

2008-2009

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

**TELECOMMUNICATIONS AMENDMENT (INTEGRATED PUBLIC NUMBER
DATABASE) BILL 2009**

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendments to be moved on behalf of the Government

The amendments make minor changes to the Telecommunications Amendment (Integrated Public Number Database) Bill 2009 to require emergency management persons to give a written notice to a person (the discloser) when seeking to use or disclose Integrated Public Number Database data for a purpose connected with providing emergency warnings or for the reasonable testing of emergency warning arrangements.

Amendment (1) The proposed amendments will make minor changes to proposed new paragraph 285A(1)(c) of the Bill, to include a requirement that an emergency management person give a written notice to the discloser, stating that the emergency management person will only use or disclose information from, or documents consisting of, information contained in the IPND for the purpose(s) of issuing emergency warnings and/or for reasonable testing of such arrangements. Such a written notice forms one of the three preconditions that must be satisfied in order for an exception to the primary disclosure prohibition under sections 276 and 277 of the *Telecommunications Act 1997* respectively, to exist.

The amendments will also add a provision at subsection 285A(1A) of the Bill to allow a written notice to cover disclosure of the protected information being later used or disclosed for either or both of the permitted purposes as set out in new sub-paragraphs 285A(1)(c)(i) and (ii). This new provision will enable a series of disclosures to be made for a permitted purpose under an arrangement between the discloser and the emergency management person and enable the emergency management person to receive regular updates of the IPND information.

The amendments will add a provision at subsection 285A(1B) of the Bill to clarify that the written notice provided by the emergency management person is not a legislative instrument within section 5 of the *Legislative Instruments Act 2003*.

If a person is concerned that their personal information is being used by a person for a purpose not permitted under the Telecommunications Act, s/he may lodge a complaint with the Federal Office of the Privacy Commissioner.

(Circulated by authority of the Minister for Broadband, Communications
and the Digital Economy, Senator the Honourable Stephen Conroy)