

FREEDOM OF INFORMATION BILL 2000

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BILL NO. 4 OF 2000

A BILL

FOR AN ACT TO GIVE MEMBERS OF THE PUBLIC RIGHT OF ACCESS TO OFFICIAL INFORMATION OF THE GOVERNMENT AND ITS AGENCIES AND RIGHTS TO REASONS FOR CERTAIN DECISIONS

ENACTED by the Parliament of the Fiji Islands –

Part 1 – PRELIMINARY

Short title and commencement

1. (1) This Act may be cited as the Freedom of Information Act 2000.
- (2) This Act commences on 1st January 2002 or an earlier date appointed by the Minister by notice in the Gazette.

Interpretation

2. (1) In this Act, unless the contrary intention appears –
 - “agency” means a department or a prescribed authority;
 - “applicant” means a person who has made a request in accordance with section 10;
 - “department” means a department of the public service;
 - “document” means a document in any form, including –
 - (a) a map, plan, drawing or photograph;
 - (b) any paper or other material on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them;
 - (c) any article or material from which sounds, images or writings are capable of being reproduced with or without the aid of any other article or device; or
 - (d) any article on which information has been stored or recorded either mechanically or electronically;

“government commercial company” has the same meaning as in the Public Enterprise Act 1996;

“international organization” means an organization of States or governments of States, including the Commonwealth Secretariat;

“official information” means official information held about an identifiable individual;

“prescribed authority” means –

- (a) a body, whether corporate or unincorporated, established for a public purpose by, or in accordance with, an Act;
- (b) a person holding, or performing the duties of, an office established by an Act; or
- (c) a local authority,

but does not include –

- (i) a government commercial company;
- (ii) the President;
- (iii) the Bose Levu Vakaturaga;
- (iv) a court;
- (v) a commission of inquiry established under the Commissions of Inquiry Act;

“principal officer” means –

- (a) in relation to a department – the person holding, or performing the duties of, the office of Secretary of the Department; and

- (b) in relation to a prescribed authority - the person who constitutes, or is acting as the person who constitutes, the authority or, if the authority is constituted by 2 or more persons, the person who is entitled to preside at meetings of the authority;
- “statutory officer” means a person –
- (a) holding or performing the duties of an office established by an Act; or
 - (b) performing duties expressly conferred by an Act on the person by virtue of the person’s office.
- (2) Information held by an officer or employee of an agency in that person’s capacity as such an officer or employee or in that person’s capacity as a statutory officer is, for the purposes of this Act, deemed to be held by the agency.
 - (3) Information held by an independent contractor engaged by an agency or Minister in the Contractor’s capacity as such a contractor is, for the purposes of this Act, deemed to be held by the agency or Minister.

Part 2 – PUBLICATION OF CERTAIN DOCUMENTS AND INFORMATION

Publications setting out functions of departments and prescribed authorities

- 3. (1) Each agency must cause to be published, not later than the end of the year 2002, a publication that-
 - a) describes the structure, functions and responsibilities of the agency;
 - b) describes the categories of documents held by it;
 - c) describes all manuals and similar types of documents that contain policies, principles, rules or guidelines in accordance with which decisions or recommendations are made by the agency; and
 - d) tells members of the public who wish to get information from the agency how they should go about it and gives particulars of the officer or officers to whom requests for information should be sent.
- (2) Each agency must, at intervals of not more than 2 years, bring the material contained in the publication published under subsection (1) up to date either by publishing a new edition or by publishing a supplement.
- (3) If there is good reason under section 6 or 7 for withholding official information, nothing in this section requires the publication of that official information.
- (4) The information to be published in accordance with this section may be published by including it in the annual report of the agency.
- (5) This section applies in relation to an agency that comes into existence after commencement of this Act as if the reference in subsection (1) to the year 2002 were a reference to the year in which it came into existence.

