**Information Notice**

**Act Title** **Freedom of Information Act 1982**

**Information Title:** **Retrospective Commencement**

**Version:** **080**

The amendments to sections 54, 55 and 59 of the **Freedom of Information Act 1982** by section 21 of the **Freedom of Information Amendment (Freedom of Information Commissioner) Act 2012**, No. 6/2012 came into operation on 1 December 2012.

Section 21 reads as follows:

 21 References to Part VI

In sections 54, 55 and 59 of the Principal Act for "this Part" (wherever occurring) **substitute** "this Division".

Section 21 of the **Freedom of Information Amendment (Freedom of Information Commissioner) Act 2012** was amended by section 153(1) of the **Integrity and Accountability Legislation Amendment Act 2012**, No. 82/2012. Section 153(1) is taken to have come into operation on 6 March 2012.

Section 153(1) reads as follows:

 153 Freedom of Information Amendment (Freedom of Information Commissioner) Act 2012

 (1) At the end of section 21 of the **Freedom of Information Amendment (Freedom of Information Commissioner) Act 2012 insert**—

 "(2) In section 55(2) of the Principal Act before
", the agency" **insert** "(except under section 50(3D))".".

The insertion of section 69 of the **Freedom of Information Act 1982** by section 35 of the **Freedom of Information Amendment (Freedom of Information Commissioner) Act 2012**, No. 6/2012 came into operation on 1 December 2012.

Section 35 reads as follows:

 35 New section 69 inserted

After section 68 of the Principal Act **insert**—

 "69 Transitional provisions—Freedom of Information Amendment (Freedom of Information Commissioner) Act 2012

 (1) Despite the repeal of section 51A of this Act by section 17 of the **Freedom of Information Amendment (Freedom of Information Commissioner) Act 2012**, this Act as in force before the commencement of section 17 continues to apply to—

 (a) an application for internal review that was received but not determined by the agency before that commencement; and

 (b) the making of an application for internal review after that commencement in relation to a decision made before that commencement where the period for making an application for that internal review had not expired before that commencement.

 (2) A person is not entitled to apply to the Freedom of Information Commissioner under this Act for review of a decision to which subsection (1) applies.

 (3) A person is not entitled to make a complaint to the Freedom of Information Commissioner under this Act if, before the commencement of section 24 of the 2012 Act, the person had made a complaint to the Ombudsman in relation to the matter.

 (4) A person may apply to the Freedom of Information Commissioner under Division 1 of Part VI for review of a decision of an agency made after the commencement of section 13 of the 2012 Act in relation to a request made before that commencement other than a decision made pursuant to subsection (1).

 (5) Without limiting any other requirement to give notice under this Act, the relevant agency must in the notice of decision inform a person to whom subsection (4) applies of the right to apply to the Freedom of Information Commissioner for review of that decision referred to in that subsection.

 (6) In this section ***2012 Act*** means the **Freedom of Information Amendment (Freedom of Information Commissioner) Act 2012**.".

Section 35 of the **Freedom of Information Amendment (Freedom of Information Commissioner) Act 2012** was amended by section 153(2) of the **Integrity and Accountability Legislation Amendment Act 2012**, No. 82/2012. Section 153(2) is taken to have come into operation on 6 March 2012.

Section 153(2) reads as follows:

 153 Freedom of Information Amendment (Freedom of Information Commissioner) Act 2012

 (2) In section 35 of the **Freedom of Information Amendment (Freedom of Information Commissioner) Act 2012**, in proposed section 69(1) of the **Freedom of Information Act 1982**—

 (a) after "Despite" **insert** "the substitution of section 51 and";

 (b) for "section 17" (where twice occurring) **substitute** "sections 16 and 17".