

TASMANIA

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**RIGHT TO INFORMATION AMENDMENT BILL  
2011**

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**RIGHT TO INFORMATION AMENDMENT BILL  
2011**

*(Brought in by the Minister for Justice, the Honourable David  
John Bartlett)*

**A BILL FOR**

**An Act to amend the *Right to Information Act 2009***

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:

**PART 1 – PRELIMINARY**

**1. Short title**

This Act may be cited as the *Right to  
Information Amendment Act 2011*.

**2. Commencement**

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

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Part 2 – Right to Information Act 2009 Amended

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

**3. Principal Act**

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

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

Section 6(1) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (q) “Parliament.” and substituting “Parliament;”;
- (b) by inserting the following paragraph after paragraph (q):
  - (r) the Parole Board.

**5. Section 15 amended (Time within which applications for assessed disclosure of information are to be decided)**

Section 15(1) of the Principal Act is amended by omitting “enable an applicant to be notified” and substituting “notify an applicant”.

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\*No. 70 of 2009

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**6. Section 19 amended (Applications may be refused if resources unreasonably diverted)**

Section 19(1) of the Principal Act is amended by omitting “a request” and substituting “an application or a number of applications from the same person”.

**7. Section 22 amended (Reasons to be given)**

Section 22(1)(c) of the Principal Act is amended by omitting “section 19 or 20” and substituting “section 10(1), 12(3)(c), 19 or 20”.

**8. Section 23 amended (Other responsibilities of principal officer)**

Section 23(1)(c) of the Principal Act is amended by omitting “details on” and substituting “an overview of”.

**9. Part 3, Division 1: Heading amended**

Division 1 of Part 3 of the Principal Act is amended by omitting “*Exemptions not subject to public interest test*” from the heading to that Division and substituting “*General exemptions*”.

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Part 2 – Right to Information Act 2009 Amended

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**10. Section 33 amended (Public interest test)**

Section 33 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:

- (1) Notwithstanding anything contained in the following provisions of this Division, information is only exempt information under any of those provisions if the principal officer of the public authority or Minister considers, after taking into account all relevant matters, that it is contrary to the public interest to disclose the information.

**11. Section 36 amended (Personal information of person)**

Section 36(2)(b) of the Principal Act is amended by omitting “by” and substituting “about”.

**12. Section 42 amended (Information likely to affect cultural, heritage and natural resources of the State)**

Section 42 of the Principal Act is amended as follows:

- (a) by inserting in paragraph (c) “, heritage” after “cultural”;
- (b) by inserting in paragraph (d) “, heritage” after “cultural”.

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**13. Section 45 amended (Other applications for review)**

Section 45 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

- (2) If a person has applied for information in accordance with section 13, another person may apply to the Ombudsman for review if –
- (a) a Minister or public authority has decided not to consult the person under section 36(2) or section 37(2) and the person believes that he or she is a person who was required to be consulted; or
  - (b) a decision has been made on a review under section 43 and a person, other than the person who applied for the review, is adversely affected by the decision –

and if the application for review is lodged within 20 days of the date of the notice of the decision under section 22.

**14. Section 46 amended (Review where decisions delayed)**

Section 46(1) of the Principal Act is amended as follows:

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- (a) by omitting “taken to have made” and substituting “taken to have provided”;
- (b) by inserting “a notice of” after “period,”.

**15. Section 47 amended (Powers of Ombudsman)**

Section 47 of the Principal Act is amended as follows:

- (a) by inserting the following paragraph after paragraph (1) in subsection (1):
  - (la) to decline an application for review that the Ombudsman considers is one of an unreasonably large number of applications from the same person;
- (b) by omitting from subsection (5) “overturn a decision if that” and substituting “determine the outcome of a review on the basis that the”.

**16. Section 48 amended (Decisions of Ombudsman)**

Section 48(4) of the Principal Act is amended by omitting paragraph (b) and substituting the following paragraph:

- (b) may issue any decision or statement of reasons in terms which neither confirm nor deny the existence of any



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information which, on a ground specified in Division 1 of Part 3, would be exempt information.

**17. Schedule 2 amended (Matters Irrelevant to Assessment of Public Interest)**

Clause 1 of Schedule 2 to the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “document” twice occurring and substituting “information”;
- (b) by omitting from paragraph (d) “contained in the document”;
- (c) by omitting from paragraph (d) “document” second occurring and substituting “information”.

**18. Schedule 3 amended (Matters Relevant to Assessment of Refusing Application)**

Clause 1 of Schedule 3 to the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “document” and substituting “information”;
- (b) by omitting from paragraph (b) “document or documents” and substituting “information”.

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s. 19      Part 3 – Children, Young Persons and Their Families Act 1997 Amended

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**PART 3 – CHILDREN, YOUNG PERSONS AND THEIR  
FAMILIES ACT 1997 AMENDED**

**19. Principal Act**

In this Part, the *Children, Young Persons and Their Families Act 1997\** is referred to as the Principal Act.

**20. Section 111A amended (Access to information under *Right to Information Act 2009*)**

Section 111A of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “*Freedom of Information Act 1991*” and substituting “*Right to Information Act 2009*”;
- (b) by omitting from subsection (2) “*Freedom of Information Act 1991*” and substituting “*Right to Information Act 2009*”.

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\*No. 28 of 1997

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Part 4 – Police Powers (Controlled Operations) Act 2006 Amended

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**PART 4 – POLICE POWERS (CONTROLLED  
OPERATIONS) ACT 2006 AMENDED**

**21. Principal Act**

In this Part, the *Police Powers (Controlled Operations) Act 2006\** is referred to as the Principal Act.

**22. Section 7 amended (Relationship to other laws and matters)**

Section 7(8)(b) of the Principal Act is amended by omitting “*Freedom of Information Act 1991*” and substituting “*Right to Information Act 2009*”.

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\*No. 21 of 2006

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Part 5 – Miscellaneous

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**PART 5 – MISCELLANEOUS**

**23. Repeal of Act**

This Act is repealed on the ninetieth day from the day on which it commences.