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

(Amendments made by the Legislative Council)

1. Clause 2, lines 19 to 31, omit all words and expressions on those lines.

2. Clause 2, line 32, omit "Division 2" and insert "Division 1".

3. Clause 2, page 4, line 5, omit "subsection (2), (3), (4) or (5)" and insert "subsection (2)".

4. Clause 2, page 4, line 6, omit "July" and insert "September".

5. Clause 42, line 12, omit '29A;";' and insert "29A;".

6. Clause 42, after line 12 insert—

    '(ea)   a decision of an agency or a Minister refusing to grant access to a document or refusing to amend a document, or a decision of a principal officer refusing to specify a document in a statement, that is taken to have been made under section 53;";'.

7. Clause 45, after line 23 insert—

    '(2)   In section 53(1) of the Principal Act, for the words and expressions commencing "the principal officer" and ending at the end of the subsection **substitute** "for the purposes of making an application to the Tribunal under section 50(1)(ea), the agency or Minister is taken to have made a decision refusing to grant access to the document in accordance with the request or, in the case of a request under section 39, refusing to amend the document in accordance with the request, on the last day of the relevant period.".

    (3)   After section 53(1) of the Principal Act **insert**—

    "(2) Subject to this section, where—

        (a) a notice has been served on the principal officer under section 12(1); and

        (b) the time period provided in section 12(2) has elapsed; and

        (c) notice of the principal officer's decision has not been received by the applicant—

    for the purposes of making an application to the Tribunal under section 50(1)(ea), the principal officer is taken to have made a decision refusing to specify the document in a statement on the last day of that period.".

(4) In section 53(5) of the Principal Act, for ", other than a decision to grant, without deferment, access to the document in accordance with the request, is given," **substitute** "is given, subject to subsection (5A),".

(5) After section 53(5) of the Principal Act **insert—**

"(5A) Subsection (5) does not apply to—

(a) a decision of the agency or Minister to grant access to the document without deferment; or

(b) in the case of a request under section 39, a decision of the agency or Minister to amend the document in accordance with the request; or

(c) in the case of a notice under section 12(1), a decision of the principal officer to specify the document in a statement.".

(6) Section 53(8) of the Principal Act is **repealed**.'.

8. Clause 64, line 23, omit "Services" and insert "Complaints".

9. Clause 96, line 14, omit "section 8D(1)(e)" and insert "section 8D(1)(d)".

10. Clause 97, line 19, omit "or (h)" and insert "and (i)".

11. Clause 98, line 24, omit "or (h)" and insert "and (i)".

12. Clause 133, omit this clause.

13. Clause 134, omit this clause.

14. Clause 137, line 3, omit "July" and insert "September".

Certified -

Clerk of the Legislative Council