

South Australia



ANNO QUINQUAGESIMO
ELIZABETHAE II REGINAE
A.D. 2001

**FREEDOM OF INFORMATION (MISCELLANEOUS) AMENDMENT
ACT 2001**

No. 61 of 2001

[Assented to 6 December 2001]

An Act to amend the Freedom of Information Act 1991; and to make consequential amendments to the Local Government Act 1934 and the Roxby Downs (Indenture Ratification) Act 1982.

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Consequential Amendments to Other Acts

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Freedom of Information (Miscellaneous) Amendment Act 2001*.

(2) The *Freedom of Information Act 1991* is referred to in this Act as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Amendment of s. 3—Objects

3. Section 3 of the principal Act is amended—

(a) by striking out from subsections (1) and (2) "the Government" (wherever occurring) and substituting, in each case, "government";

(b) by striking out from paragraph (c) of subsection (2) "such of the Government's records" and substituting "such government records".

Amendment of s. 4—Interpretation

4. Section 4 of the principal Act is amended—

(a) by inserting before the definition of "agency" in subsection (1) the following definition:

"accredited FOI officer", in relation to an agency, means—

(a) the principal officer of the agency; or

(b) an officer of the agency who—

(i) has completed training of a type approved by the Minister for an accredited FOI officer; and

(ii) has been designated by the principal officer of the agency as an accredited FOI officer of the agency; and

(iii) —

(A) in relation to an administrative unit under the *Public Sector Management Act 1995*—is employed in an executive position under that Act or in a position that usually reports to an executive; or

(B) in relation to South Australia Police—is an officer in South Australia Police; or

(C) in relation to any other agency—is employed in a position that usually reports to the principal officer of the agency or to the deputy or immediate delegate of the principal officer;;

(b) by striking out the definition of "agency" in subsection (1) and substituting the following definition:

"agency" means—

- (a) a Minister of the Crown; or
- (b) a person who holds an office established by an Act; or
- (c) an administrative unit under the *Public Sector Management Act 1995*; or
- (d) South Australia Police; or
- (e) a council; or
- (f) any incorporated or unincorporated body—
 - (i) established for a public purpose by an Act; or
 - (ii) established for a public purpose under an Act (other than an Act providing for the incorporation of companies or associations, co-operatives societies or other voluntary organisations); or
 - (iii) established or subject to control or direction by the Governor, a Minister of the Crown or any instrumentality or agency of the Crown or a council (whether or not established by or under an Act or an enactment); or
- (g) a person or body declared by the regulations to be an agency;;

(c) by inserting after the definition of "agency" in subsection (1) the following definition:

"agency certificate" means a certificate issued by an agency under section 46;;

(d) by striking out paragraph (a) of the definition of "exempt agency" in subsection (1);

(e) by inserting after the definition of "exempt agency" in subsection (1) the following definitions:

"exempt document" means a document that is an exempt document by virtue of schedule 1;

"government" includes local government, and "intergovernmental" has a corresponding meaning;;

- (f) by inserting after the definition of "member of the public" in subsection (1) the following definition:

"**Ministerial certificate**" means a certificate issued by the Minister under section 46;;

- (g) by striking out from paragraph (a) of the definition of "principal officer" in subsection (1) "(not being a body corporate)" and substituting "(including a corporation sole but not any other body corporate)";

- (h) by striking out from the definition of "responsible Minister" in subsection (1) "an agency" and substituting "a State Government agency";

- (i) by inserting after the definition of "State" in subsection (1) the following definition:

"**State Government agency**" means an agency other than a council or a prescribed person or body;;

- (j) by striking out from subsection (2) "A body" and substituting "The holder of an office or a body";

- (k) by striking out from subsection (2) "itself".

Insertion of s. 5A

5. The following section is inserted after section 5 of the principal Act:

Act not to apply to Parliament or parliamentary committees

5A. (1) This Act does not apply to the Parliament, an officer of the Parliament or a parliamentary committee.

(2) In this section—

"**parliamentary committee**" means a committee established under the *Parliamentary Committees Act 1991* or any other committee of either or both of the Houses of Parliament.

Amendment of s. 8—Defunct agencies

6. Section 8 of the principal Act is amended by inserting in subsection (2)(a) "administering this Act" after "Minister".

