

TASMANIA

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

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**JUSTICE MISCELLANEOUS (INDEPENDENT
REVIEW AMENDMENTS) BILL 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*

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Part 2 – Archives Act 1983 Amended

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

Part 2 – Archives Act 1983 Amended

s. 4

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.

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Part 2 – Archives Act 1983 Amended

- (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.

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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)”.

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Part 3 – Right to Information Act 2009 Amended

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

Part 3 – Right to Information Act 2009 Amended

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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.

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Part 4 – Miscellaneous

PART 4 – MISCELLANEOUS

9. Repeal of Act

This Act is repealed on the first anniversary of the day on which this Act commenced.