Certain documents to be available for inspection and purchase

- 4. (1) This section applies, in respect of an agency, to documents (including manuals) used by the agency or its officers containing policies, principles, rules or guidelines in accordance with which decisions or recommendations are made with respect to –
 - (a) rights, privileges or benefits; or
 - (b) obligations, penalties or other detriments, to which persons are or may, be entitled or subject.
- (2) The principal officer of an agency must-
 - a) cause copies of all documents to which this section applies in respect of the agency that are in use from time to time to be made available for inspection and purchase by members of the public;

- b) not later than the relevant day in relation to the agency – cause to be published and to be displayed at the main office of the agency a statement (which may take the form of an index) specifying the documents of which copies are, at the time of preparation of the statement, available in accordance with paragraph (a) and the place or places where copies may be inspected and bought; and
 - c) within 12 months after the publication of the last statement published under paragraph (b) or this paragraph – cause to be published and to be displayed at the main office of the agency a statement bringing up to date the information contained in the last preceding statement.
- (3) For the purposes of subsection (2), the relevant day in relation to an agency is –
- a) in the case of an agency that was in existence before the commencement of this Act – the day that occurs 12 months after the commencement of this Act;
 - b) in the case of an agency that comes into existence on or after the commencement of this Act – the day that occurs 12 months after it came into existence.
- (4) The principal officer is not required to comply fully with subsection (2)(a) before the expiration of 12 months after the commencement of this Act but must, before that time, comply with that subsection so far as is practicable.
- (5) If, by virtue of section 6 or 7, there is good reason for withholding some of the information contained in a document to which this section applies, the principal officer must, unless it is impracticable to do so –
- a) make a copy of the document available with any deletions or alterations that are necessary; or
 - b) cause to be prepared a corresponding document, altered only to the extent necessary to exclude the information, and cause the document so prepared to be dealt with in accordance with subsection (2).
- (6) Subsection (4) applies in relation to an agency that comes into existence after the commencement of this Act as if the reference in that subsection to the commencement of this Act were a reference to the day on which the agency comes into existence.

Part 3 – ACCESS TO OFFICIAL INFORMATION

Principle of availability

5. The question whether official information is, under this Act, to be made available must be determined in accordance with –
- a) the purposes of this Act; and
 - b) the principle that the information should be made available unless there is good reason for withholding it.

Information affecting national security, international relations, Enforcement of the law or the safety of a person

6. For the purpose of section 5, good reason for withholding official information exists, if the making available of the information would be likely–
- a) to prejudice the security or defence of the Fiji Islands or the international relations of the Government;
 - b) to prejudice the entrusting of information to the Government on a basis of confidence by –
 - i. the government of another country or an agency of such a government;
or
 - ii. or international organization;

- c) to prejudice the maintenance of the law, including the prevention, investigation or detection of offences, and the right to a fair trial; or
- d) to endanger the safety of any person.

Other reasons for withholding official information

7. (1) This section applies if, and only if, the withholding of official information is necessary to –
- a) protect the privacy of a natural person, including that of a deceased natural person;
 - b) protect information if the making available of the information –
 - i. would disclose a trade secret; or
 - ii. would be likely reasonably to prejudice the commercial position of the person who supplied, or who is the subject of, the information;
 - c) protect information that is subject to an obligation of confidence if the making available of the information –
 - i. would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that it should continue to be supplied; or
 - ii. would be likely otherwise to damage the public interest;
 - d) prevent the disclosure of evaluative material the disclosure of which would breach an express or implied promise that –
 - i. was made to the person who supplied the information; and
 - ii. was to the effect that the information or the identity of the person who supplied it would be kept confidential;
 - e) prevent the disclosure to a person of information relating to the physical or mental health of that person that, if disclosed, would be likely to affect seriously the physical or mental health of that person;
 - f) avoid prejudice to measures protecting the health or safety of members of the public;
 - g) avoid prejudice to measures that prevent or mitigate material loss to members of the public;
 - h) maintain the constitutional conventions for the time being that protect –
 - i. the confidentiality of communications by or with the President;
 - ii. a document that has been submitted to the Cabinet for its consideration or is proposed by a Minister to be so submitted, being a document that was brought into existence for the purpose of consideration by the Cabinet;
 - iii. an official record of the Cabinet;
 - iv. a document the disclosure of which would involve the disclosure of any deliberation or decision of the Cabinet; or
 - v. the confidentiality of advice tendered by Ministers and officials;
 - j) maintain the effective conduct of public affairs through–
 - i. the free and frank expression of opinions by or between Ministers or officers and employees of an agency in the course of their duty; or
 - ii. the protection of Ministers or officers or employees of an agency from improper pressure or harassment;
 - k) maintain legal profession privilege;
 - l) enable an agency or Minister to carry on negotiations (including commercial and industrial negotiations) without prejudice or disadvantage; or
 - m) prevent the disclosure or use of official information for improper gain or improper advantage.
- (2) When this section applies, good reason for withholding the information exists, for the purpose of section 5, unless, in the circumstances of the particular case, the withholding of that information is outweighed by other considerations that render it desirable, in the public interest, to make that information available.