Amendment of s. 9—Publication of information concerning agencies

7. Section 9 of the principal Act is amended—

- (a) by striking out subsection (1) and substituting the following subsections:

(1) The responsible Minister for a State Government agency must, at intervals of not more than 12 months, cause an up-to-date information statement to be published in a manner prescribed by regulation.

(1a) An agency (other than a State Government agency) must, at intervals of not more than 12 months, cause an up-to-date information statement to be published in a manner prescribed by regulation.;

- (b) by striking out from subsection (3) "summary" and substituting "statement";

- (c) by striking out paragraph (b) of subsection (3);
- (d) by striking out from subsection (3)(c) "and information statements";
- (e) by striking out from subsection (3)(d) "and information statements".

Amendment of s. 10—Availability of information statement and policy documents

8. Section 10 of the principal Act is amended—

- (a) by striking out paragraph (b) of subsection (1);
- (b) by striking out subsection (4).

Amendment of s. 11—Application of this Part

9. Section 11 of the principal Act is amended by inserting in paragraph (b) "(provided that any conditions of the exemption are complied with)" after "this Part".

Amendment of s. 14—Applications to be dealt with by certain persons and within certain time

10. Section 14 of the principal Act is amended—

(a) by striking out subsection (1) and substituting the following subsection:

(1) An application will be dealt with on behalf of an agency by an accredited FOI officer of the agency.;

(b) by striking out from subsection (2) "45 days" and substituting "30 days".

Insertion of s. 14A

11. The following section is inserted after section 14 of the principal Act:

Extension of time limit

14A. (1) The principal officer of an agency that is dealing with an application may extend the period within which the application would otherwise have to be dealt with under section 14 if satisfied that—

- (a) the application is for access to a large number of documents or necessitates a search through a large quantity of information and dealing with the application within that period would unreasonably divert the agency's resources from their use by the agency in the exercise of its functions; or
- (b) the application is for access to a document in relation to which consultation is required under Division 2 and it will not be reasonably practicable to comply with Division 2 within that period.

(2) An extension under subsection (1) must be for a reasonable period of time having regard to the circumstances.

(3) The extension must be effected by giving written notice of the extension to the applicant within 20 days after the application is received.

(4) Such a notice must specify—

- (a) the period of the extension; and
- (b) the reasons for the extension; and
- (c) the rights of review and appeal conferred by this Act.

(5) An extension under subsection (1) is a determination for the purposes of this Act.

Amendment of s. 17—Agencies may require advance deposits

12. Section 17 of the principal Act is amended by striking out from subsection (6) "of 45 days".

Amendment of s. 18—Agencies may refuse to deal with certain applications

13. Section 18 of the principal Act is amended—

- (a) by inserting in subsection (1) "within the period allowed under section 14 (or within any reasonable extension of that period under section 14A)" after "dealing with it";
- (b) by inserting after subsection (2) the following subsection:

(2a) An agency may refuse to deal with an application if, in the opinion of the agency, the application is part of a pattern of conduct that amounts to an abuse of the right of access or is made for a purpose other than to obtain access to information.

Amendment of s. 19—Determination of applications

14. Section 19 of the principal Act is amended by striking out subsection (2) and substituting the following subsections:

(2) If—

(a) —

- (i) the principal officer of an agency has, under section 14A, extended the period within which an application must be dealt with by the agency; and
- (ii) the agency fails to determine the application within the period as so extended; or

(b) in any other case—an agency fails to determine an application within 30 days after receiving the application,

the agency is to be taken to have determined the application by refusing access to the document to which it relates for the purposes of the provisions of Division 3 and Part 5.

(2a) However, nothing prevents an agency from making a determination to give access to a document on an application after the period within which it was required to deal with the application (and any such determination is to be taken to have been made under this Act).

Amendment of s. 20—Refusal of access

15. Section 20 of the principal Act is amended—

- (a) by inserting in subsection (3) "or agency" after "Ministerial";
- (b) by inserting in subsection (4) "or agency" after "Ministerial".

