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The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

**Telecommunications Amendment  
(Integrated Public Number Database)  
Bill 2009**

**No.     , 2009**

*(Broadband, Communications and the Digital Economy)*

**A Bill for an Act to amend the *Telecommunications Act 1997*, and for related purposes**



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## Contents

1	Short title .....	1
2	Commencement .....	1
3	Schedule(s) .....	1
<b>Schedule 1—Amendments</b>		<b>3</b>
Part 1—Data for emergency warnings		3
<i>Telecommunications Act 1997</i>		3
Part 2—Location dependent carriage services		10
<i>Telecommunications Act 1997</i>		10



1     **A Bill for an Act to amend the *Telecommunications***  
2     ***Act 1997, and for related purposes***

3     The Parliament of Australia enacts:

4     **1 Short title**

5                     This Act may be cited as the *Telecommunications Amendment*  
6                     *(Integrated Public Number Database) Act 2009*.

7     **2 Commencement**

8                     This Act commences on the day after it receives the Royal Assent.

9     **3 Schedule(s)**

10                    Each Act that is specified in a Schedule to this Act is amended or  
11                    repealed as set out in the applicable items in the Schedule

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concerned, and any other item in a Schedule to this Act has effect according to its terms.

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2 **Schedule 1—Amendments**

3 **Part 1—Data for emergency warnings**

4 *Telecommunications Act 1997*

5 **1 At the end of Division 1 of Part 13**

6 Add:

7 **275B Emergency management person**

8 (1) In this Part:

9 *emergency management person* means a person who holds,  
10 occupies or performs the duties of an office or position specified  
11 under subsection (2).

12 (2) The Minister administering the *Administrative Decisions (Judicial*  
13 *Review) Act 1977* may, by legislative instrument, specify either or  
14 both of the following for the purposes of the definition of  
15 *emergency management person* in subsection (1) of this section:

- 16 (a) offices;  
17 (b) positions.

18 (3) Offices or positions established by or under a law of a State or  
19 Territory may be specified under subsection (2).

20 (4) Subsection (3) does not limit subsection (2).

21 (5) Before making an instrument under subsection (2), the Minister  
22 administering the *Administrative Decisions (Judicial Review) Act*  
23 *1977* must consult the Minister administering this Act.

24 **275C Emergency**

25 In this Part:

26 *emergency* means an emergency or disaster (however described)  
27 within the meaning of an emergency law.

1 **275D Emergency law**

2 (1) In this Part:

3 *emergency law* means a law specified under subsection (2).

4 (2) The Minister administering the *Administrative Decisions (Judicial*  
5 *Review) Act 1977* may, by legislative instrument, specify a law of a  
6 State or a Territory for the purposes of the definition of *emergency*  
7 *law* in subsection (1) of this section.

8 **275E Relevant information**

9 In this Part:

10 *relevant information* means information, or the contents of a  
11 document, disclosed as permitted by section 285A.

12 **2 After section 285**

13 Insert:

14 **285A Data for emergency warnings**

15 (1) Sections 276 and 277 do not prohibit a disclosure by a person of  
16 information or a document if:

17 (a) the information is, or the document consists of, information  
18 (including unlisted telephone numbers) contained in an  
19 integrated public number database; and

20 (b) the disclosure is made to an emergency management person;  
21 and

22 (c) the disclosure is made for the purpose of the information, or  
23 the contents of the document, being later used or disclosed:

24 (i) for a purpose connected with persons being alerted to an  
25 emergency or a likely emergency; or

26 (ii) for the purpose of reasonable testing of whether, in the  
27 event of an emergency occurring, persons would be able  
28 to be alerted to that emergency.

29 (2) In this section:

30 *integrated public number database* means:

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- 1 (a) an integrated public number database maintained by Telstra  
2 as mentioned in Part 4 of Schedule 2; or  
3 (b) an integrated public number database maintained by a person  
4 as mentioned in section 472.

5 **3 After Division 3A of Part 13**

6 Insert:

7 **Division 3B—Emergency warnings**

8 **295V Use or disclosure of information by emergency management**  
9 **persons**

10 *Likely emergencies*

- 11 (1) If an emergency management person believes on reasonable  
12 grounds that an emergency is likely to occur, the person may use or  
13 disclose relevant information (other than the names of persons) for  
14 a purpose connected with persons being alerted to that likely  
15 emergency.

