



Telecommunications Legislation Amendment (Information Disclosure, National Interest and Other Measures) Act 2023

No. 17, 2023

**An Act to amend legislation relating to
telecommunications, and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

Contents

| | | |
|---------------------------------------------------------------------|-------------------|----------|
| 1 | Short title..... | 2 |
| 2 | Commencement..... | 2 |
| 3 | Schedules..... | 3 |
| Schedule 1—Amendments | | 4 |
| Part 1—Information use and disclosure | | 4 |
| <i>Telecommunications Act 1997</i> | | 4 |
| Part 2—Record of disclosures | | 7 |
| <i>Telecommunications Act 1997</i> | | 7 |
| Part 3—Other measures | | 9 |
| Division 1—Amendment of commencement provision | | 9 |
| <i>Telstra Corporation and Other Legislation Amendment Act 2021</i> | | 9 |
| Division 2—Amendment of transitional provision | | 9 |
| <i>Telstra Corporation and Other Legislation Amendment Act 2021</i> | | 9 |
| Division 3—Amendment of definition | | 9 |
| <i>Telecommunications Act 1997</i> | | 9 |



Telecommunications Legislation Amendment (Information Disclosure, National Interest and Other Measures) Act 2023

No. 17, 2023

**An Act to amend legislation relating to
telecommunications, and for related purposes**

[Assented to 11 April 2023]

The Parliament of Australia enacts:

*No. 17, 2023 Telecommunications Legislation Amendment (Information Disclosure,
National Interest and Other Measures) Act 2023 1*

1 Short title

This Act is the *Telecommunications Legislation Amendment (Information Disclosure, National Interest and Other Measures) Act 2023*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
|---------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table | The day this Act receives the Royal Assent. | 11 April 2023 |
| 2. Schedule 1, Part 1 | The day after this Act receives the Royal Assent. | 12 April 2023 |
| 3. Schedule 1, Part 2 | The day after the end of the period of 6 months beginning on the day this Act receives the Royal Assent. | 11 October 2023 |
| 4. Schedule 1, Part 3, Division 1 | Immediately after the commencement of section 2 of the <i>Telstra Corporation and Other Legislation Amendment Act 2021</i> . | 13 December 2021 |
| 5. Schedule 1, Part 3, Division 2 | Immediately after the commencement of item 81 of Schedule 1 to the <i>Telstra Corporation and Other Legislation Amendment Act 2021</i> . | 14 December 2021 |
| 6. Schedule 1, Part 3, Division 3 | The day after this Act receives the Royal Assent. | 12 April 2023 |

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

-
- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Part 1—Information use and disclosure

Telecommunications Act 1997

1 Subsection 285(1) (at the end of the heading)

Add “—*general*”.

2 Subparagraph 285(1)(c)(ii)

Omit “directory; or”, substitute “directory.”.

3 Subparagraph 285(1)(c)(iii)

Repeal the subparagraph.

4 Subsection 285(1A) (at the end of the heading)

Add “—*general*”.

5 Subparagraph 285(1A)(c)(iii)

Repeal the subparagraph.

6 After subsection 285(1A)

Insert:

Permitted uses and disclosures—calls to emergency service numbers

- (1B) Sections 276 and 277 do not prohibit a use or disclosure by a person of information or a document if:
- (a) the information or document relates to information contained in an integrated public number database; and
 - (b) the information or document relates to:
 - (i) carriage services supplied, or intended to be supplied, to another person by a carrier or carriage service provider; or
 - (ii) the affairs or personal particulars of another person; and

- (c) the use or disclosure is made for purposes connected with dealing with the matter or matters raised by a call to an emergency service number; and
- (d) it is unreasonable or impracticable to obtain the other person's consent to the disclosure or use.

7 After paragraph 287(a)

Insert:

- (ab) it is unreasonable or impracticable to obtain the other person's consent to the disclosure or use; and

8 Paragraph 287(b)

Omit "and imminent".

9 Section 300

Repeal the section, substitute:

300 Threat to person's life or health

- (1) This section applies if:
 - (a) information or a document is disclosed to a person (the *first person*) as permitted by section 287 or this section; and
 - (b) the information or the contents of the document relate to the affairs or personal particulars (including any unlisted telephone number or any address) of another person.
- (2) The first person must not disclose or use the information or document unless:
 - (a) it is unreasonable or impracticable to obtain the other person's consent to the disclosure or use; and
 - (b) either of the following apply:
 - (i) the disclosure or use is for the purpose of, or in connection with, preventing or lessening a serious threat to the life or health of a person;
 - (ii) the first person believes on reasonable grounds that the disclosure or use is reasonably necessary to prevent or lessen a serious threat to the life or health of a person.

