



AUSTRALIAN CAPITAL TERRITORY

# Freedom of Information (Amendment) Act 1996

No. 30 of 1996

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

*[Notified in ACT Gazette S140: 28 June 1996]*

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

### **Short title**

1. This Act may be cited as the *Freedom of Information (Amendment) Act 1996*.

### **Commencement**

2. This Act commences on the day on which it is notified in the *Gazette*.

### **Principal Act**

3. In this Act, “Principal Act” means the *Freedom of Information Act 1989*.<sup>1</sup>

### **Interpretation**

**4.** Section 4 of the Principal Act is amended—

- (a) by omitting paragraph (e) from the definition of “prescribed authority” in subsection (1) and substituting the following paragraph:
  - “(e) a Territory owned corporation or a subsidiary within the meaning of the *Territory Owned Corporations Act 1990*”;
- (b) by adding at the end of paragraph (a) of the definition of “principal officer” in subsection (1) “or”;
- (c) by omitting from paragraph (b) of the definition of “principal officer” in subsection (1) “other than ACTEW Corporation Limited”;
- (d) by omitting from subparagraph (b) (i) of the definition of “principal officer” in subsection (1) “or” (last occurring);
- (e) by inserting after subparagraph (b) (i) of the definition of “principal officer” in subsection (1) the following subparagraph:
  - “(ia) in the case of a Territory owned corporation or a subsidiary within the meaning of the *Territory Owned Corporations Act 1990*—the chief executive officer of the corporation or subsidiary; or”;
- (f) by omitting from subparagraph (b) (ii) of the definition of “principal officer” in subsection (1) “or” (last occurring); and
- (g) by omitting paragraph (c) of the definition of “principal officer” in subsection (1).

### **Exemption of certain bodies**

**5.** Section 6 of the Principal Act is amended by inserting at the beginning the following:

“(1) A Territory owned corporation or a subsidiary within the meaning of the *Territory Owned Corporations Act 1990* is exempt from the operation of this Act in relation to documents in respect of its competitive commercial activities.

“(2)”.

### **Certain documents to be available for inspection and purchase**

**6.** Section 8 of the Principal Act is amended—

- (a) by omitting from subsection (5) “The report of the Minister under section 79” and substituting “A report of a responsible Minister under subsection 79 (2)”;

- (b) by omitting from subsection (5) “agencies” and substituting “each agency for which that Minister has responsibility”.

### **Internal review**

7. Section 59 of the Principal Act is amended—

- (a) by omitting from paragraph (1) (a) “or” (last occurring); and
- (b) by omitting paragraph (1) (b) and substituting the following paragraphs:

“(b) a decision, in relation to a charge (not being an application fee) in respect of a request for access to a document or in respect of the provision of access to a document—

- (i) that the applicant is liable to pay the charge;
  - (ii) as to the amount of the charge; or
  - (iii) not to remit all or part of the charge; or
- (c) a decision not to remit all or part of an application fee in respect of an application under subsection 14 (1) or under this subsection;”.

### **Applications to Tribunal**

8. Section 60 of the Principal Act is amended by omitting paragraph (1) (c) and substituting the following paragraph:

“(c) a decision of the kind referred to in paragraph 59 (1) (b) or (c).”.

### **Reports to Legislative Assembly**

9. Section 79 of the Principal Act is amended—

- (a) by omitting paragraph (1) (b) and substituting the following paragraph:

“(b) cause that report to be included in the report referred to in section 7 of the *Annual Reports (Government Agencies) Act 1995* in respect of the administrative unit having responsibility for this Act.”;

- (b) by omitting subsections (2) and (3) and substituting the following subsections:

“(2) Each responsible Minister shall—

- (a) as soon as practicable after 30 June in each year, prepare a report on the operation of this Act in relation to that Minister’s official documents and in relation to each agency for which that Minister is responsible, during the year ended on that 30 June; and

- (b) cause that report to be laid before the Legislative Assembly within the period within which a report under section 7 of the *Annual Reports (Government Agencies) Act 1995* relating to a reporting period ending on that 30 June must be laid before the Legislative Assembly.

“(3) Each responsible Minister shall, in relation to that Minister’s official documents and in relation to each agency for which that Minister is responsible, give to the Minister, on or before the date specified by the Minister, such information as the Minister requires for the preparation of a report under subsection (1).

“(3A) A report under subsection (1) shall set out—

- (a) the number of requests under section 18 for access to documents received during the year by each agency and each responsible Minister;
- (b) the number of requests under section 48 for the amendment of personal records received during the year by each agency and each responsible Minister;
- (c) the number of requests under section 18 for access to documents, and the number of requests under section 48 for the amendment of personal records, received during the year by each agency and each responsible Minister, in relation to which a decision was notified—
  - (i) less than 31 days;
  - (ii) not less than 31 days and not more than 45 days;
  - (iii) not less than 46 days and not more than 60 days;
  - (iv) not less than 61 days and not more than 90 days;  
or
  - (v) more than 90 days;after the day on which the request was received by or on behalf of the agency or Minister;
- (d) an identification of the guidelines, if any, issued during the year in relation to the manner in which agencies or responsible Ministers should comply with their obligations under this Act; and
- (e) a description of any other efforts to assist agencies or responsible Ministers to comply with their obligations under this Act.”;

*Freedom of Information (Amendment) No. 30, 1996*

- (c) by omitting from subsection (4) all the words from and including “Without” to and including “shall” and substituting “A report under subsection (2) shall”;
- (d) by omitting from paragraph (4) (a) all the words from and including “of each agency” to and including “Minister” (last occurring) and substituting “of the agency and responsible Minister under this Act during the year, including”;
- (e) by omitting paragraphs (4) (b) and (c); and
- (f) by omitting subsection (6).

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**NOTE**

**Principal Act**

1. Reprinted as at 31 January 1995. See also Acts Nos. 7 and 25, 1995; No. 17, 1996.

*[Presentation speech made in Assembly on 18 June 1996]*

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