

EXPLANATORY STATEMENT

Statutory Rules 1985 No. 106

Issued by the Authority of the Attorney-General

FREEDOM OF INFORMATION (MISCELLANEOUS PROVISIONS)
REGULATIONS (AMENDMENT)

This Regulation, made under sections 4 and 94 of the Freedom of Information Act 1982 ("the Act"), amends the Freedom of Information (Miscellaneous Provisions) Regulations.

Section 94 of the Act empowers the Governor-General to make Regulations prescribing all matters that are necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Section 4 of the Act is an interpretation provision and sub-section 4(1) includes definitions of the expressions "prescribed authority", "principal officer" and "responsible minister".

The definition of "prescribed authority" in sub-section 4(1) is in wide terms so as to bring all statutory bodies and other agencies performing functions of the Commonwealth Government within the scope of the Act. Included in the definition are persons performing the duties of an office established by an enactment, bodies established for a public purpose in accordance with an enactment and other bodies, declared by the Regulations to be prescribed authorities, being bodies established by the Governor-General or by a Minister, or over which the Commonwealth can exercise control. Schedule 1 to the Regulations lists bodies in this last category of prescribed authorities.

The "principal officer" of an agency is, in the case of a Department, the Secretary to the Department. In the case of a prescribed authority, the "principal officer" is the person constituting the authority, the person entitled to preside at a meeting of the authority, or the person holding an office declared in the Regulations to be the principal office. Schedule 2 to the Regulations lists all the offices declared as principal offices.

The "responsible Minister" of an agency is the Minister administering the Department or, in the case of a prescribed authority established by an enactment, the Minister administering the enactment. For all other prescribed authorities, including those prescribed in the Regulations, it is necessary to declare a Minister to be the responsible Minister. Schedule 3 to the Regulations lists the responsible Ministers for this last category of prescribed authorities.



The Regulation replaces the three existing Schedules with new ones to reflect changes in administrative arrangements effected by the Administrative Arrangements Order dated 13 December 1984. It also updates the Regulations to take account of other changes that have occurred since the Freedom of Information (Miscellaneous Provisions) Regulations were last amended in December 1983 and corrects a number of omissions.

A handwritten signature in black ink, appearing to be 'S.R.', located to the right of the main text block.

S.R.

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