 2016</i>	regs 28; 46
<i>National Anti-Corruption Commission Act 2022</i>	ss 158(3); 159(4); 224; 225; 230; 236(1)

**Table 3 - Non-disclosure duties**

<b>Legislation</b>	<b>Provision</b>
<i>National Health Act 1953</i>	s 98E
<i>National Health and Medical Research Council Act 1992</i>	s 78(1)
<i>National Health Reform Act 2011</i>	ss 220(4); 275(4); 279(2); 54H(3); 220A(3); 221(3)
<i>National Residue Survey Administration Act 1992</i>	s 11(1)
<i>National Sports Tribunal (Practice and Procedure) Determination 2021</i>	s 41
<i>National Sports Tribunal Act 2019</i>	s 41(3)(k)
<i>National Transport Commission (Model Legislation— Intelligent Access Program) Regulations 2006</i>	reg 33(3),(4)
<i>Native Title Act 1993</i>	ss 24BF(2); 24CF(2); 24CI(3); 24DG(2); 24DJ(3); 31(4); 44B(4A); 44F(2); 86F(2A); 98A 203BK(4)
<i>Offshore Electricity Infrastructure Act 2021</i>	ss 283; 285
<i>Offshore Petroleum and Greenhouse Gas Storage Act 2006</i>	ss 712; 713; 715; 716; 738; 739; 740A; 740B; 766; 767A; sch 3, cls 40(3), 43(3); sch 5, cl 4
<i>Ombudsman Act 1976</i>	ss 19U; 35A; 35C; 35B
<i>Parliamentary Services Act 1999</i>	ss 64V; 65AA(2); 65AB(2)
<i>Patents Act 1990</i>	ss 183; 56
<i>Patents Regulations 1991</i>	reg 3.22
<i>Petroleum and Other Fuels Reporting Act 2017</i>	s 16
<i>Plant Breeder's Rights Act 1994</i>	s 41B
<i>Primary Industries Levies and Charges Collection Act 1991</i>	s 27B(4)
<i>Privacy Regulations 2013</i>	reg 21
<i>Public Service Act 1999</i>	ss 72A; 72B; 13(6)
<i>Public Service Regulations 1999</i>	reg 2.1
<i>Research Involving Human Embryos Act 2002</i>	s 29(4)

**Table 3 - Non-disclosure duties**

<b>Legislation</b>	<b>Provision</b>
<i>Safety, Rehabilitation and Compensation (Defence-Related Claims) Act 1988</i>	s 151A(2)
<i>Safety, Rehabilitation and Compensation Act 1988</i>	s 121A
<i>Social Security (Administration) Act 1999</i>	s 207
<i>Student Identifiers Act 2014</i>	s 17
<i>Surveillance Devices Act 2004</i>	s 45B(11)(e)
<i>Telecommunications (Consumer Protection and Service Standards) Act 1999</i>	ss 66(3); 67(3)
<i>Telecommunications (Interception and Access) Act 1979</i>	ss 180E(1); 186(4); 186J(7); 187L(1), (1A), (2); 187P(3); 202
<i>Telecommunications Act 1997</i>	s 315H
<i>Telecommunications Regulations 2021</i>	regs 31; 27; 40; 41
<i>Therapeutic Goods Regulations 1990</i>	regs 42ZCZL(4); 42ZCZQ(5)
<i>Trade Marks Act 1995</i>	ss 258; 226A
<i>Transport Safety Investigation (Voluntary and Confidential Reporting Scheme) Regulation 2012</i>	regs 16; 20
<i>Transport Safety Investigation Act 2003</i>	s 45(7)
<i>Transport Safety Investigation Regulations 2021</i>	regs 45; 46
<i>Trans-Tasman Mutual Recognition Act 1997</i>	sch 5, s 5
<i>Veterans' Entitlements Act 1986</i>	ss 116D(6); 118ZF(7); 118ZX(2); 137(2); 140(5); 196I(2); 196ZD(2); 34(3); 35H(7); 36L(8); 37L(8); 38L(8); 45Q(8); 57E(2); 79I(5); 93ZE(2)
<i>Water Act 2007</i>	s 215
<i>Water Charge Rules 2010</i>	r 53
<i>Water Regulations 2008</i>	s 4.10
<i>Weapons of Mass Destruction Regulations 2018</i>	s 8(1)(b)
<i>Witness Protection Act 1994</i>	s 16(3)

Table 3 - Non-disclosure duties	
Legislation	Provision
<i>Work Health and Safety Regulations 2011</i>	reg 263

## Override provisions

Some Commonwealth Acts include provisions that operate to disapply ('override') secrecy provisions in other legislation. The department has identified **21 override provisions** in 18 Commonwealth laws. These most commonly facilitate provision of information to integrity and investigative agencies to support their functions.

Table 4 – Override provisions	
Legislation	Provision
<i>Auditor-General Act 1997</i>	s 30
<i>Australian Crime Commission Act 2002</i>	s 19A(5)
<i>Australian Institute of Health and Welfare Act 1987</i>	s 30
<i>Child Support (Registration and Collection) Act 1988</i>	s 16AB
<i>Coastal Trading (Revitalising Australian Shipping) Act 2012</i>	s 110(4)
<i>Criminal Code Act 1995</i>	s 105A.19(4)
<i>Customs (Prohibited Exports) Regulations 1958</i>	s 13EI(5)
<i>Data Availability and Transparency Act 2022</i>	s 23
<i>Defence Trade Controls Act 2012</i>	s 69(5)
<i>Higher Education Support Act 2003</i>	s 179-25; sch 1A, cl 76
<i>Inspector-General of Intelligence and Security Act 1986</i>	s 34A (2)
<i>National Anti-Corruption Commission Act 2022</i>	ss 36, 205
<i>National Health Security Act 2007</i>	s 19(7)
<i>Ombudsman Act 1976</i>	s 9(4)
<i>Privacy Act 1988</i>	s 44 (4)



**Table 4 – Override provisions**

<b>Legislation</b>	<b>Provision</b>
<i>Public Interest Disclosure Act 2013</i>	s 75
<i>VET Student Loans Act 2016</i>	s 97 (2)
<i>Water Act 2007</i>	ss 128, 222E