



FAX/EMAIL UPDATE

New Terrorism Amendments to the FOI Act commenced 16 April 2003

On 16 April 2003 new amendments to the *Freedom of Information Act* 1982 (“**FOI Act**”) were introduced by Part 8 of the *Terrorism (Community Protection) Act* 2003 (“**Terrorism Act**”).

The amendments introduce a further exemption into the FOI Act. Section 29A of the FOI Act has been inserted and has taken effect from 16 April 2003 (the day after Royal Assent was provided). It provides that a document is exempt if its disclosure would or could reasonably be expected to cause damage to:

- (a) the security of the Commonwealth or any State or Territory; or
- (b) the defence of the Commonwealth; or
- (c) the international relations of the Commonwealth.

The Terrorism Act also introduced other procedural provisions and consequential amendments to support the introduction of the new exemption. These include a procedure for certification of a document in a request *if it existed* as exempt under section 29A of the new exemption. It also sets out what procedure is open to the Victorian Civil and Administrative Tribunal where this exemption is claimed.

Should you require any further information about the new exemption, please do not hesitate to contact Mick Batskos:

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