

# Freedom of Information Regulation 2005

[2005-158]



New South Wales

## Status Information

### Currency of version

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Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **See also**  
[Statute Law \(Miscellaneous Provisions\) Bill 2008](#)

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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# Freedom of Information Regulation 2005



New South Wales

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# Freedom of Information Regulation 2005



New South Wales

## 1 Name of Regulation

This Regulation is the *Freedom of Information Regulation 2005*.

## 2 Commencement

This Regulation commences on 22 April 2005.

## 3 Definition

In this Regulation:

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

## 4 Principal offices

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

- (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

- (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**

- (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**

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

## **9 Extension of 21 day period for dealing with certain FOI applications**

The necessity to locate and retrieve documents from a school where the 21 day period for dealing with the application occurs, wholly or partly, during a school holiday period is prescribed as a special circumstance for the purposes of section 59B (3) (c) of the Act.

## **10 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:
  - (a) in relation to a report for any reporting year up to and including the year ending on 30 June 2007—in the form required by the relevant section of Appendix B to the third edition of the document entitled *FOI Procedure Manual* published in 1994, or
  - (b) in relation to any later reporting year—in the form required by the relevant section of Appendix B to the FOI Manual (as in force at the end of the reporting year to which the report relates).
- (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
- (e) particulars of the outcomes of any such investigations and applications for review.

(4) In this clause:

**FOI Manual** means the document entitled *NSW FOI Manual*, published from time to time by the Department of Premier and Cabinet (or jointly with the Ombudsman's Office). The Manual is accessible on the Internet website of the Department of Premier and Cabinet.

**FOI requirements**, in relation to an agency, means the requirements imposed on the agency by the Act.

**required information** means:

- (a) in relation to a report for any reporting year up to and including the year ending on 30 June 2007—the information required by Appendix B to the third edition of the document entitled *FOI Procedure Manual* published in 1994, or
- (b) in relation to any later reporting year—the information required by Appendix B to the FOI Manual (as in force at the end of the reporting year to which the relevant report relates).

## 11 Repeal and savings

- (1) The *Freedom of Information Regulation 2000* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Freedom of Information Regulation 2000*, 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         |
| Building and Construction Industry Long Service Payments Corporation      | Chief Executive Officer |
| Cancer Institute (NSW)  | Chief Cancer Officer    |

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|--|---|
| Charles Sturt University   | Vice-Chancellor   |
| Dental Board   | Registrar   |
| Dental Care Assessment Committee   | Registrar, Dental Board                                 |
| Fair Rents Board   | Director-General, Department of Commerce                |
| 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 Committee   | Chairperson of the New South Wales Scientific Committee |
| Pharmacy Board   | Registrar   |
| Professional Standards Committee constituted under the <a href="#">Medical Practice Act 1992</a>   | Registrar, NSW Medical Board                            |
| Pharmacy Care Assessment Committee constituted by the <a href="#">Pharmacy Practice Act 2006</a>   | Registrar, Pharmacy Board                               |
| Recognised establishment or recognised service of an affiliated health organisation that is listed in Column 2 of Schedule 3 to the <a href="#">Health Services Act 1997</a> | Chief Executive Officer                                 |
| Rental Bond Board  | Director-General, Department of Commerce                |
| Residual Business Management Corporation   | General Manager   |
| Southern Cross University  | Vice-Chancellor   |
| Statutory health corporation constituted under the <a href="#">Health Services Act 1997</a>  | Chief Executive   |
| The 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   |
| University of Sydney   | Vice-Chancellor   |
| University of Technology, Sydney   | Vice-Chancellor   |
| University of Western Sydney   | Vice-Chancellor   |
| University of Wollongong   | Vice-Chancellor   |

|                        |                 |
|------------------------|-----------------|
| Waterways Authority    | Chief Executive |
| Zoological Parks Board | Director        |

## Schedule 2 Responsible Ministers

(Clause 5)

### Part 1 Public authorities

| Public authority                        | Responsible Minister                                     |
|---|--|
| Adult Migrant English Service           | Minister for Education and Training                      |
| Australian Music Examinations Board NSW | Minister for Education and Training                      |
| Home Care Service                       | Minister for Ageing and Minister for Disability Services |
| NSW Businesslink Pty Limited            | Minister for Community Services                          |

### Part 2 Public offices

| Public office                         | Responsible Minister |
|---------------------------------------|----------------------|
| Office of the Protective Commissioner | Attorney General     |
| Office of the Public Guardian         | Attorney General     |

