



Mick Gentleman MLA

Manager of Government Business
Minister for Planning and Land Management
Minister for Police and Emergency Services
Minister for Corrections
Minister for Industrial Relations and Workplace Safety

Member for Brindabella

Mr Peter Cain MLA

Chair

Standing Committee on Justice and Community Safety (Legislative Scrutiny Role)
ACT Legislative Assembly

Via email: scrutiny@parliament.act.gov.au

Dear Mr Cain

I am writing in response to further comments of the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) in *Scrutiny Report 21*, released on 4 October 2022, in relation to the Workplace Legislation Amendment Bill 2022 (the Bill).

I note my previous response of 23 September 2022 to comments made by the Committee in Scrutiny Report 18 in making my response below.

I thank the Committee for their close attention to the information in the Explanatory Statement and intend to table a revised Explanatory Statement for the Bill.

I understand the Committee remains concerned with the protection of privacy in relation to the new notification requirement to the work safety regulator for sexual assault incidents at the workplace.

While I note the Committee's concerns appear to be related to small businesses with a turnover of less than \$3 million, I do not consider that further protections are needed and could be unintentionally cumbersome. As I mentioned in my previous response, I can assure the Committee that indeed, privacy has been given close consideration in making these amendments in the context and nature of sexual assault incidents.

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This amendment is concerned with ensuring that sexual assault incidents, considered a serious workplace incident, are notified to the regulator. These are incidents that may occur now but on the current laws are not always required to be notified to the regulator. By expressly preventing reporting the identity of those involved in the incident this cements the focus of the requirement being concerned about ensuring WHS compliance, i.e. whether there are safe systems of work in place to manage the health and safety risks of sexual assault at the workplace. In doing so, the Bill strikes a balance between ensuring the protection of privacy when complying with the new incident notification requirement and allowing businesses to continue to effectively manage their WHS duties.

For the benefit of the Committee, in relation to the amendments in clause 44 of the Bill that would insert a new section 271A in the *Work Health and Safety Act 2011* dealing with the sharing of information for compliance and enforcement purposes, these simply provide express clarity to avoid any confusion about the requirements currently found in section 271(3)(c) of the WHS Act.

I thank the Standing Committee again for its consideration of the Bill.

Yours sincerely

Mick Gentleman MLA
Minister for Industrial Relations and Workplace Safety