



Telecommunications Amendment Regulations 2009 (No. 1)¹

Select Legislative Instrument 2009 No. 31

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Telecommunications Act 1997*.

Dated 23 February 2009

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

STEPHEN CONROY
Minister for Broadband, Communications and the Digital
Economy

1 Name of Regulations

These Regulations are the *Telecommunications Amendment Regulations 2009 (No. 1)*.

2 Commencement

These Regulations commence on the day after they are registered.

3 Amendment of *Telecommunications Regulations 2001*

Schedule 1 amends the *Telecommunications Regulations 2001*.

Schedule 1 Amendment

(regulation 3)

[1] After regulation 5.1A

insert

5.1B Disclosure or use of information for emergency database — threat to life or health (Act s 292 (1))

- (1) The following circumstances are specified for the purposes of subsection 292 (1) of the Act:
 - (a) either:
 - (i) the information is contained in an integrated public number database; or
 - (ii) the document consists of, or relates to, information contained in an integrated public number database;
 - (b) an authorised person has:
 - (i) certified to Telstra that the disclosure or use is required:
 - (A) for the purpose of preventing or lessening a serious and imminent threat to the life or health of a person or a class of persons; or

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- (B) for the purpose of ensuring that effective arrangements are in place to deal with such threats; and
 - (ii) identified the person or entity that is to receive the information or document (the *recipient*); and
 - (iii) given an undertaking to Telstra that:
 - (A) any disclosure or use by a person other than Telstra or an employee of Telstra will be for the same purpose; and
 - (B) reasonable steps will be taken to ensure that any disclosure or use by a person other than Telstra or an employee of Telstra will not adversely affect the operation of Telstra's telecommunications network;
 - (c) if certification is given for the purpose of sub-subparagraph (b) (i) (A), and the recipient is not Telstra, the authorised person has given an undertaking to Telstra that the recipient will destroy the information or document when there is no longer an operational need for it;
 - (d) if certification is given for the purpose of sub-subparagraph (b) (i) (B), and the recipient is not Telstra:
 - (i) an agreement is in effect between Telstra and the recipient; and
 - (ii) the agreement:
 - (A) provides for the Privacy Commissioner to monitor the use of the information or document by the recipient; and
 - (B) prohibits the disclosure or use of the information or document otherwise than in accordance with the agreement; and
 - (C) requires the information or document to be destroyed when there is no longer an operational need for it; and
 - (D) requires that the information or document will be used by the recipient or any other person only for the purpose mentioned in sub-subparagraph (b) (i) (B); and

- (E) requires security measures to be in place to prevent the disclosure or use of the information or document except in accordance with the agreement.

(2) In this regulation:

authorised person means a person who holds, occupies or performs the duties of an office or position specified in writing for the purposes of this regulation by the Minister administering the *Administrative Decisions (Judicial Review) Act 1977*.

certified means certified in writing in a form determined in writing for the purposes of this regulation by the Minister administering the *Administrative Decisions (Judicial Review) Act 1977*.

integrated public number database means an integrated public number database maintained by Telstra in accordance with clause 10 of the *Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997*.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.