

## Request for access under the Freedom of Information Act

This precedent has been authored for LexisNexis  
**University of Queensland.**

This precedent is a part of a LexisNexis suite of fo

This precedent is current to **January 2015.**

### Introductory note

This precedent is a request for access under t

### Legislation

Legislation providing for freedom of informati  
and territories under various names.

The Commonwealth Act is the Freedom of Inf  
territory Acts are:

- Freedom of Information Act 1989
- Information Act 2002 (NT);
- Government Information (Public
- Right to Information Act 2009 (Q
- Freedom of Information Act 1991
- Right to Information Act 2009 (Ta
- Freedom of Information Act 1982
- Freedom of Information Act 1992

The Commonwealth Act has served as the ba  
amended by the Freedom of Information Ame  
now between that Act and those laws. Indeed  
are now significant areas of difference as well

The particular state or territory law in question  
issue, ie if information is sought at state or ter  
territory agency, the relevant state or territory

### Information that may be accessed

In seeking access, it is important always to be  
A request for access to information in a docum

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is vague or ill defined. It is necessary to be precise about the exact position(s) they occupy in an agency, and exacting in the description of the document(s) sought. Access to voluminous documents should, as a general rule, be refused, as specific documents are more likely to be effective.

### **Commonwealth**

The Cth FOI Act provides every person with a right of access to information (section 11(1)):

- a "document of an agency" (other than a document of a Minister)
- an "official document of a Minister"

This right, however, may only be exercised in certain circumstances:

A person's right of access is not generally affected by:

- the reasons the person gives for seeking access;
- the agency's or the Minister's beliefs or opinions as to whether access are in the public interest.

The Cth FOI Act distinguishes between exempt documents and conditionally exempt documents.

### **States and territories**

State and territory laws are broadly similar to the Cth FOI Act, providing a right of access to exempt documents and conditionally exempt documents.

**Australian Capital Territory:** by the Freedom of Information Act 1989, a legally enforceable right to obtain access (information) to:

- a document of an agency, other than a document of a Minister
- an official document of a Minister

**Northern Territory:** The Information Act 2002 provides a legally enforceable right to access "government information" held by an organisation for government information held by that organisation relating to that person.

"Government information" is defined as a record held by an organisation: section 4.

The NT FOI Act draws a distinction between information in the public interest to disclose it (section 44) and information in the particular case that it is not in the public interest to disclose it (section 45).

**New South Wales:** The Government Information Act 1989 requires government information held by an agency to be disclosed to a person who requests it, unless it is exempt from disclosure.