

TASMANIA

**RIGHT TO INFORMATION AMENDMENT
(APPLICATIONS FOR REVIEW) BILL 2019**

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RIGHT TO INFORMATION AMENDMENT (APPLICATIONS FOR REVIEW) BILL 2019

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
31 July 2019

*(Brought in by the Minister for Justice, the Honourable Elise
Nicole Archer)*

A BILL FOR

An Act to amend the *Right to Information Act 2009*

Be it enacted by Her 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 Amendment (Applications for Review) Act 2019*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

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3. Principal Act

In this Act, the *Right to Information Act 2009** is referred to as the Principal Act.

4. Section 5 amended (Interpretation)

Section 5(1) of the Principal Act is amended by inserting after the definition of *Joint Committee* the following definition:

journalist means a person who –

- (a) is engaged in the profession or practice of reporting, photographing, editing or recording for a media report of a news, current affairs, information or documentary nature; and
- (b) is paid to perform that profession or practice by a person, or body, that –
 - (i) is subject to a code of ethics and a procedure for the Australian Press Council, or for another person or body that is prescribed, to deal with complaints about persons engaging in such a profession or practice; or

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- (ii) is the holder of a licence under the *Broadcasting Services Act 1992* of the Commonwealth;

5. Section 16 amended (Charges for information)

Section 16(2) of the Principal Act is amended by inserting after paragraph (b) the following paragraph:

- (ba) the applicant is a journalist acting in connection with their professional duties; or

6. Section 45 amended (Other applications for review)

Section 45 of the Principal Act is amended as follows:

- (a) by inserting the following paragraph after paragraph (a) in subsection (1):
 - (ab) the decision relates to an application made to a Minister in accordance with section 13 and is a decision in relation to which a written notice must be given under section 22; or
- (b) by inserting the following subsection after subsection (1):

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(1A) A person who is an external party may apply to the Ombudsman for a review of –

(a) a decision if the decision, which may otherwise be the subject of an application for an internal review under section 43(2) or (3), has been made by a Minister or principal officer of a public authority and as a consequence the external party cannot make an application under section 43; or

(b) a decision to provide, in accordance with an application made to a Minister in accordance with section 13, information –

(i) relating to the personal affairs of the person; or

(ii) that is likely to expose the person to competitive disadvantage.

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(c) by inserting the following subsection after subsection (3):

(4) If a notice of a decision to which subsection (1A) relates has been given under section 36(3) or section 37(3) to an external party, the external party may only make an application under subsection (1A) in relation to the decision within 20 working days of the day on which the external party received the notice.

7. Repeal of Act

This Act is repealed on the first anniversary of the day on which it commenced.