

FACT SHEET

Right to Information Amendment (Applications for Review) Bill

The *Right to Information Amendment (Applications for Review) Bill* ("the Bill") amends Part 4 of the *Right to Information Act 2009*.

Part 4 provides for the internal review of decisions on whether or not to release information under the Act in relation to an application for assessed disclosure where an application has been made to a public authority and the external review of certain decisions in relation to assessed disclosure by the Tasmanian Ombudsman.

The Bill amends section 45 of the Act to clarify and expand the availability of external review by the Ombudsman in respect of decisions made under the Act in relation to assessed disclosure, in light of the Supreme Court decision of Justice Brett in *Gun Control Australia Inc v Hodgman and Archer*.

Specifically, the amendments provide for:

- (a) A right for applicants for assessed disclosure to seek external review of decisions that:
 - a. the applicant is not entitled to information because it is exempt information;
 - b. provision of the information is to be deferred in accordance with section 17; or
 - c. provision of the information is refused by virtue of section 19 or 20 of the Act, in relation to repeat or vexatious applications or where the request would cause an unreasonable diversion of resources,where the decision was made in respect an application to a Minister; and

- (b) A right for external parties to seek external review of decisions to provide information relating to the external party's personal affairs under section 36, or that is likely to expose the external party to competitive disadvantage under section 37, where:
 - a. there is no right to internal review because the original decision was made by a principal officer of a public authority or by a Minister in respect of an application to a public authority; and
 - b. where the decision to provide the information was made in respect an application made to a Minister under section 13 of the Act.