

# Tasmania

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## **RIGHT TO INFORMATION AMENDMENT BILL 2016**

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# RIGHT TO INFORMATION AMENDMENT BILL 2016

*(Brought in by Cassandra O'Connor MP)*

## A BILL FOR

**An Act to amend the *Right to Information Act 2009* to ensure decisions made by Minister's delegates are able to be reviewed under the Act.**

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 Act 2016*

### 2. Commencement

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

### 3. Principal Act

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

#### **4. Section 43 (*Internal Review*)**

Section 43 is deleted and replaced with the following:

##### **43. Internal review**

**(1)** If a decision in respect of an application made to a public authority or Minister for information has been made by a delegated officer, the applicant may, within 20 working days after notice of the decision is given to the applicant in accordance with section 22, apply to the principal officer of the public authority or Minister for a review of the decision.

**(2)** If –

**(a)** a decision to provide information relating to the personal affairs of a person referred to in section 36 has been made by a delegated officer; and

**(b)** notice of the decision has been given to an external party in accordance with section 36(3) –

the external party may within 10 working days of the receipt of the notice apply to the principal officer of the public authority or Minister for a review of the decision.

**(3)** If –

**(a)** a decision to provide information that is likely to expose an external party to competitive disadvantage has been made by a delegated officer under section 37; and

**(b)** notice of the decision has been given to the external party in accordance with section 37(3) –

the external party may within 10 working days of the receipt of the notice apply to the principal officer of the public authority or Minister for a review of the decision.

- (4)** If an application for a review of a decision is made to the principal officer or Minister in accordance with subsection (1), (2) or (3), the principal officer or Minister must as soon as practicable –
- (a)** review the decision and make a fresh decision; or
  - (b)** arrange for a delegated officer, other than the delegated officer who made the decision, to review the decision and make a fresh decision.
- (5)** A decision on a review under this section in respect of an application made under section 13 is to be given in the same manner as a decision in respect of the original application.

## **5. Repeal of Act**

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.