

TASMANIA

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**RIGHT TO INFORMATION AMENDMENT BILL 2021**

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CONTENTS

**PART 1 – PRELIMINARY**

1. Short Title
2. Commencement

**PART 2 – RIGHT TO INFORMATION ACT 2009 AMENDED**

3. Principal Act
4. Section 5 amended
5. Section 33 amended

**PART 3 – CONCLUDING PROVISION**

6. Repeal of Act

# RIGHT TO INFORMATION AMENDMENT BILL 2021

*(Brought in by Ella Haddad MP, Member for Clark)*

## A BILL FOR

*A Bill to amend the Right to Information Act 2009 to ensure transparency in development proposals for certain environmentally significant areas and to remove internal review.*

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:

### PART 1 – PRELIMINARY

#### 1. Short Title

This Act may be cited as the *Right to Information Amendment Act 2021*.

#### 2. Commencement

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

### PART 2 – RIGHT TO INFORMATION ACT 2009 AMENDED

#### 3. Principal Act

In this part the *Right to Information Act 2009*<sup>\*1</sup> is referred to as the Principal Act.

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\*No. 70 of 2009

#### **4. Interpretation**

The Principal Act is amended by inserting the following definitions into section 5:

*conservation area* has the same meaning as in the *Nature Conservation Act 2002* ;

*development* has the same meaning as in the *Land Use Planning and Approvals Act 1993* ;

*national park* has the same meaning as in the *Nature Conservation Act 2002* ;

*nature recreation area* has the same meaning as in the *Nature Conservation Act 2002* ;

*nature reserve* has the same meaning as in the *Nature Conservation Act 2002* ;

*public reserve* has the same meaning as in the *Nature Conservation Act 2002* ;

*reserved land* has the same meaning as in the *Nature Conservation Act 2002* ;

*State reserve* has the same meaning as in the *Nature Conservation Act 2002* ;

*use* has the same meaning as in the *Land Use Planning and Approvals Act 1993* ;

#### **5. Section 23 amended**

Section 23 (1) (d) (iv) is repealed

#### **6. Section 33 amended**

The Principal Act is amended by inserting the following subsection in section 33:

- (4) The exemptions contained in this Division shall not apply to information that relates to a proposed use or development in a conservation area, national park, nature recreation area, nature reserve, public reserve, reserved land, or State reserve.

**7. Section 36 amended**

Section 36 (5) (b) is repealed

**8. Section 37 amended**

Section 37 (5) (b) is repealed

Section 37 (5) (c) is repealed

**9. Section 43 repealed**

Section 43 is repealed

**10. Section 44 amended**

Repeal subsections (1) and (2) and replace with:

(1) A person or external party may apply to the Ombudsman under this section for a review of a decision in relation to any decision to which section 22 applies.

(2) The application for review referred to in subsection (1) must be made within 20 working days of the applicant having received a decision as referred to in section 22.

**11. Section 45 amended**

Section 45 (1) (a) is repealed.

Section 45 (2) (b) is repealed.

**12. Section 47 amended**

Section 47 (1) (f) is repealed.

**13. Section 53 amended**

Section 53 (1) (d) is repealed

#### **14. Repeal of Act**

This Act is repealed on the three hundredth and sixty fifth day from the day on which this Act commences.