TASMANIA

RIGHT TO INFORMATION (CONSEQUENTIAL AND TRANSITIONAL) BILL 2009

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[Bill 69]-I
RIGHT TO INFORMATION (CONSEQUENTIAL AND TRANSITIONAL) BILL 2009

(Brought in by the Minister for Justice, the Honourable Larissa Tahireh Giddings)

A BILL FOR

An Act to amend certain Acts consequential on the enactment of the Right to Information Act 2009 and to enact transitional provisions consequential on the enactment of that Act

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the Right to Information (Consequential and Transitional) Act 2009.

2. Commencement

This Act commences on the day on which the Right to Information Act 2009 commences.

3. Consequential amendments

The legislation specified in Schedule 1 is amended as specified in that Schedule.
4. **Effect of certain amendments**

The amendment by this Act of a provision of any regulations, rules or by-laws made under any Act does not prevent that provision or any other provision of those regulations, rules or by-laws from being amended or rescinded by any subsequent regulations, rules or by-laws.

5. **Transitional provisions**

   (1) A request for information made under the *Freedom of Information Act 1991* before the commencement of this Act and not dealt with immediately before that commencement is to be dealt with under the *Freedom of Information Act 1991* as if the *Right to Information Act 2009* had not been enacted.

   (2) An application for a review of a decision made under the *Freedom of Information Act 1991* before the commencement of this Act and not dealt with immediately before that commencement is to be dealt with under the *Freedom of Information Act 1991* as if the *Right to Information Act 2009* had not been enacted.
SCHEDULE 1 – CONSEQUENTIAL AMENDMENTS

Section 3

Aboriginal Lands Act 1995

1. Section 11(7) is amended by omitting “Freedom of Information Act 1991” and substituting “Right to Information Act 2009”.

Anti-Discrimination Act 1998

1. Section 88(4) is amended by omitting “Part 3 of the Freedom of Information Act 1991” and substituting “Part 3 of the Right to Information Act 2009”.

Child Care Act 2001

1. Section 65(6) is amended by omitting “Freedom of Information Act 1991” and substituting “Right to Information Act 2009”.

Children, Young Persons and Their Families Act 1997

1. Section 16(7) is amended by omitting “Freedom of Information Act 1991” and substituting “Right to Information Act 2009”.

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2. Section 40(4) is amended by omitting “Freedom of Information Act 1991” and substituting “Right to Information Act 2009”.

Community Protection (Offender Reporting) Act 2005

1. Section 46 is amended by omitting “Freedom of Information Act 1991” and substituting “Right to Information Act 2009”.

Coroners Act 1995

1. Section 53A(1) is amended by omitting “Freedom of Information Act 1991” and substituting “Right to Information Act 2009”.

Electricity Supply Industry Act 1995

1. Section 16(2) is amended by omitting “Freedom of Information Act 1991” and substituting “Right to Information Act 2009”.

Gaming Control Act 1993

1. Section 157(6) is amended by omitting “Freedom of Information Act 1991” and substituting “Right to Information Act 2009”.
Gas Act 2000

1. Section 13(3) is amended by omitting “Freedom of Information Act 1991” and substituting “Right to Information Act 2009”.

Gas Pipelines Act 2000

1. Section 95(3) is amended by omitting “Freedom of Information Act 1991” and substituting “Right to Information Act 2009”.

Gene Technology Act 2001

1. Section 152(3) is amended by omitting “Freedom of Information Act 1991” and substituting “Right to Information Act 2009”.

Government Prices Oversight Act 1995

1. Section 3(1) is amended by omitting “section 24 (1) of the Freedom of Information Act 1991” from paragraph (a) of the definition of “Cabinet record” and substituting “section 26 of the Right to Information Act 2009”.

2. Section 28(6) is amended by omitting “Freedom of Information Act 1991” and substituting “Right to Information Act 2009”.
3. Section 30(4) is amended by omitting “Freedom of Information Act 1991” and substituting “Right to Information Act 2009”.

4. Section 32(4) is amended by omitting “Freedom of Information Act 1991” and substituting “Right to Information Act 2009”.

5. Section 39C(3) is amended by omitting “Freedom of Information Act 1991” and substituting “Right to Information Act 2009”.


**Local Government Act 1993**

1. Section 53B(2) is amended by omitting “Freedom of Information Act 1991” and substituting “Right to Information Act 2009”.

2. Section 54A(3) is amended by omitting “Freedom of Information Act 1991” and substituting “Right to Information Act 2009”.

4. Section 55A(4) is amended by omitting “Freedom of Information Act 1991” and substituting “Right to Information Act 2009”.

5. Section 214D(8) is amended by omitting “Freedom of Information Act 1991” and substituting “Right to Information Act 2009”.


7. Section 228 is amended by omitting “Freedom of Information Act 1991” and substituting “Right to Information Act 2009”.

8. Section 322 is amended by omitting “Freedom of Information Act 1991” and substituting “Right to Information Act 2009”.

9.
Mineral Resources Development Act 1995

1. Section 124(4) is amended by omitting “Freedom of Information Act 1991” and substituting “Right to Information Act 2009”.

2. Section 190(5) is amended by omitting “Freedom of Information Act 1991” and substituting “Right to Information Act 2009”.

Ombudsman Act 1978

1. Section 33A is amended by omitting “Freedom of Information Act 1991” and substituting “Right to Information Act 2009”.

Perinatal Registry Act 1994


Police Powers (Surveillance Devices) Act 2006

1. Section 5(6)(b) is amended by omitting “Freedom of Information Act 1991” and substituting “Right to Information Act 2009”.
Public Interest Disclosures Act 2002

1. Section 51(2) is amended by omitting “section 24 of the Freedom of Information Act 1991” and substituting “section 26 of the Right to Information Act 2009”.

2. Section 90 is repealed and the following section is substituted:

90. Exemption from Right to Information Act 2009

(1) The Right to Information Act 2009 does not apply to information contained in records in the possession of a public body that is a public authority under that Act to the extent to which the information discloses information –

(a) in relation to a disclosure made under Part 2; or

(b) likely to lead to the identification of a person who made a disclosure under Part 2; or

(c) likely to lead to the identification of a person against whom a disclosure under Part 2 is made.

(2) In this section –
“public authority” has the same meaning as in the Right to Information Act 2009.

**Taxation Administration Act 1997**

1. After section 76, the following section is inserted in Division 2:

**76A. Right to information**

The Right to Information Act 2009 does not apply to information obtained under or in relation to the administration or execution of a taxation law.

2. Section 77(1)(d) is amended by inserting “other than the Right to Information Act 2009” after “Act”.


**Witness Protection Act 2000**

1. Section 43(3) is amended by omitting “Freedom of Information Act 1991” and substituting “Right to Information Act 2009”.

Workplace Health and Safety Act 1995