



New South Wales

# Government Information (Public Access) Amendment (Recklessly Destroying Government Records) Bill 2021

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

Section 120 of the *Government Information (Public Access) Act 2009* provides that a person who destroys, conceals or alters any record of government information for the purpose of preventing the disclosure of the information as authorised or required by or under that Act is guilty of an offence.

The object of this Bill is to extend the offence to the reckless destruction, concealment and alteration of those kinds of government information records.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

**Clause 3** gives effect to the object of the proposed Act outlined in the overview.



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# **Government Information (Public Access) Amendment (Recklessly Destroying Government Records) Bill 2021**

## **Contents**

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	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Government Information (Public Access) Act 2009 No 52	2



New South Wales

# **Government Information (Public Access) Amendment (Recklessly Destroying Government Records) Bill 2021**

No           , 2021

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## **A Bill for**

An Act to amend the *Government Information (Public Access) Act 2009* to make it an offence to recklessly destroy, conceal or alter certain government information records.

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<b>The Legislature of New South Wales enacts—</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Government Information (Public Access) Amendment (Recklessly Destroying Government Records) Act 2021</i> .	3 4
<b>2 Commencement</b>	5
This Act commences on the date of assent to this Act.	6
<b>3 Amendment of Government Information (Public Access) Act 2009 No 52</b>	7
<b>Section 120</b>	8
Omit the section. Insert instead—	9
<b>120 Offence of concealing or destroying government information</b>	10
A person must not destroy, conceal or alter a record of government information—	11 12
(a) for the purpose of preventing the disclosure of the information as authorised or required by or under this Act, or	13 14
(b) being reckless as to whether or not the destruction, concealment or alteration would have the effect of preventing the disclosure of the information as authorised or required by or under this Act.	15 16 17
Maximum penalty—100 penalty units.	18