



New South Wales

# Freedom of Information Regulation 2005

under the

Freedom of Information Act 1989

Her 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 substantial change, the provisions of the *Freedom of Information Regulation 2000*.

This Regulation, like the repealed Regulation, deals with the following matters: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.

This Regulation also contains a provision that allows the usual 21 day period for dealing with FOI applications to be extended by 14 days if the application necessitates locating and retrieving documents from a school during a school holiday period.

This Regulation is made under the *Freedom of Information Act 1989*, including sections 6, 7, 8, 11, 59B and 69 (the general regulation-making power).

This Regulation relates to matters of a machinery nature and matters not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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

---

## Contents

	Page
1 Name of Regulation	3
2 Commencement	3
3 Definition	3
4 Principal offices	3
5 Responsible Ministers	3
6 Public authorities	3
7 Public offices	4
8 Documents in certain agencies	4
9 Extension of 21 day period for dealing with certain FOI applications	4
10 Reports to Parliament	4
11 Repeal and Savings	5
Schedule 1 Principal offices	6
Schedule 2 Responsible Ministers	8
Schedule 3 Public authorities	9
Schedule 4 Public offices	16
Schedule 5 Prescribed agencies	17

## Freedom of Information Regulation 2005

under the

Freedom of Information Act 1989

### 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.

## 2005 No 158

Clause 7 Freedom of Information Regulation 2005

---

- (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 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
  - (e) particulars of the outcomes of any such investigations and applications for review.
- (4) In this clause:
- FOI Manual*** means the document entitled *FOI Procedure Manual*, published from time to time by the Premier's Department (or jointly with the Ombudsman's Office). Copies of the Manual are available at the Premier's Department (and also at the Ombudsman's Office if published jointly) and 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 Appendix B to the FOI Manual.

#### **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.

## 2005 No 158

Freedom of Information Regulation 2005

Schedule 1 Principal offices

---

### Schedule 1 Principal offices

(Clause 4)

<b>Public authority</b>	<b>Principal office</b>
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
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 <i>Medical Practice Act 1992</i>	Registrar, NSW Medical Board
Professional Standards Committee constituted under the <i>Pharmacy Act 1964</i>	Registrar, Pharmacy Board
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
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 <i>Health Services Act 1997</i>	Chief Executive
The Sydney Opera House Trust	General Manager

---

<b>Public authority</b>	<b>Principal office</b>
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

---

## 2005 No 158

Freedom of Information Regulation 2005

Schedule 2 Responsible Ministers

---

## Schedule 2 Responsible Ministers

(Clause 5)

### Part 1 Public authorities

<b>Public authority</b>	<b>Responsible Minister</b>
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

<b>Public office</b>	<b>Responsible Minister</b>
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  
 Board of Adult and Community Education  
 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
Aboriginal Land Councils Pecuniary Interest Tribunal	Department of Aboriginal Affairs
Advisory committee or consultation forum established under the <i>Protection of the Environment Administration Act 1991</i>	Department of Environment and Conservation
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 Conservation
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

## 2005 No 158

### Freedom of Information Regulation 2005

#### Schedule 3 Public authorities

---

<b>Body</b>	<b>Agency</b>
Australian Music Examinations Board NSW	Office of the Board of Studies
Biological Diversity Advisory Council	Department of Environment and Conservation
Board of Adult and Community Education	Department of Education and Training
Board of Environment Protection Authority	Department of Environment and Conservation
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 Tick Control	Department of Primary Industries
Board of Vocational Education and Training	Department of Education and Training
Bookmakers Revision Committee	Department of Gaming and Racing
Botany Cemetery Trust	Department of Lands
Boxing Authority	Department of Tourism, 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 Infrastructure, Planning and Natural Resources
Bush Fire Co-ordinating Committee	NSW Rural Fire Service
Charity Referee appointed under the <i>Dormant Funds Act 1942</i>	Attorney General's Department
Chipping Norton Lake Authority	Department of Infrastructure, Planning and Natural Resources
Chiropractic Care Assessment Committee	Department of Health
Chiropractors Registration Board	Department of Health
Chiropractors Tribunal	Department of Health
Coal Compensation Board	Department of Primary Industries
Coal Competence Board	Department of Primary Industries
Committee of inquiry established under the <i>Energy Administration Act 1987</i>	Department of Energy, Utilities and Sustainability

