

South Australia

Freedom of Information (Exempt Agency) Variation Regulations 2009

under the *Freedom of Information Act 1991*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Freedom of Information (Exempt Agency) Variation Regulations 2009*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Freedom of Information (Exempt Agency) Regulations 2008*

4—Variation of regulation 3—Interpretation

Regulation 3—after its present contents (now to be designated as subregulation (1)) insert:

- (2) For the avoidance of doubt, where a provision of these regulations declares an agency to be an exempt agency in respect of a specified class of information, the agency is, from the commencement of the provision, so exempt regardless of whether the information was created or received by the agency before or after that commencement.

5—Variation of regulation 4—Exempt agencies

Regulation 4—after paragraph (e) insert:

- (f) the investigator appointed pursuant to instrument of appointment dated 22 July 2009 under section 272 of the *Local Government Act 1999* to carry out an investigation into the City of Burnside.

6—Insertion of regulation 7

After regulation 6 insert:

7—Exempt agencies in respect of certain information— investigation into City of Burnside

For the purposes of the definition of *exempt agency* in section 4(1) of the Act, the following agencies are declared to be exempt agencies in respect of information relating to the investigation into the City of Burnside carried out by the investigator referred to in regulation 4(f):

- (a) any agency assisting in the investigation;
- (b) the Department of Primary Industries and Resources;
- (c) the Minister for State/Local Government Relations;
- (d) the Department of Planning and Local Government.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 20 August 2009

No 221 of 2009

CLGRF2008/000335