



# FREEDOM OF INFORMATION

ANNUAL REPORT  
on the Administration of the *Freedom of Information Act 1991*

1 July 2005 to 30 June 2006

*Presented to both Houses of Parliament pursuant to section  
56 of the Freedom of Information Act 1991*

Department of Justice  
Tasmania

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DEPUTY PREMIER  
ATTORNEY GENERAL  
MINISTER FOR JUSTICE AND WORKPLACE RELATIONS

In accordance with the requirements of section 56 of the *Freedom of Information Act 1991* I have pleasure in presenting the Annual Report on the administration of the *Freedom of Information Act 1991* for the year ending 30 June 2006.

Peter Hault  
**SECRETARY**  
**DEPARTMENT OF JUSTICE**

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## CHAPTER ONE: OPERATION OF THE ACT

### Object of the Act

The *Freedom of Information Act 1991* (the Act) commenced on 1 January 1993. The Act gives members of the public the right to be provided with information held by government bodies unless the information is exempt information. It also gives individuals the right to have any inaccurate, incomplete, out-of-date or misleading information held by government about them amended.

The object of the Act is set out in section 3, which states:

- (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 by increasing the ability of the people of Tasmania to participate in their governance.*
- (2) *This object is to be pursued by giving members of the public the right to obtain information contained in the records of agencies and Ministers limited only by necessary exceptions and exemptions.*
- (3) *The object is also to be pursued by giving each person a right to have amended any inaccurate, incomplete, out of date or misleading information relating to that person contained in the records of an agency or of a Minister.*
- (4) *It is the intention of Parliament that this Act be interpreted so as to further the object set out in subsection (1) and 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.*

### Application of the Act to Departments, councils and authorities

The Act applies to “agencies” which, by section 5, are defined to include:

- Agencies under the *State Service Act 2000* (i.e. government departments);
- the Police Service;
- Local Government Councils; and
- prescribed authorities.

Prescribed authorities include bodies corporate established for a public purpose by or in accordance with an Act; unincorporated bodies created by the Governor or a Minister; statutory officers and the Law Society of Tasmania. The Act also provides for other bodies or persons to be declared by regulation to be prescribed authorities (no bodies or persons have been declared under this provision).

All of the **10** State Government Departments, **29** Local Government Councils, and a total of **59** prescribed authorities have provided statistical returns for 2005/2006. These organisations are listed in Appendices 1 to 3 although most also appear in various tables in this Report. As Government Departments were restructured after the State Election in the early part of 2006 the tables reflect the position at the end of the 2005/2006 financial year and the FOI statistics in this report have not been split between pre-election and post-election structures but have generally been allocated to the Department responsible for the relevant units at the end of the year. This may make comparisons with previous years a little difficult although the only really significant figure is that of Workplace

Standards whose statistics are now with the Department of Justice rather than being split between DIER and DoJ.

In 2005/2006, all Government Departments (other than the Tasmanian Audit Office) reported receiving FOI requests, as did **25** of the 29 Councils and **18** of the 59 prescribed authorities which have provided returns or data for this report.

### **Interrelation with *Person Information Protection Act 2004***

The *Personal Information Protection Act 2004*, which came into effect in September 2005, provides a number of safeguards in relation to the collection and use of and access to personal information by Government Departments, statutory authorities and councils. While providing another avenue for individuals to gain access to their personal information held by Departments, authorities and councils the *Personal Information Protection Act* uses the processes under the FOI Act to enforce rights of access and correction. The *Personal Information Protection Act 2004* also creates a right to make a complaint to the Ombudsman if there has been an alleged contravention by a personal information custodian of a personal information protection principle.

### **Decision Makers**

Decisions in respect of requests for information or for amendment under the Act are to be made by authorised officers. Under sections 21 and 42 of the Act, the responsible Minister and principal officer of each agency are automatically designated as authorised decision makers. In addition, agencies have gazetted a number of officers or holders of particular offices as authorised officers for the purposes of sections 21(c) and 42 (c) of the Act.

### **Annual Report**

The Act requires that an Annual Report on the administration of the Act be prepared and tabled. The matters to be included in the report set out in section 56 are –

- a) the number of requests made under this Act and the agencies or Ministers that received the requests;
- b) the number of requests refused and the provisions of this Act under which they were refused;
- c) the number of applications for review made to the Ombudsman under section 48 of the Act and the results of those applications; and
- d) the total amount of charges collected in respect of applications made under this Act.

