

CLAUSE 21

THIS CLAUSE ADDRESSES THE WAIVER OF THE RESPECTIVE IMMUNITIES OF INSPECTORS AND OBSERVERS. THE WAIVER OF PRIVILEGES AND IMMUNITIES MUST BE EXPRESS.

SUB-CLAUSE 22(1)

THIS SUB-CLAUSE PROHIBITS PERSONS FROM KNOWINGLY COMMUNICATING OR ALLOWING INFORMATION OR DOCUMENTS OBTAINED IN CONFIDENCE TO BE COMMUNICATED TO ANY PERSON, OR TO ALLOW PERSONS TO HAVE ACCESS TO SUCH INFORMATION, WITHOUT THE WRITTEN CONSENT OF THE PERSON WHO PROVIDED THE INFORMATION. THE EXCEPTIONS TO THE PROHIBITION ARE PROVIDED IN PARAGRAPHS 22(2)(A) AND (B) OF THE ACT.

SUB-CLAUSE 22(2)(A)

SUCH INFORMATION CAN BE RELEASED FOR PUBLIC INTERESTS RELATING TO HEALTH, SAFETY AND PROTECTION OF THE ENVIRONMENT WHERE THAT INTEREST CLEARLY OUTWEIGHS ANY FINANCIAL OR MATERIAL LOSS, OR PREJUDICE FROM A COMPETITIVE POSITION, AND ANY DAMAGE TO THE PRIVACY, REPUTATION OR HUMAN DIGNITY OF AN INDIVIDUAL.

SUB-CLAUSE 22(2)(B)

SUCH INFORMATION CAN BE RELEASED IF IT IS NECESSARY FOR THE ENFORCEMENT OF THIS ACT OR ANY OTHER ACT OF PARLIAMENT, OR FOR GIVING EFFECT TO THE TREATY.

SUB-CLAUSE 22(3)

SUCH INFORMATION OBTAINED IN CONFIDENCE IS NOT TO BE USED AS EVIDENCE IN LEGAL PROCEEDINGS UNLESS THE PROCEEDINGS ARE FOR PURPOSES OF ENFORCING THIS ACT OR ANY OTHER ACT OF PARLIAMENT.