

House of Representatives
Supplementary Order Paper

Tuesday, 25 September 2012

Electronic Identity Verification Bill

Proposed amendments

Hon Chris Tremain, in Committee, to move the following amendments:

Clause 61

Replace *clause 61(1) to (1B)* (line 30 on page 50 to line 6 on page 51) with:

- (1) **Subsection (1A)** applies to any act or omission by the chief executive, an employee of the department, or another person acting on behalf of the chief executive in the course of—
 - (a) performing functions or duties or exercising powers under this Act; or
 - (b) purporting to perform functions or duties or exercise powers under this Act.
- (1A) The persons referred to in **subsection (1)** are subject to Part 8 of the Privacy Act 1993 in respect of the act or omission, but—
 - (a) have no other civil liability for the act or omission; and
 - (b) have no criminal liability for the act or omission.

Replace *clause 61(3)* (lines 12 to 15 on page 51) with:

- (3) **Subsection (2)** applies whether the loss or damage is caused by any person's act or omission, so long as the act or omission occurred in course of—
 - (a) performing functions or duties or exercising powers under this Act; or
 - (b) purporting to perform functions or duties or exercise powers under this Act.

In *clause 61(4)* delete "to act" (line 17 on page 51).

Explanatory note

This Supplementary Order Paper amends the Electronic Identification Verification Bill to clarify that persons who act on behalf of the chief executive are protected from criminal or civil liability (if there is no bad faith or gross negligence).

All persons performing functions or duties or exercising powers under the Bill (or purporting to do so) remain subject to Part 8 of the Privacy Act 1993.
