

FINES AMENDMENT BILL 2019

Schedule of the amendments referred to in the Legislative Council's message of 22 October 2019.

No. 1 **OPP No. 1 [c2019-200A as amended]**

Page 5, Schedule 1. Insert after line 15—

[16] Section 23 Amount payable under penalty notice

Insert after section 23(5)—

- (6) Despite any other provision of this Act or any other Act or law, the Commissioner may, on application by a person to whom a penalty notice is issued, reduce by 50% the amount required to be paid under the penalty notice if—
 - (a) at the time the person committed the offence specified in the penalty notice, the person was in receipt of a Government benefit, and
 - (b) the Commissioner thinks it is appropriate having regard to the relevant guidelines issued under section 120.
- (7) In subsection (6), a person in receipt of a Government benefit includes the following—
 - (a) a holder of a Health Care Card, Ex-Carer Allowance (Child) Health Care Card or Commonwealth Seniors Health Card issued on behalf of the Commonwealth,
 - (b) a person in receipt of the Disability Support Pension or Newstart, ABSTUDY Living or Widow Allowance under a law of the Commonwealth.

No. 2 **OPP No. 2 [c2019-200A]**

Page 11, Schedule 1. Insert after line 33—

[59] Section 117C

Insert after section 117B—

117C Unlawful disclosure of personal information

- (1) If the Commissioner becomes aware of an unlawful disclosure of personal information about an individual that is held by the Commissioner, the Commissioner must, within 28 days after becoming aware of the disclosure, notify the individual of that disclosure in accordance with any directions given to the Commissioner by the Privacy Commissioner in relation to the matter.
- (2) However, the Commissioner is not required to notify the individual of the disclosure if the Privacy Commissioner advises that notification is not appropriate in the circumstances.
- (3) The Privacy Commissioner is to include information about all unlawful disclosures under this section in the Privacy Commissioner's annual report for the period in which the disclosures occurred.

- (4) In this section—
personal information has the same meaning as in the
Privacy and Personal Information Protection Act 1998.

No. 3 **OPP No. 3 [c2019-200A]**

Page 11, Schedule 1. Insert after line 33—

[59] Section 120 Guidelines on exercise of functions under this Act

Insert after section 120(1)(d)—

- (e) the class of persons in respect of whom the
Commissioner must not make a reallocation of an
overpayment under section 122C.

No. 4 **OPP No. 4 [c2019-200A]**

Page 12, Schedule 1[59] (proposed section 122C(3)), lines 7–10. Omit all words on those
lines, Insert instead—

- (3) The Commissioner must not, unless requested by the person, make a
reallocation of an amount otherwise refundable to a person under
this section if the person—
(a) was in receipt of a Government benefit at the time the person
became entitled to the refund, or
(b) belongs to a class of persons specified in guidelines issued
under section 120.
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