

1995—No. 483

**FREEDOM OF INFORMATION ACT 1989—REGULATION**

(Freedom of Information (General) Regulation 1995)

NEW SOUTH WALES



*[Published in Gazette No. 105 of 1 September 1995]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Freedom of Information Act 1989, has been pleased to make the Regulation set forth hereunder.

BOB CARR,  
Premier.

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**Citation**

1. This Regulation may be cited as the Freedom of Information (General) Regulation 1995.

**Commencement**

2. This Regulation commences on 1 September 1995.

**Definition**

3. In this Regulation:

“the Act” means the Freedom of Information Act 1989.

**Principal offices: sec. 6**

4. For the purposes of paragraph (b) of the definition of “principal officer” in section 6 (1) of the Act, it is declared that, for each public authority referred to in Schedule 1, the office specified in that Schedule in respect of that authority is the principal office.

**Responsible Ministers: sec. 6**

5. (1) For the purposes of paragraph (c) of the definition of “responsible Minister” in section 6 (1) of the Act, it is declared that, for each public authority referred to in Part 1 of Schedule 2, the Minister specified in that Part in respect of that authority is the responsible Minister.

(2) For the purposes of paragraph (h) of the definition of “responsible Minister” in section 6 (1) of the Act, it is declared that, for each public office referred to in Part 2 of Schedule 2, the Minister specified in that Part in respect of that office is the responsible Minister.

**Public authorities: sec. 7**

6. (1) For the purposes of section 7(1) (b) of the Act, each body referred to in Part 1 of Schedule 3 is declared to be a public authority.

(2) For the purposes of section 7 (1) (c) of the Act, each body referred to in Part 2 of Schedule 3 is declared to be a public authority.

(3) For the purposes of section 7 (3) of the Act, each body referred to in Part 3 of Schedule 3 is declared not to be a separate public authority but is taken to be included in the agency specified in that Part in respect of that body.

**Public offices: sec. 8**

7. (1) For the purposes of section 8 (1) (b) of the Act, each office referred to in Part 1 of Schedule 4 is declared to be a public office.

(2) For the purposes of section 8 (2) of the Act, each office referred to in Part 2 of Schedule 4 is declared not to be a separate public office but is taken to be included in the agency specified in that Part in respect of that office.

**Documents in certain agencies: sec. 11**

8. For the purposes of section 11 (1) (e) of the Act, each agency referred to in Schedule 5 is a prescribed agency.

**Reports to Parliament**

9. (1) An annual report prepared by an agency:

- (a) must include the required information for the year concerned; and
- (b) must also include an assessment of that information.

(2) The required information must be set out in the form required by the relevant section of Appendix B to the FOI Procedure Manual.

(3) An assessment of the required information for a particular year must include:

- (a) a comparison of that information with the required information for the previous year; and
- (b) an assessment of the impact during that year on the agency's activities of the FOI requirements; and
- (c) particulars of any major issues that have arisen during that year in connection with the agency's compliance with the FOI requirements; and
- (d) particulars of the circumstances in which there have been any inquiries under the Act by the Ombudsman or any appeals under the Act to the District Court or the Supreme Court; and
- (e) particulars of the outcomes of any such inquiries and appeals.

(4) In this clause:

**“FOI Procedure Manual”** means the document entitled “Freedom of Information Procedure Manual (3rd edition)”, issued by the Premier's Department, as published in December 1994, copies of which are available at the offices of the Premier's Department;

**“FOI requirements”**, in relation to an agency, means the requirements imposed on the agency by the Act;

**“required information”** means the information required by sections A–L of Appendix B to the FOI Procedure Manual.

### **Repeal**

10. The Freedom of Information (General) Regulation 1989 is repealed.

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**SCHEDULE 1—PRINCIPAL OFFICES**

(Cl. 4)

