

South Australia

Freedom of Information (Exempt Agency) Variation Regulations 2012

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 2012*.

2—Commencement

These regulations will come into operation on 1 April 2013.

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 4—Exempt agencies

Regulation 4(a)—delete paragraph (a)

5—Variation of regulation 5—Exempt agencies in respect of certain information—education agencies

- (1) Regulation 5(1)(a)—delete "*Senior Secondary Assessment Board of South Australia Act 1983*" and substitute:

SACE Board of South Australia Act 1983

- (2) Regulation 5(2), definition of *senior secondary students*, (b)—delete "*Senior Secondary Assessment Board of South Australia Act 1983*" and substitute:

SACE Board of South Australia Act 1983

6—Insertion of regulation 8

After regulation 7 insert:

8—Exempt agency in respect of certain functions and information—SACE Board

- (1) For the purposes of the definition of *exempt agency* in section 4(1) of the Act, the SACE Board is declared to be an exempt agency in respect of the following classes of information:
- (a) information relating to the results of students in SACE assessments;
 - (b) comparative school performance information;
 - (c) information comprising, relating to or used in the application of standards of marking (however described) in the assessment of students;
 - (d) information contained in a report prepared by a person or body appointed or established by the SACE Board to determine grade levels, or to ensure consistency in grading, and any information used in the preparation of such a report;
 - (e) information comprising, or relating to, an examination paper for an examination that has not yet occurred at the time of an application under the Act relating to the information;
 - (f) information relating to the assessment of students with disabilities;
 - (g) information relating to the alternative assessment of students on compassionate or other grounds;
 - (h) information used, or to be used, by the SACE Board to determine recipients of prizes, awards or commendations (however described);
 - (i) information received by the SACE Board in the course of, or in relation to, a dispute resolution process (whether relating to a particular student or class of students, and however described);

- (j) information identifying a member of the SACE Board or a person exercising a power or performing a function under the *SACE Board of South Australia Act 1983*.
- (2) In this regulation—
- comparative school performance information*** means information of either of the following classes (whether presented in a statistical form or otherwise):
- (a) aggregated information relating to the results of any assessments undertaken by students at a particular school or group of schools;
 - (b) aggregated information relating to the tertiary entrance ranks of students at a particular school or group of schools;

SACE Board means the SACE Board of South Australia continued under the *SACE Board of South Australia Act 1983*.

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 13 December 2012

No 254 of 2012

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