

Legislative Council

Workplace Surveillance Bill 2005

Schedule of the amendment agreed to in committee of the whole on Tuesday 21 June 2005.

Page 9. Insert after line 17:

18 Restrictions on use and disclosure of surveillance records—notified surveillance

An employer who carries out or causes to be carried out the surveillance of an employee of the employer while the employee is at work for the employer, not being covert surveillance, must ensure that any surveillance record made as a result of that surveillance is not used or disclosed unless that use or disclosure is:

- (a) use or disclosure for a legitimate purpose related to the employment of employees of the employer or the legitimate business activities or functions of the employer, or
- (b) disclosure to a member or officer of a law enforcement agency for use in connection with the detection, investigation or prosecution of an offence, or
- (c) use or disclosure for a purpose that is directly or indirectly related to the taking of civil or criminal proceedings,
- (d) use or disclosure that is reasonably believed to be necessary to avert an imminent threat of serious violence to persons or of substantial damage to property.

Maximum penalty: 20 penalty units.