

c2021-070
OPP--OPPOSITION

LEGISLATIVE COUNCIL

Better Regulation Legislation Amendment (Miscellaneous) Bill 2021

First print

Proposed amendment

No. 1 **Records and information**

Page 6, Schedule 1.3. Insert after line 19—

[1] **Section 58 Power of entry and inspection**

Insert at the end of section 58(2A)(b)—
, and

- (c) to take copies of or extracts from, or make notes from, the book, record or other document.

[2] **Sections 58AA and 58AB**

Insert after section 58—

58AA Power to take possession of records to be used as evidence

- (1) A person (the *record inspector*) to whom a record is produced under section 58 may take possession of the record if the record inspector considers it necessary to do so for the purpose of obtaining evidence or protecting evidence from destruction.
- (2) If the record inspector takes possession of the record under this section, the record may be retained by the record inspector until the completion of proceedings, including proceedings on appeal, in which the record may be evidence.
- (3) The person (the *record owner*) from whom the record was taken must be provided, within a reasonable time after the record is taken, with a copy of the record certified by the record inspector as a true copy.
- (4) A copy of a record provided under subsection (3) is, as evidence, of equal validity to the record of which it is certified to be a copy.
- (5) A person does not contravene a provision of this Act if the person is unable to comply with the provision because a record inspector retained possession of a record under this section.

58AB Exchange of information

- (1) The Corporation may enter into an arrangement (an *information sharing arrangement*) with a relevant agency, or the head of a relevant

agency, for the purposes of sharing or exchanging information held by the Corporation or the agency.

- (2) The information to which an information sharing arrangement may relate is limited to information that assists in the exercise of the functions of—
 - (a) the Corporation under this Act or the regulations, or
 - (b) the relevant agency.
- (3) Under an information sharing arrangement, the Corporation and the relevant agency are authorised—
 - (a) to request and receive information held by the other party to the arrangement, and
 - (b) to disclose the information to the other party.
- (4) In this section—

long service agency means an agency of the State, the Commonwealth, or another State or Territory, that exercises functions under legislation with respect to long service schemes, or employers or employees in relation to long service leave.

relevant agency includes the following—

 - (a) a long service agency,
 - (b) another agency of the State, the Commonwealth, or another State or Territory,
 - (c) a local council,
 - (d) a person or body that exercises functions, in the public interest, to protect the interests of long service schemes, employers or employees,
 - (e) a person or body prescribed by the regulations.

[3] Section 59 Disclosure of information

Omit section 59(1). Insert instead—

- (1) Subject to subsection (2), a person who is, or was at any time, authorised under section 58, 58AA or 58AB must not disclose any information—
 - (a) obtained by the person in the course of administration or execution of this Act or the regulations, and
 - (b) that relates to—
 - (i) manufacturing or commercial secrets, or
 - (ii) working processes.