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Freedom of Information Act 1992



- (iii) a report on the degree of success achieved in a program adopted by an agency for dealing with a contravention or possible contravention of the law; or
 - (iv) a report prepared in the course of a routine law enforcement inspection or investigation by an agency whose functions include that of enforcing the law (other than the criminal law or the law relating to misconduct under the *Crime and Misconduct Act 2001*); or
 - (v) a report on a law enforcement investigation that has already been disclosed to the person or body the subject of the investigation; and
- (b) its disclosure would, on balance, be in the public interest.

(3) A certificate signed by the Minister stating that a specified matter would, if it existed, be exempt matter mentioned in subsection (1), but not matter mentioned in subsection (2), establishes, subject to part 5, that, if the matter exists, it is exempt matter under this section.

(4) A reference in this section to a contravention or possible contravention of the law includes a reference to misconduct or possible misconduct under the *Crime and Misconduct Act 2001*.

(5) In this section—

“law” includes law of the Commonwealth, another State, a Territory or a foreign country.

43 Matter affecting legal proceedings

(1) Matter is exempt matter if it would be privileged from production in a legal proceeding on the ground of legal professional privilege.

(2) Matter is not exempt under subsection (1) merely because it appears in an agency’s policy document.

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44 Matter affecting personal affairs

(1) Matter is exempt matter if its disclosure would disclose information concerning the personal affairs of a person, whether living or dead, unless its disclosure would, on balance, be in the public interest.

(2) Matter is not exempt under subsection (1) merely because it relates to information concerning the personal affairs of the person by whom, or on

whose behalf, an application for access to a document containing the matter is being made.

(3) If—

- (a) an application is made to an agency or Minister for access to a document of the agency or an official document of the Minister that contains information of a medical or psychiatric nature concerning the person making the application; and
- (b) it appears to the principal officer of the agency or the Minister that the disclosure of the information to the person might be prejudicial to the physical or mental health or wellbeing of the person;

the principal officer or Minister may direct that access to the document is not to be given to the person but is to be given instead to a medical practitioner nominated by the person and approved by the principal officer or Minister.

(4) An agency or Minister may appoint a medical practitioner to make a decision under subsection (3) on behalf of the agency or Minister.

45 Matter relating to trade secrets, business affairs and research

(1) Matter is exempt matter if—

- (a) its disclosure would disclose trade secrets of an agency or another person; or
- (b) its disclosure—
 - (i) would disclose information (other than trade secrets) that has a commercial value to an agency or another person; and
 - (ii) could reasonably be expected to destroy or diminish the commercial value of the information; or
- (c) its disclosure—
 - (i) would disclose information (other than trade secrets or information mentioned in paragraph (b)) concerning the business, professional, commercial or financial affairs of an agency or another person; and
 - (ii) could reasonably be expected to have an adverse effect on those affairs or to prejudice the future supply of such information to government;