

1993

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

(Mr Price)

A BILL

FOR

An Act to amend the *Privacy Act 1988* so as to ensure that the operation of the Act does not affect the ability of Members of the Commonwealth Parliament to perform their duties as Members

The Parliament of Australia enacts:

Short title

1. (1) This Act may be cited as the *Privacy Amendment Act 1993*.

(2) In this Act, "Principal Act" means the *Privacy Act 1988*¹.

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Commencement

2. This Act commences on the day on which it receives the Royal Assent.

Interpretation

3. Section 6 of the Principal Act is amended by inserting after the definition of "medical research" in subsection (1) the following definition:

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" 'Member of Parliament' means a member of the Senate or a Member of the House of Representatives;".

Information Privacy Principles

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4. Section 14 of the Principal Act is amended:

(a) by inserting after paragraph 1 (b) of Principle 10 the following paragraph:

"(ba) the record-keeper believes on reasonable grounds that the use of the information for that other purpose is needed to assist a Member of Parliament in connection with the performance of the Member's duties as a Member";

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(b) by inserting after paragraph 1(c) of Principle 11 the following paragraph:

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"(ca) the record-keeper believes on reasonable grounds that the disclosure of the information is needed to assist a Member of Parliament in connection with the performance of the Member's duties as a Member".

Commissioner to have regard to certain matters

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5. Section 29 of the Principal Act is amended by inserting after paragraph (a) the following paragraph:

"(ab) have regard to the need to ensure that his or her actions, those of Commission staff and those of agencies in connection with the observation of the requirements of the Information Privacy Principles recognise the legitimate interests of Members of Parliament in the performance of their duties as Members;".

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Power to obtain information and documents

6. Section 44 of the Principal Act is amended:

- (a) by inserting in subsection (1) "other than a Member of Parliament" after "person" (first occurring);
- (b) by inserting in subsection (3) "other than a Member of Parliament" after "person" (first occurring).

Directions to persons to attend compulsory conference

7. Section 46 of the Principal Act is amended by inserting in paragraph (1)(c) "other than a Member of Parliament" after "person".

Privacy Advisory Committee – establishment and membership

8. Section 82 of the Principal Act is amended:

- (a) by omitting from paragraph 2(b) "6" and substituting "8";
- (b) by omitting subsection (3) and substituting the following subsection:

"(3) Of the members other than the Commissioner:

 - (a) 6 shall be appointed by the Governor-General as part-time members (in this Part called "appointed members");
 - (b) one shall be a Senator chosen by the Senate; and
 - (c) one shall be a Member of the House of Representatives chosen by that House.";
- (c) by inserting after subsection (4) the following subsection:

"(4A) A member chosen by either House of the Parliament holds office, subject to this Act, for such period, not exceeding 3 years, as is fixed by that House at the time the member is chosen."

Obligations of confidence - Application of Part

9. Section 90 of the Principal Act is amended by adding at the end the following subsection:

- "(3) This Part does not apply in respect of any disclosure of information where that disclosure has been made by a confidant in the belief, on reasonable grounds, that the

disclosure of the information is or was needed to assist a Member of Parliament in connection with the performance of the Member's duties as a Member.”.

NOTE

1. Reprinted as at 30 April 1992. For previous amendment see No. 143, 1992.

