

2000
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Moore)

Executive Documents Release Bill 2000

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Job No: 2000/041

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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Executive Documents Release Bill 2000

A BILL

FOR

An Act to require the publication of certain executive documents

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Executive Documents Release Act 2000*.

5 2 Commencement

This Act commences on a day fixed by the Minister by notice in the Gazette.

Note 1 The provisions of an Act providing for its name and commencement automatically commence on the date of notification of the Act (see *Interpretation Act 1967*, s 10B).

Note 2 A single day or time may be fixed, or different days or times may be fixed for different provisions (see *Interpretation Act 1967*, s 10C (1)).

Note 3 If a provision has not commenced within 6 months beginning on the date of notification of the Act, it automatically commences on the first day after that period (see *Interpretation Act 1967*, s 10E (2)).

3 Definitions

In this Act, the following definitions apply:

Assembly means the Legislative Assembly or a committee of the Legislative Assembly nominated by the Speaker for this Act.

Executive includes a committee of the Executive.

executive document means—

(a) an official record of a meeting of the Executive; or

(b) a document that was—

(i) formally submitted by a Minister to a meeting of the Executive for its consideration in relation to a matter on the official record; and

(ii) created for that purpose; or

(c) part of a document mentioned in paragraph (a) or (b).

release day, of an executive document—

(a) if no determination under section 6 or 7 applies to the document—the *release day* is the later of—

(i) the 11 May of the 11th calendar year after the calendar year of the submission day; and

(ii) the day 8 weeks after the commencement of this Act; and

(b) if a determination under section 6 or 7 applies to the document—the *release day* is the day set by that section.

submission day, of an executive document, means the day of the meeting of the Executive to which the document relates.

4 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See *Interpretation Act 1967*, s 12 (1), (4)-(5) for the legal status of notes.

5 An executive document must be released on its release day

The chief executive must arrange for the public release of an executive document on its release date.

6 Release day may be delayed in the public interest

- 5 (1) Before the release day of an executive document (the *current release day*), the chief executive must assess whether it contains any information that would, if released on the current release day—
- (a) adversely affect relations with the government of the Commonwealth or of a State; or
 - 10 (b) be significantly detrimental to the public interest or the interests of the Territory.
- (2) If the chief executive is satisfied that it does contain such information, he or she may determine that the part of the document that contains the information (the *excluded part*) has a later release day.
- 15 (3) The determination must—
- (a) state the reasons for making the determination; and
 - (b) specify the later release day for the excluded part, or the way in which a release day is to be calculated.
- (4) A copy of the determination must be kept with the excluded part, and be released with it on its release day.
- 20 (5) The determination takes effect immediately before the current release day.
- (6) The determination—
- 25 (a) must be laid before the Assembly within 6 sitting days after the current release day; and
 - (b) ceases to have effect 3 months after the current release day if it is not ratified by a resolution of the Assembly.
- (7) The release day of the excluded part is the earliest of the following:
- 30 (a) the release day in accordance with the determination;
 - (b) the day 5 years after the current release day;
 - (c) the 11 May of the calendar year 21 years after the calendar year of the submission day of the excluded part;
 - (d) if the determination ceases to have effect because of paragraph (6)(b)—the day it ceases to have effect.

7 Protection of individual privacy

(1) Before the release day of an executive document (the *current release day*), the chief executive must assess whether it contains any information that would, if released on the current release day, constitute an unreasonable breach of an individual's privacy.

(2) If the chief executive is satisfied that it does contain such information, he or she may determine that the part of the document that contains the information (the *excluded part*)—

- (a) has a later release day; or
- (b) is not an executive document.

(3) The determination must state the reasons for making the determination.

(4) A copy of the determination must be kept with the excluded part.

(5) If the excluded part remains an executive document—

- (a) the determination must specify the later release date for the excluded part, or the way in which a release date is to be calculated; and
- (b) the determination must be released with the document on its release day; and
- (c) its release day is the release day in accordance with the direction.

8 No liability for complying with Act

The Territory is not liable to any person for anything done in good faith to comply with this Act.

9 Regulation-making powers

The Executive may make regulations for this Act.