Western Australia

Western Australia

Freedom of Information Regulations 1993

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Western Australia

FREEDOM OF INFORMATION ACT 1992

INTERPRETATION ACT 1984

Freedom of Information Regulations 1993

Made by the deputy of the Governor in Executive Council under section 112 of the *Freedom of Information Act 1992* and section 25 of the *Interpretation Act 1984*.

1. Citation

These regulations may be cited as the *Freedom of Information Regulations 1993*.

2. Commencement

These regulations come into operation on the day on which section 10 of the *Freedom of Information Act 1992** comes into operation.

[* Act No. 76 of 1992.]

2A. Interpretation

In these regulations —

"non-personal information" means information that is not personal information about the applicant.

[Regulation 2A inserted by Gazette 30 September 1994 p.4983.]

3. General provisions relating to charges

For an applicant who is —

- (a) impecunious, in the opinion of the agency to whom the application is made; or
- (b) the holder of a currently valid pensioner concession card issued on behalf of the Commonwealth to that person, or any other card which may be prescribed as being a pensioner concession card under the *Rates and Charges* (Rebates and Deferments) Act 1992,

the charge payable under regulation 5 is reduced by 25%.

4. Application fee (section 12 (1) (e))

The fee in column 2 of item 1 of Schedule 1 is prescribed as the application fee payable under section 12 (1) (e) of the Act, for an application for non-personal information.

[Regulation 4 amended by Gazette 12 November 1993 p.6202; 30 September 1994 p.4983.]

5. Charges (section 16 (1))

The charges set out in column 2 of item 2 of Schedule 1 are prescribed as payable under section 16 (1) of the Act for the purposes set out opposite those charges in column 1 of that item.

[Regulation 5 amended by Gazette 30 September 1994 p.4983.]

6. Advance deposits (section 18 (1) and (4))

The amount or rate set out in column 2 of item 3 of Schedule 1 is prescribed as the amount or rate of an advanced deposit which may be payable under section 18 of the Act in the circumstances set out opposite those amounts or rates in column 1 of that item.

[Regulation 6 amended by Gazette 30 September 1994 p.4983.]

7. "Suitably qualified person" defined (section 28)

For the purposes of section 28 of the Act —

"suitably qualified person" means a medical practitioner within the meaning of the *Medical Act 1894*.

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8. Information or details to be included in a complaint (section 66 (1) (d))

For the purposes of section 66 (1) (d) of the Act, a complaint made against an agency's decision under section 65 (1) of the Act is to be accompanied by a copy of the agency's notice of it's decision, unless the decision complained of is the result of the non-receipt of a decision under section 13 (2) of the Act.

9. Prescribed personal details (Schedule 1, clause 3 of the Act)

- (1) In relation to a person who is or has been an officer of an agency, details of
 - (a) the person's name;
 - (b) any qualifications held by the person relevant to the person's position in the agency;
 - (c) the position held by the person in the agency;
 - (d) the functions and duties of the person, as described in any job description document for the position held by the person; or
 - (e) anything done by the person in the course of performing or purporting to perform the person's functions or duties as an officer as described in any job description document for the position held by the person,

are prescribed details for the purposes of Schedule 1, clause 3 (3) of the Act.

- (2) In relation to a person who performs or has performed services for an agency under a contract for services, details of
 - (a) the person's name;
 - (b) any qualifications held by the person relevant to the person's position or the services provided or to be provided pursuant to the contract;
 - (c) the title of the position set out in the contract;

- (d) the nature of services to be provided and described in the contract;
- (e) the functions and duties of the position or the details of the services to be provided under the contract, as described in the contract or otherwise conveyed to the person pursuant to the contract; or
- (f) anything done by the person in the course of performing or purporting to perform the person's functions or duties or services, as described in the contract or otherwise conveyed to the person pursuant to the contract,

are prescribed details for the purposes of Schedule 1, clause 3 (4) of the Act.

[Regulation 9 inserted by Gazette 30 September 1994 pp.4983-84.]

10. Specified bodies, etc., to be regarded as part of other agencies

Under Schedule 2, clause 2 (4) of the Act, it is declared that the office or body set out in column 2 of Schedule 2 to these regulations is not to be regarded as a separate agency, but is to be regarded as a part of the agency set out opposite that office or body in column 1 of Schedule 2 to these regulations.

