

SECOND READING SPEECH

RIGHT TO INFORMATION (CONSEQUENTIAL AND TRANSITIONAL) BILL 2009

Mr Speaker, the introduction of the Right to Information Bill is the culmination of eleven very intensive and consultative months of work towards that goal. This Bill deals with the transitional and consequential issues arising from the Right to Information Bill.

The Bill deals with the treatment of applications under the Freedom of Information Act 1991 that have been lodged, but not yet finalised, before the commencement of the Right to Information Act 2009. Specifically, the Bill provides that these applications will continue to be dealt with as though the Freedom of Information Act were still in force. This transitional arrangement will give certainty to applicants about how their application will be dealt with.

Secondly, the Bill identifies each of the current Acts that has a reference to the Freedom of Information Act 1991 and amends those Acts to ensure that they refer to the Right to Information Act 2009, which will, of course, repeal the Freedom of Information Act when it commences.

The consequential changes are in Schedule I and include changes to twenty one other Acts of this Parliament. In all but two of these instances the change is simply a change to the reference from Freedom of information Act 1991 to Right to Information Act 2009.

In the case of the Public Interest Disclosures Act 2004 and the Taxation Administration Act 1997 the changes which occur on the commencement of the Right to Information Act 2009 require changes to wording of these Acts in order to continue the existing situation.

The Right to Information Bill is legislation for today and for the future, dedicated to improving democratic government in Tasmania by increasing the accountability of the executive to the people of Tasmania; by increasing the ability of the people of Tasmania to participate in their own governance; and by acknowledging that information collected by public authorities is collected for and on behalf of the people of Tasmania.

This Bill ensures the smooth transition to the Right to Information approach.

I commend this Bill to the House.

CLAUSE NOTES

RIGHT TO INFORMATION (CONSEQUENTIAL AND TRANSITIONAL) BILL 2009

Clause 1:

This Act may be cited as the Right to Information (Consequential and Transitional) 2009.

Clause 2:

Commencement will be on the same day as the Right to Information Act 2009.

Clause 3:

The legislation specified in Schedule I is amended as specified.

Clause 4:

Allows for further amendment of regulations, rules and by-laws, which are amended by this Bill, to be further amended in the future by the usual mechanisms for doing so.

Clause 5:

Specifies the Transitional arrangements, specifically that a request or application for review which is lodged before the commencement of the Right to information Act will be considered under the Freedom of Information Act 1991 as though the Right to Information Act 2009 did not exist.

Schedule I:

Amends the following by replacing a reference to the Freedom of Information Act 1991 with a reference to the Right to Information Act 2009:

- Aboriginal Lands Act 1995
- Anti-Discrimination Act 1998
- Child Care Act 2001

- Children, Young Person and Their Families Act 1997
- Community Protection (Offender Reporting) Act 2005
- Coroners Act 1995
- Electricity Supply Industry Act 1995
- Gaming Control Act 1993
- Gas Act 2000
- Gas Pipelines Act 2000
- Gene Technology Act 2001
- Government Prices Oversight Act 1995
- Local Government Act 1993
- Mineral Resources Development Act 1995
- Ombudsman Act 1978
- Perinatal Registry Act 1994
- Police Powers (Surveillance Devices) Act 2006
- Witness Protection Act 2000
- Workplace Health and Safety Act 1995

In addition the Schedule amends:

- The Public Interest Disclosures Act 2004, by changing the reference in Section 51 from the Freedom of Information Act 1991 to the Right to Information Act 2009 and by replacing Section 90 so that the wording of the section is consistent with the language in the Right to Information Act (eg the term agency is replaced by public authority).
- The Taxation Administration Act 1997, by inserting a new Section 76A which continues an exemption for taxation information which was in the Freedom of Information Act 1991, and by inserting reference to the Right to

Information Act 2009 in Section 77 and replaces the reference to the Freedom of Information Act in 79F. This change gives greater clarity by containing all references in the one Act.

FACT SHEET

Right to Information (Consequential and Transitional) **Bill 2009**

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Secondly, the Bill identifies each of the current Acts that has a reference to the Freedom of Information Act 1991 and amends those Acts to ensure that they refer to the Right to Information Act 2009, which will, of course, repeal the Freedom of Information Act when it commences.

The consequential changes are in Schedule I and include changes to twenty one (21) other Acts of this Parliament. In all but two (2) of these instances the change is simply a change to the reference from Freedom of information Act 1991 to Right to Information Act 2009.

In the case of the Public Interest Disclosures Act 2004 and the Taxation Administration Act 1997 the changes which occur on the commencement of the Right to Information Act 2009 require changes to wording of these Acts in order to continue the existing situation.