



Australian Capital Territory

Freedom of Information Regulation 1991

SL1991-3

made under the

Freedom of Information Act 1989

Republication No 12

Effective: 10 November 2016 – 31 December 2017

Republication date: 10 November 2016

Last amendment made by [SL2016-32](#)

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 10 November 2016. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 10 November 2016.

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):

- 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). 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 \$150 for an individual and \$750 for a corporation (see *Legislation Act 2001*, s 133).



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R12
10/11/16

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Freedom of Information Regulation 1991

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[Freedom of Information Act 1989](#)

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.

2B Regulator and Board not prescribed authorities—Act, dict, def *prescribed authority*, par (a) (ii)

- (1) The Regulator and Board are not prescribed authorities.
- (2) In this section:

Board—see the *Heavy Vehicle National Law (ACT)*, section 5.

Regulator—see the *Heavy Vehicle National Law (ACT)*, section 5.

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

Schedule 1A Prescribed authorities— tribunals etc

(see s 2A)

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

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 *Law Officers Act 2011*.
- 3 The Justice and Community Safety Directorate, in relation to documents of the government solicitor mentioned in item 2.
- 4 The solicitor-general—
 - (a) in relation to documents of the solicitor-general that relate to the solicitor-general's functions as counsel under the *Law Officers Act 2011*; and
 - (b) if exercising the chief solicitor's functions—in relation to documents of the government solicitor that relate to the government solicitor acting as legal practitioner under that Act.

Note Under the *Law Officers Act 2011*, s 17 (1) (c), the Attorney-General may direct the solicitor-general to exercise the chief solicitor's functions.
- 5 The Justice and Community Safety Directorate, in relation to documents of the solicitor-general mentioned in item 4.
- 6 The Justice and Community Safety Directorate in relation to documents relating to a court unless the documents relate to matters of an administrative nature.
- 7 The auditor-general in relation to documents of the auditor-general that relate to functions given to the auditor-general under the *Auditor-General Act 1996*.

-
- 8 The Justice and Community Safety Directorate in relation to documents given or produced in relation to the independent inquiry into the management of the custody and care of detainee Steven Freeman at the Alexander Maconochie Centre, conducted by Mr Philip Moss AM, unless the documents relate to matters of an administrative nature.

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 are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

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 SL1991-3

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))

Law Officers Act 2011 A2011-30 sch 1 pt 1.2

notified LR 29 August 2011

s 1, s 2 commenced 29 August 2011 (LA s 75 (1))

sch 1 pt 1.2 commenced 31 August 2011 (s 2 and [CN2011-9](#))

**Heavy Vehicle National Law (Consequential Amendments) Act 2013
A2013-52 pt 2**

notified LR 9 December 2013
s 1, s 2 commenced 9 December 2013 (LA s 75 (1))
pt 2 commenced 10 February 2014 (s 2 and see [Heavy Vehicle National Law \(ACT\) Act 2013 A2013-51](#), s 2 (1) and [CN2014-2](#))

Courts Legislation Amendment Act 2015 (No 2) A2015-52 pt 9

notified LR 26 November 2015
s 1, s 2 commenced 26 November 2015 (LA s 75 (1))
pt 9 commenced 10 December 2015 (s 2 (2))

Freedom of Information Amendment Regulation 2016 (No 1) SL2016-3

notified LR 15 February 2016
s 1, s 2 commenced 15 February 2016 (LA s 75 (1))
remainder commenced 16 February 2016 (s 2)

**Freedom of Information Amendment Regulation 2016 (No 2)
SL2016-32**

notified LR 9 November 2016
s 1, s 2 commenced 9 November 2016 (LA s 75 (1))
remainder commenced 10 November 2016 (s 2)

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

Regulator and Board not prescribed authorities—Act, dict, def *prescribed authority*, par (a) (ii)

s 2B ins [A2013-52](#) s 5

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; [A2011-30](#) amdt 1.2; [A2015-52](#) s 27; [SL2016-3](#) s 4; [SL2016-32](#) s 4

Dictionary

dict ins [A2008-36](#) amdt 1.278
def *non-presidential member* ins [A2008-36](#) amdt 1.278
def *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
7	A2011-22	1 July 2011
8	A2011-30	31 August 2011
9	A2013-52	10 February 2014
10	A2015-52	10 December 2015
11	SL2016-3	16 February 2016

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