[Regulation 10 inserted by Gazette 30 September 1994 p.4984.]

Schedule 1

[Heading amended by Gazette 30 September 1994 p.4984.]

[regulation 4, 5 and 6]

Calı	umn 1		Column 2
1.	• •	e of Fee	\$
		lication fee under section 12 (1) (e) of the Act (for an	
		ication for non-personal information)	30
2.	Type	e of Charge	\$
	(a)	Charge for time taken by staff dealing with the	
		application (per hour, or pro rata for a part of an	
		hour)	30
	(b)	Charge for access time supervised by staff (per	
		hour, or <i>pro rata</i> for a part of an hour)	30
		plus the actual additional cost to the agency	
		of any special arrangements (eg. hire of	
		facilities or equipment).	
	(c)	Charges for photocopying —	
		(i) per hour, or <i>pro rata</i> for a part of an hour of	
		staff time;	30
		and	
		(ii) per copy	0.20
	(d)	Charge for time taken by staff transcribing	
		information from a tape or other device (per hour,	
		or pro rata for a part of an hour)	30
	(e)	Charge for duplicating a tape, film or computer	
		information	Actual
		Cost	
	(f)	Charge for delivery, packaging and postage	Actual
		Cost	
3.	Adva	ance Deposits	
	(a)	Advance deposit which may be required by an	
		agency under section 18 (1) of the Act, expressed	
		as a percentage of the estimated charges which	2.70 /
		will be payable in excess of the application fee	25%
	(b)	Further advance deposit which may be required	

Freedom of Information Regulations 1993 Schedule 1

75%

[Schedule amended by Gazettes 12 November 1993 p.6202; 30 September 1994 p.4984.]

Schedule 2

[regulation 10]

	[regulation 10]
Column 1	Column 2
[Agency]	[Office or body]
Ministry of Premier and Cabinet	Office of the Premier
Willistry of Frence and Cabillet	Office of State Administration
	. Policy Office
	. Government Property Office
	. Public Sector Management Office
	. European And North Asia Offices
	. Royal Commissions
	. Aboriginal Justice and Graffiti Taskforce
Treasury	. R & I Holdings
	. Miscellaneous Services
	. Western Australian Development Corporation
	. Western Australian EXIM Corporation
Public Service Commission	. Office of the Director of Equal Opportunity in Public
	Employment
State Energy Commission of WA	State Energy Commission Punishment Appeals Board
A . with the man Demonstration and	SECWA Board of Commissioners
Agriculture Department	Ashburton Land Conservation District Committee Apple Sales Advisory Committee
	. Artificial Breeding Board
	. Quota Appeals Board
	Stone-Fruit Sales Advisory Committee
	. WA Lamb Marketing Board
	. WA Meat Marketing Board
	. Wheat Board
	. Citrus Sales Advisory Committee
	. Beekeepers Compensation Fund Committee
	. Beverley Land Conservation District Committee
	. Bibby Springs Land Conservation District Committee
	. Binnu Land Conservation District Committee
	. Boddington Land Conservation District Committee
	Boyup Brook Land Conservation District Committee
	. Bridgetown - Greenbushes Land Conservation District Committee
	Brookton Land Conservation District Committee
	Broomehill Land Conservation District Committee
	Broome Land Conservation District Committee
	Bruce Rock Land Conservation District Committee
	Buntine West Wubin Land Conservation District
	Committee
	. Burakin - Bunketch Land Conservation District Committee
	. Cadoux/Manmanning Land Conservation District
	Committee
	. Capel Land Conservation District Committee
	. Carlecatup Land Conservation District Committee
	. Carnamah Land Conservation District Committee
	. Carnarvon Banana Industry Compensation Committee
	. Carnaryon Land Conservation District Committee
	. Cattle Industry Compensation Act Research Fund Advisory
	Committee

