

EXPLANATORY STATEMENT

Select Legislative Instrument 2009 No. 276

Issued by the Authority of the Cabinet Secretary

Freedom of Information Act 1982

Freedom of Information (Miscellaneous Provisions) Amendment Regulations 2009 (No. 1)

Subsection 94(1) of the *Freedom of Information Act 1982* (the Act) provides, in part, that the Governor-General may make regulation, not inconsistent with the Act, prescribing all matters that are required or permitted by the Act to be prescribed or are necessary or convenient to be prescribed for the carrying out or giving effect to the Act.

Subsection 4(1) of the Act defines the terms ‘principal officer’.

The purpose of the Regulations is to prescribe the General Manager (GM) of Fair Work Australia (FWA) as the principal officer for the purposes of subparagraph (b)(i) of the definition of ‘principal officer’ in the Act.

The ‘principal officer’ of an agency has responsibility under the Act for various duties and powers that are essential to the effective operations of the Act. For example, a decision on an FOI request to an agency may be made by the responsible Minister, the principal officer of the agency, or an officer of the agency acting in accordance with the arrangements approved by the responsible Minister or the principal officer of the agency.

Subparagraph b(i) of the definition of ‘principal officer’ declares the principal officer in relation to a prescribed authority to be the person holding, or performing, the duties of the principal office as described in the *Freedom of Information (Miscellaneous Provisions) Regulations 1982* (the Principal Regulations). Regulation 4 of the Principal Regulations provides that an office specified in Column 3 of an item in Schedule 2 of the Principal Regulations is declared to be the principal office in respect of the prescribed authority or authorities specified in Column 2 of that item. The Regulations specify the GM of FWA for this purpose.

The Regulations are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Regulations have no or low impact on business and individuals or the economy. Therefore, in accordance with the Government’s best practice regulations no further regulatory analysis is required.

The Regulations commenced on the day after they were registered on the Federal Register of Legislative Instruments.

The Regulations were developed in consultations with FWA. Wider consultation was unnecessary for this legislative instrument because this instrument affects only FWA.

Details of the Regulations are set out in the [Attachment](#).

ATTACHMENT

Freedom of Information (Miscellaneous Provisions) Amendment Regulations 2009 (No. 1)

Details of the Regulations are:-

Regulation 1 provides that the name of these Regulations is the *Freedom of Information (Miscellaneous Provisions) Amendment Regulations 2009 (No. 1)*.

Regulation 2 provides that these Regulations commence on the day after they are registered on the Federal Register of Legislative Instruments.

Regulation 3 provides for Schedule 1 to amend the *Freedom of Information (Miscellaneous Provisions) Regulations 1982*.

Schedule 1 – Amendments

Item [1] – Schedule 2, after item 66

This item inserts the General Manager of Fair Work Australia as the ‘principal officer’ for the purposes of subparagraph (b)(i) of the definition of ‘principal officer’ in subsection (4)(1) of the *Freedom of Information Act 1982*.