- (3) In this section, evaluative material means evaluative or opinion material compiled solely for the purpose of determining the suitability, eligibility or qualifications of the person to whom the material relates –
- a) for employment or for appointment to an office;
 - b) for promotion;
 - c) for continuation in employment or office; or
 - d) for the awarding of a contract, award or scholarship

Information concerning the existence of certain information

8. When a request relates to information to which section 6 or section 7(1)(b) applies, or would, if it existed, apply, the agency or Minister may, if satisfied that the interest protected by section 6 or section 7(1)(b) would be likely to be prejudiced by the disclosure of the existence or non-existence of the information, give notice in writing to the applicant that the agency or Minister neither confirms nor denies the existence or non-existence of the information.

Part 4 – REQUESTS FOR ACCESS TO OFFICIAL INFORMATION

Interpretation

9. In this part, unless the contrary intention appears, agency includes a Minister

Requests for access

- 10.(1) A person who wishes to get access to official information may request an agency to make the information available.
- (2) The official information requested must be specified in the request with due particularity.
 - (3) If the person making the request asks that the request be treated urgently, the person must state why the information is sought urgently.

Assistance

11. It is the duty of an agency to give reasonable assistance to a person who-
- a) wishes to make a request in accordance with section 10; or
 - b) in making a request-
 - i. has not made it in accordance with section 10; or
 - ii. has not made it to the appropriate agency.

Transfer of requests

12. If a request in accordance with section 10 is made to an agency and the information to which the request relates-
- a) is not held by that agency but is, to the knowledge of that agency, held by another agency; or
 - b) is believed by the person dealing with the request to be more closely connected with the functions of another agency.
- the agency to which the request is made may transfer the request to the other agency and, if it does so, must inform the applicant accordingly.

Decisions on requests

- 13.(1) Subject to this Act, the agency to which a request is made in accordance with section 10 or is transferred in accordance with section 12 must, as soon as reasonably practicable and in any case not later than 30 days after the day on which the request is received by the agency-
- a) decide whether the request is to be granted and, if so, in what way and for what charge (if any); and
 - b) give or post to the applicant notice of the decision on the request.

- (2) Subject to this section, every agency may charge for making official information available.
- (3) Any charge must be reasonable and regard may be had to-
 - a) the cost of labour and materials involved in making the information available; and
 - b) any costs incurred pursuant to a request of the applicant to make the information available urgently.
- (4) The agency may require that the whole or part of any charge be paid in advance.
- (5) A charge must not be made for making available to an applicant personal information about the applicant.

Extension of time limit

- 14.(1) When a request in accordance with section 10 is made to an agency or transferred to an agency in accordance with section 11, the relevant person in relation to the agency may extend the time limit set out in subsection 13(1) in respect of the request if-
 - a) the request is for a large quantity of official information, or necessitates a search through a large quantity of information, and meeting the time limit would unreasonably interfere with the operations of the agency; or
 - b) consultations necessary to make a decision on the request are such that a proper response to the request cannot reasonably be made within the time limit.
- (2) Any extension under subsection (1) must be reasonable having regard to the circumstances.
- (3) Notice of the extension must-
 - a) be given or posted to the applicant within 30 days after the receipt of the request;
 - b) specify the period of the extension;
 - c) give the reasons for the extension; and
 - d) state that the applicant has the right, under section 21, to complain to the Ombudsman about the extension.
- (4) In this section, relevant person, in relation to an agency, means-
 - a) the principal officer of the agency;
 - b) an officer or employee of the agency authorized by the principal officer; or
 - c) if the agency is a Minister – the Minister.

Forms of access

- 15.(1) A document comprising official information may be made available to an applicant in one or more of the following ways-
 - a) by giving a reasonable opportunity to inspect the document;
 - b) by giving the applicant a copy of the document;
 - c) in case of a document that is an article or thing from which sounds or visual images are capable of being reproduced – by making arrangements for the applicant to hear or view those sounds or visual images; or
 - d) in the case of a document by which words are recorded in a way in which they are capable of being reproduced in the form of sound in which words are contained in the form of shorthand writing or in codified form – by providing the applicant with a written transcript of the words recorded or contained in the document.
- (2) Subject to section 16, the agency must make the information available in the way preferred by the applicant unless to do so would-
 - a) impair efficient administration; or

- b) involve an infringement of copyright (other than copyright owned by the State or an agency) subsisting in matter contained in the document.
- (3) If information is not made available in the way preferred by the applicant, the agency must give the applicant reasons for not making the information available in that way.

