

2008-2009

The Parliament of the
Commonwealth of Australia

THE SENATE

Trade Practices Amendment (Australian Consumer Law) Bill 2009

(Amendment to be moved by Senator Xenophon in committee of the whole)

- (1) Schedule 1, item 1, page 8 (after line 18), after section 6, insert:

6B Prohibited term—personal information

- (1) Without limiting the effect of regulations made under subsection 6(4), a term that enables, or has the effect of enabling, one party to transfer personal information about another party to a person outside Australia without that other party's written, informed consent is also a *prohibited term* of a consumer contract.

- (2) In this section:

personal information has the meaning given by section 6 of the *Privacy Act 1988*.

transfer, in relation to personal information, means communicate, send, trade or republish that information by any means to any person.

[prohibited term—transfer of personal information offshore]

- (2) Schedule 2, item 18, page 31 (line 9), omit “(other than an award of damages)”.

[court may order damages]

- (3) Schedule 3, item 26, page 69 (line 4), omit “(other than an award of damages)”.

[court may order damages]
