



New South Wales

Freedom of Information Regulation 2000

under the

Freedom of Information Act 1989

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Freedom of Information Act 1989*.

BOB CARR, M.P.,

Premier

Explanatory note

The object of this Regulation is to repeal and remake, without any changes in substance, the provisions of the *Freedom of Information (General) Regulation 1995* under the *Freedom of Information Act 1989*. The new Regulation deals with the following matters:

- (a) the declaration of specified offices as principal offices of specified public authorities,
- (b) the declaration of specified Ministers as responsible Ministers for specified public authorities,
- (c) the declaration of specified bodies as public authorities for the purposes of the Act,
- (d) the declaration of specified offices as public offices for the purposes of the Act,
- (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,
- (f) the annual reports to be prepared by agencies.

2000 No 138

Freedom of Information Regulation 2000

Explanatory note

This Regulation is made under the *Freedom of Information Act 1989*, including section 69 (the general regulation-making power).

This Regulation relates to matters of a machinery nature.

This Regulation is made in connection with the staged repeal of statutory rules under Part 3 of the *Subordinate Legislation Act 1989*.

Freedom of Information Regulation 2000

Contents

Contents

	Page
1 Name of Regulation	4
2 Commencement	4
3 Definition	4
4 Principal offices: sec 6	4
5 Responsible Ministers: sec 6	4
6 Public authorities: sec 7	4
7 Public offices: sec 8	5
8 Documents in certain agencies: sec 11	5
9 Reports to Parliament	5
10 Repeal	6
Schedules	
1 Principal offices	7
2 Responsible Ministers	9
3 Public authorities	10
4 Public offices	21
5 Prescribed agencies	22

Freedom of Information Regulation 2000

1 Name of Regulation

This Regulation is the *Freedom of Information Regulation 2000*.

2 Commencement

This Regulation commences on 1 April 2000.

3 Definition

(1) In this Regulation:

the Act means the *Freedom of Information Act 1989*.

(2) The explanatory note and table of contents do not form part of this Regulation.

4 Principal offices: sec 6

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.

5 Responsible Ministers: sec 6

(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.

6 Public authorities: sec 7

(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.

7 Public offices: sec 8

- (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.

8 Documents in certain agencies: sec 11

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

9 Reports to Parliament

- (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 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 investigations under the Act by the Ombudsman or any applications for review under the Act to the Administrative Decisions Tribunal or the Supreme Court, and

2000 No 138

Clause 9 Freedom of Information Regulation 2000

(e) particulars of the outcomes of any such investigations and applications for review.

(4) In this clause:

FOI Manual means the document entitled *Freedom of Information Manual*, published from time to time by the Premier's Department and the Ombudsman's Office, copies of which are available at the Premier's Department and the Ombudsman's Office. The Manual is also accessible on the Premier's Department's Internet Web site.

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 Manual.

10 Repeal

- (1) The *Freedom of Information (General) Regulation 1995* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Freedom of Information (General) Regulation 1995*, had effect under that Regulation, continues to have effect under this Regulation.

Schedule 1 Principal offices

(Clause 4)

Public authority	Principal office
Area health service constituted under the <i>Health Services Act 1997</i>	Chief Executive Officer
Building and Construction Industry Long Service Payments Corporation	Director
Charles Sturt University	Vice-Chancellor
Community Schemes Board	Director-General, Department of Fair Trading
Dental Board	Registrar
Dental Care Assessment Committee	Registrar, Dental Board
Fair Rents Board	Director-General, Department of Fair Trading
Home Care Service	General Manager
Macquarie University	Vice-Chancellor
Medical Tribunal	Registrar, NSW Medical Board
New South Wales Lotteries Corporation	Chief Executive Officer
New South Wales Medical Board	Registrar
New South Wales Scientific Corporation	Chairperson of the New South Wales Scientific Corporation
Pacific Power	Chief Executive
Pharmacy Board	Registrar
Professional Standards Committee constituted under the <i>Medical Practice Act 1992</i>	Registrar, NSW Medical Board
Professional Standards Committee constituted under the <i>Pharmacy Act 1964</i>	Registrar, Pharmacy Board

2000 No 138

Freedom of Information Regulation 2000

Schedule 1 Principal offices

Recognised establishment or recognised service of an affiliated health organisation that is listed in Column 2 of Schedule 3 to the <i>Health Services Act 1997</i>	Chief Executive Officer
The Rental Bond Board	Director-General, Department of Fair Trading
Southern Cross University	Vice-Chancellor
Strata Schemes Board	Director-General, Department of Fair Trading
Statutory health corporation constituted under the <i>Health Services Act 1997</i>	Chief Executive Officer
Sydney Opera House Trust	General Manager
TAFE Commission	Managing Director
University of Newcastle	Vice-Chancellor
University of New England	Vice-Chancellor
University of New South Wales	Vice-Chancellor and Principal
University of Sydney	Vice-Chancellor and Principal
University of Technology, Sydney	Vice-Chancellor
University of Western Sydney	Vice-Chancellor
University of Wollongong	Vice-Chancellor
Waterways Authority	Chief Executive Officer
Zoological Parks Board	Director

