

Consultation questions for stakeholders

Treasury invites stakeholders to consider the following questions in their submissions to the framework. Responses to these questions will assist the Government to finalise the bill and its assessment of the privacy and compliance cost impacts of the proposed framework.

Proposed legislation

- 1) Does the draft legislation effectively achieve the policy objectives set out in this document?

Answer: The draft legislation appears to achieve the stated policy objectives.

The Tasmanian Government wishes to query whether further specific powers need to be inserted for information sharing with the public. We acknowledge the significant information sharing powers provided in the draft legislation and further described in the Exposure Draft Explanatory Materials. However, public education is a vital mechanism for prevention of scams and further powers in the Bill may assist in prevention efforts.

Additionally, there does not appear to be a power in the draft legislation to require businesses to take down content. We understand this reflects a policy decision of the Commonwealth.

- 2) Does the draft legislation include an appropriate level of detail, noting subordinate legislation can provide more prescriptive obligations?

Answer: In general, the Tasmanian Government considers the level of detail in the draft legislation to be sufficient.

The Tasmanian Government encourages the early drafting and release of any subordinate legislation to ensure sufficient guidance for affected sectors.

The draft legislation provides a degree of future flexibility through Scams Prevention Framework rules (SPF rules).

We query whether further detail could be provided in proposed section 58BZB, to explain accessible mechanisms for reporting scams, particularly as there are penalties attached for non-compliance. While we acknowledge that scams may vary by sector, and subordinate legislation may provide further details, it may be beneficial to expand on general principles for accessible mechanisms.

- 3) Are there provisions in the draft legislation that are better suited to subordinate legislation?

Answer: While the matters that must be included in infringement notices, as set out in proposed section 58FM, are appropriate, we have one suggested amendment. We recommend that provision is made so that matters that must be included in infringement notices can be added through SPF rules. This will allow flexibility should further matters need to be included in infringement notices.

- 4) Will you face any practical challenges in implementing the obligations in the draft legislation?

Not applicable.

- 5) What would be an appropriate transition period to enable you to implement these changes?

Not applicable.

Usage of personal information

- 6) What kinds of information do relevant entities currently collect from customers (including from internal records), internal investigations and other sources to combat scams?
 - a. How do entities use this information to combat fraud and scams both on their service and more broadly across the ecosystem?
 - b. How do entities ensure this information is handled and stored securely?
- 7) What personal information will regulated entities need to comply with their obligations under the framework, particularly to take reasonable steps to prevent, detect, disrupt and respond to scams?
- 8) Will regulated entities be expecting to collect and store personal information to comply with their obligations under the framework which would not otherwise be collected and stored? (i.e. additional to personal information used for current or planned anti-scam activities)
- 9) Are there circumstances in which regulated entities may need to publicly publish personal information (e.g. of scammers) to prevent, detect or disrupt a scam?

Answer: The Tasmanian Government has no specific information relevant to questions 6-9.

Expected compliance costs

To support its policy impact analysis, Treasury is seeking views on the expected costs and/or resources (e.g. staffing) to be incurred by regulated entities (as designated) to comply with the framework, including sector codes when made. If possible, please provide your response in dollar terms. Please indicate if you would like such information provided in a submission to be kept confidential. Responses should include only additional costs above those already incurred, that would be attributable to the obligations set out in the framework, and that would not otherwise be incurred. If possible, please include a breakdown of the following including upfront and ongoing impacts:

- uplift in administrative processes (including staff capacity building),
- change management and education support costs,
- governance costs,
- technology uplift, including for data-sharing requirements,
- building and maintaining appropriate mechanisms to meet IDR and EDR requirements,
- additional costs, time, resources or effort for consumers, and
- any other expected compliance impacts.

Answer: As the Tasmanian Government is not a regulated entity we have no comment to make on expected compliance costs.