<b>Public authority</b>	<b>Principal office</b>
Barwon Health Services .....	General Manager
Benevolent Society of NSW, in respect of Scarba .....	Chief Executive Officer
Bodington Red Cross Hospital, Wentworth Falls .....	Chief Executive Officer
Building and Construction Industry Long Service Payments Corporation .....	Director
Calvary Hospital, Kogarah .....	Chief Executive Officer
Carrington Centennial Nursing Home ....	Chief Executive Officer
Castlereagh Health Service .....	General Manager
Central Coast Area Health Service .....	Chief Executive Officer
Central Sydney Area Health Service ....	Chief Executive Officer
Central West Health Service .....	General Manager
Charles Sturt University .....	Vice-Chancellor
Clarence Health Service .....	General Manager
Corrections Health Service .....	Chief Executive Officer
Dental Board of NSW .....	Registrar
Dental Care Assessment Committee .....	Registrar, Dental Board of NSW
Eleanor MacKinnon Junior Red Cross Home .....	Executive Director
Evans Health Service .....	General Manager
“Eversleigh”, Home of Peace Hospital ..	Chief Executive Officer
Fair Rents Board .....	Director, Office of Real Estate Services
Far West Health Service .....	General Manager
Fish Marketing Authority .....	General Manager
Glen Mervyn Junior Red Cross Children’s Home .....	Executive Director

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The Gower Wilson Memorial Hospital, Lord Howe Island .....	Chief Executive Officer
Graythwaite Nursing Home in respect of Home of Peace Hospital .....	Chief Executive Officer
Greenwich Home of Peace Hospital at Greenwich .....	Chief Executive Officer
Home Care Service of NSW .....	General Manager
Hume Health Service .....	General Manager
Hunter Area Health Service .....	Chief Executive Officer
Illawarra Area Health Service .....	Chief Executive Officer
The Karitane Mothercraft Society .....	Chief Executive Officer
Lachlan Health Service .....	General Manager
Lottie Stewart Hospital .....	Chief Executive Officer
Lourdes House, Dubbo .....	Chief Executive Officer
Lower North Coast Health Service .....	General Manager
Macleay-Hastings Health Service .....	General Manager
Macquarie Health Service .....	General Manager
Macquarie University .....	Vice-Chancellor
Medical Tribunal .....	Registrar, NSW Medical Board
Mercy Care Centre, Young .....	Chief Executive Officer
Mid North Coast Health Service .....	General Manager
Monaro Health Service .....	General Manager
Murray Health Service .....	General Manager
Murrumbidgee Health Service .....	General Manager
Neringah Home of Peace Hospital at Wahroonga .....	Chief Executive Officer
New England Health Service .....	General Manager
New South Wales Lotteries .....	General Manager
New South Wales Medical Board .....	Registrar
New South Wales TAFE Commission .....	Managing Director

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Newcastle Mater Misericordiae Hospital (Waratah) .....	Chief Executive Officer
North Sydney Area Health Service .....	Chief Executive Officer
North West Health Service .....	General Manager
Orana Health Service .....	General Manager
Our Lady of Loreto Nursing Home for the Aged, Strathfield .....	Chief Executive Officer
Pacific Power .....	Chief Executive
Pharmacy Board of NSW .....	Registrar
Professional Standards Committee constituted under section 167 of the Medical Practice Act 1992 .....	Registrar, NSW Medical Board
Professional Standards Committee constituted under section 19C of the Pharmacy Act 1964 .....	Registrar, Pharmacy Board of NSW
Real Estate Services Council .....	Director, Office of Real Estate Services
The Rental Bond Board .....	Director, Office of Real Estate Services
Richmond Health Service .....	General Manager
Riverina Health Service .....	General Manager
The Royal Alexandra Hospital for Children .....	Chief Executive Officer
Royal Flying Doctor Service of Australia (NSW Section) .....	Chief Executive Officer
Royal Rehabilitation Centre, Sydney .....	Chief Executive Officer
Sacred Heart Hospice .....	Chief Executive Officer
South Coast Health Service .....	General Manager
South Eastern Area Health Service .....	Chief Executive Officer
South Western Area Health Service .....	Chief Executive Officer
Southern Cross University .....	Vice-Chancellor
Southern Tablelands Health Service .....	Manager
St. Catherine's Villa, Eastwood .....	Chief Executive Officer

