

CLAUSE NOTES

Right to Information Amendment Bill 2011

- Clause 1:** Short title
- Clause 2:** Commencement
- Clause 3:** Principal Act
- Clause 4:** Amends section 6 of the Principal Act to include the Parole Board in the list of bodies excluded from the operation of the Act
- Clause 5:** Improves the language of section 15 to make the language more imperative by omitting “enable an applicant to be notified” and substituting “notify an applicant”.
- Clause 6:** Amends section 19 to allow public bodies to assess multiple applications as a whole instead of as stand-alone applications, to allow the test of unreasonable diversion of resources to apply.
- Clause 7:** Broadens section 22 by including sections 10(1) and 12(3)(c) into the list of sections which trigger a responsibility to give reasons if used to refuse the provision of information
- Clause 8:** Improves the language of the section to make the requirements of the section clearer and less onerous by omitting “details on” and substituting “an overview of”.

- Clause 9:** Amends the heading of Division I of Part 3 from ‘*Exemptions not subject to public interest test*’ to ‘*General exemptions*’ in line with the amendment in clause 10.
- Clause 10:** Alters section 33 by replacing subsection (1) with wording that will better reflect the intention that information falling into the categories laid out in ss34-42 be subject to the public interest test over and above the exemptions in those sections.
- Clause 11:** Corrects section 36 to give intended meaning to the section – information in that subsection should have been ‘about’ a person, not ‘supplied by’ a person.
- Clause 12:** Adds ‘heritage’ to the list of characteristics protected by section 42.
- Clause 13:** Amends section 45 to ensure a time limit of 20 days applies to an application being made by another person who feels they ought to have been consulted on the release of information, consistent with other timelines in the Act.
- Clause 14:** Improves the language of section 46 to give certainty to the time period for lodgement of applications for review of “deemed decision”.
- Clause 15:** Inserts in section 47 a power for the Ombudsman to decline an application for review consistent with section 20 of the Act. It also clarifies the language of subsection (5), as the current wording creates uncertainty as to the decision which may be made by the

Ombudsman. The amendment picks up the wording from 47(6) which was the intent of the subsection.

- Clause 16:** Amends section 48 to clarify the power of the Ombudsman in confirming or denying the existence of information – the amended wording is consistent with section 22 wording which was the intent of section 48.
- Clause 17:** Corrects the references to ‘document’ in Schedule 2 by replacing them with the word ‘information’ consistent with the rest of the Act.
- Clause 18:** Corrects the references to ‘document’ in Schedule 3 by replacing them with the word ‘information’ consistent with the rest of the Act.
- Clause 19 and 20:** Changes references in the *Children, Young People and their Families Act 1997* from ‘Freedom of Information Act 1991’ to ‘Right to Information Act 2009’.
- Clause 21 and 22:** Changes references in the *Police Powers (Controlled Operations) Act 2006* from ‘Freedom of Information Act 1991’ to ‘Right to Information Act 2009’.
- Clause 23:** Sets a repeal date for the amendment Act.