Amendment of s. 21—Deferral of access

16. Section 21 of the principal Act is amended—

- (a) by striking out from subsection (1)(b) "or that has been designated by the responsible Minister for the agency as appropriate for presentation to Parliament,";
- (b) by striking out from subsection (1)(c) "or that has been designated by the responsible Minister for the agency as appropriate for submission to a particular person or body,";
- (c) by inserting after subsection (1) the following subsection:
 - (1a) A State Government agency may defer access to a document—
 - (a) if it is a document that has been designated by the responsible Minister for the agency as appropriate for presentation to Parliament, but is yet to be presented; or
 - (b) if it is a document that has been designated by the responsible Minister for the agency as appropriate for submission to a particular person or body, but is yet to be submitted.;
- (d) by striking out from subsection (3) "(1)(b) or (c)" and substituting "(1)(b), (1)(c), (1a)(a) or (1a)(b)".

Amendment of s. 23—Notices of determination

17. Section 23 of the principal Act is amended by striking out paragraph (f) of subsection (2) and substituting the following paragraph:

- (f) if the determination is to the effect that access to a document is refused—
 - (i) the reasons for the refusal, including—
 - (A) the grounds for the refusal under section 20(1); and
 - (B) if a ground for the refusal is that the document is an exempt document—the particular provision of schedule 1 by virtue of which the document is an exempt document and, if under the provision disclosure of the document must, on balance, be contrary to the public interest in order for the document to be exempt, the reasons why disclosure of the document would be contrary to the public interest; and
 - (ii) the findings on any material questions of fact underlying the reasons for the refusal, together with a reference to the sources of information on which those findings are based; and.

Amendment of s. 25—Documents affecting inter-governmental or local governmental relations

18. Section 25 of the principal Act is amended—

(a) by inserting in subsection (1)(b) "(including a council constituted under a law of another State)" after "council";

(b) by inserting after subsection (2) the following subsection:

(2a) However, if the agency is a council, subsection (2) does not apply in relation to documents that only contain matter concerning the affairs of that council.

Amendment of s. 29—Internal review

19. Section 29 of the principal Act is amended—

(a) by striking out from subsection (2)(e) "28 days" and substituting "30 days";

(b) by striking out subsection (6) and substituting the following subsection:

(6) A determination is not subject to review under this section if it is made by or at the direction of the principal officer of the agency or at the direction of a person or body to which the principal officer is responsible.

Amendment of s. 32—Persons by whom applications to be dealt with, etc.

20. Section 32 of the principal Act is amended—

(a) by striking out subsection (1) and substituting the following subsection:

(1) An application will be dealt with on behalf of an agency by an accredited FOI officer of the agency.;

(b) by striking out from subsection (2) "45 days" and substituting "30 days".

Amendment of s. 34—Determination of applications

21. Section 34 of the principal Act is amended by striking out from subsection (2) "45 days" and substituting "30 days".

Amendment of s. 38—Internal review

22. Section 38 of the principal Act is amended—

(a) by striking out from subsection (2)(d) "28 days" and substituting "30 days";

(b) by striking out subsection (5) and substituting the following subsection:

(5) A determination is not subject to review under this section if it is made by or at the direction of the principal officer of the agency or at the direction of a person or body to which the principal officer is responsible.

Amendment of s. 39—Review by Ombudsman or Police Complaints Authority

23. Section 39 of the principal Act is amended—

(a) by inserting after subsection (1) the following subsection:

(1a) An application under this section must be made—

(a) where there has been a review of the determination by the agency—within 30 days after notice of the decision on review of the determination is given to the applicant; or

(b) in any other case—within 30 days after the date of the determination.;

(b) by striking out from subsection (2) "an officer of the Police Force, or the Minister responsible for the administration of the Police Force" and substituting "a police officer or the Minister responsible for the administration of South Australia Police";

(c) by striking out paragraph (b) of subsection (3) and substituting the following paragraph:

(b) the Ombudsman or Police Complaints Authority may, if satisfied that a different determination should be made in the circumstances of the case (including any relevant circumstances arising since the agency's determination was made), direct the agency to make a determination in specified terms.;

(d) by inserting after subsection (3) the following subsections:

(3a) The Ombudsman or the Police Complaints Authority may—

(a) try to effect a settlement between the participants to a review at any time during the review; and

(b) at the request of the agency, suspend proceedings under this section at any time to allow an opportunity for a settlement to be negotiated.

(3b) The agency and the applicant must cooperate in the process proposed by the Ombudsman or the Police Complaints Authority for the purposes of the conduct of a review under this section (including any attempt of the Ombudsman or the Police Complaints Authority to effect a settlement between the participants), and must do all such things as are reasonably required to expedite the process.