## Schedule 3 Public authorities

(Clause 6)

### Part 1 Bodies established for a public purpose

### Part 2 Bodies established by the Governor etc

Adult Migrant English Service  
Australian Capital Region Development Council  
Australian Music Examinations Board NSW  
Duke of Edinburgh Award Scheme (NSW State Committee)  
Information Industries Advisory Board  
Regional Development Boards

### Part 3 Bodies taken to be included in other agencies

| Body                                | Agency                        |
|-------------------------------------|-------------------------------|
| Aboriginal Justice Advisory Council | Attorney General's Department |

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|---|--|
| Aboriginal Land Councils Pecuniary Interest Tribunal  | Department of Aboriginal Affairs                                     |
| Administrative Decisions Tribunal   | Attorney General's Department  |
| Advisory committee or consultation forum established under the <i>Protection of the Environment Administration Act 1991</i> | Department of Environment and Climate Change                         |
| Advisory committee established under the <i>Food Act 2003</i>   | Department of Health   |
| Advisory committee established under the <i>National Parks and Wildlife Act 1974</i>  | Department of Environment and Climate Change                         |
| Advisory committee established under the <i>Noxious Weeds Act 1993</i>  | Department of Primary Industries                                     |
| Agricultural industry services committee constituted by the <i>Agricultural Industry Services Act 1998</i>                  | Department of Primary Industries                                     |
| Air Transport Council   | Ministry of Transport  |
| Animal Research Review Panel  | Department of Primary Industries                                     |
| Animal Welfare Advisory Council   | Department of Primary Industries                                     |
| Anti-Discrimination Board   | Attorney General's Department  |
| Australian Music Examinations Board NSW   | Office of the Board of Studies                                       |
| Biological Diversity Advisory Council   | Department of Environment and Climate Change                         |
| Board of Environment Protection Authority   | Department of Environment and Climate Change                         |
| Board of Examiners  | Department of Primary Industries                                     |
| Board referred to in section 50 of the <i>Land Tax Management Act 1956</i>  | The Treasury   |
| Board of Review—Pay Roll Tax  | The Treasury   |
| Board of Review—Duties  | The Treasury   |
| Board of Surveying and Spatial Information  | Department of Lands  |
| Board of Vocational Education and Training  | Department of Education and Training                                 |
| Bookmakers Revision Committee   | Department of the Arts, Sport and Recreation                         |
| Botany Cemetery Trust   | Department of Lands  |
| Boxing Authority  | Department of the Arts, 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 Planning   |

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| Bush Fire Co-ordinating Committee  | NSW Rural Fire Service                         |
| Charity Referee appointed under the <i>Dormant Funds Act 1942</i>                              | Attorney General's Department                  |
| Children's Court   | Attorney General's Department                  |
| Children's Court Advisory Committee  | Attorney General's Department                  |
| Children's Court Clinic  | Attorney General's Department                  |
| Chipping Norton Lake Authority   | Department of Planning                         |
| Chiropractic Care Assessment Committee   | Department of Health                           |
| Chiropractors Registration Board   | Department of Health                           |
| Chiropractors Tribunal   | Department of Health                           |
| Coal Competence Board  | Department of Primary Industries               |
| Committee of inquiry established under the <i>Energy and Utilities Administration Act 1987</i> | Department of Water and Energy                 |
| Committee of Review established under the <i>Health Services Act 1997</i>                      | Department of Health                           |
| Consumer, Trader and Tenancy Tribunal  | Department of Commerce                         |
| Contract of Carriage Tribunal  | Attorney General's Department                  |
| Co-operatives Council established under the <i>Co-operatives Act 1992</i>                      | Department of Commerce                         |
| Dental Technicians Registration Board  | Department of Health                           |
| Disability Council   | Department of Ageing, Disability and Home Care |
| District Court   | Attorney General's Department                  |
| Drug Court   | Attorney General's Department                  |
| Duke of Edinburgh Award Scheme (NSW State Committee)   | Department of Ageing, Disability and Home Care |
| Dust Diseases Tribunal   | Attorney General's Department                  |
| Electrical Equipment Safety Advisory Committee   | Department of Commerce                         |
| Energy Corporation   | Department of Water and Energy                 |
| Environmental Trust  | Department of Environment and Climate Change   |
| Exhibited Animals Advisory Committee   | Department of Primary Industries               |
| Fair Trading Advisory Council  | Department of Commerce                         |
| Farrer Memorial Trust  | Department of Primary Industries               |
| Festival Development Corporation   | Department of Commerce                         |

