

**Submission by the
Office of the Information Commissioner**

EDUCATION, EMPLOYMENT AND SMALL BUSINESS COMMITTEE

Mines Legislation (Resources Safety) Amendment Bill 2018

April 2018

The Office of the Information Commissioner is an independent statutory authority. This submission does not represent the views or opinions of the Queensland Government.

The statutory functions of the OIC under the *Information Privacy Act 2009* (Qld) (IP Act) include commenting on the administration of privacy in the Queensland public sector environment.

The OIC welcomes the opportunity to comment on the Mines Legislation (Resources Safety) Amendment Bill 2018. The OIC supports the provisions in the bill to improve regulatory frameworks protecting the health and safety of Queensland's mine workers, and acknowledges the crucial nature of measures to surveil and safeguard the health of the mining sector workforce as a whole. However, two provisions in the bill warrant some further analysis in terms of their potential abrogation of privacy rights.

Clauses 46 and 89 of the bill seek to amend s275A of the *Coal Mining Safety and Health Act 1999* (CMSHA) and s255 of the *Mining and Quarrying Safety and Health Act 1999* (MQSHA) respectively to bypass the circumstances under which personal information may be disclosed, which include by obtaining consent from the individual to whom the disclosed information may pertain. Specifically, the provisions seek to enable the chief inspector or chief executive to disclose to the Workers' Compensation Regulator or WorkCover *any* information they have that relates to *any* matter under the *Workers' Compensation and Rehabilitation Act 2003* (WCRA).

The Explanatory Notes broadly address the amendments by stating that the provisions are 'justified for a thorough investigation to be undertaken for matters related to the administration of these Acts'¹ and that the 'disclosure of personal information is necessary for the effective operation' of the WCRA². However, the Explanatory Notes are silent on the specific problems, gaps or harm these provisions seek to address, i.e. what are the deficiencies in the existing regime (including WCRA's compulsion powers, s275A CMSHA and s255 MQSHA) that currently prevent thorough investigations and the effective operation of the WCRA?

The OIC respectfully suggests that the Committee may wish to further investigate the problems that clauses 46 and 89 of the bill seek to remedy to determine if these broad disclosure powers are justified. This concern is consistent with a comment raised in the previous Committee's report on the Mines Legislation (Resource Safety) Amendment Bill 2017³.

The OIC is available to provide further information or assistance to the Committee as required.

¹ Mines Legislation (Resources Safety) Amendment Bill 2018, Explanatory Notes, page 17.

² Mines Legislation (Resources Safety) Amendment Bill 2018, Explanatory Notes, pages 36 and 49.

³ Report No. 57, 55th Parliament Infrastructure, Planning and Natural Resources Committee October 2017, page 16.