



TASMANIA

FREEDOM OF INFORMATION AMENDMENT ACT 1992

No. 61 of 1992

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**FREEDOM OF INFORMATION AMENDMENT ACT 1992**

No. 61 of 1992

AN ACT to amend the *Freedom of Information Act 1991***[Royal Assent 21 December 1992]**

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title

1—This Act may be cited as the *Freedom of Information Amendment Act 1992*.

Commencement

2—This Act commences on 1 January 1993.

Principal Act

3—In this Act, the *Freedom of Information Act 1991** is referred to as the Principal Act.

Section 22 amended (Reasons, &c., to be given)

4—Section 22 (1) of the Principal Act is amended by omitting “contained in a record in the possession of an agency or of a Minister” and substituting “made to an agency or a Minister”.

Section 24 amended (Cabinet information)

5—Section 24 (3) of the Principal Act is amended by omitting “to the Cabinet” and substituting “of the responsible Department in relation to the *Constitution Act 1934*”.

Section 26 amended (Information communicated by other States, &c.)

6—Section 26 of the Principal Act is amended as follows:—

(a) by inserting the following subsection after subsection (1):—

(1A) Information is exempt information if—

(a) the information was communicated to—

(i) the Government or an authority of this State; or

(ii) a person on behalf of the Government or an authority of this State—

by—

(iii) the Government or an authority of the Commonwealth or of another State; or

(iv) a person on behalf of the Government or an authority of the Commonwealth or of another State; and

* No. 22 of 1991.

(b) notice has been received from the Government or an authority of the Commonwealth or of the other State that the information is exempt information under, as the case may be, a corresponding law of the Commonwealth or of the other State.

(b) by omitting subsection (2) and substituting the following subsection:—

(2) In this section—

“**corresponding law**” means a law of the Commonwealth or of another State that is declared by the regulations to be a law that corresponds to this Act;

“**State**” includes the Northern Territory and the Australian Capital Territory.

Section 31 amended (Information relating to trade secrets, &c., of undertakings)

7—Section 31 (1) of the Principal Act is amended by omitting paragraph (a) and substituting the following paragraph:—

(a) the information relates to trade secrets; or

Section 32 amended (Information relating to trade secrets, &c., of agency)

8—Section 32 of the Principal Act is amended by omitting paragraph (a) and substituting the following paragraph:—

(a) if it is—

(i) a trade secret of an agency; or

(ii) in the case of an agency engaged in trade or commerce—information of a business, commercial or financial nature that would, if disclosed under this Act, be likely to expose the agency to competitive disadvantage; or

Section 35A inserted

9—After section 35 of the Principal Act, the following section is inserted:—

Information likely to threaten endangered species, &c.

35A—Information is exempt information if its disclosure would be likely to—

- (a) threaten the survival of a rare or endangered species of flora or fauna; or
- (b) prejudice any measures being taken, or proposed to be taken, for the management or protection of a rare or endangered species of flora or fauna; or
- (c) have an adverse effect on a site or area of scientific, cultural or historical significance; or
- (d) prejudice any measures being taken, or proposed to be taken, for the management or protection of a site or area of scientific, cultural or historical significance provided such measures would not themselves have any of the effects referred to in paragraph (a), (b) or (c).

Section 48 amended (Application for review)

10—Section 48 (5) of the Principal Act is amended by omitting everything after “includes the power” and substituting “to reconsider the application as if it were an original application”.

Minor amendments of Principal Act

11—The Principal Act is amended as set out in Schedule 1.

Corresponding laws

12—Until regulations are made for the purposes of the definition of “corresponding law” in section 26 (2) of the Principal Act, the following laws are declared to be corresponding laws for the purposes of that definition:—

- (a) *Freedom of Information Act 1982* of the Commonwealth;
- (b) *Freedom of Information Act 1989* of New South Wales;
- (c) *Freedom of Information Act 1982* of Victoria;
- (d) *Freedom of Information Act 1992* of Queensland;

- (e) *Freedom of Information Act 1991* of South Australia;
 - (f) *Freedom of Information Act 1989* of the Australian Capital Territory.
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SCHEDULE 1

Section 11

MINOR AMENDMENTS OF PRINCIPAL ACT

1. Section 5 (1)—
Omit “1984” from the definition of “Ombudsman” and substitute “1978”.
2. Section 13 (4)—
Omit “agency of” and substitute “agency or”.
3. Section 17 (1) (h)—
Omit “offical” and substitute “official”.
4. Section 23 (1)—
Omit “if it” and substitute “if”.
5. Section 37—
Omit “inaccurate” and substitute “incorrect”.
6. Section 49 (1) (b)—
Omit “section 45” and substitute “section 47”.
7. Section 53 (2)—
Omit “approval to” and substitute “approval for”.