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| Financial Counselling Trust Fund   | Department of Commerce                         |
| Fluoridation of Public Water Supplies Advisory Committee                                 | Department of Health                           |
| Geographical Names Board   | Department of Lands                            |
| Greater Western Sydney Economic Development Board  | Department of State and Regional Development   |
| Guardianship Tribunal  | Department of Ageing, Disability and Home Care |
| Hazardous Chemicals Advisory Committee   | Department of Environment and Climate Change   |
| Health Administration Corporation  | Department of Health                           |
| Heritage Council   | Heritage Office                                |
| Home Building Advisory Council   | Department of Commerce                         |
| Hunter Economic Development Corporation  | Department of State and Regional Development   |
| Industrial Committee established under the <a href="#">Industrial Relations Act 1996</a> | Attorney General's Department                  |
| Industrial Registrar   | Attorney General's Department                  |
| Industrial Relations Commission  | Attorney General's Department                  |
| Joint Committee of Necropolis Trustees   | Department of Lands                            |
| Juvenile Justice Advisory Council  | Department of Juvenile Justice                 |
| Lake Illawarra Authority   | Department of Environment and Climate Change   |
| Land and Environment Court   | Attorney General's Department                  |
| Land and Housing Corporation   | Department of Housing                          |
| Law Reform Commission  | Attorney General's Department                  |
| Legal Profession Admission Board   | Attorney General's Department                  |
| Legal Profession Advisory Council  | Attorney General's Department                  |
| Library Council  | State Library                                  |
| Licence Regulator (Water)  | Department of Water and Energy                 |
| Liquor Administration Board  | Department of the Arts, Sport and Recreation   |
| Local Courts   | Attorney General's Department                  |
| Local Government Boundaries Commission   | Department of Local Government                 |
| Local Government Grants Commission   | Department of Local Government                 |
| Local Government Remuneration Tribunal   | Department of Local Government                 |

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| Local Government Pecuniary Interest and Disciplinary Tribunal                         | Department of Local Government               |
| Local land board under the <i>Western Lands Act 1901</i>                              | Department of Lands                          |
| 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                         |
| Mines Subsidence Board  | Department of Primary Industries             |
| Mining Warden   | Department of Primary Industries             |
| Ministerial Corporation for Industry  | Department of State and Regional Development |
| Motor Trade Advisory Council  | Department of Commerce                       |
| Murray Valley (NSW) Wine Grape Industry Development Committee                         | Department of Primary Industries             |
| National Marine Safety Committee  | Waterways Authority                          |
| National Parks and Wildlife Advisory Council  | Department of Environment and Climate Change |
| New South Wales Council on Environmental Education                                    | Department of Environment and Climate Change |
| 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 Primary Industries             |
| NSW Biological Control Authority  | Department of Primary Industries             |
| Nurses and Midwives Board   | Department of Health                         |
| Nurses and Midwives Tribunal  | Department of Health                         |
| Office of Community Housing   | Department of Housing                        |
| Office of the Legal Services Commissioner   | Attorney General's Department                |
| Office of the Sheriff   | Attorney General's Department                |
| Optical Dispensers Licensing Board  | Department of Health                         |
| Optometrists Registration Board   | Department of Health                         |
| Osteopaths Registration Board   | Department of Health                         |
| Osteopaths Tribunal   | Department of Health                         |
| Parole Board  | Department of Corrective Services            |
| Parliamentary Remuneration Tribunal   | Department of Premier and Cabinet            |