Column 1	Column 2
[Agency]	[Office or body]
	Chapman Valley Land Conservation District Committee Chicken Meat Industry Committee Chittering Valley Land Conservation District Committee Collie Land Conservation District Committee
Column 1	Column 2
[Agency]	[Office or body]
	Coolup Land Conservation District Committee Corrigin Land Conservation District Committee Cuballing Land Conservation District Committee Cue Land Conservation District Committee Cunderdin Land Conservation District Committee Dardanup Land Conservation District Committee Demmark Land Conservation District Committee Dowerin Land Conservation District Committee Doried Fruits Board Drought Consultative Committee Dumbleyung Land Conservation District Committee East Ballidu Land Conservation District Committee East Gillingarra Land Conservation District Committee East Pilbara Land Conservation District Committee East Yornaning Land Conservation District Committee East Prilbara Land Conservation District Committee East Prilbara Land Conservation District Committee East Prilbara Land Conservation District Committee Fram Machinery Advisory Committee Frankland Below Gordon Land Conservation District Committee Fruit Growing Industry Trust Fund Committee Gascoyne Ashburton Head Waters Land Conservation District Committee Gascoyne/Wooramel Land Conservation District Committee Gingin Land Conservation District Committee Gnowangerup Land Conservation District Committee Gnowangerup Land Conservation District Committee Halls Creek - East Kimberley Land Conservation District Committee Hay River Land Conservation District Committee Herd Improvement Service Horticultural Export Development Council Horticultural Produce Commission Irwin Land Conservation District Committee Kalannie/Goodlands Land Conservation District Committee Kalannie/Goodlands Land Conservation District Committee Kalannie/Goodlands Land Conservation District Committee Kalagan Land Conservation District Committee Kalannie/Goodlands Land Conservation District Committee Kalanning Land Conservation District Committee Kojonup Land Conservation Dis

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Column 1	Column 2
[Agency]	[Office or body]
	. Koorda Land Conservation District Committee
	. Kulin Land Conservation District Committee
	. Lake Bryde Land Conservation District Committee
	. Lake Preston Land Conservation District Committee
	Lakes Land Conservation District Committee
	Lower Blackwood Land Conservation District Committee
	. Lyndon Land Conservation District Committee
	 Manjimup Land Conservation District Committee Manypeaks Land Conservation District Committee
	. Meekatharra Land Conservation District Committee
	. Merredin Land Conservation District Committee
	. Merredith Land Conservation District Committee
	. Miling Land Conservation District Committee
	. Mingenew Land Conservation District Committee
Column 1	Column 2
[Agency]	[Office or body]
	. Minyulo/Dandaragan Land Conservation District
	Committee
	. Mobrup Land Conservation District Committee
	. Mogumber Land Conservation District Committee
	. Morawa Land Conservation District Committee
	Mount Magnet Land Conservation District Committee
	Mount Marshall Land Conservation District Committee Mukinbudin Land Conservation District Committee
	Mullewa Land Conservation District Committee
	Murchison Land Conservation District Committee
	Napier River Land Conservation District Committee
	Narembeen Land Conservation District Committee
	. Narrogin Land Conservation District Committee
	. Newdegate Land Conservation District Committee
	. Ninan Land Conservation District Committee
	. North Eastern Goldfields Land Conservation District
	Committee
	North Kimberley Land Conservation District Committee
	North Stirlings Land Conservation District Committee
	 Northam Land Conservation District Committee Nugadong West Land Conservation District Committee
	Nullarbor/Eyre Highway Land Conservation District
	Committee
	. Nungarin Land Conservation District Committee
	. Nyabing/Pingrup Land Conservation District Committee
	. Ord River Irrigation Area Land Conservation District
	Committee
	Perenjori Land Conservation District Committee
	. Piawaning - Yerecoin Land Conservation District
	Committee
	Pig Industry Compensation Advisory Committee
	Pingally Land Conservation District Committee
	Pingelly Land Conservation District Committee Pithara - Dalwallinu Land Conservation District
	Committee

