



TASMANIA

**RIGHT TO INFORMATION AMENDMENT
(APPLICATIONS FOR REVIEW) ACT 2019**

No. 26 of 2019

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RIGHT TO INFORMATION AMENDMENT (APPLICATIONS FOR REVIEW) ACT 2019

No. 26 of 2019

An Act to amend the *Right to Information Act 2009*

[Royal Assent 18 September 2019]

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Right to Information Amendment (Applications for Review) Act 2019*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

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3. Principal Act

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

4. Section 5 amended (Interpretation)

Section 5(1) of the Principal Act is amended by inserting after the definition of *Joint Committee* the following definition:

journalist means a person who –

- (a) is engaged in the profession or practice of reporting, photographing, editing or recording for a media report of a news, current affairs, information or documentary nature; and
- (b) is paid to perform that profession or practice by a person, or body, that –
 - (i) is subject to a code of ethics and a procedure for the Australian Press Council, or for another person or body that is prescribed, to deal with complaints about persons engaging in such a profession or practice; or

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- (ii) is the holder of a licence under the *Broadcasting Services Act 1992* of the Commonwealth;

5. Section 16 amended (Charges for information)

Section 16(2) of the Principal Act is amended by inserting after paragraph (b) the following paragraph:

- (ba) the applicant is a journalist acting in connection with their professional duties; or

6. Section 36 amended (Personal information of person)

Section 36(5) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (d) “provided.” and substituting “provided; or”;
- (b) by inserting the following paragraph after paragraph (d):
 - (e) if the information is information to which a decision referred to in section 45(1A) relates –
 - (i) during 20 working days after the notification of the decision; or

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- (ii) where the person applies for a review of the decision under section 45(1A) – until that review determines the information should be provided.

7. Section 37 amended (Information relating to business affairs of third party)

Section 37(5) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (d) “provided.” and substituting “provided; or”;
- (b) by inserting the following paragraph after paragraph (d):
 - (e) if the information is information to which a decision referred to in section 45(1A) relates –
 - (i) during 20 working days after the notification of the decision; or
 - (ii) where the third party applies for a review of the decision under section 45(1A) – until that review determines the

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information should be provided.

8. Section 45 amended (Other applications for review)

Section 45 of the Principal Act is amended as follows:

- (a) by inserting the following paragraph after paragraph (a) in subsection (1):
 - (ab) the decision relates to an application made to a Minister in accordance with section 13 and is a decision in relation to which a written notice must be given under section 22; or
- (b) by inserting the following subsection after subsection (1):
 - (1A) A person who is an external party may apply to the Ombudsman for a review of –
 - (a) a decision if the decision, which may otherwise be the subject of an application for an internal review under section 43(2) or (3), has been made by a Minister or principal officer of a public authority and as a consequence the external

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party cannot make an application under section 43; or

(b) a decision to provide, in accordance with an application made to a Minister in accordance with section 13, information –

(i) relating to the personal affairs of the person; or

(ii) that is likely to expose the person to competitive disadvantage.

(c) by inserting the following subsection after subsection (3):

(4) If a notice of a decision to which subsection (1A) relates has been given under section 36(3) or section 37(3) to an external party, the external party may only make an application under subsection (1A) in relation to the decision within 20 working days of the day on which the external party received the notice.

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9. Repeal of Act

This Act is repealed on the first anniversary of the day on which it commenced.

*[Second reading presentation speech made in:—
House of Assembly on 30 July 2019
Legislative Council on 8 August 2019]*