16 *Actual emergencies*

- 17 (2) If an emergency occurs, an emergency management person may  
18 use or disclose relevant information (other than the names of  
19 persons) for a purpose connected with persons being alerted to that  
20 emergency.

21 *Testing*

- 22 (3) An emergency management person may use or disclose relevant  
23 information (other than the names of persons) for the purpose of  
24 reasonable testing of whether, in the event of an emergency  
25 occurring, persons would be able to be alerted to that emergency.

26 *Other*

- 27 (4) An emergency management person may disclose relevant  
28 information (other than the names of persons) to another person for  
29 the purpose of the information being later used or disclosed for a  
30 purpose connected with persons being alerted to an emergency or a  
31 likely emergency.

1 **295W Use or disclosure of information by other persons**

2 *Actual or likely emergencies*

- 3 (1) If information is disclosed to a person as permitted by subsection  
4 295V(1) or (2) or this subsection, the person may use or disclose  
5 the information for a purpose connected with persons being alerted  
6 to the emergency or likely emergency concerned.

7 *Testing*

- 8 (2) If information is disclosed to a person as permitted by subsection  
9 295V(3) or this subsection, the person may use or disclose the  
10 information for the purpose of reasonable testing of whether, in the  
11 event of an emergency occurring, persons would be able to be  
12 alerted to that emergency.

13 *Other*

- 14 (3) If information is disclosed to a person as permitted by subsection  
15 295V(4) or this subsection, the person may use or disclose the  
16 information for a purpose connected with persons being alerted to  
17 an emergency or a likely emergency.

18 **295X Effect on telecommunications network**

19 In using or disclosing information that is permitted by  
20 section 295V or 295W, a person must take reasonable steps to  
21 ensure that the use or disclosure does not adversely affect the  
22 operation of a telecommunications network.

23 **295Y Coronial and other inquiries**

24 The disclosure of relevant information to:

- 25 (a) a coronial inquiry; or  
26 (b) another inquiry specified by the Minister administering the  
27 *Administrative Decisions (Judicial Review) Act 1977*, by  
28 legislative instrument, for the purposes of this paragraph;  
29 in relation to an emergency or likely emergency is taken, for the  
30 purposes of this Division, to be a disclosure for a purpose  
31 connected with persons being alerted to the emergency or likely  
32 emergency concerned.

1 **295Z Offence—use or disclosure of information by emergency**  
2 **management persons**

3 An emergency management person commits an offence if:

- 4 (a) the person uses or discloses relevant information; and  
5 (b) the use or disclosure is not permitted under section 295V.

6 Penalty: Imprisonment for 2 years.

7 **295ZA Offence—use or disclosure of information by other persons**

8 (1) A person commits an offence if:

- 9 (a) information is disclosed to the person as permitted by  
10 subsection 295V(1) or (2) or 295W(1); and  
11 (b) the person uses or discloses the information; and  
12 (c) the use or disclosure referred to in paragraph (b) of this  
13 subsection is not for a purpose connected with persons being  
14 alerted to the emergency or likely emergency concerned.

15 Penalty: Imprisonment for 2 years.

16 (2) A person commits an offence if:

- 17 (a) information is disclosed to the person as permitted by  
18 subsection 295V(3) or 295W(2); and  
19 (b) the person uses or discloses the information; and  
20 (c) the use or disclosure referred to in paragraph (b) of this  
21 subsection is not for the purpose of reasonable testing of  
22 whether, in the event of an emergency occurring, persons  
23 would be able to be alerted to that emergency.

24 Penalty: Imprisonment for 2 years.

25 (3) A person commits an offence if:

- 26 (a) information is disclosed to the person as permitted by  
27 subsection 295V(4) or 295W(3); and  
28 (b) the person uses or discloses the information; and  
29 (c) the use or disclosure referred to in paragraph (b) of this  
30 subsection is not for a purpose connected with persons being  
31 alerted to an emergency or a likely emergency.

32 Penalty: Imprisonment for 2 years.

1 **295ZB Reports of access**

- 2 (1) If an emergency management person discloses relevant  
3 information, the person must give a written report to the Minister  
4 administering the *Administrative Decisions (Judicial Review) Act*  
5 *1977* and to the ACMA that covers the following matters:  
6 (a) if the disclosure occurred under subsection 295V(1) or (2)—a  
7 description of the emergency or likely emergency concerned  
8 and its location;  
9 (b) in any case—the number of telephone numbers that were  
10 disclosed and the day that disclosure occurred;  
11 (c) in any case—the number of persons to whom the emergency  
12 management person disclosed those numbers and the purpose  
13 of each disclosure.
- 14 (2) The emergency management person must give the report to the  
15 Minister administering the *Administrative Decisions (Judicial*  
16 *Review) Act 1977* and to the ACMA as soon as practicable after the  
17 last disclosure referred to in paragraph (1)(c) of this section occurs  
18 (disregarding section 295Y).

