

Queensland



**FREEDOM OF  
INFORMATION  
AMENDMENT ACT 1995**

**Act No. 5 of 1995**

**Queensland**



**FREEDOM OF INFORMATION  
AMENDMENT ACT 1995**

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**CONSEQUENTIAL AND MINOR AMENDMENTS OF  
FREEDOM OF INFORMATION ACT 1992**



Queensland



# **Freedom of Information Amendment Act 1995**

## **Act No. 5 of 1995**

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**An Act to amend the *Freedom of Information Act 1992***

*[Assented to 23 March 1995]*

**The Parliament of Queensland enacts—****Short title**

1. This Act may be cited as the *Freedom of Information Amendment Act 1995*.

**Amended Act**

2. This Act amends the *Freedom of Information Act 1992*.

**Replacement of ss 36 and 37**

3. Sections 36 and 37—

*omit, insert—*

**‘Cabinet matter**

‘**36.(1)** Matter is exempt matter if—

- (a) it has been submitted to Cabinet; or
- (b) it was prepared for submission to Cabinet and is proposed, or has at any time been proposed, by a Minister to be submitted to Cabinet; or
- (c) it was prepared for briefing, or the use of, a Minister or chief executive in relation to a matter—
  - (i) submitted to Cabinet; or
  - (ii) that is proposed, or has at any time been proposed, to be submitted to Cabinet by a Minister; or
- (d) it is, or forms part of, an official record of Cabinet; or
- (e) its disclosure would involve the disclosure of any consideration of Cabinet or could otherwise prejudice the confidentiality of Cabinet considerations or operations; or
- (f) it is a draft of matter mentioned in paragraphs (a) to (e); or

- (g) it is a copy of or extract from, or part of a copy of or extract from, matter mentioned in paragraphs (a) to (f).

‘(2) Subsection (1) does not apply to matter officially published by decision of Cabinet.

‘(3) A certificate signed by the Minister stating that specified matter would, if it existed, be exempt matter mentioned in subsection (1), but not matter mentioned in subsection (2), establishes, subject to part 5,<sup>1</sup> that, if the matter exists, it is exempt matter under this section.

‘(4) In this section—

“**Cabinet**” includes a Cabinet committee or subcommittee.

“**chief executive**” means a chief executive of a unit of the public sector.

“**consideration**” includes—

- (a) discussion, deliberation, noting (with or without discussion) or decision; and
- (b) consideration for any purpose, including, for example, for information or to make a decision.

“**draft**” includes a preliminary or working draft.

“**official record**”, of Cabinet, includes an official record of matters submitted to Cabinet.

“**submit**” matter to Cabinet includes bring the matter to Cabinet, irrespective of the purpose of submitting the matter to Cabinet, the nature of the matter or the way in which Cabinet deals with the matter.

### ‘**Executive Council matter**

‘**37.(1)** Matter is exempt matter if—

- (a) it has been submitted to Executive Council; or
- (b) it was prepared for submission to Executive Council and is proposed, or has at any time been proposed, by a Minister to be submitted to Executive Council; or

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<sup>1</sup> Part 5 deals with the external review of decisions.

- (c) it was prepared for briefing, or the use of, the Governor, a Minister or a chief executive in relation to a matter—
  - (i) submitted to Executive Council; or
  - (ii) that is proposed, or has at any time been proposed, to be submitted to Executive Council by a Minister; or
- (d) it is, or forms part of, an official record of Executive Council; or
- (e) its disclosure would involve the disclosure of any consideration of Executive Council or could otherwise prejudice the confidentiality of Executive Council considerations or operations; or
- (f) it is a draft of matter mentioned in paragraphs (a) to (e); or
- (g) it is a copy of or extract from, or part of a copy of or extract from, matter mentioned in paragraphs (a) to (f).

‘(2) Subsection (1) does not apply to matter officially published by decision of the Governor in Council.

‘(3) A certificate signed by the Minister stating that specified matter would, if it existed, be exempt matter mentioned in subsection (1), but not matter mentioned in subsection (2), establishes, subject to part 5, that, if the matter exists, it is exempt matter under this section.

‘(4) In this section—

“**chief executive**” means a chief executive of a unit of the public sector.

“**consideration**” includes—

- (a) discussion, deliberation, noting (with or without discussion) or decision; and
- (b) consideration for any purpose, including, for example, for information or to make a decision.

“**draft**” includes a preliminary or working draft.

“**official record**”, of Executive Council, includes an official record of matters submitted to Executive Council.

“**submit**” matter to Executive Council includes bring the matter to Executive Council, irrespective of the purpose of submitting the matter

to Executive Council, the nature of the matter or the way in which Executive Council deals with the matter.’.

### Insertion of new pt 7

4. After section 109—

*insert—*

## ‘PART 7—TRANSITIONAL PROVISIONS

### ‘Application of amendments made by Freedom of Information Amendment Act 1995 to earlier applications

‘110.(1) The amendments made by the *Freedom of Information Amendment Act 1995* (the “**amending Act**”) apply to an application made under this Act before the commencement of the amending Act.

‘(2) Without limiting subsection (1), in deciding the application of the amendments made by the amending Act, the *Acts Interpretation Act 1954*, section 20 does not apply to an application made under this Act before the commencement of the amending Act.

‘(3) This section does not apply to the amendment of section 42 made by the amending Act.<sup>2</sup>

‘(4) This section is a law to which the *Acts Interpretation Act 1954*, section 20A applies.

‘(5) In this section—

“**application**” includes an application for review under section 52, 73 or 84.

### ‘Expiry of part

‘111. This part expires 1 year after it commences.’.

<sup>2</sup> Section 42 (Matter relating to law enforcement or public safety)

## SCHEDULE

### CONSEQUENTIAL AND MINOR AMENDMENTS OF FREEDOM OF INFORMATION ACT 1992

section 2 of the Act

**1. Section 7, definitions “document” and “GOC”—**

*omit.*

**2. Section 7—**

*insert—*

‘**“document”** includes—

- (a) a copy of a document; and
- (b) a part of, or extract from, a document; and
- (c) a copy of a part of, or extract from, a document.’.

**3. Section 35(2)—**

*omit, insert—*

‘(2) If an application relates to a document that includes exempt matter under section 36, 37 or 42, the agency or Minister concerned may give written notice to the applicant—

- (a) that the agency or Minister neither confirms nor denies the existence of that type of document as a document of the agency or an official document of the Minister; but
- (b) that, assuming the existence of the document, it would be an exempt document.’.

## SCHEDULE (continued)

**4. Section 42(3)—***omit, insert—*

‘(3) A certificate signed by the Minister stating that a specified matter would, if it existed, be exempt matter mentioned in subsection (1), but not matter mentioned in subsection (2), establishes, subject to part 5, that, if the matter exists, it is exempt matter under this section.’