

Basic & overarching principles

- 3** **Object of the Act** – extend as far as possible right to access, intention that provisions interpreted so as to further object
- 5** **Definitions** – including “agency”, “document”, “officer”, “prescribed authority” and “principal officer”
- 6** FOI Act does not apply to courts in relation to judicial functions (they are not a prescribed authority)
- 6AA** FOI Act does not apply to documents of FOIC related to review or complaint
- 7** **Part II** – Publication of certain documents and information concerning functions, rules, policies and procedures of agencies
- 13** Legally enforceable right to obtain access
- 16** Access to documents apart from Act – nothing prevents Ministers and agencies from granting access otherwise than as required by the Act

Making an initial FOI request

- 17** Making a request – must be in writing, sufficiently identify docs, and be accompanied by fee. Duty to assist applicant to make valid request.
- 18** Requests may be transferred to agency that has copy of documents sought.
- 19** Where specific document doesn't exist but information available through computer/database etc, document may be created.
- 20** Access to documents to be given on request.
- 21** Timeline of 45 days for agency to make decision
- 22** Charges for access to documents
- 23** Forms of access for documents
- 26** Decision to be made by authorised person
- 27** Reasons and review rights must be given

Documents and reporting

- 63C** Process for agency to produce exempt documents to FOIC
- 63D** Use by OFOIC of exempt documents, penalty for disclosure
- 64** Requirement for FOIC to produce annual report

Exemptions & refusals to process

- 25** Exempt or irrelevant material may be deleted to make document not exempt
- 24A** Repeated request may be refused if previously refused by VCAT
- 25A** Request may be refused if too voluminous, or if all documents are apparently exempt by nature of request
- 28** Cabinet documents
- 29** Matter communicated by another state – Commonwealth/State relations
- 29A** National security, defence or international relations
- 29B** Documents of Court Services Victoria relating to judicial functions
- 30** Internal working documents – opinion, advice, recommendation, consultation or deliberation
- 31** Law enforcement documents
- 32** Documents affecting legal proceedings (legal privilege)
- 33** Personal affairs information
- 34** Documents relating to trade secrets or business, commercial or financial information of agencies or business undertakings
- 35** Material obtained in confidence by agencies
- 36** Disclosure contrary to public interest – substantial adverse effect on economy of Victoria
- 37** Certain documents arising out of companies/securities legislation – documents relating to functions of ASIC
- 38** Secrecy provisions of other enactments apply
- 38A** Council documents – official record of closed meetings of Council, etc.

Amendment of personal records

- 39** Person may request amendment of records
- 40** Requirements for making amendment request
- 43** Timeline of 30 days for agency to make decision
- 49** Form of corrections/ amendments that can be made by an agency

Reviews by FOI Commissioner

- 49A** Grounds for review
- 49B** 28 days to apply for review
- 49C** Review application must be in writing, etc.
- 49G** Application may be not accepted or dismissed
- 49H** **Review procedure** – timely, efficient, fair, little formality and technicality; opportunity to provide submissions; FOIC bound by natural justice
- 49I** Agency must assist in review
- 49J** Applicant has VCAT right if decision is delayed more than 30 days or longer agreed period
- 49K** FOIC may make preliminary inquiries
- 49L** Referral back for fresh decision
- 49M** Agency reconsiders and make fresh decision at own initiative
- 49MA** Procedure after 49L or 49M
- 49N** Negotiated agreement
- 49P** Fresh decision after review, must provide notice and reasons, 60 days to take effect
- 49Q** Conciliation by Health Services Commissioner

Complaints to FOI Commissioner

- 61A** Grounds for complaint
- 61B** Acceptance and dismissal of complaints
- 61D** Notice of acceptance
- 61E** Agency or Minister must cooperate with FOIC
- 61F** Complaints dealt with in private
- 61G** Preliminary inquiries and consultation
- 61H** Conciliation process
- 61I** Process if conciliation fails (make submissions etc)
- 61J** Power to compel agency to produce documents
- 61K** Application to Supreme Court on question of production notice
- 61L** Outcome of complaint – recommendation may be made
- 61M** Handling of complaint notified or referred by other bodies

Applications to VCAT

- 50** VCAT's jurisdiction
- 51** FOIC may be called to assist
- 52** Time to apply for VCAT review