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St. John of God Hospital (Goulburn) ....	Chief Executive Officer
St. Joseph's Convalescent Home, Hexham	Chief Executive Officer
St. Joseph's Hospital (Auburn) .....	Chief Executive Officer
St. Vincent's Community Hospital (Bathurst) .....	Chief Executive Officer
St. Vincent's Hospital (Darlinghurst) .....	Chief Executive Officer
St. Vincent's Hospital (Darlinghurst) in respect of Babworth House (After Care Unit), Darling Point .....	Chief Executive Officer
St. Vincent's Hospital (Lismore) in respect of St. Joseph's Nursing Home, the day hospital, the rehabilitation unit and the community health facilities ...	Chief Executive Officer
Strata Titles Board .....	Director, Office of Real Estate Services Sydney
Sydney Electricity .....	Chief Executive
The Sydney Home Nursing Service .....	Chief Executive Officer
Sydney Opera House Trust .....	General Manager
Sydney Water Corporation Ltd .....	Chief Executive Officer
The Tamworth Base Hospital .....	Chief Executive Officer
Tenancy Commissioner's Office .....	Tenancy Commissioner
Tresillian Family Care Centres at Penrith, Petersham, Willoughby and Wollstonecraft conducted by the Royal Society for the Welfare of Mothers and Babies .....	Chief Executive Officer
Tweed Valley Health Service .....	General Manager
University of Newcastle .....	Vice-Chancellor
University of New England .....	Vice-Chancellor
University of New South Wales .....	Vice-Chancellor and Principal
The University of Sydney .....	Vice-Chancellor and Principal
University of Technology, Sydney .....	Vice-Chancellor
University of Western Sydney .....	Vice-Chancellor

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University of Wollongong .....	Vice-Chancellor
War Memorial Hospital (Waverley) .....	Chief Executive Officer
Waterways Authority .....	Chief Executive Officer
Wentworth Area Health Service .....	Chief Executive Officer
Western Sydney Area Health Service .....	Chief Executive Officer
Zoological Parks Board .....	Director

### SCHEDULE 2—RESPONSIBLE MINISTERS

(Cl. 5)

#### Part 1—Public authorities

Public authority	Responsible Minister
Adult Migrant English Service of NSW	Minister for Education and Training
Home Care Service of NSW .....	Minister for Community Services
Music Examinations Advisory Board of NSW .....	Minister for Education and Training

#### Part 2—Public offices

Public office	Responsible Minister
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### SCHEDULE 3—PUBLIC AUTHORITIS

(Cl. 6)

#### Part 1—Bodies established for a public purpose

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**Part 2—Bodies established by the Governor etc.**

Adult Migrant English Service of NSW  
 Board of Adult and Community Education  
 Bush Fire and Flood Relief Committee  
 Duke of Edinburgh Award Scheme (NSW State Committee)  
 Information Industries Advisory Council  
 Music Examinations Advisory Board of NSW  
 NSW Technology Development Board  
 Regional Development Boards

**Part 3—Bodies taken to be included in other agencies**

<b>Body</b>	<b>Agency</b>
Advisory committee or consultation forum established under the Protection of the Environment Administration Act 1991 .....	Environment Protection Authority
Advisory committee established under the National Parks and Wildlife Act 1974	National Parks and Wildlife Service
Advisory Council established under the Co-operation Act 1923 .....	Department of Consumer Affairs
Air Transport Council .....	Department of Transport
Albury-Wodonga (New South Wales) Corporation .....	Department of Business and Regional Development
Animal Research Review Panel .....	Department of Agriculture
Animal Welfare Advisory Council .....	Department of Agriculture
Barristers Admission Board .....	Attorney General's Department
Board of Adult and Community Education .....	Department of Training and Education Co-ordination
Board of Environment Protection Authority .....	Environment Protection Authority
Board of Examiners .....	Department of Mineral Resources
Board of Optometrical Registration .....	Department of Health

