

**LEGISLATIVE COUNCIL**

**FREEDOM OF INFORMATION AMENDMENT (OFFICE OF THE VICTORIAN  
INFORMATION COMMISSIONER) BILL 2016**

(Amendments to be moved by Mr RICH-PHILLIPS)

1. Clause 6, page 16, line 18, omit "or remove".
2. Clause 6, page 16, lines 29 to 34, omit all words and expressions on these lines and insert—
  - "(2) The Minister must cause a full statement of the grounds of suspension to be presented to each House of Parliament within 7 sitting days of that House after the suspension.
  - (3) The Public Access Deputy Commissioner must be removed from office by the Governor in Council if each House of Parliament, within 20 sitting days after the day on which the statement is presented to it, declares by resolution that the Public Access Deputy Commissioner ought to be removed from office.
  - (4) The Governor in Council must remove the suspension and restore the Public Access Deputy Commissioner to office unless each House makes a declaration of the kind specified in subsection (3) within the time specified in that subsection.
  - (5) If the Public Access Deputy Commissioner is suspended from office under subsection (1), the Public Access Deputy Commissioner is taken not to be the Public Access Deputy Commissioner during the period of suspension."
3. Clause 8, lines 15 to 24, omit all words and expressions on these lines and insert—
  - "(2) An agency or Minister may extend the period for deciding a request referred to in subsection (1)(a) by a period of not more than 30 days, as agreed by the applicant."
4. Clause 77, page 81, lines 27 to 29, omit all words and expressions on these lines and insert—

"and the person holding that office is taken to be the Public Access Deputy Commissioner appointed under section 6D—

  - (i) for the period equivalent to the remaining period that the person would have held office as the Freedom of Information Commissioner except for this clause; and
  - (ii) on the terms and conditions, including remuneration, that applied to the person's appointment as the Freedom of Information Commissioner immediately before the commencement day; and"
5. Clause 80, page 100, line 15, omit "or remove".

6. Clause 80, page 100, lines 26 to 31, omit all words and expressions on these lines and insert—
- "(2) The Minister must cause a full statement of the grounds of suspension to be presented to each House of Parliament within 7 sitting days of that House after the suspension.
  - (3) The Privacy and Data Protection Deputy Commissioner must be removed from office by the Governor in Council if each House of Parliament, within 20 sitting days after the day on which the statement is presented to it, declares by resolution that the Privacy and Data Protection Deputy Commissioner ought to be removed from office.
  - (4) The Governor in Council must remove the suspension and restore the Privacy and Data Protection Deputy Commissioner to office unless each House makes a declaration of the kind specified in subsection (3) within the time specified in that subsection.
  - (5) If the Privacy and Data Protection Deputy Commissioner is suspended from office under subsection (1), the Privacy and Data Protection Deputy Commissioner is taken not to be the Privacy and Data Protection Deputy Commissioner during the period of suspension."
7. Clause 105, lines 21 to 23, omit "and the person holding that office and any person acting in that office go out of office; and" and insert—
- "and the person holding that office is taken to be the Privacy and Data Protection Deputy Commissioner appointed under section 8H—
- (i) for the period equivalent to the remaining period that the person would have held office as the Commissioner for Privacy and Data Protection except for this clause; and
  - (ii) on the terms and conditions, including remuneration, that applied to the person's appointment as the Commissioner for Privacy and Data Protection immediately before the commencement day; and"