Decision of information from documents

16. If there is good reason for withholding from the applicant some of the information contained in a document, the other information in the document may be made available by making a copy of the document available with any deletions that are necessary.

Refusal of requests

17. A request made in accordance with section 10 may only be refused for one or more of the following reasons-
- a) that, by virtue of section 6 or 7, there is good reason for withholding the information;
 - b) that by virtue of section 8, the agency neither confirms nor denies the existence or non-existence of the information;
 - c) that the making available of the information is prohibited under a provision of an Act imposing a duty of secrecy;
 - d) that the making available of the information would constitute contempt of court or of the Parliament;
 - e) that all reasonable steps have been taken to find the document alleged to contain the information and the agency is satisfied that the document does not exist or cannot be found;
 - f) that the work involved in processing the request-
 - i. in a case where the agency is a Minister – would substantially and unreasonably interfere with the performance of the Minister’s functions;
 - ii. in any other case – would substantially and unreasonably divert the resources of the agency from its other operations.

Reasons to be given

18. If a request made in accordance with section 10 is refused or information is deleted from a document under section 16, the agency must give to the applicant-
- (a) a written statement-
 - i. setting out the findings on material questions of fact; and
 - ii. giving the reasons for the refusal of the request or the deletion of the information; and
 - (b) information concerning the applicant’s rights by way of complaint under section 21 to the Ombudsman, to seek a review of the decisions.

Part 5 – CORRECTION OF PERSONAL INFORMATION

Application for correction of personal information

19. (1) if-
- a) whether under this Act or otherwise, personal information about a person has been made available to the person by an agency or a Minister; and
 - b) the person claims that the information is incomplete, incorrect, out of date or misleading

the person may, by letter addressed to the agency or Minister-

- i. request the agency or Minister to correct the record of the information;
or
 - ii. require that an annotation be made to the record of the information.
- (2) When an agency or Minister receives a request under subsection (1), the agency or Minister must notify the person of the action taken as a result of the request.
 - (3) Section 18 applies in relation to a decision made under this section refusing to amend or annotate a record as if that decision were a decision refusing a request made in accordance with section 10.

Comments on annotations

20. Nothing in section 19 prevents an agency or Minister from adding the agency's or Minister's comments to an annotation or a record made under that section.

Part 6 – REVIEW OF DECISIONS

Complaints to Ombudsman

21. (1) A person may complain to the Ombudsman in writing, concerning a decision by an agency or Minister-
 - a) determining a charge under section 13(2) for making information available to an applicant;
 - b) extending time under section 14;
 - c) deciding under section 14, the way in which information will be made available to an applicant;
 - d) deleting information from a document under section 16;
 - e) giving a notice under section 18; or
 - f) refusing under section 19 to amend or annotate a record.
- (2) A failure to make a decision on a request within the time limit specified in section 13 (or any extension under section 14) is to be taken, for the purposes of subsection (1), as a refusal to make the information available.

Application of Ombudsman provisions

22. Part 2 of Chapter 11 of the Constitution and the Ombudsman Act 1998 apply in relation to a complaint made under section 21 as if-
 - a) the decision of the agency or Minister were the taking of action within the meaning of Part 2 of Chapter 11 of the Constitution;
 - b) the complaint were made under section 158 of the Constitution; and
 - c) the agency or Minister concerned were a prescribed authority within the meaning of section 165 of the Constitution.

Part 7 – RIGHT TO REASONS FOR DECISIONS

Right to reasons for decisions

- 23.(1) If, on or after 1st January 2003, an agency or a Minister makes a decision or recommendation affecting a person personally, the person has the right to, and must on request made within a reasonable time of making of the decision or recommendation, be given a written statement-
 - a) setting out the findings on material questions of fact;
 - b) subject to subsection (2), referring to the evidence of other material on which the findings were based; and
 - c) giving reasons for the decision or recommendation.

- (2) Nothing in this section limits the operation of section 6 or 7.
- (3) Subsection 10(3) and sections 11 to 14 and 18 apply, with necessary modifications, to a request made under the subsection (1).
- (4) A charge must not be able for providing to an applicant a written statement in accordance with a request made under subsection (1).
- (5) Nothing in this section entitles a person to obtain a written statement of advice given to the President.