Column 1	Column 2
[Agency]	[Office or body]
[Agency]	Port Kennedy Land Conservation District Committee Potato Growing Industry Trust Fund Advisory Committee Poultry Industry Trust Fund Advisory Committee Quairading Land Conservation District Committee Ravensthorpe Land Conservation District Committee Roebourne — Port Hedland Land Conservation District Committee Sandstone Land Conservation District Committee Sandstone Land Conservation District Committee Sandstone Land Conservation District Committee Shark Bay Land Conservation District Committee Soil and Land Conservation Council Soil Fertility Research Fund - Trustees South Mogumber Land Conservation District Committee State Beef Cattle Liaison Committee State Pig Liaison and Research Committee State Pig Liaison Committee State Sheep Liaison Committee State Sheep Liaison Committee Stirling Land Conservation District Committee Tambellup Land Conservation District Committee Tambellup Land Conservation District Committee Tambellup Land Conservation District Committee Toodyay Land Conservation District Committee Trayning Land Conservation District Committee Trayning Land Conservation District Committee Toodyay Land Conservation District Committee Tunney Land Conservation District Committee Upper Gascoyne Land Conservation Committee Upper Gascoyne Land Conservation District Committee Veterinary Preparations & Animal Feeding Stuffs Advisory Committee Veterinary Surgeons Board Waddi Forest Land Conservation District Committee Veterinary Surgeons Board Waddi Forest Land Conservation District Committee Wagin Land Conservation District Committee
Column 1	Column 2
[Agency]	[Office or body]
	 Walpole — Tingledale Land Conservation District Committee Warnbro Land Conservation District Committee Watheroo — Coomberdale Land Conservation District Committee Wellesley Land Conservation District Committee Wellstead Land Conservation District Committee West Arthur Land Conservation District Committee West Ballidu Land Conservation District Committee West Kimberley Land Conservation District Committee West Koojan Gillingarra Land Conservation District Committee West Maya Land Conservation District Committee West Mount Barker Land Conservation District Committee Westonia Land Conservation District Committee

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Column 1	Column 2
[Agency]	[Office or body]
Agriculture Protection Board	Wheat Advisory Committee Wickepin Land Conservation District Committee Williams Land Conservation District Committee Wiluna Land Conservation District Committee Woodanilling Land Conservation District Committee Wooroloo Land Conservation Committee Wyalkatchem Land Conservation District Committee Yalgoo Land Conservation District Committee Yallingup Land Conservation District Committee Yilgarn Land Conservation District Committee York Land Conservation District Committee York Land Conservation District Committee Zone 1A East Kimberley Zone Control Authority Zone 1B West Kimberley Zone Control Authority
	 Zone 2 Pilbara Zone Control Authority Zone 3 Carnarvon - Meekatharra Zone Control Authority Zone 4 Esperance Zone Control Authority Zone 5 Albany Zone Control Authority Zone 6 Bunbury Zone Control Authority Zone 7 Geraldton Zone Control Authority Zone 8 Merredin Zone Control Authority Zone 9 Eastern Goldfields Zone Control Authority Zone 10 Outer Metropolitan Zone Control Authority
Grain Pool of Western Australia Dairy Industry Authority Fisheries Department	Grain Research Committee Dairy Industry Quota Appeals Committee Abrolhos Islands Consultative Council Pearling Industry Advisory Committee Recreational Fishing Advisory Committee Fishing and Allied Industries Committee General Fisheries Advisory Committee Rock Lobster Industry Advisory Committee Western Australian Fisheries Adjustment Scheme - Committee of Management
Department of Minerals and Energy	 Board of Examiners (Coal Mining) Board of Examiners (Mine Managers and Underground Supervisors) Board of Examiners (Quarry Managers) Local Board of Reference Coal Miners Welfare Board Coal Miners Accident Relief Fund Trust Energy Research Advisory Committee Minerals and Energy Research Institute of Western Australia Minerals and Energy Research Institute of Western Australia: Board of Directors Minerals Research Advisory Committee Mines Survey Board Renewable Energy Advisory Council Western Australian Coal Industry Tribunal Miners Phthisis Board
Western Australian Land Information Authority Department of Transport	 Geographic Names Committee Land Surveyors Licensing Board Western Australian Certificates of Competency Appeal Authority

