



New South Wales

Freedom of Information Amendment (Terrorism and Criminal Intelligence) Bill 2004

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2004*



New South Wales

Freedom of Information Amendment (Terrorism and Criminal Intelligence) Bill 2004

Act No , 2004

An Act to amend the *Freedom of Information Act 1989* to exempt certain documents relating to counter-terrorism and criminal intelligence from disclosure under the Act and to exempt the New South Wales Crime Commission from the operation of the Act in the exercise of certain of its functions; and for other purposes.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

Chairman of Committees of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Freedom of Information Amendment (Terrorism and Criminal Intelligence) Act 2004*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Freedom of Information Act 1989 No 5

The *Freedom of Information Act 1989* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Schedule 1 Exempt documents

Insert “former” before “Information and Intelligence Centre” in clause 4 (3) (a).

[2] Schedule 1

Insert “Counter Terrorist Co-ordination Command of NSW Police, the former” before “Protective Security Group” in clause 4 (3) (b).

[3] Schedule 1

Insert after clause 4 (3):

- (3A) A document is an exempt document if it is a document that has been created by the State Crime Command of NSW Police in the exercise of its functions concerning the collection, analysis or dissemination of intelligence.
- (3B) A document is an exempt document if it is a document that has been created by the Corrections Intelligence Group of the Department of Corrective Services in the exercise of its functions concerning the collection, analysis or dissemination of intelligence.

[4] Schedule 1

Insert after clause 4:

4A Documents affecting counter-terrorism measures

- (1) In this clause:
terrorist act has the same meaning as in the *Terrorism (Police Powers) Act 2002*.
- (2) A document is an exempt document if it contains matter the disclosure of which could reasonably be expected:
 - (a) to facilitate the commission of a terrorist act, or
 - (b) to prejudice the prevention of, preparedness against, response to, or recovery from, the commission of a terrorist act.

- (3) A document is not an exempt document by virtue of subclause (2):
 - (a) if it merely consists of:
 - (i) a document revealing that the scope of a law enforcement investigation has exceeded the limits imposed by law, or
 - (ii) a report on a law enforcement investigation that has already been disclosed to the person or body the subject of the investigation, and
 - (b) if disclosure of the document would, on balance, be in the public interest.
- (4) In this clause, a reference to the law includes a reference to the law of the Commonwealth, the law of another State and the law of another country.

[5] Schedule 2 Exempt bodies and offices

Insert at the end of the Schedule:

The New South Wales Crime Commission—investigative and reporting functions.