Schedule 2 Responsible Ministers

(Clause 5)

Part 1 Public authorities

Public authority

Adult Migrant English Service

Home Care Service

Music Examinations Advisory Board

Responsible Minister

Minister for Education
and Training

Minister for Community
Services

Minister for Education
and Training

Part 2 Public offices

Public office

Office of the Protective Commissioner and
Public Guardian

Responsible Minister

Attorney General

2000 No 138

Freedom of Information Regulation 2000

Schedule 3 Public authorities

Schedule 3 Public authorities

(Clause 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

Australian Capital Region Development Committee

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

Regional Development Boards

Part 3 Bodies taken to be included in other agencies

Body

Aboriginal Justice Advisory Committee

Advisory committee or consultation forum established under the *Protection of the Environment Administration Act 1991*

Advisory committee established under the *National Parks and Wildlife Act 1974*

Agency

Attorney General's Department

Environment Protection Authority

National Parks and Wildlife Service

Freedom of Information Regulation 2000

Public authorities

Schedule 3

Agricultural industry services committee constituted by the <i>Agricultural Industry Services Act 1998</i>	Department of Agriculture
Air Transport Council	Department of Transport
Animal Research Review Panel	Department of Agriculture
Animal Welfare Advisory Council	Department of Agriculture
Anti-Discrimination Board	Attorney General's Department
Biological Diversity Advisory Council	National Parks and Wildlife Service
Board of Adult and Community Education	Department of Education and Training
Board of Environment Protection Authority	Environment Protection Authority
Board of Examiners	Department of Mineral Resources
Board of Optometrical Registration	Department of Health
Board referred to in section 50 of the <i>Land Tax Management Act 1956</i>	The Treasury
Board of Reference established under the <i>Boiler and Pressure Vessel Regulations</i>	WorkCover Authority
Board of Reference established under the <i>Construction Safety Act 1912</i>	WorkCover Authority
Board of Review—Pay Roll Tax	The Treasury
Board of Review—Duties	The Treasury
Board of Surveyors	Department of Information Technology and Management
Board of Tick Control	Department of Agriculture
Board of Vocational Education and Training	Department of Education and Training
Bookmakers Revision Committee	Department of Gaming and Racing
Botany Cemetery Trust	Department of Land and Water Conservation

2000 No 138

Freedom of Information Regulation 2000

Schedule 3 Public authorities

Boxing Authority	Department of Sport and Recreation
Building and Construction Industry Long Service Payments Committee	Building and Construction Industry Long Service Payments Corporation
Building Regulations Advisory Council	Department of Urban Affairs and Planning
Bushfire Co-ordinating Committee	NSW Rural Fire Service
Bush Fire and Flood Relief Committee	Department of Community Services
Charity Referee appointed under the <i>Dormant Funds Act 1942</i>	Attorney General's Department
Chipping Norton Lake Authority	Department of Land and Water Conservation
Chiropractors and Osteopaths Registration Board	Department of Health
Chiropractors and Osteopaths Tribunal	Department of Health
Coal Compensation Board	Department of Mineral Resources
Coal Mine Qualifications Board	Department of Mineral Resources
Committee of inquiry established under the <i>Energy Administration Act 1987</i>	Ministry of Energy and Utilities
Committee of Review established under the <i>Health Services Act 1997</i>	Department of Health
Community Justice Centres Council	Attorney General's Department
Compensation Court	Attorney General's Department
Contract of Carriage Tribunal	Attorney General's Department
Co-operatives Council established under the <i>Co-operatives Act 1992</i>	Department of Fair Trading
Delegate District Hospital	The Bombala District Hospital
Dental Technicians Registration Board	Department of Health

