

### 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 by:

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

Kentish Council is a public authority.

#### 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?**

Kentish Council is required by the *Right to Information Act 2009* to make information available to the public through proactive disclosure, this means we are to 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).

Some information is not released in this way, either because it is not of general public interest or because it is information Council would need to assess against the exemptions in the *Right to Information Act 2009* prior to disclosure.

If you cannot find the information via one of the means below contact Kentish Council and we may be able to assist you in finding it or we may give it to you. If it is not freely available we will assist you to make an application for an assessed disclosure.

You may find information from Kentish Council in one of the following ways:

### **Direct from Kentish Council**

- Search Kentish Council's Website - [www.kentish.tas.gov.au](http://www.kentish.tas.gov.au)
- Look in our annual reports
- Look at our publications
- Give Kentish Council a call on 03 6491 0200
- Email Kentish Council at [council@kentish.tas.gov.au](mailto:council@kentish.tas.gov.au)

### **Through the Service Tasmania Network**

- Look at the Service Tasmania Website - [www.service.tas.gov.au](http://www.service.tas.gov.au)
- Visit a Service Tasmania Office near you
- Call Service Tasmania on 1300 13 55 13
- Contact Service Tasmania via their online form - [www.service.tas.gov.au/contact/ask/](http://www.service.tas.gov.au/contact/ask/)

### **Via Tasmania Online**

- Search for the information on Tasmania Online (it may be available from another source) - [www.tas.gov.au](http://www.tas.gov.au)

### **Through the Tasmanian Archives and Heritage Office (TAHO)**

If it is old information it may be deposited with the Tasmanian Archives and Heritage Office.

- Have a look at the TAHO system - [www.archives.tas.gov.au/database](http://www.archives.tas.gov.au/database)
- Call TAHO on 03 6233 7488
- Email TAHO on [taho@education.tas.gov.au](mailto:taho@education.tas.gov.au)

## **Applications for assessed disclosure**

- Applications for the Department of Justice are to be addressed to:

Right to Information Officer  
Kentish Council  
PO Box 63  
Sheffield TAS 7306

Or email: [council@kentish.tas.gov.au](mailto:council@kentish.tas.gov.au)

A form to assist in making an application is available for download from Council's website or at the Council office.

- Applications for information need to be made to the department, authority or council holding the relevant information or most closely linked to the information. A webpage like this one is available for most other public authorities.
- If you are not using the form, please note that your applications must be made in writing and include the information which is requested in the [Form] – 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 \$39.50 as at 1 July 2018 and is indexed annually.
- You may apply to have the fee waived if:
  - 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);
  - you are a member of parliament and the application is in connection with official duties; or
  - you are able to give us information which shows that the information sought is intended to be used for a purpose that is of general public interest or benefit.
- **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.**

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

- We will check your 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 given and 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 to provide the information must be provided as part of the decision together with details on the right to seek a review of the decision. This is done by writing to:

General Manager  
Right to Information  
PO Box 63  
Sheffield TAS 7306

- 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](#)

## **Right to Information Manual and Guidelines**

The Manual and Guidelines will provide you with a little more detail on making requests under the RTI Act and how they are processed by the agency to which the request is sent.

These are available on the Office of the Ombudsman's website: [www.ombudsman.tas.gov.au](http://www.ombudsman.tas.gov.au)

## **Related Acts and Regulations**

You can view, download and print the following Acts and Regulations made available by the Tasmanian Legislation Online website: [www.thelaw.tas.gov.au](http://www.thelaw.tas.gov.au)

[Right to Information Act 2009]

[Right to Information Regulations 2010]