

TASMANIA

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**JUSTICE MISCELLANEOUS (INDEPENDENT  
REVIEW AMENDMENTS) BILL 2022**

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# JUSTICE MISCELLANEOUS (INDEPENDENT REVIEW AMENDMENTS) BILL 2022

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.

LAURA ROSS, *Acting Clerk of the House*  
3 March 2022

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

## A BILL FOR

**An Act to amend the *Archives Act 1983* and 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:

## PART 1 – PRELIMINARY

### 1. Short title

This Act may be cited as the *Justice Miscellaneous (Independent Review Amendments) Act 2022*.

### 2. Commencement

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

*Justice Miscellaneous (Independent Review Amendments) Act  
2022  
Act No. of 2022*

s. 3

Part 2 – Archives Act 1983 Amended

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**PART 2 – ARCHIVES ACT 1983 AMENDED**

**3. Principal Act**

In this Part, the *Archives Act 1983*\* is referred to as the Principal Act.

**4. Section 16A inserted**

After section 16 of the Principal Act, the following section is inserted in Division 1:

**16A. Conditions relating to Independent Review records**

(1) In this section –

*Anti-Discrimination Commissioner* means the Anti-Discrimination Commissioner appointed under section 5 of the *Anti-Discrimination Act 1998*;

*came into existence*, in relation to an Independent Review record, means the moment when the record or information became an Independent Review record;

*Independent Review* means the Independent Review of Parliamentary Workplace

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\*No. 76 of 1983

*Justice Miscellaneous (Independent Review Amendments) Act  
2022  
Act No. of 2022*

Part 2 – Archives Act 1983 Amended

s. 4

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practices and procedures to support workplace culture conducted by the Anti-Discrimination Commissioner, appointed as the Independent Reviewer by the Premier on 27 July 2021;

***Independent Review record*** means a record or information, that is given to, received by or brought into existence by –

- (a) the Independent Review; or
- (b) a person acting for, or on behalf of, the Independent Review –

for the purposes of the Independent Review;

***relevant person*** means a person referred to in section 16(4).

- (2) Despite section 15, if an Independent Review record is deposited in the Archives Office, that record is subject to a condition that prohibits the State Archivist from making the record available for inspection by members of the public until 75 years after the record came into existence.

*Justice Miscellaneous (Independent Review Amendments) Act  
2022  
Act No. of 2022*

s. 4

Part 2 – Archives Act 1983 Amended

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- (3) For the avoidance of doubt, subsection (2) –
- (a) applies to an Independent Review record whether the Independent Review commenced before or after this section commences; and
  - (b) applies only to an Independent Review record and not to any other iteration of the record, or information, that –
    - (i) forms all, or part of, the Independent Review record; and
    - (ii) is held for a purpose other than the Independent Review.
- (4) A relevant person must not –
- (a) disclose or divulge any information or matter contained in an Independent Review record while the record is subject to the condition specified in subsection (2); or
  - (b) make the Independent Review record available for inspection in contravention of the condition.

Penalty: Fine not exceeding 10 penalty units.

*Justice Miscellaneous (Independent Review Amendments) Act  
2022  
Act No. of 2022*

Part 2 – Archives Act 1983 Amended

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**5. Section 18 amended (Access to State archives)**

Section 18(1) of the Principal Act is amended by inserting “or section 16A” after “(3)(a)”.

*Justice Miscellaneous (Independent Review Amendments) Act*  
2022  
*Act No. of 2022*

s. 6

Part 3 – Right to Information Act 2009 Amended

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**PART 3 – RIGHT TO INFORMATION ACT 2009  
AMENDED**

**6. Principal Act**

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

**7. Section 5 amended (Interpretation)**

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

***Independent Review*** means the Independent  
Review of Parliamentary Workplace  
practices and procedures to support  
workplace culture conducted by the Anti-  
Discrimination Commissioner –

- (a) in his or her capacity as the Anti-  
Discrimination Commissioner  
appointed under section 5 of the  
*Anti-Discrimination Act 1998*;  
and
- (b) as appointed, as the Independent  
Reviewer, by the Premier on  
27 July 2021;

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\*No. 70 of 2009



*Justice Miscellaneous (Independent Review Amendments) Act  
2022  
Act No. of 2022*

Part 3 – Right to Information Act 2009 Amended

s. 8

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**8. Section 6 amended (Exclusions of certain persons or bodies)**

Section 6 of the Principal Act is amended by inserting after subsection (2) the following subsections:

- (3) This Act does not apply to information that –
  - (a) is in the possession of –
    - (i) the Independent Review; or
    - (ii) a person acting for, or on behalf of, the Independent Review; and
  - (b) was given to, or received by or brought into existence by, the Independent Review, or a person referred to in paragraph (a)(ii), for the purposes of the Independent Review.
- (4) For the avoidance of doubt, an application made under section 13 is void if the application was made –
  - (a) in respect of information referred to in subsection (3); and
  - (b) before the commencement of that subsection.

*Justice Miscellaneous (Independent Review Amendments) Act  
2022  
Act No. of 2022*

s. 9

Part 4 – Miscellaneous

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**PART 4 – MISCELLANEOUS**

**9. Repeal of Act**

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