---

<b>Body</b>	<b>Agency</b>
Committee of Review established under the <i>Health Services Act 1997</i>	Department of Health
Community Justice Centres Council	Attorney General's Department
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
Delegate District Hospital	The Bombala District Hospital
Dental Technicians Registration Board	Department of Health
Disability Council	Department of Ageing, Disability and Home Care
Duke of Edinburgh Award Scheme (NSW State Committee)	Department of Ageing, Disability and Home Care
Electrical Equipment Safety Advisory Committee	Department of Commerce
Energy Corporation	Department of Energy, Utilities and Sustainability
Environmental Trust	Department of Environment and Conservation
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
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 Conservation
Health Administration Corporation	Department of Health
Heritage Council	Heritage Office

---

## 2005 No 158

### Freedom of Information Regulation 2005

#### Schedule 3 Public authorities

---

<b>Body</b>	<b>Agency</b>
Home Building Advisory Council	Department of Commerce
Hunter Economic Development Corporation	Department of State and Regional Development
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 Infrastructure, Planning and Natural Resources
Land and Housing Corporation	Department of Housing
Legal Practitioners Admission Board	Attorney General's Department
Legal Profession Advisory Council	Attorney General's Department
Library Council	State Library
Licence Regulator (Water)	Department of Energy, Utilities and Sustainability
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 and Disciplinary Tribunal	Department of Local Government
Local land board under the <i>Western Lands Act 1901</i>	Department of Infrastructure, Planning and Natural Resources
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

---

<b>Body</b>	<b>Agency</b>
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 Conservation
New South Wales Council on Environmental Education	Department of Environment and Conservation
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
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	Premier's Department
Penrith Lakes Scheme Monitoring Committee	Department of Infrastructure, Planning and Natural Resources
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
Product Safety Committee	Department of Commerce
Professional Standards Committee constituted under the <i>Nurses and Midwives Act 1991</i>	Department of Health

---

## 2005 No 158

### Freedom of Information Regulation 2005

#### Schedule 3 Public authorities

---

<b>Body</b>	<b>Agency</b>
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
Radiation Advisory Council	Department of Environment and Conservation
Regional Development Advisory Council	Department of State and Regional Development
Retail Leases Advisory Committee	Department of State and Regional Development
Review Panel established under the <i>Gas Supply Act 1996</i>	Department of Energy, Utilities and Sustainability
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
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 Infrastructure, Planning and Natural Resources
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 Infrastructure, Planning and Natural Resources
The Stewart House Preventorium, Curl Curl	Department of Education and Training
Stock Medicines Board	Department of Primary Industries

---

<b>Body</b>	<b>Agency</b>
Teacher Housing Authority	Department of Education and Training
Trustees of Anzac Memorial Building	Premier's Department
Trustees of commons appointed under the <i>Commons Management Act 1989</i>	Department of Lands
Trustees of reserves appointed under the <i>Crown Lands Act 1989</i>	Department of Lands
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 Lands
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	Department of Environment and Conservation
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
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	Attorney General's Department
Workers Compensation (Dust Diseases) Board	WorkCover Authority
Youth Justice Advisory Committee	Department of Juvenile Justice

---

## 2005 No 158

Freedom of Information Regulation 2005

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

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

Freedom of Information Regulation 2005

Prescribed agencies

Schedule 5

---

**Schedule 5 Prescribed agencies**

(Clause 8)

Audit Office

Ombudsman's Office