

TASMANIA

---

**RIGHT TO INFORMATION (CONSEQUENTIAL  
AND TRANSITIONAL) BILL 2009**

---

**CONTENTS**

1. Short title
  2. Commencement
  3. Consequential amendments
  4. Effect of certain amendments
  5. Transitional provisions
- Schedule 1 – Consequential Amendments



# **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Act does not prevent that provision or any other provision of those regulations, rules or by-laws from being amended or rescinded by any subsequent regulations, rules or by-laws.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*”.

*Right to Information (Consequential and Transitional) Act 2009*  
Act No. of

sch. 1

---

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*”.

*Right to Information (Consequential and Transitional) Act 2009*  
*Act No. of*

**sch. 1**

---

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*”.
6. Section 39N(4) 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*”.



*Right to Information (Consequential and Transitional) Act 2009*  
*Act No. of*

**sch. 1**

---

3. Section 55(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*”.
6. Section 214K(5) 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*”.

*Right to Information (Consequential and Transitional) Act 2009*  
Act No. of

sch. 1

---

***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***

1. Section 15(6) is amended by omitting “*The Freedom of Information Act 1991*” and substituting “*The Right to Information Act 2009*”.

***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 –

*Right to Information (Consequential and Transitional) Act 2009*  
*Act No. of*

sch. 1

---

**“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”.
3. Section 79F is amended by omitting “*Freedom of Information Act 1991*” and substituting “*Right to Information Act 2009*”.

***Witness Protection Act 2000***

1. Section 28 is amended by omitting “*Freedom of Information Act 1991*” and substituting “*Right to Information Act 2009*”.

***Workplace Health and Safety Act 1995***

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