

THE PARLIAMENT OF THE COMMONWEALTH OF
AUSTRALIA

THE HOUSE OF REPRESENTATIVES

PRIVACY AMENDMENT BILL 1993

EXPLANATORY MEMORANDUM

(Circulated by authority of Hon. L.R.S. Price, MP)



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PRIVACY AMENDMENT BILL 1993

OUTLINE

This Bill provides for amendments to the Privacy Act to ensure that the operation of the Privacy Act does not obstruct Members and Senators in the performance of their duties as Members.

FINANCIAL IMPACT STATEMENT

The Bill is not expected to have any impact on Commonwealth revenue or expenditure.

NOTES ON CLAUSES

Clause 1: Short title

Provides for the citation of the Act.

Clause 2: Commencement

Provides for the Act to commence upon Royal Assent.

Clause 3: Interpretation

Inserts a definition of "Member of Parliament" in the Principal Act.

Clause 4: Information Privacy Principles

This clause amends section 14 of the Privacy Act . Information Privacy Principle 10 would be amended. Proposed paragraph (ba) would allow the use of information where a record keeper believed on reasonable grounds that the use of the information was needed to assist a Member of Parliament in the performance of the Member's duties as a Member.

Similarly, Information Privacy Principle 11 would be amended, by proposed paragraph (ca), to allow the disclosure of information where a record keeper believed on reasonable grounds that the information was needed to assist a Member in the performance of the Member's duties as a Member.

Clause 5: Commissioner to have regard to certain matters

Clause 5 would amend section 29 of the Privacy Act. This section provides for the Privacy Commissioner to have regard to certain matters in the performance of his or her duties. Proposed paragraph (ab) would insert a requirement for regard to be had to the legitimate interests of Members of Parliament in the performance of their duties as Members.

Clause 6: Power to obtain information and documents

Section 44 of the Privacy Act gives the Commissioner powers to obtain information and documents. Clause 6 would provide that such actions could not be taken in respect of a Member of Parliament.

Clause 7: Directions to persons to attend compulsory conference

Section 46 of the Privacy Act gives the Privacy Commissioner power to direct complainants and respondents, and any other person, to attend a conference. Clause 7 would provide that such a direction could not be given to a Member.

Clause 8: Privacy Advisory Committee - establishment and membership

Section 82 of the Privacy Act provides for the establishment of a Privacy Advisory Committee. It is proposed to increase the size of the committee and to allow a Member of each House to be appointed to the committee

Clause 9: Obligations of confidence - Application of Part

This clause provides that the provisions of Part VIII of the Privacy Act (which deals with obligations of confidence) do not apply in respect of the disclosure of information where that disclosure has been made by a confidant in the belief, on reasonable grounds, that the disclosure is or was needed to assist a Member in the performance of the Member's duties as a Member.
