



Australian Capital Territory

# Freedom of Information Amendment Act 2009

A2009-2

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J2008-826

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Australian Capital Territory

# Freedom of Information Amendment Act 2009

A2009-2

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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 2009*.

**2 Commencement**

- (1) This Act (other than section 23) 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 23 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 a notebook or similar document (the *Cabinet notebook*) containing notes of any discussion or deliberation taking place at 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.

**5 Documents affecting relations with Commonwealth and States  
Section 34 (2) to (4) and (6)**

*omit*

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

*insert*

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

**7 Executive documents  
Section 35 (3) to (6)**

*omit*

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

*omit*

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

*omit*

section 34 (4), section 35 (5) or

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

*omit*

section 34, section 35, section 36 or

**11 Section 62 (4)**

*omit*

section 34, section 35 or

**12 Section 62 (5)**

*omit*

**13 Section 62 (6)**

*omit*

section 34 (4) or

**14 Section 62 (6)**

*omit*

section 34 (1) or

**15 Section 63 heading**

*substitute*

**63 Proceedings on exercise of certain powers**

**16 Section 63 (1)**

*omit*

section 62 (4), (5) or (6)

*substitute*

section 62 (4) or (6)

**17 Section 63 (2) (a)**

*omit*

section 34 (2), section 35 (3), section 35 (5) or

**18 Section 63 (2) (b)**

*omit*

section 34 (4) or

**19 Section 63 (8)**

*omit*

section 34, section 35, section 36 or

**20 Section 63 (9)**

*substitute*

(9) In this section:

***appropriate Minister***, for a document for which a certificate is in force under section 37A, means the Minister who gave, or whose delegate gave, the certificate.

**21 Section 64 heading**

*substitute*

**64 Constitution of tribunal for certain proceedings**

**22 Section 64**

*omit*

section 62 (4), (5) or (6)

*substitute*

section 62 (4) or (6)

**23 Section 64 (1)**

*omit*

section 62 (4), (5) or (6)

*substitute*

section 62 (4) or (5)

**24      Hearing of certain proceedings before the tribunal  
Section 65 (2) (a) (iv)**

*omit*

section 34 (2), section 35 or

**25      Section 65 (2) (a) (v)**

*omit*

**26      Section 65 (2) (a) (vi)**

*omit*

section 34 (4) or

**27      Section 65 (2) (a) (vi)**

*omit*

section 34 or

**28      Production to the tribunal of documents in relation to  
which a certificate has been issued  
Section 67 (1)**

*omit*

section 34, section 35, section 36 or

**29      Section 67 (2)**

*omit*

section 62 (4), (5) or (6)

*substitute*

section 62 (4) or (6)



**30 Parties  
Section 70 (c)**

*omit*

section 62 (4), (5) or (6)

*substitute*

section 62 (4) or (6)

**31 Production of exempt documents  
Section 74 (5)**

*omit*

section 62 (4), (5) or (6)

*substitute*

section 62 (4) or (6)

**32 Section 74 (5) (a)**

*omit*

section 34, section 35, section 36 or

**33 Section 74 (5) (b)**

*omit*

section 34 (4) or

**34 Section 74 (6)**

*omit*

section 35 (4), section 36 (4) or

**35 Evidence of certificates  
Section 75**

*omit*

section 34, section 35, section 36 or

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**Endnotes**

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 10 December 2008.

**2 Notification**

Notified under the Legislation Act on 18 February 2009.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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I certify that the above is a true copy of the Freedom of Information Amendment Bill 2009, which originated in the Legislative Assembly as the Freedom of Information Amendment Bill 2008 and was passed by the Assembly on 11 February 2009.

Clerk of the Legislative Assembly

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