Since the Act's commencement, in addition to the above matters Annual Reports have also included additional statistical and other information on the operation of the Act.

## CHAPTER TWO: REQUESTS RECEIVED AND DECIDED

### Key Statistics and Trends

There has been an increase of only **1.1%** in the overall number of applications received by agencies this year (last year an increase of 21% was noted)<sup>1</sup>. Like last year, a higher proportion of the requests were decided during the period, compared with previous years, which had seen increases in applications but no commensurate increase in decisions. While the number of requests “formally” decided in 2005/2006 was **78.3%** of the total received, compared to 90.2% last year and 83.8% the year before this reduction is offset by the number of matters resolved outside the Act.

The apparent decrease can be put down to the way information for this report has been collated this year. Instead of all outcomes being bundled together, requests that were resolved by means outside the Act, for instance under Departmental policies, were separated from those decided under the Act. With the combination of requests resolved and requests decided some **96%** of the total number of requests received were finalised during the year.

This does raise some issues as to the meaning of the FOI statistics generally as all agencies receive requests for information and deal with them without necessarily having to have regard to the FOI Act. These matters are not counted into the annual FOI statistics. Many agencies have administrative processes and procedures, particularly enabling access to personal information (employment related records and health records) but also other information. The “FOI requests” as recorded in the agencies’ Annual Reports and this Annual Report are by no means the total of the requests made and dealt with during the period. Generally, requests made without reference to the Act will result in all material sought being provided, but if anything is withheld then it will usually be because of one of the FOI exemptions (third party privacy being the main one) and a review of the decision could be sought if the applicant wished to obtain the unreleased information.

All Departments received requests, however only **22** (25) of the **29** Councils and **17** (30) prescribed authorities received requests, both down from the previous year.

**Table 1**  
**Key Statistics – Summary**

Total Number of:	2002/2003	2003/2004	2004/2005	2005/2006
Requests received (applications under FOI)	1325	1442	1746	<b>1766</b>
Requests resolved outside the FOI Act	-	-	-	<b>316</b>
Requests decided (applications under FOI)	1210	1209	1576	<b>1383</b>
Requests that took less than 30 days	1031	938	1317	<b>1117</b>
Requests that took more than 30 days	162	280	267	<b>299</b>
Requests granted in full and/or part (outcomes)	948	872	1019	<b>850</b>
Requests where information was denied or other refusals	381	489	305	<b>294</b>
Number of exemptions used	763	532	768	<b>699</b>
Main reasons for refusal by agencies	ss 9 & 30	ss 9 & 30	ss 29 & 30	ss <b>27 &amp; 30</b>
Requests for amendment of personal information	12	15	19	<b>6</b>
Requests for review finalised by the Ombudsman	55	57	147	<b>26</b>

Note: “Requests decided” include some decisions on applications received in the previous reporting period but the “Requests received” were those submitted during the reporting period.

<sup>1</sup> Throughout this Report figures shown in the text in brackets after the 2005/2006 data are the statistics for the year 2004/2005

The number of external reviews lodged with the Ombudsman declined from an all time high of 157 last year to only 56. While the completed reviews also dropped the timing of their lodgement affects the completion by the Ombudsman of the reviews before 30 June. This decrease in requests must be viewed in the light of the aberrant results of last year where 40 applications related to one individual and 47 requests to review decisions were resolved with the assistance of, but without the need for a formal review by, the Ombudsman.

As **Table 2** below shows and as would be expected, the majority of the **1766** (1746) FOI applications to all agencies made during 2005/2006 were to Government Departments which accounted for the same proportion of the total as in 2004/2005 - **85.3%** (85.2%). A sharp increase in requests to the Office of the Anti-Discrimination Commissioner accounted for the bulk of the increase in requests to prescribed authorities and **8.3%** (10.2%) of requests went to Councils.

