

Information Notice

Act Title	Freedom of Information Act 1982
Information Title:	Retrospective Commencement
Version:	080

The amendments to sections 54, 55 and 59 of the **Freedom of Information Act 1982** by section 21 of the **Freedom of Information Amendment (Freedom of Information Commissioner) Act 2012**, No. 6/2012 came into operation on 1 December 2012.

Section 21 reads as follows:

21 References to Part VI

In sections 54, 55 and 59 of the Principal Act for "this Part" (wherever occurring) **substitute** "this Division".

Section 21 of the **Freedom of Information Amendment (Freedom of Information Commissioner) Act 2012** was amended by section 153(1) of the **Integrity and Accountability Legislation Amendment Act 2012**, No. 82/2012. Section 153(1) is taken to have come into operation on 6 March 2012.

Section 153(1) reads as follows:

153 Freedom of Information Amendment (Freedom of Information Commissioner) Act 2012

(1) At the end of section 21 of the **Freedom of Information Amendment (Freedom of Information Commissioner) Act 2012** insert—

"(2) In section 55(2) of the Principal Act before
", the agency" **insert** "(except under section 50(3D))".

The insertion of section 69 of the **Freedom of Information Act 1982** by section 35 of the **Freedom of Information Amendment (Freedom of Information Commissioner) Act 2012**, No. 6/2012 came into operation on 1 December 2012.

Section 35 reads as follows:

35 New section 69 inserted

After section 68 of the Principal Act **insert**—

"69 Transitional provisions—Freedom of Information Amendment (Freedom of Information Commissioner) Act 2012

(1) Despite the repeal of section 51A of this Act by section 17 of the **Freedom of Information Amendment (Freedom of Information Commissioner) Act 2012**, this Act as in force before the commencement of section 17 continues to apply to—

- (a) an application for internal review that was received but not determined by the agency before that commencement; and
 - (b) the making of an application for internal review after that commencement in relation to a decision made before that commencement where the period for making an application for that internal review had not expired before that commencement.
- (2) A person is not entitled to apply to the Freedom of Information Commissioner under this Act for review of a decision to which subsection (1) applies.
 - (3) A person is not entitled to make a complaint to the Freedom of Information Commissioner under this Act if, before the commencement of section 24 of the 2012 Act, the person had made a complaint to the Ombudsman in relation to the matter.
 - (4) A person may apply to the Freedom of Information Commissioner under Division 1 of Part VI for review of a decision of an agency made after the commencement of section 13 of the 2012 Act in relation to a request made before that commencement other than a decision made pursuant to subsection (1).
 - (5) Without limiting any other requirement to give notice under this Act, the relevant agency must in the notice of decision inform a person to whom subsection (4) applies of the right to apply to the Freedom of Information Commissioner for review of that decision referred to in that subsection.
 - (6) In this section *2012 Act* means the **Freedom of Information Amendment (Freedom of Information Commissioner) Act 2012**."

Section 35 of the **Freedom of Information Amendment (Freedom of Information Commissioner) Act 2012** was amended by section 153(2) of the **Integrity and Accountability Legislation Amendment Act 2012**, No. 82/2012. Section 153(2) is taken to have come into operation on 6 March 2012.

Section 153(2) reads as follows:

153 Freedom of Information Amendment (Freedom of Information Commissioner) Act 2012

- (2) In section 35 of the **Freedom of Information Amendment (Freedom of Information Commissioner) Act 2012**, in proposed section 69(1) of the **Freedom of Information Act 1982**—
 - (a) after "Despite" **insert** "the substitution of section 51 and";
 - (b) for "section 17" (where twice occurring) **substitute** "sections 16 and 17".