Part 8 – MISCELLANEOUS

Section 2 of Official Secrets Act 1911 (UK) to cease to apply

24. On the commencement of this Act, section 2 of the Act of the United Kingdom Parliament known as the Official Secrets Act 1911 ceases to apply to information which must be made available under Part 3 of this Act.

Regulations

- 25.(1) The Minister may make regulations prescribing all matters which are required or permitted by this Act to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, including prescribing reasonable charges or scales of charges for the purposes of this Act.

- (2) Regulations prescribing charges or scales of charges for the purpose of this Act must be laid before the House of Representatives within 2 sitting days after they are made.

- (3) If-

- a) notice of a motion to disallow regulations referred in subsection (2) is given in the House of Representatives within 2 sitting days after the regulations were laid before it; and
- b) within 2 sitting days after the giving of that notice, the House of Representatives passes a resolution, in pursuance of the motion, disallowing the regulations,

the regulations cease to have effect.

- (4) If-

- a) notice of a motion to disallow regulations referred to in subsection (2) is given in the House within 2 sitting days after the regulations were laid before it; and
- b) at the end of 2 sitting days after the giving of that notice-
 - i. the motion has not been withdrawn; or
 - ii. the motion has not been called on; or
 - iii. the motion has been called on, moved and seconded and has not been withdrawn or otherwise disposed of,

the regulations are taken to have been disallowed and cease to have effect.

January 2000

FREEDOM OF INFORMATION BILL 2000

EXPLANATORY NOTE

[This is not part of the Bill and is intended only to indicate its general effect]

1.0 BACKGROUND

- 1.1 This Bill proposes to establish a legal right of access to official information held by government agencies and by Ministers. The Bill gives effect to section 174 of the new Constitution which requires the Parliament, as soon as practicable after the commencement of the new Constitution, to enact a law to give members of the public rights of access to official documents of the government and its agencies.
- 1.2 The Bill also gives effect to the recommendation of the Reeves Report that members of the public be given a right to have corrected any personal information relating to them that the Government holds and that is incomplete, incorrect, out of date or misleading. (The recommendations relating to FOI are Nos. 586-591 of the Reeves Report.)
- 1.3 A further purpose of the Bill is to give members of the public a right to reasons for decisions of government agencies which affect them personally. This will facilitate judicial review of such decisions.
- 1.4 Part 2 of the Bill requires government agencies to publish information about their functions and the categories of documents they hold. Part 2 also requires manuals and guidelines used in the making of decisions to be available for purchase by the public. This part of the Bill is based on provisions in the Australian FOI Act.
- 1.5 Parts 3 and 4 of the Bill deal with the making of requests for access to official information. The scheme of these parts of the Bill broadly follows the scheme of the New Zealand Official Information Act.

2.0 CLAUSES

Clause 1 – Confers a short title and provides for commencement on 1st January 2002 or on a date approved by the Minister, whichever is the earlier.

Clause 2 – Defines relevant expressions. A key definition for the purposes of the Bill is the definition of 'agency'. It means a department of the public service or a statutory body. Also included within the definition are persons who hold a statutory office and local authorities. However, the following bodies do not fall within the definition:

- a government commercial company within the meaning of the Public Enterprise Act 1996
- the president
- the Bose Levu Vakaturaga
- a court
- a commission of inquiry established under the Commission of Inquiry Act.

Subclause (3) provides that information held by an independent contractor engaged by an agency or Minister in the contractor's capacity as such is, for the purposes the Bill, deemed to be held by the agency or Minister.

Clause 3 – Requires every agency, before the end of a specified year, to publish a publication that describes the structure and functions of the agency, the categories of documents held by it and the manuals, guidelines and other policy documents in accordance with which it makes decisions or recommendations. Subclause (2) requires the publication to be brought up to date at least every 2 years. Subclause (4) says that the publication may be included in the annual report of the agency.

Clause 4 – Requires agencies to make manuals and similar types of documents available for inspection and purchase by members of the public. The clause also requires an index of these documents to be prepared and publicly displayed.

Clause 5 – Provides that the question whether official information is to be made available must be determined in accordance with the purposes of the Bill and the principle that the information should be made available unless there is good reason for withholding it. (Clause 6 and 7 spell out situations where good reason exists for withholding official information.)

