



TASMANIA

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**JUSTICE MISCELLANEOUS (INDEPENDENT  
REVIEW AMENDMENTS) ACT 2022**

**No. 1 of 2022**

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# JUSTICE MISCELLANEOUS (INDEPENDENT REVIEW AMENDMENTS) ACT 2022

No. 1 of 2022

*An Act to amend the Archives Act 1983 and the Right to Information Act 2009*

[Royal Assent 18 March 2022]

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:

## PART 1 – PRELIMINARY

### 1. Short title

This Act may be cited as the *Justice Miscellaneous (Independent Review Amendments) Act 2022*.

*Justice Miscellaneous (Independent Review Amendments) Act  
2022  
Act No. 1 of 2022*

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Part 1 – Preliminary

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**2. Commencement**

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

*Justice Miscellaneous (Independent Review Amendments) Act*  
2022  
*Act No. 1 of 2022*

Part 2 – Archives Act 1983 Amended

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**PART 2 – ARCHIVES ACT 1983 AMENDED**

**3. Principal Act**

In this Part, the *Archives Act 1983*\* is referred to as the Principal Act.

**4. Section 16A inserted**

After section 16 of the Principal Act, the following section is inserted in Division 1:

**16A. Conditions relating to Independent Review records**

(1) In this section –

***Anti-Discrimination Commissioner*** means the Anti-Discrimination Commissioner appointed under section 5 of the *Anti-Discrimination Act 1998*;

***came into existence***, in relation to an Independent Review record, means the moment when the record or information became an Independent Review record;

***Independent Review*** means the Independent Review of Parliamentary Workplace

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\*No. 76 of 1983

*Justice Miscellaneous (Independent Review Amendments) Act  
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Part 2 – Archives Act 1983 Amended

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practices and procedures to support workplace culture conducted by the Anti-Discrimination Commissioner, appointed as the Independent Reviewer by the Premier on 27 July 2021;

***Independent Review record*** means a record or information, that is given to, received by or brought into existence by –

- (a) the Independent Review;  
or
- (b) a person acting for, or on behalf of, the Independent Review –

for the purposes of the Independent Review;

***relevant person*** means a person referred to in section 16(4).

- (2) Despite section 15, if an Independent Review record is deposited in the Archives Office, that record is subject to a condition that prohibits the State Archivist from making the record available for inspection by members of the public until 75 years after the record came into existence.

*Justice Miscellaneous (Independent Review Amendments) Act  
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Part 2 – Archives Act 1983 Amended

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(3) For the avoidance of doubt, subsection (2) –

(a) applies to an Independent Review record whether the Independent Review commenced before or after this section commences; and

(b) applies only to an Independent Review record and not to any other iteration of the record, or information, that –

(i) forms all, or part of, the Independent Review record; and

(ii) is held for a purpose other than the Independent Review.

(4) A relevant person must not –

(a) disclose or divulge any information or matter contained in an Independent Review record while the record is subject to the condition specified in subsection (2); or

(b) make the Independent Review record available for inspection in contravention of the condition.

Penalty: Fine not exceeding 10 penalty units.

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Part 2 – Archives Act 1983 Amended

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**5. Section 18 amended (Access to State archives)**

Section 18(1) of the Principal Act is amended by inserting “or section 16A” after “(3)(a)”.

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2022  
Act No. 1 of 2022*

Part 3 – Right to Information Act 2009 Amended

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**PART 3 – RIGHT TO INFORMATION ACT 2009  
AMENDED**

**6. Principal Act**

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

**7. Section 5 amended (Interpretation)**

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

***Independent Review*** means the Independent Review of Parliamentary Workplace practices and procedures to support workplace culture conducted by the Anti-Discrimination Commissioner –

- (a) in his or her capacity as the Anti-Discrimination Commissioner appointed under section 5 of the *Anti-Discrimination Act 1998*; and
- (b) as appointed, as the Independent Reviewer, by the Premier on 27 July 2021;

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\*No. 70 of 2009

*Justice Miscellaneous (Independent Review Amendments) Act  
2022  
Act No. 1 of 2022*

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Part 3 – Right to Information Act 2009 Amended

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**8. Section 6 amended (Exclusions of certain persons or bodies)**

Section 6 of the Principal Act is amended by inserting after subsection (2) the following subsections:

- (3) This Act does not apply to information that –
  - (a) is in the possession of –
    - (i) the Independent Review; or
    - (ii) a person acting for, or on behalf of, the Independent Review; and
  - (b) was given to, or received or brought into existence by, the Independent Review, or a person referred to in paragraph (a)(ii), for the purposes of the Independent Review.
- (4) For the avoidance of doubt, an application made under section 13 is void if the application was made –
  - (a) in respect of information referred to in subsection (3); and
  - (b) before the commencement of that subsection.

*Justice Miscellaneous (Independent Review Amendments) Act  
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Part 4 – Miscellaneous

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**PART 4 – MISCELLANEOUS**

**9. Repeal of Act**

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

*[Second reading presentation speech made in:–  
House of Assembly on 3 March 2022  
Legislative Council on 8 March 2022]*