

2008

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Attorney-General)

## Freedom of Information Amendment Bill 2008 (No 2)

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# **Freedom of Information Amendment Bill 2008 (No 2)**

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## **A Bill for**

An Act to amend the *Freedom of Information Act 1989*

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

**1 Name of Act**

This Act is the *Freedom of Information Amendment Act 2008 (No 2)*.

**2 Commencement**

- (1) This Act (other than section 19) commences on the day after this Act's notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

- (2) Section 19 commences immediately after the commencement of the *ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 (No 2)*, amendment 1.195.

**3 Legislation amended**

This Act amends the *Freedom of Information Act 1989*.

**4 Pt 3 not to apply to certain documents  
New section 11 (1A)**

*insert*

- (1A) A person is not entitled to obtain access under this part to any of the following documents:

- (a) a document prepared for a Minister newly appointed to a portfolio for the purpose of giving information and advice about the Minister's portfolio responsibilities;
- (b) a document prepared by or for a Minister for the purpose of accounting to the Legislative Assembly for the previous and proposed spending of appropriations by agencies within the Minister's portfolio;

- (c) a notebook or similar document (the *Cabinet notebook*) containing notes of any discussion or deliberation taking place in a meeting of the Executive or of a committee of the Executive, made in the course of the discussion or deliberation by, or under the authority of, the Secretary to the Executive;
- (d) a document prepared by or for a Minister for the purpose of assisting the Minister to answer questions in the Legislative Assembly.

**5 Executive documents**  
**Section 35 (1), new note**

*insert*

*Note* Access to the Cabinet notebook is excluded under s 11 (1A) (c).

**6 Section 35 (3) to (6)**

*omit*

**7 Internal working documents**  
**Section 36 (3), (4) and (8)**

*omit*

**8 Certificates—acknowledgement about existence of documents not required**  
**Section 58 (a)**

*omit*

, section 35 (5)

**9 Powers of tribunal**  
**Section 62 (3)**

*omit*

, section 35, section 36

1	<b>10</b>	<b>Section 62 (4)</b>
2		<i>omit</i>
3		, section 35
4	<b>11</b>	<b>Section 62 (5)</b>
5		<i>omit</i>
6	<b>12</b>	<b>Section 63 heading</b>
7		<i>substitute</i>
8	<b>63</b>	<b>Proceedings on exercise of certain powers</b>
9	<b>13</b>	<b>Section 63 (1)</b>
10		<i>omit</i>
11		section 62 (4), (5) or (6)
12		<i>substitute</i>
13		section 62 (4) or (6)
14	<b>14</b>	<b>Section 63 (2) (a)</b>
15		<i>omit</i>
16		, section 35 (3), section 35 (5)
17	<b>15</b>	<b>Section 63 (8)</b>
18		<i>omit</i>
19		, section 35, section 36

1	<b>16</b>	<b>Section 63 (9)</b>
2		<i>substitute</i>
3	(9)	In this section:
4		<b>appropriate Minister</b> , for a document for which a certificate is in
5		force under section 34 or section 37A, means the Minister who
6		gave, or whose delegate gave, the certificate.
7	<b>17</b>	<b>Section 64 heading</b>
8		<i>substitute</i>
9	<b>64</b>	<b>Constitution of tribunal for certain proceedings</b>
10	<b>18</b>	<b>Section 64</b>
11		<i>omit</i>
12		section 62 (4), (5) or (6)
13		<i>substitute</i>
14		section 62 (4) or (6)
15	<b>19</b>	<b>Section 64 (1)</b>
16		<i>omit</i>
17		section 62 (4), (5) or (6)
18		<i>substitute</i>
19		section 62 (4) or (5)
20	<b>20</b>	<b>Hearing of certain proceedings before the tribunal</b>
21		<b>Section 65 (2) (a) (iv)</b>
22		<i>omit</i>
23		, section 35

1	<b>21</b>	<b>Section 65 (2) (a) (v)</b>
2		<i>omit</i>
3	<b>22</b>	<b>Production to the tribunal of documents in relation to</b>
4		<b>which a certificate has been issued</b>
5		<b>Section 67 (1)</b>
6		<i>omit</i>
7		, section 35, section 36
8	<b>23</b>	<b>Section 67 (2)</b>
9		<i>omit</i>
10		section 62 (4), (5) or (6)
11		<i>substitute</i>
12		section 62 (4) or (6)
13	<b>24</b>	<b>Parties</b>
14		<b>Section 70 (c)</b>
15		<i>omit</i>
16		section 62 (4), (5) or (6)
17		<i>substitute</i>
18		section 62 (4) or (6)
19	<b>25</b>	<b>Production of exempt documents</b>
20		<b>Section 74 (5)</b>
21		<i>omit</i>
22		section 62 (4), (5) or (6)
23		<i>substitute</i>
24		section 62 (4) or (6)



1	<b>26</b>	<b>Section 74 (5) (a)</b>
2		<i>omit</i>
3		, section 35, section 36
4	<b>27</b>	<b>Section 74 (6)</b>
5		<i>omit</i>
6		section 35 (4), section 36 (4) or
7	<b>28</b>	<b>Evidence of certificates</b>
8		<b>Section 75</b>
9		<i>omit</i>
10		, section 35, section 36

## Endnotes

- Presentation speech**  
Presentation speech made in the Legislative Assembly on 2008.
- Notification**  
Notified under the Legislation Act on 2008.
- Republications of amended laws**  
For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).