Clause 6 – Says that a good reason for withholding official information exists if the making available of the information would be likely:

- to prejudice of the security or defence of the Fiji Islands or the international relations of the Government;
- to prejudice the entrusting of information to the Government on a basis of confidence by the government by the government of another country or an international organization;
- to prejudice the maintenance of the law;
- to endanger the safety of any person.

Clause 7 – This also spells out situations where there may be good reason for withholding official information. The situations concerned are set out in Subclause (1). Subclause (2) says that, when one of them exists, there will be good reason for withholding the information unless, in the circumstances of the particular case, the withholding of the information is outweighed by other considerations that render it desirable, in the public interest, to make the information available.

Clause 8 – The grounds for withholding information set out in this clause are similar to those found in the NZ Official Information Act and the Australian FOI Act.

Clause 9 – Provides that, for the purposes of this Part, 'agency' includes a Minister.

Clause 10 – Provides for the making of requests for access to official information.

Clause 11 – Imposes a duty on an agency to give reasonable assistance to a person wishing to make a request for information.

Clause 12 – Provides for the transfer of a request if it has not been made to the correct agency.

- Clause 13 – Imposes a duty on an agency to decide within 30 days whether the request for access is to be granted and, if so, in what way and for what charge. Charges must be reasonable. A charge must not be made for making available to an applicant personal information about the applicant.
- Clause 14 – Allows for the time limit of 30 days to be extended in some cases and for notice of the extension to be given to the applicant, together with the reasons for the extension.
- Clause 15 – Provides that a document comprising official information may be made available to an applicant:
- by giving the applicant a reasonable opportunity to inspect the document;
 - by giving the applicant a copy of the document.
- Clause 16 – Provides that, if there is good reason for withholding from the applicant some of the information contained in a document, the other information in the document may be made available by making a copy of the document available with any deletions that are necessary.
- Clause 17 – Sets out the grounds on which requests for access may be refused. They are:
- that, by virtue of section 6 or 7, there is good reason for withholding the information;
 - that, by virtue of section 8, the agency neither confirms nor denies the existence or non existence of the information;
 - that the making available of the information is prohibited under a provision of an Act imposing a duty of secrecy;
 - that the making available of the information would constitute contempt of court or of the Parliament;
 - that all reasonable steps have been taken to find the document alleged to contain the information and the agency is satisfied that the document does not exist or cannot be found;
- Clause 18 – Provides that, if a request for access is refused, the agency must give the applicant a statement of reasons for the refusal and must notify the applicant that the applicant has a right to seek review of the decision by the Ombudsman.
- Clause 19 – Allows individuals to have personal information held about them by government agencies corrected. Sub-clause (3) has the effect that has a decision refusing to amend or annotate a record is a decision that can be taken on review to the Ombudsman.
- Clause 20 – Provides that, if an annotation is made to a record of personal information, the agency or Minister concerned may also add the agency's or Minister's comments to the annotation.
- Clause 21 – Provides for complaints to be made to the Ombudsman, in writing, concerning adverse decisions made under the Bill by agencies and Ministers.
- Clause 22 – Provides that the Ombudsman Act applies in relation to an FOI complaint in the same way as it applies to any other complaint made to the Ombudsman.

Clause 23 – Confers on members of the public a right to obtain reasons for decisions, made on or after a specified date, which affect them personally. Sub-clause (2) has the effect that, if there is good reason for not making information available in response to a FOI request, there is also good reason for not including that information in a statement of reasons.

Because this clause will require some adjustment by agencies and Ministers, it will apply only to decisions and recommendations made on or after 1st January 2003.

Clause 24 – Provides that, on the commencement of the Bill, section 2 of the Act of the United Kingdom Parliament known as the Official Secrets Act 1911 ceases to extend to the Fiji Islands. (The UK Official Secrets Act 1911 at present applies in the Fiji Islands in the form in which it stood immediately prior to Independence in 1970.)

Once the FOI Bill is enacted, section 2 of that Act, which relates to official documents, will not apply to information which must be made available under Part 3. Other sections, relating to espionage, will still need to apply.

Clause 25 – Empowers the Minister to make regulations for the purposes of the Bill, including regulations prescribing reasonable charges or scales of reasonable charges for the purposes of the Bill. Regulations prescribing charges are made subject to disallowance by the House of Representatives.

3.0 The Bill comes under the responsibility of the Prime Minister.

A.K. SINGH
Attorney General and
Minister for Justice