

2008

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

FREEDOM OF INFORMATION AMENDMENT BILL 2008

EXPLANATORY STATEMENT

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Freedom of Information Amendment Bill 2008

Outline

The *Freedom of Information Amendment Bill 2008* would amend the *Freedom of Information Act 1989* to remove the use of conclusive certificates as a means for ministers or their “principal officer” delegates to exempt internal working documents or documents relating to Commonwealth/State relations and for chief executives to exempt executive documents from the FOI process.

The Bill would also make a range of consequential amendments to the Act.

Freedom of Information Amendment Bill 2008

Detail

Clause 1 — Name of Act

The short title of the Act – *Freedom of Information Amendment Act 2008*.

Clause 2 — Commencement

Provides for the Act, except for section 21, to commence the day after it is notified on the Legislation Register.

Section 21 commences after the commencement of the *ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 (No 2)*.

Clause 3 — Legislation amended

Notes that this Act amends the *Freedom of Information Act 1989*.

Clause 4 — Documents affecting relations with Commonwealth and States

This clause omits paragraphs 34(2) to (4) of the Act. These paragraphs give the minister the power to certify that a document affecting relations between the Commonwealth and the states and territories, for the reasons stated in section 34(1), is an exempt document.

The clause also omits paragraph 34(6), which permits the minister to delegate to the “principal officer” of the relevant agency the power to issue conclusive certificates.

Clause 5 – Executive documents

This clause omits paragraphs 35(3) to (6) of the Act. These paragraphs give the chief executive the power to certify that an executive document, for the reasons stated in section 35(1), is an exempt document.

Clause 6 – Internal working documents

This clause omits paragraphs 36(3) and (4) of the Act. These paragraphs give the minister the power to certify that an internal working document, for the reasons stated in section 36(1), is an exempt document.

The clause also omits paragraph 36(8), which permits the minister to delegate to the “principal officer” of the relevant agency the power to issue conclusive certificates.

Clauses 7 to 33

These clauses contain a series of amendments consequential upon the amendments outlined above.