

FACT SHEET

Right to Information Amendment (Public Protected Areas) Bill 2021

The *Right to Information Amendment (Public Protected Areas) Bill 2021* (the bill) amends the *Right to Information Act 2009* (the Principal Act) in order to remove some exemptions (the excluded provisions) in relation to development or land use proposals in certain public land tenures.

The excluded provisions are exemptions contained in Division 2 of Part 3 of the Principal Act, which are exemptions subject to the public interest test. All exemptions that are not subject to the public interest test remain in place.

Two exemptions subject to the public interest test will also remain in place for development or land use proposals in certain public land tenures. These exemptions are section 36 (Personal information of person) and section 42 (Information likely to affect cultural, heritage and natural resources of the State).

It was considered prudent and in the best interests of the State to retain these important exemptions. These exemptions remain subject to the public interest test, and would therefore still allow for some information to be released, if the release of the information would be in the public interest.

The excluded provisions are, specifically, sections 34, 35, 37, 38, 39, 40, and 41 of the Principal Act. These provisions are –

- Information communicated by other jurisdictions.
- Internal deliberative information.
- Information relating to business affairs of third party.
- Information relating to business affairs of public authority.
- Information obtained in confidence.
- Information on procedures and criteria used in certain negotiations of public authority.
- Information likely to affect State economy.

Under normal arrangements, information that falls under one of these criteria is assessed against a 'public interest test' to determine whether the information should be released – this bill instead provides for the automatic release of information (unless the information is captured by another exemption) if the information relates to development or land use proposals in certain public land tenures.

The land tenures that this bill relates to are –

- conservation areas
- national parks
- nature recreation areas
- nature reserves
- public reserves
- reserved land
- State reserves