



Australian Capital Territory

# **Freedom of Information Regulation 1991**

**SL1991-3**

made under the

**Freedom of Information Act 1989**

**Republication No 7**

**Effective: 1 July 2011 – 30 August 2011**

Republication date: 1 July 2011

Last amendment made by A2011-22

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Freedom of Information Regulation 1991*, made under the *Freedom of Information Act 1989* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 July 2011. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 1 July 2011.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$110 for an individual and \$550 for a corporation (see *Legislation Act 2001*, s 133).



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Australian Capital Territory

# Freedom of Information Regulation 1991

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## **1 Name of regulation**

This regulation is the *Freedom of Information Regulation 1991*.

### **1A Dictionary**

The dictionary at the end of this regulation is part of this regulation.

*Note 1* The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition '*non-presidential member*—see the *ACT Civil and Administrative Tribunal Act 2008*, dictionary.' means that the term 'non-presidential member' is defined in that Act and the definition applies to this regulation.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see *Legislation Act*, s 155 and s 156 (1)).

### **1B Notes**

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

*Note* See the *Legislation Act*, s 127 (1), (4) and (5) for the legal status of notes.

## **2 Prescribed authorities**

For the Act, dictionary, definition of *prescribed authority*, paragraph (b), a body specified in schedule 1 is declared to be a prescribed authority for the Act.

### **2A Prescribed authorities—tribunals etc—Act, s 5 (1), (2) and (3)**

- (1) A tribunal, authority or body mentioned in schedule 1A, column 2 is a prescribed authority for the Act.

- (2) The holder of an office mentioned in column 3 in relation to a tribunal, authority or body is not a prescribed authority for the Act.
- (3) A registry or other office, and the staff of the registry or other office, mentioned in column 4 in relation to a tribunal, authority or body are taken to be part of the tribunal, authority or body.

**3 Exemption of bodies and agencies in relation to documents**

For the Act, section 6 (4), an agency specified in schedule 2 is exempt from the operation of the Act in relation to the documents mentioned in the schedule in relation to the agency.

## **Schedule 1      Prescribed authorities**

(see s 2)

ACTTAB Limited



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## Schedule 1A Prescribed authorities— tribunals etc

(see s 2A)

<b>column 1 item</b>	<b>column 2 tribunal, authority or body</b>	<b>column 3 holder of office of tribunal authority or body</b>	<b>column 4 registry or other office of tribunal, authority or body</b>
1	ACAT	presidential member, non-presidential member	registry of ACAT

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## Schedule 2      Agencies exempt in respect of particular documents

(see s 3)

- 1      ACTTAB Limited in relation to documents in relation to its competitive commercial activities
- 2      The government solicitor, in relation to documents of the government solicitor that relate to the government solicitor acting as legal practitioner under the *Government Solicitor Act 1989*.
- 3      The Justice and Community Safety Directorate, in relation to documents of the government solicitor that relate to the government solicitor acting as legal practitioner under the *Government Solicitor Act 1989*.

## Dictionary

(see s 1A)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this regulation.

*Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- ACAT
- body.

***non-presidential member***—see the *ACT Civil and Administrative Tribunal Act 2008*, dictionary.

***presidential member***—see the *ACT Civil and Administrative Tribunal Act 2008*, dictionary.

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

### 3 Legislation history

This regulation was originally the *Freedom of Information Regulations*. It was renamed under the *Legislation Act 2001*.

Before 12 September 2001, regulations commenced on their notification day unless otherwise stated (see *Subordinate Laws Act 1989* s 6).

#### **Freedom of Information Regulation 1991 SL 1991 No 3**

notified 13 February 1991 (Gaz 1991 No 6)

commenced 13 February 1991

as amended by

#### **Freedom of Information Amendment Regulation 2006 (No 1) SL2006-56**

notified LR 14 December 2006

s 1, s 2 commenced 14 December 2006 (LA s 75 (1))

remainder commenced 15 December 2006 (s 2)

#### **Statute Law Amendment Act 2007 A2007-3 sch 3 pt 3.49**

notified LR 22 March 2007

s 1, s 2 taken to have commenced 1 July 2006 (LA s 75 (2))

sch 3 pt 3.49 commenced 12 April 2007 (s 2 (1))

#### **ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 A2008-36 sch 1 pt 1.25**

notified LR 4 September 2008

s 1, s 2 commenced 4 September 2008 (LA s 75 (1))

sch 1 pt 1.25 commenced 2 February 2009 (s 2 (1) and see ACT Civil and Administrative Tribunal Act 2008 A2008-35, s 2 (1) and CN2009-2)

#### **Administrative (One ACT Public Service Miscellaneous Amendments) Act 2011 A2011-22 sch 1 pt 1.68**

notified LR 30 June 2011

s 1, s 2 commenced 30 June 2011 (LA s 75 (1))

sch 1 pt 1.68 commenced 1 July 2011 (s 2 (1))

### 4 Amendment history

#### **Name of regulation**

s 1 am R2 LA; R3 LA

**Dictionary**

s 1A ins A2008-36 amdt 1.275

**Notes**

s 1B ins A2008-36 amdt 1.275

**Prescribed authorities**

s 2 am A2007-3 amdt 3.275

**Prescribed authorities—tribunals etc—Act, s 5 (1), (2) and (3)**

s 2A ins A2008-36 amdt 1.276

**Exemption of bodies and agencies in relation to documents**

s 3 sub SL2006-56 s 4

**Prescribed authorities—tribunals etc**

sch 1A ins A2008-36 amdt 1.277

**Agencies exempt in respect of particular documents**

sch 2 am SL2006-56 s 5; items renum R4 LA; A2011-22 amdt 1.213

**Dictionary**

dict ins A2008-36 amdt 1. 278

def *non-presidential member* ins A2008-36 amdt 1.278def *presidential member* ins A2008-36 amdt 1.278**5 Earlier republications**

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	not amended	31 August 1991
2	not amended	30 November 2001
3	not amended	2 November 2004
4	SL2006-56	15 December 2006
5	A2007-3	12 April 2007
6	A2008-36	2 February 2009

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