

Criminal Code and Other Legislation (Wage Theft) Amendment Bill 2020

Statement of Compatibility

FOR

Amendments during consideration in detail to be moved by the Honourable Grace Grace MP

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 of the *Human Rights Act 2019* (Human Rights Act), I, Grace Grace, Minister for Education and Minister for Industrial Relations, make this statement of compatibility with respect to the amendments to be moved during consideration in detail of the Criminal Code and Other Legislation (Wage Theft) Amendment Bill 2020 (the Wage Theft Bill).

In my opinion, the amendments to be moved to the Wage Theft Bill are compatible with the human rights protected by the Human Rights Act. I base my opinion on the reasons outlined in this statement.

Overview of the Amendments

The amendments during consideration in detail (ACiDs) will amend the IR Act to provide information sharing provisions that require employers to provide information to registered employee organisations that has been authorised in writing by an employee.

Human Rights Issues

Human rights relevant to amendments to be moved to the Bill (Part 2, Division 2 and 3 *Human Rights Act 2019*)

In my opinion, the only human right that is relevant to the amendments is the right to privacy (section 25 of the Human Rights Act).

The ACiDs insert a new division 6 into chapter 9, part 1 of the IR Act which provides for the provision of information about an employee to a registered industrial organisation. The Human Rights Act includes the right to privacy under section 25.

The proposed sections 354B-354C to be introduced by the ACiDs include provisions designed to ensure employees' ongoing right to privacy and do not limit this right. The new sections provide for employers' disclosure of employee's information to a registered employee organisation (REO) only where employee has provided prior written authorisation.

Disclosure may be made only to the REO specified in the employee's authorisation, and then only where the REO has made a request in writing. Employees may withdraw their authorisation at any time.

Conclusion

In my opinion, the amendments to be moved to the Bill are compatible with human rights under the Human Rights Act because they do not limit a human right.

Grace Grace
Minister for Education
Minister for Industrial Relations

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