

86/161

LEGISLATIVE RESEARCH SERVICE
DEPARTMENT OF THE PARLIAMENTARY LIBRARY

PRIVACY (CONSEQUENTIAL AMENDMENTS) BILL 1986

Date introduced: 23 October 1986
House: House of Representatives
Presented by: Hon. Lionel Bowen, M.P.,
Attorney-General

DIGEST OF BILL

Purpose

To amend four Acts as a consequence of the introduction of the Privacy Bill 1986.

Background

Refer to the Digest for the Privacy Bill 1986 (No. 86/162).

Main Provisions

Amendments to the Freedom of Information Act 1982.

A new section 27A will be inserted into the Act by clause 5 and will deal with applications for documents relating to peoples personal affairs. Where such an application is made and it appears to the person dealing with the request that a persons whose personal affairs are contained in the document may reasonably wish to contend the disclosure of the document, to the extent that contains such information, that person is to be given an opportunity to make submissions to support their claim. Access is only to be given if a submission is not made within the required time or the Administrative Appeals Tribunal has confirmed the decision to grant access. This amendment will apply to all applications made after the Bill comes into operation and also to any requests pending on that date.

Section 38 of the Act exempts documents that are the subject of secrecy provisions in other laws. Clause 6 will amend this so that the exemption will not apply to

personal information sought by the subject of the information.

A new section 59A will be inserted into the Act to allow people to appeal to the Administrative Appeals Tribunal from a decision made under proposed section 27A (clause 8).

Amendments to the Human Rights and Equal Opportunity
Commission Act 1986

A new sub-section 20(4A) will be inserted into this Act to allow the Commission to transfer matters to the Data Protection Agency (DPA) if it is of the opinion that the DPA could more effectively or conveniently deal with the matter (clause 10).

Amendments to the Merit Protection (Australian
Government Employees) Act 1984

Clause 14 will insert a new sub-section 49(1A) into this Act to allow matters to be referred to the DPA.

Amendments to the Ombudsman Act 1976

Section 6 of this Act will be amended in the same manner that clauses 10 and 14 amend the previous Acts (clause 17).

For further information, if required, contact the Law and Government Group.

6 February 1987

Bills Digest Service
LEGISLATIVE RESEARCH SERVICE

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

© Commonwealth of Australia 1986

Except to the extent of the uses permitted under the Copyright Act 1968, no part of this publication may be reproduced or transmitted in any form or by any means, including information storage and retrieval system, without the prior written consent of the Department of the Parliamentary Library. Reproduction is permitted by Members of the Parliament of the Commonwealth in the course of their official duties.