

Queensland



**FREEDOM OF
INFORMATION (REVIEW
OF SECRECY PROVISION
EXEMPTION) AMENDMENT
BILL 1994**

Queensland



FREEDOM OF INFORMATION (REVIEW OF SECRECY PROVISION EXEMPTION) AMENDMENT BILL 1994

TABLE OF PROVISIONS

Section	Page
1 Short title	5
2 Commencement	5
3 Act amended	5
4 Amendment of s 39 (Matter relating to investigations by Parliamentary Commissioner or audits by Auditor-General)	5
5 Replacement of s 48 (Matter to which secrecy provisions of enactments apply)	5
48 Matter to which secrecy provisions of enactments apply	6
6 Insertion of Schedule	6

SCHEDULE

SECRECY PROVISIONS GIVING EXEMPTION

1994

A BILL

FOR

An Act to amend the *Freedom of Information Act 1992* about the exemption for matter to which a statutory secrecy provision applies, and for other purposes

Parliament’s reasons for enacting this Act are—

1. In order to balance openness against legitimate claims for secrecy in the interest of people about whom the Government holds information and in the public interest, the *Freedom of Information Act 1992* (the “**FOI Act**”) allows exemptions from access to certain matters.

2. Section 48 of the FOI Act makes matter exempt if it falls within the terms of a specified type of secrecy provision (a “**section 48 secrecy provision**”) and its disclosure would, on balance, be contrary to public interest.

3. The exemption in section 48 operates only for 2 years from the FOI Act’s date of assent on 19 August 1992.

4. On a reference from the Government, the Queensland Law Reform Commission has reviewed existing secrecy provisions in Queensland legislation identified by Government departments.

5. The purpose of the review was to—

- (a) identify section 48 secrecy provisions; and
- (b) recommend whether the exemption from access given by each section 48 secrecy provision should continue.

6. As a result of its review, the Commission recommended that the exemption from access given by the section 48 secrecy provision in certain Acts should continue.

7. The Parliament of Queensland accepts the recommendation.

8. The Parliament of Queensland also considers the exemption from access given by the section 48 secrecy provision in section 83 of the *Criminal Justice Act 1989* should continue.

*Freedom of Information (Review of Secrecy
Provision Exemption) Amendment*

The Parliament of Queensland enacts—

1

Short title

2

1. This Act may be cited as the *Freedom of Information (Review of Secrecy Provision Exemption) Amendment Act 1994*.

3

4

Commencement

5

2. This Act commences on 20 August 1994.

6

Act amended

7

3. This Act amends the *Freedom of Information Act 1992*.

8

**Amendment of s 39 (Matter relating to investigations by
Parliamentary Commissioner or audits by Auditor-General)**

9

10

4.(1) Section 39, heading, after ‘Auditor-General’—

11

insert—

12

‘etc.’.

13

(2) Section 39—

14

insert—

15

‘(2) Matter is also exempt matter if its disclosure is prohibited by section 92 of the *Financial Administration and Audit Act 1977* unless disclosure is required by a compelling reason in the public interest.’.

16

17

18

**Replacement of s 48 (Matter to which secrecy provisions of
enactments apply)**

19

20

5. Section 48—

21

omit, insert—

22

*Freedom of Information (Review of Secrecy
Provision Exemption) Amendment*

‘Matter to which secrecy provisions of enactments apply

‘48.(1) Matter is exempt matter if its disclosure is prohibited by an enactment mentioned in the Schedule unless disclosure is required by a compelling reason in the public interest.

‘(2) Matter is not exempt under subsection (1) if it relates to information concerning the personal affairs of the person by whom, or on whose behalf, an application for access to the document containing the matter is being made.’.

Insertion of Schedule

6. After section 109—

insert—

‘SCHEDULE

‘SECRECY PROVISIONS GIVING EXEMPTION

section 48

Adoption of Children Act 1964, section 59(3)

Children’s Services Act 1965, section 144

Criminal Justice Act 1989, section 83

Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987, section 31(1)

Debits Tax Act 1990, section 3.2 (to the extent it applies section 7(2) of the Debits Tax Administration Act 1982 (Cwlth))

Financial Institutions Code, section 410

Juvenile Justice Act 1992, section 226

Maintenance Act 1965, section 129.’.