



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**HOUSE OF REPRESENTATIVES**  
**INFORMATION COMMISSIONER BILL 2009**  
**Consideration in Detail**  
**SPEECH**

**Wednesday, 12 May 2010**

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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# SPEECH

**Date** Wednesday, 12 May 2010  
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**Questioner**  
**Speaker** Byrne, Anthony, MP

**Source** House  
**Proof** No  
**Responder**  
**Question No.**

**Mr BYRNE** (Holt—Parliamentary Secretary to the Prime Minister and Parliamentary Secretary for Trade) (11.18 am)—I present a supplementary explanatory memorandum to the bill and seek leave to move government amendments (1) to (21) as circulated, together.

Leave granted.

**Mr BYRNE**—I move government amendments (1) to (21) as circulated, together:

(1) Clause 1, page 1 (line 8), omit “*Information Commissioner*” substitute “*Australian Information Commissioner*”.

(2) Clause 3, page 3 (lines 5 and 6), omit the definition of *Information Commissioner*, substitute:

*Information Commissioner* has the meaning given by section 3A.

(3) Page 3 (after line 14), at the end of Part 1, add:

3A Meaning of Information Commissioner in any Act

In any Act:

*Information Commissioner* means the person appointed under section 14 of this Act as the Australian Information Commissioner.

(4) Heading to Part 2, page 4 (line 1), omit “**Information Commissioner**”, substitute “**Australian Information Commissioner**”.

(5) Clause 4, page 4 (lines 4 to 26), omit “Office of the Information Commissioner” (wherever occurring), substitute “Office of the Australian Information Commissioner”.

(6) Clause 5, page 5 (line 3), omit “Information Commissioner”, substitute “Australian Information Commissioner”.

(7) Clause 5, page 5 (line 5), omit “Information Commissioner”, substitute “Australian Information Commissioner”.

(8) Clause 5, page 5 (line 10), omit “Information Commissioner”, substitute “Australian Information Commissioner”.

(9) Heading to Part 3, page 11 (line 2), omit “**Information Commissioner**”, substitute “**Australian Information Commissioner**”.

(10) Clause 13, page 11 (lines 7 and 8), omit “Information Commissioner”, substitute “Australian Information Commissioner”.

(11) Heading to subclause 14(1), page 12 (line 3), omit “*Information Commissioner*”, substitute “*Australian Information Commissioner*”.

(12) Clause 14, page 12 (line 4), omit “Information Commissioner”, substitute “Australian Information Commissioner”.

(13) Clause 14, page 12 (after line 5), at the end of subclause (1), add:

**Note:** The Australian Information Commissioner is referred to in this and other Acts as the *Information Commissioner* (see sections 3 and 3A).

(14) Clause 23, page 16 (line 3), omit “Information Commissioner”, substitute “Australian Information Commissioner”.

(15) Clause 24, page 16 (line 13), omit “Information Commissioner”, substitute “Australian Information Commissioner”.

(16) Clause 25, page 16 (line 17), omit “Information Commissioner”, substitute “Australian Information Commissioner”.

(17) Page 18 (after line 24), at the end of Part 4, add:

#### 27A Disclosure of interests

##### Disclosure to Minister

(1) A member of the Information Advisory Committee must give written notice to the Minister of all interests, pecuniary or otherwise, that the member has or acquires and that conflict or could conflict with the proper performance of the member's functions.

##### Disclosure to Information Advisory Committee

(2) A member of the Information Advisory Committee must disclose to a meeting of the Committee the nature of an interest, pecuniary or otherwise, that he or she has in a matter being considered, or about to be considered, by the Committee.

(3) The disclosure must be made as soon as possible after the relevant facts have come to the Committee member's knowledge.

(4) The disclosure must be recorded in the minutes of the meeting of the Committee.

(5) Unless the Committee otherwise determines, the Committee member:

(a) must not be present during any deliberation by the Committee on the matter; and

(b) must not take part in any decision of the Committee with respect to the matter.

(6) For the purposes of making a determination under subsection (5), the Committee member:

(a) must not be present during any deliberation of the Committee for the purpose of making the determination; and

(b) must not take part in making the determination.

(7) A determination under subsection (5) must be recorded in the minutes of the meeting of the Committee.

##### Information Commissioner

(8) This section does not apply in relation to the disclosure of interests by the Information Commissioner.

Note: The Information Commissioner, as an information officer, is required to disclose conflicting (or potentially conflicting) interests to the Minister under section 22.

(18) Clause 28, page 19 (line 5), omit "Information Commissioner", substitute "Australian Information Commissioner".

(19) Clause 30, page 20 (lines 22 and 23), omit "Information Commissioner", substitute "Australian Information Commissioner".

(20) Clause 34, page 23 (line 8), omit "Information Commissioner", substitute "Australian Information Commissioner".

(21) Title, page 1 (line 2), omit "**Information Commissioner**", substitute "**Australian Information Commissioner**".

Question agreed to.

Bill, as amended, agreed to.