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Column 1	Column 2
[Agency]	[Office or body]
Western Australian Government Railways Commission (Westrail)	 Western Australian Mercantile Marine Disciplinary Appeal Tribunal Western Australian Marine Act Manning Committee Railway Appeal Board
Education Department of Western Australia	. Public Education Endowment Trust
Secondary Education Authority	 Western Australian Post Secondary Education Superannuation Scheme Education Policy and Co-ordination Bureau Country High Schools Hostels Authority WA Office of Non-Government Education
Department of Training	College of Customised Training - Interim Council Office of Industrial Training Skills Standards and Accreditation Board
Ministry of Sport & Recreation	 Aboriginal Development Foundation for Sport & Recreation Recreation Camps and Reserves Board WA Recreation Council Western Australian Boxing Commission Western Australian Coaching Foundation Western Australian Sports Council Women's Sport Foundation
Ministry of Justice	Chief Assessor and Assessors under the Criminal Injuries Compensation Act 1985 Children's Court of Western Australia Commercial Tribunal - Advisory Committee for Landlords Commercial Tribunal - Advisory Committee for Tenants Commercial Tribunal - Advisory Committee for Valuers (Experts Panel) Commercial Tribunal - Fitness Industry Panel Commercial Tribunal - Travel Industry Panel Commercial Tribunal of Western Australia Coroner's Court of Western Australia Courts of petty sessions Equal Opportunity Tribunal Family Court of Western Australia Guardianship & Administration Board Prison Officers Appeal Tribunal Public Trust Office Registrar General's Office Retirement Villages Disputes Tribunal Small Claims Tribunals Strata Titles Referee Supreme Court of Western Australia The District Court of Western Australia Children's (Suspended Proceedings) Panel Children's Court Special Magistrates Youth Participation Grants Advisory Committee
Office of Racing and Gaming	Betting Control Board Burswood Park Board Gaming Commission of Western Australia Race Course Development Trust

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Column 1	Column 2
[Agency]	[Office or body]
Water Authority of Western Australia	Racing Penalties Appeal Tribunal Audit Committee Benger Swamp Regional Advisory Committee Broome Groundwater Advisory Committee Canning - Wungong - Southern River Irrigation Advisory Committee Carnarvon Irrigation District Advisory Committee Clearing Controls Appeals Committee Cockburn Groundwater Advisory Committee Land Drainage Rating Objection Committee Irrigation Commission Ord Irrigation District Management Committee Busselton Drainage District Advisory Committee Gingin Water Resources Advisory Committee Ord River Advisory Committee Pilbara Water Conservation Advisory Committee Preston Valley Irrigation District Advisory Committee Serpentine — Dandalup — Murray Rivers Irrigation Advisory Committee South West Irrigation Districts Advisory Committee South West Irrigation Districts Advisory Committee Stakehill Groundwater Advisory Committee Stakehill Groundwater Advisory Committee Stakehill Groundwater Advisory Committee Wanneroo Groundwater Advisory Committee Wanneroo Groundwater Advisory Committee Warren Water Management Area Advisory Committee Warren Water Management Area Advisory Committee Board of Examiners - Metropolitan Plumbers' Licensing Water Resource Allocation Committee Irrigation Commission Clearing Controls Appeals Committee
Column 1	Column 2

Column 1	Column 2	
[Agency]	[Office or body]	
Art Gallery of Western Australia Department for the Arts Ministry of Fair Trading	WA Local Government Grants Commission Local Government (Long Service Leave) Regulations Board of Reference Local Government Auditors Board Local Government Boundaries Commission Control of Vehicles (Off-road Areas) Act Advisory Committee Municipal Building Surveyors Qualifications Committee Municipal Clerks and Treasurers Qualifications Committee Municipal Engineers Qualifications Committee Municipal Town Planners Qualifications Committee Art Gallery Board of Western Australia Screen West Charitable Collections Advisory Committee Consumer Products Safety Committee Finance Brokers Supervisory Board Home Buyers Assistance Advisory Committee Land Valuers Licensing Board	

