



## Right to Information Act 2009

### Information Disclosure under the Right to Information Act 2009

#### What is the Right to Information?

The *Right to Information Act 2009* commenced on 1 July 2010 and provides for greater access to information held by government bodies and public authorities, including councils by:

- Encouraging greater routine and active disclosure of information held by public authorities without the need for requests or applications;
- Giving members of the public a right to information held by public authorities; and
- Ensuring that information is restricted in only limited circumstances which are defined in the Act.

#### Why do we have a Right to Information Act?

Section 3 of the Act includes this statement of the objects of the Act:

- (1)** *The object of this Act is to improve democratic government in Tasmania –*
- (a)** *by increasing the accountability of the executive to the people of Tasmania; and*
  - (b)** *by increasing the ability of the people of Tasmania to participate in their governance; and*
  - (c)** *by acknowledging that information collected by public authorities is collected for and on behalf of the people of Tasmania and is the property of the State.*
- (2)** *This object is to be pursued by giving members of the public the right to obtain information held by public authorities and Ministers.*
- (3)** *This object is also to be pursued by giving members of the public the right to obtain information about the operations of Government.*
- (4)** *It is the intention of Parliament –*
- (a)** *that this Act be interpreted so as to further the object set out in subsection (1); and*
  - (b)** *that discretions conferred by this Act be exercised so as to facilitate and promote, promptly and at the lowest reasonable cost, the provision of the maximum amount of official information.*

## How do I get access to information?

In accordance with the provisions of the *Right to Information Act 2009* Council will make information available to the public through proactive disclosure, this means we will routinely make information available which will assist the public in understanding what it is we do and how we do it.

This may be done via our website, through publications (e.g. fact sheets, or discussion papers), via reports (e.g. our Annual Report). The website in particular provides a great deal of information on the activities of council including the agenda and minutes of all Council meetings.

Some information is not released in this way, either because it is specific to a property or an individual, or because it is publicly available (eg through Service Tasmania or the Land Information System), or it is information that Council would need to assess against the exemptions in the *Right to Information Act 2009* prior to disclosure.

If you cannot find the information you seek please contact the office on (03) 62863202. One of our staff may be able to assist you in finding it or providing it for you. If it is not freely available we will assist you to make an application for an assessed disclosure.

## Applications for assessed disclosure

- Applications are to be addressed to:

Right to Information Officer  
Central Highlands Council  
6 Tarleton Street  
HAMILTON TasS 7140

A form to assist in making an application is available on the website

- Applications for information do not need to be on a specific form, but as there are certain statutory requirements, we would encourage you to use the form available.
- If you are not using the form, please note that your applications must be made in writing and include the same elements that are on the form available on our website – this is a requirement of Regulation 4 of the *Right to Information Regulations 2010*.
- Applications are to be accompanied by the application fee. This fee is 25 fee units, which is \$38.25 as at 1 July 2016 and is indexed annually.

- You may apply to have the fee waived only if:
  - the you are in financial hardship – we take that to mean that you are on income support payments (we would usually ask to see evidence that you are in receipt of Centrelink or veterans affairs payments);
  - The information is to be used by a member of parliament and the application is in connection with their official duty; or
  - The information sought is intended to be used for a purpose that is of general public interest or benefit (you will need to provide details as to how this information will be provided to the general public)..
- **Make sure you have looked for the information before you make a formal application, because if the information is otherwise available your application may be refused without the return of you application fee.**

### What will we do once we have your application?

- We will check you application to make sure we have the information we need and that you have paid the application fee (or we will waive the fee)
- We may transfer your application to another public authority if we do not believe we are best placed to provide you with the information.
- Before your application is accepted, we may need to contact you to ask you about your application, this will help us to understand your request.
- Once we have done these steps an officer will assess your application against the *Right to Information Act 2009* and let you know the outcome of that process in writing.
- You will be notified of the decision on your application for assessed disclosure as soon as practicable, but in no more than 20 working days of the application being accepted.
- If your request is complex or for a large amount of information we may ask you to give us more time.
- If there is a need to consult with a third party about their business affairs or about their personal information, more time is automatically allowed by the Act and again we will let you know the outcome as soon as practicable, but no later than 40 working days – we will let you know if this is happening.

If the application or part of the application is refused, then the reasons for the refusal will be provided. You will then have the right to seek a review of the decision by writing to:

The General Manager  
 Central Highlands Council  
 6 Tarleton Street  
 HAMILTON Tas 7140

- If the officer assessing your request does not get back to you in the timeframe allowed then we are taken to have refused your application and you are able to make an application for review to the Ombudsman if you choose. Some information on reviews by the Ombudsman can be found on the [Office of the Ombudsman's website](#)

## **Related Acts and Regulations**

You can view, download and print the following Acts and Regulations made available by the Tasmanian Legislation Online website.

Right to Information Act 2009

Right to Information Regulations 2010