

All amendments agreed to 15-11-22.

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GOVT--Government

LEGISLATIVE ASSEMBLY

Government Sector Audit and Other Legislation Amendment Bill 2022

First print

Proposed amendments

No. 1 **Confidential information**

Pages 11 and 12, Schedule 3[6], line 23 on page 11 to line 13 on page 12. Omit all words on the lines. Insert instead—

[6] Section 36(8)

Omit the subsection.

[6A] Section 36A

Insert after section 36—

36A Disclosure of confidential information

- (1) An authorised person must not disclose confidential information unless the Auditor-General has authorised the disclosure.
- (2) The Auditor-General may authorise the disclosure of confidential information only if—
 - (a) in the Auditor-General's opinion, the disclosure of the confidential information is—
 - (i) in the public interest, and
 - (ii) necessary for the exercise of the Auditor-General's functions, and
 - (b) the Auditor-General has, at least 28 days before authorising the disclosure of the confidential information, notified the Premier that the Auditor-General is proposing to disclose the information, and
 - (c) the Premier has not, within 28 days after being notified by the Auditor-General of the proposed disclosure, issued a certificate that the disclosure of the confidential information is, in the Premier's opinion, not in the public interest.
- (3) The Auditor-General or Premier, in forming an opinion under subsection (2) about whether or not it is in the public interest to disclose confidential information, must consider the public interest factors both for and against the disclosure.

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- (4) A certificate of the Premier that it is not in the public interest to disclose confidential information is conclusive evidence of that fact.
- (5) If information is confidential information, a claim of confidentiality or privilege is not waived merely because the information is accessed, provided or produced under this Act.
- (6) In this section—
confidential information means—
- (a) Cabinet information within the meaning of the *Government Information (Public Access) Act 2009*, or
- (b) information that could be subject to a claim of privilege by the State or a public official in a court of law.
- disclose* includes publish.

No. 2 **Review of the Audit Office**

Page 12, Schedule 3[7], lines 14–18. Omit all words on the lines.

No. 3 **Confidential information**

Pages 13 and 14, Schedule 4[6], line 18 on page 13 to line 7 on page 14. Omit all words on the lines. Insert instead—

[6] **Section 423(5)**

Omit the subsection.

[7] **Section 423A**

Insert after section 423—

423A Disclosure of confidential information

- (1) An authorised person must not disclose confidential information unless the Auditor-General has authorised the disclosure.
- (2) The Auditor-General may authorise the disclosure of confidential information only if—
- (a) in the Auditor-General's opinion, the disclosure of the confidential information is—
- (i) in the public interest, and
- (ii) necessary for the exercise of the Auditor-General's functions, and
- (b) the Auditor-General has, at least 28 days before authorising the disclosure of the confidential information, notified the Premier that the Auditor-General is proposing to disclose the information, and
- (c) the Premier has not, within 28 days after being notified by the Auditor-General of the proposed disclosure, issued a certificate that the disclosure of the confidential information is, in the Premier's opinion, not in the public interest.
- (3) The Auditor-General or Premier, in forming an opinion under subsection (2) about whether or not it is in the public interest to disclose confidential information, must consider the public interest factors both for and against the disclosure.

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- (4) A certificate of the Premier that it is not in the public interest to disclose confidential information is conclusive evidence of that fact.
- (4) If information is confidential information, a claim of confidentiality or privilege is not waived merely because the information is accessed, provided or produced under this Act.
- (5) In this section—
authorised person has the same meaning as in section 423.
confidential information means—
- (a) Cabinet information within the meaning of the *Government Information (Public Access) Act 2009*, or
 - (b) information that could be subject to a claim of privilege by the State or a public official in a court of law.
- disclose* includes publish.