Directorate of the Drug Offensive	Department of Health
Disability Council	Ageing and Disability Department
Duke of Edinburgh Award Scheme (NSW State Committee)	Ageing and Disability Department
Electrical Equipment Safety Committee	Department of Fair Trading
Energy Corporation	Ministry of Energy and Utilities
Engine Drivers and Boiler Attendants Examination Board	WorkCover Authority
Environmental Trust	Environment Protection Authority
Exhibited Animals Advisory Committee	Department of Agriculture
Fair Trading Advisory Committee	Department of Fair Trading
Fair Trading Advisory Tribunal	Department of Fair Trading
Farrer Memorial Trust	Department of Agriculture
Festival Development Corporation	Department of Urban Affairs and Planning
Financial Counselling Trust Fund	Department of Fair Trading
Fluoridation of Public Water Supplies Advisory Committee	Department of Health
Food Advisory Committee	Department of Health
Geographical Names Board	Department of Information Technology and Management
Georges River Catchment REP Advisory Committee	Department of Urban Affairs and Planning
Greater Western Sydney Economic Development Board	Department of State and Regional Development
Guardianship Tribunal	Department of Community Services

2000 No 138

Freedom of Information Regulation 2000

Schedule 3 Public authorities

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
Healthy Rivers Commission	Environmental Protection Authority
Heritage Council	Heritage Office
Home Building Advisory Council	Department of Fair Trading
Hunter Economic Development Corporation	Department of Business and Regional Development
Industrial Registrar	Attorney General's Department
Industrial Relations Commission	Attorney General's Department
Institute of Rural Studies	Department of Agriculture
Joint Committee of Necropolis Trustees	Department of Land and Water Conservation
Juvenile Justice Advisory Board	Department of Juvenile Justice
Lake Illawarra Authority	Department of Land and Water Conservation
Land and Housing Development Corporation	Department of Urban Affairs and Planning
Legal Practitioners' Admission Board	Attorney General's Department
Legal Profession Advisory Council	Attorney General's Department
Library Council	State Library
Licence Compliance Advisory Board	Ministry of Energy and Utilities

Freedom of Information Regulation 2000

Public authorities

Schedule 3

Licence Regulator (Water)	Ministry of Energy and Utilities
Liquor Administration Board	Department of Gaming and Racing
Local Government Boundaries Commission	Department of Local Government
Local Government Grants Commission	Department of Local Government
Local Government Remuneration Tribunal	Department of Local Government
Local Government Pecuniary Interest Tribunal	Department of Local Government
Local land board under the <i>Western Lands Act 1901</i>	Department of Land and Water Conservation
Medical Committee established under the <i>Poisons and Therapeutic Goods Act 1966</i>	Department of Health
Medical Services Committee	Department of Health
Mental Health Review Tribunal	Department of Health
MIA Citrus Fruit Marketing Committee	Department of Agriculture
MIA Citrus Fruit Promotion Marketing Committee	Department of Agriculture
Mines Rescue Board	Department of Mineral Resources
Mines Subsidence Board	Department of Mineral Resources
Mining Warden	Department of Mineral Resources
Ministerial Corporation for Industry	Department of State and Regional Development
Motor Trade Advisory Council	Department of Fair Trading
Murray Valley (NSW) Wine Grape Industry Marketing Committee	Department of Agriculture
Music Examinations Advisory Board	Board of Studies
National Marine Safety Committee	Waterways Authority

2000 No 138

Freedom of Information Regulation 2000

Schedule 3 Public authorities

National Parks and Wildlife Advisory Council	National Parks and Wildlife Service
New South Wales Council on Environmental Education	Environment Protection Authority
New South Wales Innovation Council	Department of State and Regional Development
New South Wales Law Reform Commission	Attorney General's Department
Non-Indigenous Animals Advisory Committee	Department of Agriculture
Noxious Plants Advisory Committee	Department of Agriculture
NSW Biological Control Authority	Department of Agriculture
NSW Coastal Council	Department of Urban Affairs and Planning
NSW Drug Offense Council	Department of Health
NSW Drug Offense Foundation	Department of Health
Nurses Registration Board	Department of Health
Nurses Tribunal	Department of Health
Occupational Health and Safety Council	WorkCover Authority
Office of Community Housing	Department of Housing
Olympic Business Roundtable	Department of State and Regional Development
Optical Dispensers Licensing Board	Department of Health
Parole Board	Department of Corrective Services
Parliamentary Remuneration Tribunal	Premier's Department
Parramatta River Foreshores Improvement Program Advisory Committee	Department of Urban Affairs and Planning
Penrith Lakes Scheme Monitoring Committee	Department of Urban Affairs and Planning
Pest Control Licensing Committee	WorkCover Authority
Physiotherapists Registration Board	Department of Health
Podiatrists Registration Board	Department of Health

