

CLAUSE NOTES

RIGHT TO INFORMATION AMENDMENT BILL 2019

Clause 1:

This Act may be cited as the *Right to Information Amendment Act 2019*.

Clause 2:

This Act will commence on the day it receives the Royal Assent.

Clause 3:

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

Clause 4:

This clause removes a reference to section 43 of the Act which is later repealed.

Clause 5:

This clause makes section 36 consistent with other sections of the Act that establish the time periods that apply to applications for an external review of a decision. The clause also removes a reference to section 43 of the Act which is later repealed.

Clause 6:

This clause makes section 37 consistent with other sections of the Act that establish the time periods that apply to applications for an external review of a decision. The clause also removes a reference to section 43 of the Act which is later repealed.

Clause 7:

This clause repeals section 43 of the Principal Act, removing the internal review component of the Act. Many other jurisdictions have also removed internal review (Victoria, ACT and the Northern Territory as well as New Zealand, the United Kingdom and the United States.) These jurisdictions opt instead for giving RTI applicants the opportunity to apply directly for external review by the Ombudsman, arguably a more tangible form of review more likely to lead to changes in decisions in the applicant's favour. This has the potential to increase access to information to the public.

Clause 8:

This clause amends section 44 to accommodate the repeal of section 43 above. The new section 44 will ensure external review by the Ombudsman will be available to decisions made under the Act.

Clause 9:

This clause amends section 45 of the Act to accommodate the repeal of section 43

above and to make it explicit that decisions made by a Minister, their delegate, or a Public Authority, or its delegate, can be reviewed by the Ombudsman.

Clause 10:

This clause removes a reference to section 43 of the Act which is repealed earlier in the Bill

Clause 11:

This clause removes a reference to section 43 of the Act which is repealed earlier in the Bill

Clause 12:

This clause deals with the repeal of the Act.