(3c) The Ombudsman or the Police Complaints Authority may dismiss an application if the Ombudsman or the Police Complaints Authority considers that the applicant has failed to comply with subsection (3b).;

(e) by inserting in subsection (4) "or agency" after "Ministerial".

Insertion of Division

24. The following Division is inserted after Division 1 of Part 5 of the principal Act:

**DIVISION 1A—REVIEW OF OMBUDSMAN'S OR POLICE
COMPLAINTS AUTHORITY'S DIRECTION BY THE DISTRICT COURT**

Agency may appeal to District Court

39A. (1) Where the Ombudsman or the Police Complaints Authority has, on a review under this Part, directed an agency to make a determination under Division 1, the agency may, by leave of the District Court, appeal against the direction to the District Court on a question of law.

(2) Proceedings under this section must be commenced within 30 days after notice of the direction to which the proceedings relate is given to the agency.

(3) The agency and the applicant for the review (the "respondent") are the parties to proceedings under this section.

(4) The Court must, in proceedings under this section, order that the agency pay the respondent's reasonable costs.

Amendment of heading

25. The heading to Division 2 of Part 5 of the principal Act is amended by inserting "OF AGENCY'S DETERMINATION" after "REVIEW".

Amendment of s. 41—Time within which appeals to be commenced

26. Section 41 of the principal Act is amended—

(a) by striking out from subsection (1)(a) "60 days" and substituting "30 days";

(b) by striking out from subsection (1)(b) "60 days" and substituting "30 days".

Amendment of s. 42—Procedure for hearing appeals

27. Section 42 of the principal Act is amended by striking out from subsection (2) "Minister makes known to the District Court his or her" and substituting "Minister administering this Act or, if the agency concerned is a council, the council makes known to the District Court the Minister's or the council's".

Amendment of s. 43—Consideration of restricted documents

28. Section 43 of the principal Act is amended—

(a) by inserting in subsection (1) "or agency" after "Ministerial";

(b) by striking out paragraphs (a) and (b) of subsection (2) and substituting the following paragraphs:

(a) the agency concerned; or

(b) if the agency concerned is a State Government agency—the Minister administering this Act,;

(c) by striking out subsections (5) to (12) (inclusive) and substituting the following subsections:

(5) If the agency concerned is a State Government agency, the Minister administering this Act is a party to the proceedings, and the District Court must not make a declaration under this section unless the Court has given the Minister a reasonable opportunity to appear and be heard in relation to the matter and has given due weight to any submissions made by or on behalf of the Minister.

(6) A Ministerial or agency certificate the subject of a declaration under subsection (4)(b) ceases to have effect at the end of the prescribed period after the declaration is made unless, before the end of that period, the certificate is confirmed under this section.

(7) A Ministerial certificate may be confirmed by the Premier and an agency certificate may be confirmed by the agency.

(8) The Premier must cause written notice of confirmation of a certificate by the Premier—

- (a) to be given to the State Government agency concerned and to the appellant; and
- (b) to be tabled in Parliament on the first sitting day after confirmation of the certificate.

(9) An agency must cause written notice of confirmation of a certificate by the agency to be given to the appellant and to the Minister administering this Act.

(10) A notice of confirmation of a certificate must specify—

- (a) the reasons for the decision to confirm the certificate; and
- (b) the findings on any material questions of fact, together with a reference to the sources of information on which those findings were based.

(11) Nothing in this section requires any matter to be included in a notice of confirmation if its inclusion in the notice would result in the notice being an exempt document.

(12) If a Ministerial or agency certificate ceases to have effect by virtue of this section, the document to which it relates is not to be regarded as a restricted document by virtue of the provision of Part 1 of schedule 1 specified in the certificate.

(13) If a Ministerial or agency certificate is withdrawn before the end of the prescribed period referred to in subsection (6), the Minister or agency (as the case may require) must, as soon as practicable, serve notice on the appellant that the certificate is no longer in force.

(14) In this section—

"prescribed period" means—

- (a) in relation to a Ministerial certificate—28 days;
- (b) in relation to an agency certificate—45 days.

Amendment of s. 44—Disciplinary actions

29. Section 44 of the principal Act is amended—

(a) by striking out from paragraph (a) "an agency" and substituting "a State Government agency";

(b) by inserting after paragraph (a) the following paragraph:

(ab) if the person is the principal officer of an agency other than a State Government agency—the agency; or.