**Table 2**  
**Requests Received and Decided - Summary - 2002/03 to 2005/06**

Agency	Requests Received	Requests Decided	Requests Received	Requests Decided	Requests Received	Requests Decided	Requests Received	Requests Decided	Requests outside Act
	2002/03	2002/03	2003/04	2003/04	2004/05	2004/05	2005/06	2005/06	2005/06
Government Departments	1074	980	1225	1007	1489	1337	<b>1506</b>	<b>1143</b>	<b>308</b>
Prescribed authorities	82	78	71	62	79	69	<b>114</b>	<b>108</b>	<b>1</b>
Councils	169	152	146	140	178	170	<b>146</b>	<b>132</b>	<b>7</b>
<b>TOTALS</b>	1325	1210	1442	1209	1746	1576	<b>1766</b>	<b>1383</b>	<b>316</b>

### Government Departments

Of the 1506 requests received by Departments in 2005/2006, **83.7%** (79.5%) were made to three Departments - Police and Emergency Management received **606** (593) or **40.2%** (39.9%), Justice received **383** (60) or **25.4%** (4%), and Health and Human Services received **273** (239) or **18.1%** (16%). Last year the Department of Infrastructure, Energy and Resources received 353 or 23.7% of the total but this year only **69** or **4.5%**. The reason for the large change is that Workplace Standards was moved from the Department of Infrastructure, Energy and Resources to the Department of Justice in the restructure of Departments after the election in March 2006. The difference of approximately 300 requests does not appear in the 'requests decided' column opposite the Department of Justice because the vast majority of the requests made to Workplace Standards were satisfied outside the *Freedom of Information Act*.

The number of requests made to Departments has increased over the past four years by approximately 40.4%, with notable increases in the number of requests made to the Department of Police and Emergency Management (**35.2%** increase since 2002/2003) and the Department of Health and Human Services (**73.8%** increase in same period). Applications to the Department of Health and Human Services by persons seeking pre-employment checks when commencing training or employment in the community sector were responsible for much of the increase.

The number of requests to the Department of Justice increased between 2002/2003 and 2003/2004 from 41 to 77 (an **88%** increase). However, the increase in that reporting year can be largely attributed to one person who made 52 requests relating to the prison and associated matters.

Requests this reporting year increased from 60 to 383 because of the inclusion of over 300 requests made to Workplace Standards.

The Departments of Economic Development and of Tourism, Arts and the Environment received the lowest number of FOI applications, with only **11** and **15** requests respectively.

**Table 3**  
**Requests Received and Decided - Government Departments - 2002/2003 to 2005/2006**

Department <sup>2</sup>	Requests Received 2002/03	Requests Decided 2002/03	Requests Received 2003/04	Requests Decided 2003/04	Requests Received 2004/05	Requests Decided 2004/05	Requests Received 2005/06	Requests Decided 2005/06	Requests resolved outside Act 2005/06
Economic Development	15	17	21	21	28	12	<b>11</b>	<b>19</b>	Nil
Education	54	50	35	32	35	30	<b>38</b>	<b>29</b>	Nil
Health & Human Services	157	136	283	270	239	232	<b>273</b>	<b>260</b>	Nil
Infrastructure, Energy & Resources	248	220	293	174	353	233	<b>69</b>	<b>46</b>	<b>6</b>
Justice (a)	41	34	77	65	60	56	<b>383</b>	<b>72</b>	<b>301</b>
Police & Emergency Management (a)	448	430	409	356	593	558	<b>606</b>	<b>595</b>	Nil
Premier & Cabinet	30	25	9	10	24	16	<b>24</b>	<b>16</b>	Nil
Primary Industries and Water (a)	57	49	67	52	108	72	<b>64</b>	<b>79</b>	<b>1</b>
Tourism, Arts and Environment (a)	6	4	20	18	28	20	<b>15</b>	<b>16</b>	Nil
Treasury & Finance	18	15	11	9	21	19	<b>21</b>	<b>11</b>	Nil
Tasmanian Audit Office	-	-	-	-	-	-	<b>2</b>	<b>1</b>	Nil
<b>TOTALS</b>	<b>1074</b>	<b>980</b>	<b>1225</b>	<b>1007</b>	<b>1489</b>	<b>1337</b>	<b>1506</b>	<b>1143</b>	<b>308</b>

Note:

(a) From 5th April 2006:

(i) the Department of Tourism, Parks, Heritage & the Arts became the Department of Tourism, Arts and the Environment.

(ii) the Department of Primary Industries, Water and Environment(DPIWE) became the Department of Primary Industries and Water.

(iii) the Department of Police and Public Safety changed its name to the Department of Police and Emergency Management.

(iii) certain functions were transferred from the Department of Infrastructure Energy and Resources and DPIWE to Department of Justice.

<sup>2</sup> The names of Departments represent the situation at 30 June 2006 but in relation to the previous years the figures are those of the Department which most closely reflected the roles of the current Departments. Because of these changes the statistics are not fully comparable to previous years.

