



Privacy Amendment (Office of the Privacy Commissioner) Act 2000

No. 2, 2000



Privacy Amendment (Office of the Privacy Commissioner) Act 2000

No. 2, 2000

An Act to create the Office of the Privacy Commissioner, and for related purposes

Contents

1	Short title	1
2	Commencement.....	1
3	Schedule(s)	2
Schedule 1—Office of the Privacy Commissioner		3
Part 1—Privacy Act 1988		3
Part IV—Office of the Privacy Commissioner		3
Division 1—Office of the Privacy Commissioner		3
19	Establishment of the Office of the Privacy Commissioner	3
26A	Staff and consultants.....	3
Part 2—Human Rights and Equal Opportunity Commission Act 1986		5
Part 3—Transitional		6
Schedule 2—Consequential amendment		7
<i>Crimes Act 1914</i>		7



Privacy Amendment (Office of the Privacy Commissioner) Act 2000

No. 2, 2000

An Act to create the Office of the Privacy Commissioner, and for related purposes

[Assented to 29 February 2000]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Privacy Amendment (Office of the Privacy Commissioner) Act 2000*.

2 Commencement

- (1) Subject to subsection (2), this Act commences on a day to be fixed by Proclamation.

-
- (2) If this Act does not commence under subsection (1) within the period of 6 months beginning on the day on which this Act receives the Royal Assent, it commences on the first day after the end of that period.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Office of the Privacy Commissioner

Part 1—Privacy Act 1988

1 Part IV (heading)

Repeal the heading, substitute:

Part IV—Office of the Privacy Commissioner

2 Division 1 of Part IV (heading)

Repeal the heading, substitute:

Division 1—Office of the Privacy Commissioner

19 Establishment of the Office of the Privacy Commissioner

- (1) The Office of the Privacy Commissioner is established by this section.
- (2) The Office of the Privacy Commissioner consists of the Privacy Commissioner and the staff as mentioned in section 26A.

3 Section 19 (last occurring)

Re-number as section 19A.

4 After section 26

Insert:

26A Staff and consultants

- (1) The staff necessary to assist the Commissioner must be persons appointed or employed under the *Public Service Act 1922*.
- (2) The Commissioner has all the powers of, or exercisable by, a Secretary under that Act, so far as those powers relate to the branch of the Australian Public Service comprising the staff mentioned in subsection (1), as if that branch were a separate Department of the Australian Public Service.

- (3) The Commissioner may engage as consultants persons with suitable qualifications and experience. The terms and conditions on which a consultant is engaged are as determined by the Commissioner.

5 Paragraph 36(4)(a)

Omit “Human Rights and Equal Opportunity Commission”, substitute “Commissioner”.

6 Paragraph 83(a)

Omit “Commission”, substitute “Commissioner”.

7 Section 96

Omit “the staff referred to in section 43 of the *Human Rights and Equal Opportunity Commission Act 1986*” (wherever occurring), substitute “his or her staff”.

8 Section 96

Before “on behalf of” (wherever occurring), insert “for or”.

9 At the end of subsection 96(1) (after the penalty)

Add:

Note: This subsection and subsection (2) also apply to persons who were members of the staff of the Commission at any time before the separate Office of the Privacy Commissioner was established: see Part 3 of Schedule 1 to the *Privacy Amendment (Office of the Privacy Commissioner) Act 2000*.

10 Section 99

Omit “the staff of the Human Rights and Equal Opportunity Commission”, substitute “his or her staff”.

Part 2—Human Rights and Equal Opportunity Commission Act 1986

11 At the end of paragraph 8(1)(d)

Add “and”.

12 Paragraph 8(1)(e)

Repeal the paragraph.

13 Subsection 8(7)

Omit “, Privacy Commissioner”.

14 Section 43A

Omit “staff and”.

Note: The heading to section 43A is altered by omitting “**staff and**”.

Part 3—Transitional

15 Section 96 still applies to pre-commencement staff

Despite the amendment of section 96 of the *Privacy Act 1988* by item 7 of this Schedule, that section continues to apply, in relation to persons who, at any time before this item commenced, were staff referred to in section 43 of the *Human Rights and Equal Opportunity Commission Act 1986*, as if the amendment had not been made.

Note: Section 96 of the *Privacy Act 1988* is about non-disclosure of private information.

Schedule 2—Consequential amendment

Crimes Act 1914

1 Subsection 85ZZA(3)

Omit “staff of the Human Rights and Equal Opportunity Commission”,
substitute “Privacy Commissioner’s staff”.

*[Minister’s second reading speech made in—
House of Representatives on 9 December 1998
Senate on 10 March 1999]*

(239/98)