

## Information disclosure under the *Right to Information Act 2009*

### Right to Information

As a public authority Forest Practices Authority routinely publishes information about the programs, policies and services we provide to help the public understand what we do. *Right to Information Act 2009* provides public access to information held by government bodies.

#### What is the *Right to Information Act 2009*?

The *Right to Information Act 2009* commenced on 1 July 2010 and provides for public access to information held by government bodies. It:

- authorises and encourages routine disclosure of information held by public authorities without the need for requests or applications
- authorises and encourages active disclosure of information held by public authorities in response to informal requests without the need for applications
- gives members of the public an enforceable right to information held by public authorities
- provides that access to information held by government bodies is restricted in only limited circumstances which are defined in the Act.

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

The Act states that:

(1) The object of this Act is to improve democratic government in Tasmania by:

- increasing the accountability of the executive to the people of Tasmania; and
- increasing the ability of the people of Tasmania to participate in their governance; and
- 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 that:

- this Act be interpreted so as to further the object set out in subsection

- 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 to make a RTI application**

Applicants should note the following.

- If they seek and are granted a waiver of the application fee on the basis of general public interest, and it is determined that the information is in the broader public interest, publication of the released information is likely.
- Their identity will not be published. The category of applicant will be published, i.e. Member of Parliament, media representative, private individual.
- A summary of the application will be published. This gives context to the nature of the released information.

## **What we will do with your Assessed Disclosure application**

We will check your application to make sure we understand what you are asking for and that you have paid the application fee or decide that we will waive the fee.

We might contact you to ask you to clarify your application or to help you make an application that we can accept and progress.

We may transfer your application to another public authority if we are not best placed to locate and provide the information.

Once we have accepted your application, we will search for the information you have requested and assess it to determine if all or part of it can be disclosed.

You will be notified in writing of the decision on your application as soon as practicable. This will usually take no more than 20 working days from when your application is accepted.

If your request is complex, or you have asked 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, more time is allowed. We will let you know the outcome as soon as possible, but as far as possible no later than 40 working days. We will let you know if this is happening.

If we decide to not disclose all or part of the information you have applied for, we will provide the reasons for the refusal together with details about your right to seek a review of the decision.

## Review process

If you are unhappy about a decision you may have the right to seek a review.

The first step is an internal review of the decision. An internal review of the decision must be requested within 20 days of receiving the notice of the decision. This can be done by writing to (or email [info@fpa.tas.gov.au](mailto:info@fpa.tas.gov.au)):

### Chief Forest Practices Officer

Right to Information  
Forest Practices Authority  
30 Patrick Street  
Hobart TAS 7000

In some cases, you may also be able to seek an external review by the Ombudsman:

1. If we do not get back to you in the timeframe allowed then we may be taken to have refused your application and you are able to make an application for external review to the Ombudsman without applying for an internal review first.
2. If you have applied for internal review and are unhappy with the internal review decision, then you may apply to the Ombudsman for an external review.

Information on reviews by the Ombudsman can be found on the [Office of the Ombudsman's website](#).

## Information Exempted from disclosure

The *Right to Information Act 2009* recognises that some information held by a public authority should not be disclosed. The types of information that may be exempted from disclosure include:

- Executive Council information
- Cabinet information
- internal briefing information of a Minister in connection with the official business of a public authority and in connection with the Minister's parliamentary duty
- information not relating to official business
- information affecting national or state security, defence or international relations
- information relating to the enforcement of the law
- information that is protected by legal professional privilege
- information related to a closed meeting of a council
- information communicated by other government jurisdictions \*
- internal deliberative (working) information \*
- personal information of a third party \*
- information relating to business affairs of a third party \*
- information relating to the business affairs of a public authority \*
- information obtained in confidence \*
- information about procedures and criteria used in financial, commercial and labour negotiations, the execution of contracts, the defence prosecution and settlement of cases and similar activities \*
- information that is likely to affect the State's economy \*
- information that is likely to affect the cultural heritage and natural resources of the State. \*

\* These exemptions are subject to a 'public interest test'.

When applying the public interest test, we consider only matters that are relevant. The Act provides a non-exhaustive list of matters that are relevant and a list of matters that are not relevant:

- [schedule 1](#) of the Act sets out the matters that are to be considered
- [schedule 2](#) of the Act sets out the matters that are irrelevant.

[The Ombudsman's Right to Information Act Manual and Guidelines](#)

Links to resources that provide information on the Right to Information Act

## How to apply for Assessed disclosure

If you have been unable to obtain the information you are after, you can make an application for assessed disclosure of that information.

This means that we will locate the information (if we have it) and assess it to determine if it can be disclosed to you or not.

An application for assessed disclosure must be in writing.

A form to assist in making an application is available on the FPA website. If you are not using the form, please note that your application must still be in writing and must include the information that is requested on the form. This is a requirement of Regulation 4 of the [Right to Information Regulations 2010](#).

Applications must be accompanied by the application fee which is currently \$38.75 as at 1 July 2017 (indexed annually).

You may apply to have the fee waived if one of the following applies:

- you are in financial hardship - we will need evidence such as a Centrelink Health Care Card
- you are a member of parliament and the application is in connection with your official duty
- you are able to show that the information sought is intended to be used for a purpose that is of general public interest or benefit.

Send your application to:

**Right to Information Officer** (or email: [info@fpa.tas.gov.au](mailto:info@fpa.tas.gov.au))

Forest Practices Authority

30 Patrick Street

Hobart TAS 7000

**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 your application fee.**

## **Ombudsman guidelines**

The Ombudsman's Guidelines and Manual provide information on the *Right to Information Act 2009* and how public authorities should operate in accordance with it.

The guidelines and manual are available on the Office of the Ombudsman's website.

## **Routine disclosure**

Forest Practices Authority is committed to routinely disclosing information to the public that may be of interest. Information on this page will be regularly updated.

## **How do I find further information myself?**

We pro-actively provide a wide range of information mainly on our website but also in hard copy. Some information is not released pro-actively, either because it is not of general public interest, or because it is information we would need to assess against the exemptions in the *Right to Information Act 2009* prior to disclosure. If the latter is the case, we can help you make an application for assessed disclosure. As a first step, you may find information you need on our website. If you can't find it on the web, contact us and we might be able to provide it to you.

If you cannot get the information you are looking for, you can make a formal application for assessed disclosure. Please note that you will need to have tried to obtain the information in other ways first.

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1.2	9 Mar 2011	Angus MacNeil & Sheryl Wolfe	Minor editing – removal of address of ‘Principal Officer’
2.0	11 Mar 2011	Angus MacNeil	Updated version number to reflect final approval of document.
3.0	10 Nov 2015	Chris Grove	Added in section on publication of released material and updated links and fee unit. Approved at FPA Board meeting 20/11/15.
4.0	18 Jan 2018	Michael Bridge	Minor editing including application fee update
5.0	22 Feb 2018	Michael Bridge	Major editing to fall in line with Department of State Growth

**Stages required for release outside FPA**

<b>Category of advice (A1, A2, B1, B2, B3 or C):</b>		<b>C</b>
<b>Stages</b>	<b>Required/not required</b>	<b>Completed (date)</b>
Specialist (RTI Officer)	<b>Required</b>	<b>18 Jan 2018</b>
Line Manager	<b>Not required</b>	
Peer/ <del>FPO</del> /stakeholder review ( <b>FPA staff</b> )	<b>Not required</b>	
CFPO	<b>Required</b>	<b>10 Mar 2011</b>
FPAC	<b>Not required</b>	
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