

2009

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

WORK SAFETY LEGISLATION AMENDMENT BILL 2009

GOVERNMENT AMENDMENTS

EXPLANATORY STATEMENT

Circulated with the authority of
John Hargreaves MLA
Minister for Industrial Relations

Overview

The following amendments are moved by the Minister for Industrial Relations. Each amendment has been made to clarify the objectives of two clauses of the Work Safety Legislation Amendment Bill 2009 as presented to the Legislative Assembly on 25 June 2009. These amendments will ensure that the intention of the provisions are unambiguous and do not go further than what is necessary to achieve the purposes of the legislation.

Clauses

Schedule 1

Amendment 1.19

Proposed new section 211(3)(f)

Page 13, line 18

The amendment is moved so that the disclosure of information to a court, which would otherwise be restricted by the operation of this section, will be permitted in all circumstances where the disclosure is made ‘to a court’. It is accepted that the provision as amended will fulfil the essential purposes of permitting disclosure without narrowly restricting the disclosures to only those instances where a summons or subpoena has been issued in relation to legal proceedings.

Proposed new section 211(5), definition of *corresponding law*, paragraph (b)

Page 14, line 1

This amendment is moved so that, where a disclosure of information can be made where a person is administering or enforcing a corresponding law, the phrase ‘corresponding law’ can only mean a law of the Commonwealth or a State that is declared by regulation to be a corresponding law. This will ensure that it is clear that it is not the Government’s intention to permit or allow ‘data-matching’ by another government agency (with which the relevant information is shared). In this context, ‘data matching’ refers to the large scale comparison of records or files collected or filed for different purposes. While it is not considered that the Bill as tabled permitted data-matching, in light of concerns about the provision facilitating other uses of information, this amendment will ensure that the issue is put beyond question.