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| Penrith Lakes Scheme Monitoring Committee  | Department of Environment and Climate Change |
| Physiotherapists Registration Board  | Department of Health                         |
| Physiotherapy Standards Advisory Committee   | Department of Health                         |
| Podiatrists Registration Board   | Department of Health                         |
| Poisons Advisory Committee   | Department of Health                         |
| Pool Fencing Advisory Committee  | Department of Local Government               |
| Privacy NSW  | Attorney General's Department                |
| Product Safety Committee   | Department of Commerce                       |
| Professional Standards Committee constituted under the <i>Nurses and Midwives Act 1991</i> | Department of Health                         |
| Professional Standards Council   | Attorney General's Department                |
| Property Services Advisory Council   | Department of Commerce                       |
| Psychological Care Assessment Committee  | Department of Health                         |
| Psychologists Registration Board   | Department of Health                         |
| Psychosurgery Review Board   | Department of Health                         |
| Public Defenders Office  | Attorney General's Department                |
| Radiation Advisory Council   | Department of Environment and Climate Change |
| Regional Development Advisory Council  | Department of State and Regional Development |
| Registry of Births Deaths & Marriages  | Attorney General's Department                |
| Retail Leases Advisory Committee   | Department of State and Regional Development |
| Review Panel established under the <i>Gas Supply Act 1996</i>                              | Department of Water and Energy               |
| Riverina Citrus  | Department of Primary Industries             |
| Roads and Traffic Advisory Council   | Roads and Traffic Authority                  |
| Rural Assistance Authority   | Department of Primary Industries             |
| Rural Fire Service Advisory Council  | NSW Rural Fire Service                       |
| Rural Workers Accommodation Advisory Committee   | WorkCover Authority                          |
| Sentencing Council   | Attorney General's Department                |
| Serious Offenders Review Council   | Department of Corrective Services            |
| Serious Young Offenders Review Panel   | Department of Juvenile Justice               |
| Small Business Development Corporation   | Department of State and Regional Development |
| South Sydney Development Corporation   | Department of Planning                       |

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| Sporting Injuries Committee   | WorkCover Authority                             |
| State Debt Recovery Office  | The Treasury                                    |
| Statutory and Other Offices Remuneration Tribunal   | Department of Premier and Cabinet               |
| Supreme Court   | Attorney General's Department                   |
| Sydney and Regional Centres Drinking Water Catchments REP Advisory Committee  | Department of Planning                          |
| The Stewart House Preventorium, Curl Curl   | Department of Education and Training            |
| Teacher Housing Authority   | Department of Education and Training            |
| Trustees of Anzac Memorial Building   | Department of Premier and Cabinet               |
| Trustees of commons appointed under the <a href="#">Commons Management Act 1989</a>   | Department of Lands                             |
| Trustees of reserves appointed under the <a href="#">Crown Lands Act 1989</a>   | Department of Lands                             |
| Trustees of state recreation areas appointed under the <a href="#">National Parks and Wildlife Act 1974</a> in so far as the appointment relates to part of Burrinjuck State Recreation Area        | Department of Lands                             |
| Trustees of state recreation areas appointed under the <a href="#">National Parks and Wildlife Act 1974</a> except in so far as the appointment relates to part of Burrinjuck State Recreation Area | Department of Environment and Climate Change    |
| Trustees of the Parliamentary Contributory Superannuation Fund  | The Treasury                                    |
| Trustees of the West Scholarship Scheme   | Department of Education and Training            |
| Veterinary Surgeons Investigating Committee   | Board of Veterinary Surgeons of New South Wales |
| Victims Advisory Board  | Attorney General's Department                   |
| Victims Compensation Fund Corporation   | Attorney General's Department                   |
| Victims Compensation Tribunal   | Attorney General's Department                   |
| 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 Lands                             |
| Workers Compensation and Workplace Occupational Health and Safety Council   | WorkCover Authority                             |
| Workers Compensation Commission   | WorkCover Authority                             |
| Workers Compensation (Dust Diseases) Board  | WorkCover Authority                             |

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## 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

| Office   | Agency                                       |
|--|--|
| Chief Inspector of Coal Mines  | Department of Primary Industries             |
| Commissioner of the Land and Environment Court   | Attorney General's Department                |
| Costs assessor appointed under the <a href="#">Legal Profession Act 2004</a>                 | Attorney General's Department                |
| Director of Equal Opportunity in Public Employment   | Department of Premier and Cabinet            |
| Director of Liquor and Gaming  | Department of the Arts, Sport and Recreation |
| Director-General of Funeral Funds appointed under the <a href="#">Funeral Funds Act 1979</a> | Department of Commerce                       |
| Industrial Registrar   | Attorney General's Department                |
| Legal Services Commissioner  | Attorney General's Department                |
| Privacy Commissioner   | Attorney General's Department                |
| Registrar appointed under the <a href="#">Aboriginal Land Rights Act 1983</a>                | Department of Aboriginal Affairs             |

## Schedule 5 Prescribed agencies

(Clause 8)

Audit Office

Ombudsman's Office