19 **295ZC Annual reports to the ACMA and Privacy Commissioner**

- 20 If an emergency management person discloses relevant  
21 information during a financial year, the person must, within 2  
22 months after the end of that financial year, give a written report to  
23 the ACMA and to the Privacy Commissioner that covers the  
24 following matters in relation to each such disclosure:  
25 (a) if the disclosure occurred under subsection 295V(1) or (2)—a  
26 description of the emergency or likely emergency concerned  
27 and its location;  
28 (b) in any case—the number of telephone numbers that were  
29 disclosed and the day that disclosure occurred;  
30 (c) in any case—the number of persons to whom the emergency  
31 management person disclosed those numbers and the purpose  
32 of each disclosure (whether the disclosure occurred in that  
33 financial year or the following financial year).

34 **295ZD Arrangements with States and Territories**

- 35 (1) The Minister administering the *Administrative Decisions (Judicial*  
36 *Review) Act 1977* may make arrangements with a Minister of a
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1 State or a Territory with respect to the performance of functions or  
2 duties, or the exercise of powers, by an emergency management  
3 person under this Division.

4 (2) An instrument by which an arrangement under this section is made  
5 is not a legislative instrument.

6 **295ZE Commonwealth immunity**

7 No action, suit or proceeding lies against the Commonwealth in  
8 relation to loss, damage or injury to any person or property as a  
9 result of the use or disclosure of relevant information:

- 10 (a) for a purpose connected with persons being alerted to an  
11 emergency or a likely emergency; or  
12 (b) for the purpose of reasonable testing of whether, in the event  
13 of an emergency occurring, persons would be able to be  
14 alerted to that emergency.

15 **4 Subparagraph 306(1)(b)(i)**

16 After “285,” insert “285A,”.

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2 **Part 2—Location dependent carriage services**

3 *Telecommunications Act 1997*

4 **5 After section 291**

5 Insert:

6 **291A Location dependent carriage services**

7 (1) Sections 276 and 277 do not prohibit a disclosure by a person of  
8 information or a document if:

- 9 (a) the information or document relates to information (other  
10 than information relating to an unlisted telephone number)  
11 contained in an integrated public number database; and  
12 (b) the disclosure is to a carrier or a carriage service provider;  
13 and  
14 (c) the disclosure is made for a purpose of, or is connected with,  
15 the supply, or proposed supply, by a person of a location  
16 dependent carriage service.

17 (2) Sections 276 and 277 do not prohibit a disclosure or use by a  
18 carrier or a carriage service provider of information or a document  
19 if:

- 20 (a) the information or document relates to information (other  
21 than information relating to an unlisted telephone number)  
22 contained in an integrated public number database; and  
23 (b) the disclosure or use is made for a purpose of, or is connected  
24 with, the supply, or proposed supply, by a person of a  
25 location dependent carriage service.

26 (3) In this section:

27 *integrated public number database* means:

- 28 (a) an integrated public number database maintained by Telstra  
29 as mentioned in Part 4 of Schedule 2; or  
30 (b) an integrated public number database maintained by a person  
31 as mentioned in section 472.

1                    *location dependent carriage service* means a carriage service that  
2                    depends for its provision on the availability of information about  
3                    the addresses of end users of the carriage service.

4                    **6 After section 302**

5                    Insert:

6                    **302A Location dependent carriage services**

7                    (1) If information or a document is disclosed to a person as permitted  
8                    by section 291A or this subsection, a person must not disclose or  
9                    use the information or document except for the purpose of, or in  
10                    connection with, the supply, or proposed supply, by a person of a  
11                    location dependent carriage service.

12                    Note:            Section 291A deals with the disclosure or use of information or  
13                    documents for the purposes of the supply, or proposed supply, by a  
14                    person of a location dependent carriage service.

15                    (2) In this section:

16                    *location dependent carriage service* means a carriage service that  
17                    depends for its provision on the availability of information about  
18                    the addresses of end users of the carriage service.

19                    **7 Subparagraph 306(1)(b)(i)**

20                    Omit “or 291”, substitute “, 291 or 291A”.