

Freedom of Information Regulations

Exposure Draft

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Victoria

Freedom of Information Regulations

Exposure Draft

1 Objectives

The objectives of these Regulations are—

- (a) to declare certain bodies to be prescribed authorities for the purposes of the **Freedom of Information Act 1982**; and
- (b) to prescribe certain offices for the purposes of section 5(3)(a) of that Act; and
- (c) to prescribe the persons and bodies to which the Information Commissioner may refer matters.

2 Authorising provision

These Regulations are made under section 66 of the **Freedom of Information Act 1982**.

3 Commencement

These Regulations come into operation on 5 April 2019.

4 Revocations

The following Regulations are **revoked**—

- (a) the Freedom of Information Regulations 2009¹;
- (b) the Freedom of Information Amendment Regulations 2012²;
- (c) the Freedom of Information Further Amendment Regulations 2012³;
- (d) the Freedom of Information Amendment Regulations 2015⁴.

5 Definition

In these Regulations—

the Act means the **Freedom of Information Act 1982**.

6 Prescribed authorities

For the purposes of paragraph (b) of the definition of *prescribed authority* in section 5(1) of the Act, each body specified in Schedule 1 is declared to be a prescribed authority for the purposes of the Act.

7 Prescribed offices

For the purposes of section 5(3)(a) of the Act, the following are prescribed offices—

- (a) the Director of Public Prosecutions;
- (b) the Public Advocate;
- (c) the Solicitor-General.

8 Prescribed persons or bodies—relevant authority

For the purposes of section 49O(5) of the Act, a person or body specified in Schedule 2 is prescribed as a relevant authority.

9 Prescribed persons or bodies—referral for investigation

For the purposes of section 61L(8) of the Act, a person or body specified in Schedule 2 is prescribed.

Schedule 1—Prescribed authorities

Regulation 6

Appeal Costs Board
Denominational hospitals listed in Schedule 2 to the **Health Services Act 1988**
Disciplinary Appeals Boards
Electoral Boundaries Commission
Firearms Appeals Committee
Food Safety Council
Land Tax Hardship Relief Board
Medical Panels
Mental Health Tribunal
Merit Protection Boards
Professional Boxing and Combat Sports Board
Public Records Advisory Council
Racing Victoria within the meaning of the **Racing Act 1958**
Royal Society for the Prevention of Cruelty to Animals
TAFE institutes created under section 3.1.11 of the **Education and Training Reform Act 2006**
Victoria Grants Commission
Victorian Legal Admissions Board
Victorian Legal Services Board
Victorian Multicultural Commission
Victorian Veterans Council
WorkCover Advisory Committee
Yooralla Society of Victoria

Schedule 2—Prescribed persons and bodies

Regulations 8 and 9

- 1 Auditor-General appointed under section 94A of the **Constitution Act 1975**
- 2 Chief Commissioner of Police appointed under section 17 of the **Victoria Police Act 2013**
- 3 Health Complaints Commissioner appointed under section 111 of the **Health Complaints Act 2016**
- 4 The Independent Broad-based Anti-corruption Commission established under section 12 of the **Independent Broad-based Anti-corruption Commission Act 2011**
- 5 Ombudsman appointed under section 3 of the **Ombudsman Act 1973**
- 6 Racing Integrity Commissioner appointed under section 37A of the **Racing Act 1958**
- 7 Road Safety Camera Commissioner appointed under section 5 of the **Road Safety Camera Commissioner Act 2011**
- 8 The Victorian Inspectorate established under section 8 of the **Victorian Inspectorate Act 2011**



Endnotes

¹ Reg. 4(a): S.R. No. 33/2009 as amended by S.R. Nos 112/2012, 131/2012 and 111/2015.

² Reg. 4(b): S.R. No. 112/2012.

³ Reg. 4(c): S.R. No. 131/2012.

⁴ Reg. 4(d): S.R. No. 111/2015.