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Board referred to in section 50 of the Land Tax Management Act 1956 .....	The Treasury
Board of Reference established under the Boiler and Pressure Vessel Regulations	WorkCover Authority
Board of Reference established under the Construction Safety Act 1912 .....	WorkCover Authority
Board of Review—Pay Roll .....	The Treasury
Board of Review—Stamp Duty .....	The Treasury
Board of Surveyors of NSW .....	Department of Land and Water Conservation
Board of Tick Control .....	Department of Agriculture
Board of Vocational Education and Training .....	Department of Training and Education Co-ordination
Bookmakers Revision Committee .....	Department of Gaming and Racing
The Botany Cemetery Trust .....	Department of Land and Water Conservation
Boxing Authority .....	Department of Sport and Recreation
Bread Industry Advisory Committee .....	Department of Industrial Relations
Building and Construction Industry Long Service Payments Committee .....	Building and Construction Industry Long Service Payments Corporation
Building Disputes Tribunal .....	Department of Consumer Affairs
Building Regulations Advisory Council..	Department of Local Government
Bush Fire and Flood Relief Committee ..	Department of Community Services
Bush Fire Council of NSW .....	Department of Bush Fire Services
Business Franchise Licence Fees (Petroleum Products) Appeals Tribunal	The Treasury
Business Franchise Licence Fees (Tobacco) Appeals Tribunal .....	The Treasury
Charity Referee appointed under the Dormant Funds Act 1942 .....	Attorney General's Department
Child Protection Council .....	Department of Community Services
Chipping Norton Lake Authority .....	Department of Land and Water Conservation

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Chiropractors and Osteopaths Registration Board .....	Department of Health
Chiropractors and Osteopaths Tribunal .....	Department of Health
Coal Mine Qualifications Board .....	Department of Mineral Resources
Commercial Tribunal .....	Department of Consumer Affairs
Committee of inquiry established under the Energy Administration Act 1987 ..	Department of Energy
Committee of review established under the Public Hospitals Act 1929 .....	Department of Health
Community Justice Centres Council .....	Attorney General's Department
Compensation Court of NSW .....	Attorney General's Department
Consumer Claims Tribunals .....	Department of Consumer Affairs
Conveyancers Licensing Committee .....	Department of Consumer Affairs
Co-operatives Council established under the Co-operation Act 1923 .....	Department of Consumer Affairs
The Delegate District Hospital .....	The Bombala District Hospital
Dental Technicians Registration Board ...	Department of Health
Directorate of the Drug Offense .....	Department of Wealth
Disability Council of NSW .....	Department of Community Services
Duke of Edinburgh Award Scheme (NSW State Committee) .....	Department of Community Services
Energy Corporation of NSW .....	Department of Energy
Engine Drivers and Boiler Attendants Examination Board .....	Workcover Authority
Environmental Education Committee .....	Environment Protection Authority
Environmental Education Trust .....	Environment Protection Authority
Environmental Research Trust .....	Environment Protection Authority
Environmental Restoration and Rehabilitation Trust .....	Environment Protection Authority
Exhibited Animals Advisory Committee .	Department of Agriculture
Farrer Memorial Trust .....	Department of Agriculture

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Financial Counselling Trust Fund .....	Department of Consumer Affairs
Fluoridation of Public Water Supplies Advisory Committee .....	Department of Health
Food Advisory Committee .....	Department of Health
Gas Council of New South Wales .....	Department of Energy
Greater Western Sydney Economic Development Board .....	Department of Business and Regional Development
Hairdressers Council .....	Department of Industrial Relations
Hazardous Chemicals Advisory Committee .....	Environment Protection Authority
Health Administration Corporation .....	Department of Health
Health Advisory Council .....	Department of Health
Hunter Economic Development Corporation .....	Department of Business and Regional Development
Industrial and Commercial Training Council .....	Department of Training and Education Co-ordination
Industry Advisory Council .....	Department of Business and Regional Development
Institute of Rural Studies .....	Department of Agriculture
Joint Committee of Necropolis Trustees .	Department of Land and Water Conservation
Joint Committee under the Workmen's Compensation (Broken Hill) Act 1920	Workcover Authority
Juvenile Justice Advisory Board .....	Department of Juvenile Justice
Lake Illawarra Authority .....	Department of Land and Water Conservation
Legal Practitioner's Admission Board ..	Attorney General's Department
Legal Profession Advisory Council .....	Attorney General's Department
Legal Services Tribunal .....	Attorney General's Department
Liquor Administration Board .....	Department of Gaming and Racing
Local Government Boundaries Commission .....	Department of Local Government
Local Government Grants Commission ...	Department of Local Government