Note: Section 287 deals with the disclosure or use of information or documents by a person where the person believes on reasonable

Schedule 1 Amendments

Part 1 Information use and disclosure

grounds that the disclosure or use is reasonably necessary to prevent or lessen a serious threat to the life or health of a person.

10 Paragraph 313(5)(a)

Omit “or (4)”, substitute “, (4), (4A) or (4B)”.

11 Application

- (1) The amendments of sections 285, 287 and 300 of the *Telecommunications Act 1997* made by this Part apply in relation to a use or disclosure of information or documents by a person after the commencement of this Part, regardless of when the information came to the person’s knowledge or the documents came into the person’s possession.
- (2) The amendment of paragraph 313(5)(a) of the *Telecommunications Act 1997* made by this Part applies in relation to an act done or omitted by a person after the commencement of this Part.

Part 2—Record of disclosures

Telecommunications Act 1997

12 After paragraph 306(5)(c)

Insert:

- (ca) if the disclosure is required or authorised under a warrant and paragraph 280(1)(a) applies to the disclosure:
 - (i) the provision of the law under which the warrant was issued; and
 - (ii) the name of the person who issued the warrant; and
 - (iii) the date of the issuing of the warrant; and
- (cb) if the disclosure is required or authorised by or under law and paragraph 280(1)(b) applies to the disclosure—the provision of the law (besides paragraph 280(1)(b)) which required or authorised the disclosure; and

13 At the end of subsection 306(5)

Add:

- ; and (g) if the information or document is or includes information of a kind specified in one or more items of the table specified in subsection (5A):
 - (i) the numbers of those items; and
 - (ii) a description of the content of those items to the extent that the content relates to the information or document.

14 After subsection 306(5)

Insert:

- (5A) For the purposes of paragraph (5)(g), the specified table is:
 - (a) if a determination under subsection (5B) is in force—the table set out in that determination; or
 - (b) otherwise—the table in subsection 187AA(1) of the *Telecommunications (Interception and Access) Act 1979*.

Schedule 1 Amendments

Part 2 Record of disclosures

(5B) For the purposes of paragraph (5A)(a), the Minister may, by legislative instrument, make a determination setting out a table that specifies, in numbered items, kinds of information.

15 Application

The amendments made by this Part apply in relation to a disclosure of information or documents made by a person after the commencement of this Part, regardless of when the information or documents disclosed came to the person's knowledge, or into the person's possession.

Part 3—Other measures

Division 1—Amendment of commencement provision

Telstra Corporation and Other Legislation Amendment Act 2021

16 Subsection 2(1) (table item 3)

Omit “Federal Court of Australia” (wherever occurring), substitute “Supreme Court of New South Wales”.

Division 2—Amendment of transitional provision

Telstra Corporation and Other Legislation Amendment Act 2021

17 Paragraph 81(d) of Schedule 1

Omit “Federal Court”, substitute “Supreme Court of New South Wales”.

Division 3—Amendment of definition

Telecommunications Act 1997

18 Section 581ZB (definition of *telecommunications transmission tower*)

Repeal the definition, substitute:

telecommunications transmission tower has the meaning given by section 581ZBA.

19 After section 581ZB

Insert:

581ZBA Telecommunications transmission tower

- (1) For the purposes of this Division, *telecommunications transmission tower* means a tower, pole, mast or similar structure that:
- (a) is used to supply a carriage service by means of radiocommunications; and
 - (b) satisfies either of the following requirements:
 - (i) the carriage service is supplied by a carrier or carriage service provider;
 - (ii) the tower, pole, mast or structure is in a class specified in a determination under subsection (2); and
 - (c) is not covered by a determination under subsection (3).
- (2) For the purposes of subparagraph (1)(b)(ii), the Minister may, by legislative instrument, make a determination specifying one or more classes of towers, poles, masts or structures used to supply a carriage service by means of radiocommunications.
- (3) For the purposes of paragraph (1)(c), the Minister may, by legislative instrument, make a determination declaring that a specified tower, pole, mast or structure is not a telecommunications transmission tower for the purposes of this Division.

Note: For specification by class, see subsection 13(3) of the *Legislation Act 2003*.

[Minister's second reading speech made in—
House of Representatives on 10 November 2022
Senate on 28 November 2022]

(122/22)