Column 1	Column 2
[Agency]	[Office or body]
[87]	Motor Vehicle Dealers Licensing Board Real Estate and Business Agents Supervisory Board Retail Shops Advisory Committee Settlement Agents Supervisory Board State Advisory Committee on Publications Wheat Products (Price Fixation) Committee
Waterways Commission	 Albany Waterways Management Authority Avon River Management Authority Leschenault Inlet Management Authority Peel Inlet Management Authority Swan River Trust Wilson Inlet Management Authority Office of Catchment Management
Department of Environmental Protection Department of Conservation and Land Management	 Environmental Protection Authority Forest Production Council Kangaroo Management Advisory Committee Lands & Forests Commission National Parks & Nature Conservation Authority WA Herbarium Committee WA Wildlife Authority Roadside Conservation Committee
Minister for the Environment	. Appeals Convenor for the <i>Environmental Protection</i> Act 1986
Disability Services Commission Department for Community Services Office of Seniors Interests	 Advisory Council for Disability Services Child Care Services Board Community Services - CSTC Consultative Committee on Out of Home Care Department for Community Development — Case Review Board Advisory & Co-ordinating Committee on Child Abuse Education and Training Co-ordinating Committee SAAP/CAP Ministerial Advisory Committee Advisory Council to the Minister for Seniors
Office of Schools interests	. Advisory Council to the Minister for Schools
Column 1	Column 2
[Agency]	[Office or body]
The Western Australian Industrial Relations Commission	Public Service Arbitrator Promotion Appeal Board Industrial Magistrates Court WA Industrial Appeal Court Board of Reference (Industrial Relations Act 1979) Board of Reference (Local Government Act 1960) Board of Reference (Construction Industry Portable Paid Long Service Leave Act 1985) Government School Teachers Tribunal Board of Reference (Long Service Leave Act 1958) Public Service Appeal Board Railways Classification Board Special Board of Reference (Long Service Leave Standard Provisions) Long Service Leave Appeal Committee (Long Service Leave Conditions State Government Wages Employees)

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Column 1	Column 2		
[Agency]	[Office or body]		
Workers Compensation and	. Premium Rates Committee		
Rehabilitation Commission	. Conciliation and Review Directorate		
Dept of Productivity and Labour	. Western Australian Labour Relations Advisory Council		
Relations			
Department of Occupational Health	. Education and Training Advisory Committee		
Safety and Welfare	. Research Advisory Committee		
	Regulation Review Advisory Committee		
	. Occupational Health Safety & Welfare Commission		
	. Workplace Health and Safety Advisory Committee		
Building Management Authority	. Architects Board		
	. Committee of Architectural Education		
	Western Australian Building Authority		
D	Task Force for the Building and Construction Industry		
Department of State Services	State Supply Commission		
Police Department	Western Australian Emergency Management Advisory		
	Committee (State)		
	. Western Australian Hazardous Materials Emergency Management Scheme Co-ordination Committee		
	Special Government Committee on Aboriginal/Police and		
	Community Relations		
	Police Appeal Board		
	Police Licensing and Services Division		
	Promotions Board		
	Promotions Appeal Tribunal		
	. Traffic Board		
Department for Planning and	. Board of Valuers		
Infrastructure	Port Kennedy Management Board		
	. Pastoral Lands Board of Western Australia		
Western Australian Planning	. Metropolitan Planning Council		
Commission	. Country Planning Council		
	Any committee established under the <i>Planning and</i>		
	Development Act 2005 Schedule 2		
National Trust of Australia (WA)	. National Trust of Australia (WA) - Council		
Aboriginal Affairs Planning Authority	. Aboriginal Advisory Council		
•	. Aboriginal Affairs Coordinating Committee		
	. Aboriginal Lands Trust		
Department of Aboriginal Sites	. Aboriginal Cultural Material Committee		
	. Aboriginal Material Preservation Fund		
State Housing Commission (Homeswest)	. Aboriginal Housing Board		

[Schedule 2 inserted by Gazette 30 Sep 1994 p. 4984-94; amended in Gazette 27 Sep 1996 p. 4791; 2 Sep 1997 p. 4976-7; 22 Dec 2006 p. 5805-6.]

Notes

This is a compilation of the *Freedom of Information Regulations 1993* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Citation	Gazettal	Commencement
Freedom of Information Regulations 1993	22 October 1993 pp.5800-2	1 November 1993 (see regulation 2 and <i>Gazette</i> 29 October 1993 p.5881)
Freedom of Information Amendment Regulations 1993	12 November 1993 p.6202	12 November 1993
Freedom of Information Amendment Regulations 1994	30 September 1994 pp.4982-94	30 September 1994
Freedom of Information Amendment Regulations 1996	27 September 1996 pp.4790-1	27 September 1996
Freedom of Information Amendment Regulations 1997	2 September 1997 pp.4976-7	2 September 1997
Freedom of Information Amendment Regulations 2006	22 Dec 2006 p. 5805-6	1 Jan 2007 (see r. 2 and <i>Gazette</i> 8 Dec 2006 p. 5369)