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Local Government Remuneration Tribunal	Department of Local Government
Local Government Pecuniary Interest Tribunal .....	Department of Local Government
Local land board under the Western Lands Act 1901 .....	Department of Land and Water Conservation
Manufacturing Industries Advisory Council .....	Department of Business and Regional Development
Medical Committee established under the Poisons Act 1966 .....	Department of Health
Medical Services Committee .....	Department of Health
Mental Health Review Tribunal .....	Department of Health
MIA Citrus Fruit Marketing Committee of NSW .....	Department of Agriculture
MIA Citrus Fruit Promotion Marketing Committee of NSW .....	Department of Agriculture
Mines Rescue Board .....	Department of Mineral Resources
Mining Warden .....	Department of Mineral Resources
Ministerial Corporation for Industry .....	Department of State Development
Motor Dealers Council .....	Department of Consumer Affairs
Motor Dealers Disputes Committee .....	Department of Consumer Affairs
Motor Vehicle Repair Disputes Committee .....	Department of Consumer Affairs
Motor Vehicle Repair Industry Council	Department of Consumer Affairs
Murray Valley (NSW) Wine Grape Industry Marketing Committee of NSW .....	Department of Agriculture
Music Examinations Advisory Board of NSW .....	Office of the Board of Studies
National Parks and Wildlife Advisory Council .....	National Parks and Wildlife Service
Non-Indigenous Animals Advisory Committee .....	Department of Agriculture
Noxious Plants Advisory Committee .....	Department of Agriculture
NSW Biological Control Authority .....	Department of Agriculture

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NSW Drug offensive Council .....	Department of Health
NSW Drug Offensive Foundation .....	Department of Health
NSW Science and Technology Council ..	Department of State Development
NSW Technology Development Board ...	Department of Business and Regional Development
Nurses Registration Board .....	Department of Health
Nurses Tribunal .....	Department of Health
Occupational Health, Safety and Rehabilitation Council .....	Workcover Authority
Offenders Review Board .....	Department of Corrective Services
Olympic Business Roundtable .....	Department of State Development
Optical Dispensers Licensing Board .....	Department of Health
Parliamentary Remuneration Tribunal .....	Premier's Department
Pest Control Licensing Committee .....	Workcover Authority
Physiotherapists Registration Board .....	Department of Health
Podiatrists Registration Board .....	Department of Health
Poisons Advisory Committee .....	Department of Health
Pool Fencing Advisory Committee .....	Department of Local Government
Prices Commission .....	Department of Consumer Affairs
Private Hospitals and Day Procedure Centres Advisory Prisoner Classification Committee .....	Department of Corrective Services
Processing Tomato—Marketing Committee of NSW .....	Department of Agriculture
Product Safety Committee .....	Department of Consumer Affairs
Professional Standards Committee constituted under section 34 of the Chiropractors and Osteopaths Act 1991 .....	Department of Health
Professional Standards Committee constituted under section 50 of the Nurses Registration Act 1991 .....	Department of Health

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Professional Standards Committee constituted under section 24A of the Physiotherapists Registration Act 1945	Department of Health
Professional Standards Committee constituted under section 21 of the Psychologists Act 1989 .....	Department of Health
Professional Standards Council .....	Attorney General's Department
Program Review Committees .....	Department of Corrective Services
Psychologists Registration Board .....	Department of Health
Psychosurgery Review Board .....	Department of Health
Radiation Advisory Council .....	Environment Protection Authority
Radiological Advisory Council .....	Environment Protection Agency
Regional Development Board .....	Department of Business and Regional Development
Retail Leases Advisory committee .....	Department of Business and Regional Development
Review panel established under the Gas Act 1986 .....	Department of Energy
Roads and Traffic Advisory Council .....	Roads and Traffic Authority
Rural Assistance Authority .....	Department of Agriculture
Rural Workers Accommodation Advisory Committee .....	WorkCover Authority
School Forest Trusts established under the School Forest Areas Act 1936 ....	Department of School Education
Schools Accreditation Appeals Tribunal ..	Office of the Board of Studies
Serious Offenders Review Board .....	Department of Corrective Services
Small Business Development Corporation	Department of Business and Regional Development
Statutory and Other Offices Remuneration Tribunal .....	Premier's Department
The Stewart House Preventorium, Curl Curl .....	Department of School Education
Stock Medicines Board .....	Department of Agriculture
Teacher Housing Authority of NSW .....	Department of School Education

