

Queensland



**PARLIAMENTARY
COMMISSIONER AND
FREEDOM OF
INFORMATION
AMENDMENT BILL 1999**

Queensland



**PARLIAMENTARY COMMISSIONER
AND FREEDOM OF INFORMATION
AMENDMENT BILL 1999**

TABLE OF PROVISIONS

Section		Page
	PART 1—PRELIMINARY	
1	Short title	4
	PART 2—AMENDMENT OF PARLIAMENTARY COMMISSIONER ACT 1974	
2	Act amended in pt 2	4
3	Amendment of s 32 (Strategic review of commissioner)	4
	PART 3—AMENDMENT OF FREEDOM OF INFORMATION ACT 1992	
4	Act amended in pt 3	5
5	Insertion of new ss 108A and 108B	6
	108A Strategic review of commissioner	6
	108B Combining strategic reviews	7

1999

A BILL

FOR

***An Act to amend the Parliamentary Commissioner Act 1974 and the
Freedom of Information Act 1992***

*Parliamentary Commissioner and Freedom of
Information Amendment*

The Parliament of Queensland enacts—

1

PART 1—PRELIMINARY

2

Short title

3

Clause **1.** This Act may be cited as the *Parliamentary Commissioner and Freedom of Information Amendment Act 1999*.

4

5

**PART 2—AMENDMENT OF PARLIAMENTARY
COMMISSIONER ACT 1974**

6

7

Act amended in pt 2

8

Clause **2.** This part amends the *Parliamentary Commissioner Act 1974*.

9

Amendment of s 32 (Strategic review of commissioner)

10

Clause **3.(1)** Section 32(3)—

11

omit, insert—

12

‘**(3)** Each review is to be undertaken by an appropriately qualified person, appointed by the Governor in Council, who is to give a report on the review.¹’

13

14

15

(2) Section 32(8) to (11)—

16

omit, insert—

17

‘**(8)** The person must give a copy of a proposed report on the review to the Minister and the commissioner.’

18

19

¹ A review under this section may be combined with a review under the *Freedom of Information Act 1992*, section 108A: see section 108B of that Act.

*Parliamentary Commissioner and Freedom of
Information Amendment*

- ‘(9) The commissioner may, within 21 days after receiving the proposed report, give the person written comments on anything in the proposed report. 1
2
3
- ‘(10) If the commissioner comments under subsection (9), the person must— 4
5
- (a) if the person and commissioner can agree about how to dispose of a comment—incorporate into the report any agreed amendment necessary to dispose of the comment; or 6
7
8
 - (b) if the person and commissioner can not agree about how to dispose of a comment—include the comment, in full, in the report. 9
10
11
- ‘(11) After complying with subsections (8) and (10), the person must give the report to the Minister and the commissioner. 12
13
- ‘(12) The Minister must table the report in the Legislative Assembly within 3 sitting days after the Minister receives the report. 14
15
- ‘(13) For the *Parliamentary Committees Act 1995*, section 8(2), the report is referred to the parliamentary committee. 16
17
- ‘(14) In this section— 18
- “strategic review” includes— 19
- (a) a review of the commissioner’s functions; and 20
 - (b) a review of the commissioner’s performance of the functions to assess whether they are being performed economically, effectively and efficiently.’. 21
22
23

PART 3—AMENDMENT OF FREEDOM OF INFORMATION ACT 1992 24 25

Act amended in pt 3 26

Clause 4. This part amends the *Freedom of Information Act 1992*. 27

*Parliamentary Commissioner and Freedom of
Information Amendment*

Insertion of new ss 108A and 108B

Clause	5. After section 108—	2
	<i>insert—</i>	3
	‘Strategic review of commissioner	4
	‘108A.(1) Strategic reviews of the commissioner are to be conducted under this section.	5 6
	‘(2) A review is to be conducted at least every 5 years.	7
	‘(3) Each review is to be undertaken by an appropriately qualified person, appointed by the Governor in Council, who is to give a report on the review.	8 9
	‘(4) The terms of reference for the review are to be decided by the Governor in Council.	10 11
	‘(5) Before a person is appointed to conduct a review, the Minister must consult with the parliamentary committee and the commissioner about—	12 13
	(a) the appointment of the person; and	14
	(b) the terms of reference for the review.	15
	‘(6) The remuneration and other terms of appointment of a person appointed to conduct a review are as decided by the Governor in Council.	16 17
	‘(7) In conducting the review—	18
	(a) the person has the powers that an authorised auditor has under the <i>Financial Administration and Audit Act 1977</i> for an audit of an entity; and	19 20 21
	(b) that Act and other Acts apply to the person as if the person were an authorised auditor conducting an audit of an entity.	22 23
	‘(8) The person must give a copy of a proposed report on the review to the Minister and the commissioner.	24 25
	‘(9) The commissioner may, within 21 days after receiving the proposed report, give the person written comments on anything in the proposed report.	26 27 28

*Parliamentary Commissioner and Freedom of
Information Amendment*

‘(10) If the commissioner comments under subsection (9), the person must—	1 2
(a) if the person and commissioner can agree about how to dispose of a comment—incorporate into the report any agreed amendment necessary to dispose of the comment; or	3 4 5
(b) if the person and commissioner can not agree about how to dispose of a comment—include the comment, in full, in the report.	6 7 8
‘(11) After complying with subsections (8) and (10), the person must give the report to the Minister and the commissioner.	9 10
‘(12) The Minister must table the report in the Legislative Assembly within 3 sitting days after the Minister receives the report.	11 12
‘(13) For the <i>Parliamentary Committees Act 1995</i> , section 8(2), the report is referred to the parliamentary committee.	13 14
‘(14) In this section—	15
“strategic review” includes—	16
(a) a review of the commissioner’s functions; and	17
(b) a review of the commissioner’s performance of the functions to assess whether they are being performed economically, effectively and efficiently.	18 19 20
‘Combining strategic reviews	21
‘108B.(1) A strategic review under section 108A may be combined with a strategic review under the <i>Parliamentary Commissioner Act 1974</i> , section 32 ² (the “other review section”) if—	22 23 24
(a) when the review is to be conducted, the commissioner is also the parliamentary commissioner; and ³	25 26

² *Parliamentary Commissioner Act 1974*, section 32 (Strategic review of commissioner)

³ See section 61(2) (Information commissioner)

*Parliamentary Commissioner and Freedom of
Information Amendment*

- (b) the Minister and the Minister administering the other review section agree on a combined review. 1
2
- ‘(2) If the reviews are combined— 3
- (a) compliance with a requirement of section 108A is sufficient 4
compliance with a corresponding requirement of the other review 5
section; and 6
- (b) compliance with a requirement of the other review section is 7
sufficient compliance with a corresponding requirement of 8
section 108A. 9
- ‘(3) However, a copy of the report must be given to both the Minister 10
and the Minister administering the other review section. 11
- ‘(4) If a combined review is started within 6 months after the 12
commencement of this section, consultation undertaken under 13
subsection (5) of the other review section within 6 months before the 14
commencement is sufficient consultation for section 108A(5).’. 15