Substitution of s. 46

30. Section 46 of the principal Act is repealed and the following section is substituted:

Certificates

46. (1) A certificate that is executed by—

(a) the Minister administering this Act; or

(b) if the agency concerned is not a State Government agency—the agency,

and that states that a specified document is a restricted document by virtue of a specified provision of Part 1 of schedule 1 is, except for the purposes of section 43, conclusive evidence that the document is a restricted document by virtue of that provision (and the document's status as a restricted document cannot be questioned in proceedings before a court otherwise than as provided in section 43).

(2) A certificate under this section ceases to have effect at the end of two years after it is executed unless it is sooner withdrawn by the Minister administering this Act or the agency (as the case may require).

(3) Nothing in subsection (2) prevents the Minister administering this Act or the agency from issuing a further certificate in respect of the same document.

(4) Where an agency issues a certificate under this section, the agency must, as soon as practicable, notify the Minister administering this Act, in writing, of that fact.

(5) A notice under subsection (4) must state the nature of the document to which the certificate related and the particular provision of schedule 1 by virtue of which the document was restricted.

Amendment of s. 53—Fees and charges

31. Section 53 of the principal Act is amended—

(a) by inserting in subsection (2)(a) ", reduction" after "waiver";

(b) by striking out from subsection (2) "above" and substituting "by this section";

(c) by inserting after subsection (2) the following subsection:

(2a) An agency may, as it thinks fit, waive, reduce or remit a fee or charge in circumstances other than those in which such action is provided for under the regulations.;

- (d) by inserting "or Police Complaints Authority" in subsection (4) after "Ombudsman" twice occurring;
- (e) by inserting after subsection (4) the following subsection:

(4a) Such an application for further review must be directed to the Ombudsman unless the determination of the fee or charge was made by a police officer, or the Minister responsible for the administration of South Australia Police in that capacity, in which case it must be directed to the Police Complaints Authority.

Amendment of s. 54—Reports to Parliament

32. Section 54 of the principal Act is amended—

- (a) by inserting in subsection (1) "administering this Act" after "Minister";
- (b) by inserting in subsection (2)(a) "and agency" after "Ministerial".

Insertion of s. 54A

33. The following section is inserted after section 54 of the principal Act:

Training to be provided to agencies

54A. The Minister administering this Act must, in consultation with the Ombudsman and the Police Complaints Authority, develop and maintain appropriate training programs to assist agencies in complying with this Act.

Amendment of schedule 1

34. Schedule 1 of the principal Act is amended—

- (a) by striking out clause 3 and substituting the following clause:

Exempt documents communicated by another government

3. A document is an exempt document if—

- (a) it contains information from an intergovernmental communication to the Government of South Australia or a council; and
- (b) notice has been received from the relevant Government or council that the information would be protected from disclosure under a corresponding law of the Commonwealth or another State.;

- (b) by striking out subclauses (1) and (2) of clause 4 and substituting the following subclauses:

(1) A document is an exempt document if it contains matter the disclosure of which could reasonably be expected—

- (a) to endanger the life or physical safety of any person; or
- (b) to prejudice the fair trial of any person or the impartial adjudication of any case; or
- (c) to facilitate the escape from lawful custody of any person.

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(2) A document is an exempt document if it contains matter the disclosure of which—

(a) could reasonably be expected—

- (i) to prejudice the investigation of any contravention or possible contravention of the law (including any revenue law) whether generally or in a particular case; or
- (ii) to enable the existence or identity of any confidential source of information, in relation to the enforcement or administration of the law, to be ascertained; or
- (iii) to prejudice the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law (including any revenue law); or
- (iv) to prejudice the maintenance or enforcement of any lawful method or procedure for protecting public safety; or
- (v) to endanger the security of any building, structure or vehicle; or
- (vi) to prejudice any system or procedure for the protection of persons or property; and

(b) would, on balance, be contrary to the public interest.;

(c) by striking out from clause 4(3) "has been created or is held by the Bureau of Criminal Intelligence" and substituting "was created by the former Bureau of Criminal Intelligence or has been created or is held by the State Intelligence Section of South Australia Police";

(d) by striking out subparagraphs (i) and (ii) of clause 5(1)(a) and substituting the following subparagraphs:

- (i) could reasonably be expected to cause damage to intergovernmental relations; or
- (ii) would divulge information from a confidential intergovernmental communication; and;

(e) by striking out subclause (2) of clause 5;

(f) by striking out from clause 6(3) "this clause" and substituting "subclause (1) or (2)";

(g) by inserting after subclause (3) of clause 6 the following subclause:

(3a) A document is an exempt document if it contains matter—

- (a) consisting of information concerning a person who is presently under the age of 18 years or suffering from mental illness, impairment or infirmity or concerning such a person's family or circumstances, or information of any kind furnished by a person who was under that age or suffering from mental illness, impairment or infirmity when the information was furnished; and
- (b) the disclosure of which would be unreasonable having regard to the need to protect that person's welfare.;

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- (h) by inserting in clause 6A "or the *Local Government (Elections) Act 1999*" after "*Electoral Act 1985*";
- (i) by striking out subparagraph (ii) of clause 7(1)(b) and substituting the following subparagraph:
- (ii) the disclosure of which—
 - (A) could reasonably be expected to destroy or diminish the commercial value of the information; and
 - (B) would, on balance, be contrary to the public interest; or;
- (j) by striking out subparagraph (ii) of clause 7(1)(c) and substituting the following subparagraph:
- (ii) the disclosure of which—
 - (A) could reasonably be expected to have an adverse affect on those affairs or to prejudice the future supply of such information to the Government or to an agency; and
 - (B) would, on balance, be contrary to the public interest.;
- (k) by striking out paragraph (b) of clause 8(1) and substituting the following paragraph:
- (b) the disclosure of which—
 - (i) could reasonably be expected to have an adverse effect on the agency or other person by or on whose behalf the research is being, or is intended to be, carried out; and
 - (ii) would, on balance, be contrary to the public interest.;
- (l) by striking out from clause 18 "Ministerial Council for Companies and Securities" twice occurring and substituting, in each case, "Ministerial Council for Corporations";
- (m) by striking out from clause 18 "National Companies and Securities Commission" twice occurring and substituting, in each case, "Australian Securities and Investments Commission".

Amendment of schedule 2

35. Schedule 2 of the principal Act is amended—

- (a) by striking out paragraphs (a), (b), (c) and (d);
- (b) by striking out paragraphs (f) and (g) and substituting the following paragraph:
- (f) the Motor Accident Commission in respect of any matter relating to a claim or action under Part 4 of the *Motor Vehicles Act 1959*;;
- (c) by striking out from paragraph (l) "in respect of their investigatory functions";

(d) by striking out paragraphs (o) and (p) and substituting the following paragraphs:

- (o) a Minister of the Crown in respect of the administration of the former South Australian Development Fund or the Industry Investment Attraction Fund (or a fund substituted for the Industry Investment Attraction Fund);
- (p) South Australia Police in relation to information compiled by—
 - (i) the former Special Branch; or
 - (ii) the former Operations Planning and Intelligence Unit; or
 - (iii) the Operations Intelligence Section (or a body substituted for the Operations Intelligence Section); or
 - (iv) the Anti-Corruption Branch (or a body substituted for the Anti-Corruption Branch);
- (q) the Local Government Association.

Consequential amendments to other Acts

36. The Acts listed in the Schedule are amended as set out in that Schedule.

Transitional provisions

37. (1) The amendments to the principal Act effected by this Act do not apply in relation to an application for access to an agency's documents made before the commencement of this Act.

(2) An information statement or an information summary in force under Part 5A of the *Local Government Act 1934* immediately before the repeal of that Part by this Act will continue and have effect under the *Freedom of Information Act 1991* as if it had been prepared under that Act.

(3) An application or proceeding commenced under Part 5A of the *Local Government Act 1934* that has not been finally determined immediately before the repeal of that Part by this Act may be continued and completed as if that repeal had not been effected.

SCHEDULE

Consequential Amendments to Other Acts

Amendment of Local Government Act 1934

1. Part VA of the *Local Government Act 1934* is repealed.

Amendment of Roxby Downs (Indenture Ratification) Act 1982

2. Section 12 of the *Roxby Downs (Indenture Ratification) Act 1982* is amended by inserting after subsection (7) the following subsection:

(8) Despite any arrangements previously applying under this section, the *Freedom of Information Act 1991* will apply in relation to the municipality.