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Theatrical Agencies, Employees and Performers Advisory Committee .....	Department of Training and Education Co-ordination
Therapeutic Goods and Cosmetics Advisory Committee .....	Department of Health
Tow Truck Industry Council .....	Department of Transport
Trustees of Anzac Memorial Building ...	Premier's Department
Trustees of commons appointed under the Commons Management Act 1989	Department of Land and Water Conservation
Trustees of reserves appointed under the Crown Lands Act 1989 .....	Department of Land and Water Conservation
Trustees of state recreation areas appointed under the National Parks and Wildlife Act 1974 .....	Department of Land and Water Conservation
Trustees of the Parliamentary Contributory Superannuation Fund .....	The Treasury
Trustees of the West Scholarship Scheme	Department of School Education
Veterinary Surgeons Investigating Committee .....	Department of Agriculture
Vocational Education and Training Accreditation Board .....	Department of Training and Education Co-ordination
Vocational Training Board .....	Department of Training and Education Co-ordination
Wild Dog Destruction Board .....	Department of Land and Water Conservation
Wine Grapes Processing Industry Negotiating Committee .....	Department of Agriculture
Worker's Compensation (Dust Diseases) Board .....	Workcover Authority

**SCHEDULE 4—PUBLIC OFFICES**

(Cl. 7)

**Part 1—Offices to which appointments are made by the Governor etc.**

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**Part 2—Offices taken to be included in other agencies**

<b>Body</b>	<b>Agency</b>
Chief Inspector of Dangerous Goods (in respect of Division 2 of Part 3 of the Dangerous Goods Act 1975) .....	Environment Protection Authority
Director of Equal Opportunity in Public Employment .....	Premier's Department
Director-General of National Parks and Wildlife .....	National Parks and Wildlife Service
Director of Liquor and Gaming .....	Department of Gaming and Racing
Legal Services Commissioner .....	Attorney General's Department
Registrar appointed under the Aboriginal Land Rights Act 1983 .....	Department of Aboriginal Affairs
Registrar of Funeral Funds appointed under the Funeral Funds Act 1979 .....	Department of Consumer Affairs
Registrar of Pesticides appointed under the Pesticides Act 1978 .....	Environment Protection Authority

**SCHEDULE 5—PRESCRIBED AGENCIES**

(Cl. 8)

The Audit Office

The Ombudsman's Office

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#### EXPLANATORY NOTE

The object of this Regulation is to repeal and remake, with minor amendments, the provisions of the Freedom of Information (General) Regulation 1989 under the Freedom of Information Act 1989. The new Regulation deals with the following matters:

- (a) the declaration of specified persons as principal officers of specified public authorities (clause 4 and Schedule 1);
- (b) the declaration of specified Ministers as responsible Ministers for specified public authorities (clause 5 and Schedule 2);
- (c) the declaration of specified bodies as public authorities for the purposes of the Act (clause 6 and Schedule 3);
- (d) the declaration of specified offices as public offices for the purposes of the Act (clause 7 and Schedule 4);
- (e) the declaration of specified agencies as agencies whose documents are taken to be the documents of another agency if the documents were created by the other agency (clause 8 and Schedule 5);
- (f) the annual reports to be prepared by agencies (clause 9);
- (g) other formal matters (clauses 1, 2, 3 and 10).

This Regulation is made under the Freedom of Information Act 1989, including section 69 (the general regulation making power) and sections 6, 7, 8 and 11.

This Regulation relates to matters of a machinery nature.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.

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