Freedom of Information Regulation 2000

Public authorities

Schedule 3

Poisons Advisory Committee	Department of Health
Pool Fencing Advisory Committee	Department of Local Government
Prices Commission	Department of Fair Trading
Processing Tomato-Marketing Committee	Department of Agriculture
Product Safety Committee	Department of Fair Trading
Professional Standards Committee constituted under the <i>Chiropractors and Osteopaths Act 1991</i>	Department of Health
Professional Standards Committee constituted under the <i>Nurses Act 1991</i>	Department of Health
Professional Standards Committee constituted under the <i>Physiotherapists Registration Act 1945</i>	Department of Health
Professional Standards Committee constituted under the <i>Psychologists Act 1989</i>	Department of Health
Professional Standards Council	Attorney General's Department
Program Review Committee	Department of Corrective Services
Property Services Advisory Council	Department of Fair Trading
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 State and Regional Development
Residential Tribunal	Department of Fair Trading
Retail Leases Advisory Committee	Department of State and Regional Development

2000 No 138

Freedom of Information Regulation 2000

Schedule 3 Public authorities

Review Panel established under the <i>Gas Supply Act 1996</i>	Ministry of Energy and Utilities
Roads and Traffic Advisory Council	Roads and Traffic Authority
Rural Assistance Authority	Department of Agriculture
Rural Fire Service Advisory Council	NSW Rural Fire Service
Rural Workers Accommodation Advisory Committee	WorkCover Authority
School Forest Trust established under the <i>School Forest Areas Act 1936</i>	Department of Education and Training
Serious Offenders Review Board	Department of Corrective Services
Serious Young Offenders Review Council	Department of Juvenile Justice
Small Business Development Corporation	Department of State and Regional Development
South Sydney Development Corporation	Department of Urban Affairs and Planning
Sporting Injuries Committee	WorkCover Authority
State Debt Recovery Office	Attorney General's Department
Statutory and Other Offices Remuneration Tribunal	Premier's Department
Sydney and Regional Centres Drinking Water Catchments REP Advisory Committee	Department of Urban Affairs and Planning
The Stewart House Preventorium, Curl Curl	Department of Education and Training
Stock Medicines Board	Department of Agriculture
Teacher Housing Authority	Department of Education and Training
Theatrical Agencies, Employees and Performers Advisory Committee	Department of Education and Training
Therapeutic Goods and Cosmetics Advisory Committee	Department of Health

Freedom of Information Regulation 2000

Public authorities

Schedule 3

Trustees of Anzac Memorial Building	Premier's Department
Trustees of commons appointed under the <i>Commons Management Act 1989</i>	Department of Land and Water Conservation
Trustees of reserves appointed under the <i>Crown Lands Act 1989</i>	Department of Land and Water Conservation
Trustees of state recreation areas appointed under the <i>National Parks and Wildlife Act 1974</i> in so far as the appointment relates to part of Burrinjuck State Recreation Area	Department of Land and Water Conservation
Trustees of state recreation areas appointed under the <i>National Parks and Wildlife Act 1974</i> except in so far as the appointment relates to part of Burrinjuck State Recreation Area	National Parks and Wildlife Service
Trustees of the Parliamentary Contributory Superannuation Fund	The Treasury
Trustees of the West Scholarship Scheme	Department of Education and Training
Veterinary Surgeons Investigating Committee	Department of Agriculture
Vocational Education and Training Accreditation Board	Department of Education and Training
Vocational Training Board	Department of Education and Training
Wild Dog Destruction Board	Department of Land and Water Conservation
Wine Grapes Processing Industry Negotiating Committee	Department of Agriculture
Workers Compensation Advisory Council	WorkCover Authority
Workers Compensation Premiums Rating Bureau	WorkCover Authority
Workers Compensation (Dust Diseases) Board	WorkCover Authority
Youth Justice Advisory Council	Department of Juvenile Justice

2000 No 138

Freedom of Information Regulation 2000

Schedule 4 Public offices

Schedule 4 Public offices

(Clause 7)

Part 1 Offices to which appointments are made by the Governor or a Minister

Part 2 Offices taken to be included in other agencies

Body	Agency
Chief Inspector of Coal Mines	Department of Mineral Resources
Chief Inspector of Dangerous Goods (in respect of Division 2 of Part 3 of the <i>Dangerous Goods Act 1975</i>)	Environment Protection Authority
Director of Equal Opportunity in Public Employment	Premier's Department
Director of Liquor and Gaming	Department of Gaming and Racing
Legal Services Commissioner	Attorney General's Department
Registrar appointed under the <i>Aboriginal Land Rights Act 1983</i>	Department of Aboriginal Affairs
Registrar of Funeral Funds appointed under the <i>Funeral Funds Act 1979</i>	Department of Fair Trading
Privacy Commissioner	Attorney General's Department

Freedom of Information Regulation 2000

Prescribed agencies

Schedule 5

Schedule 5 Prescribed agencies

(Clause 8)

The Audit Office

The Ombudsman's Office