## Prescribed Authorities

Compared with 2004/2005, the number of requests for information made to prescribed authorities this year has increased noticeably (by **44.3%**). As Table 4 shows, most Authorities receive very few requests, with only the Office of the Anti Discrimination Commissioner (**35**), Motor Accidents Insurance Board (**27**) and Forestry Tasmania (**20**) reaching double figures in 2005/2006. The Office of the Anti Discrimination Commissioner recorded a five-fold increase in requests during the year. 34 of the 35 requests for this authority were made by one applicant. Of those, 26 concerned related subject matters.

**Table 4**  
**Requests Received and Decided - Prescribed authorities – 2002/2003 to 2005/2006**

Prescribed authority (a)	Requests Received	Requests Decided	Requests Received	Requests Decided	Requests Received	Requests Decided	Requests Received	Requests Decided	Requests Received	Requests Decided	Requests outside Act
	2002/03	2002/03	2003/04	2003/04	2004/05	2004/05	2005/06	2005/06	2005/06	2005/06	2005/06
Auctioneers & Real Estate Council	-	-	1	1	3	3	Nil	Nil	Nil	Nil	Nil
Aurora Energy	4	3	2	2	2	2	1	1	1	1	Nil
Cradle Coast Regional Authority	-	-	1	1	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Esk Water Authority	-	-	-	-	1	1	Nil	Nil	Nil	Nil	Nil
Forestry Tasmania	6	6	7	7	12	12	20	18	20	18	Nil
Government Prices Oversight Comm.	1	-	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Greyhound Racing Tasmania	1	1	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Hobart Water Corporation	-	-	2	1	0	1	1	1	1	1	Nil
Hydro Electric Tasmania	2	2	2	2	1	1	2	1	2	1	Nil
Inland Fisheries Service	-	-	-	-	3	2	Nil	Nil	Nil	Nil	Nil
Law Society of Tasmania	1	1	Nil	Nil	4	0	4	4	4	4	Nil
Legal Aid Commission	2	2	2	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Marine & Safety Tasmania	6	6	Nil	Nil	2	2	2	1	2	1	Nil
Medical Council of Tasmania	5	5	Nil	Nil	7	7	Nil	Nil	Nil	Nil	Nil
Metro Tasmania	1	-	1	1	2	2	1	1	1	1	Nil
Motor Accidents Insurance Board	3	3	11	11	14	14	27	26	27	26	Nil
Office of the Anti-Discrimination Commissioner	21	21	3	3	7	7	35	35	35	35	Nil
Office of the Solicitor General	1	1	1	1	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Ombudsman	3	3	4	4	3	3	not Nil	subject Nil	3	3	-
Physiotherapists Registration Board	-	-	-	-	1	1	Nil	Nil	1	1	Nil
Private Forests	-	-	1	1	1	0	4	5	4	5	Nil

Prescribed authority (a)	Requests Received	Requests Decided	Requests Received	Requests Decided	Requests Received	Requests Decided	Requests Received	Requests Decided	Requests outside Act
	2002/03	2002/03	2003/04	2003/04	2004/05	2004/05	2005/06	2005/06	2005/06
Tasmania									
The Public Trustee Retirement Benefits Fund	1	1	3	3	Nil	Nil	1	1	Nil
TAFE Tasmania	3	3	Nil	Nil	1	1	2	2	Nil
Tasmania Fire Service	1	1	1	1	Nil	Nil	1	1	Nil
Tasmanian Heritage Council	7	6	12	11	5	4	7	6	Nil
Tasmanian Museum and Art Gallery					1	0	# (DTAE)	#	#
Tasmanian Public Finance Corporation	-	-	-	-	# (DTPHA)	#	# (DTAE)	#	#
Tasmanian Harness Racing Council	-	-	-	-	2	2	Nil	Nil	Nil
TOTE Tasmania	-	-	3	Nil	Nil	Nil	Nil	Nil	Nil
Transend Networks P/L	-	-	-	-	1	0	2	Nil	Nil
University of Tasmania	-	-	-	-	Nil	Nil	1	1	1
<b>TOTALS</b>	1	1	3	1	5	4	3	4	Nil
	82	78	71	62	79	69	114	108	1

Note: (a) Only those prescribed authorities which have recorded requests in any of the years covered are listed.  
' #' Indicates that the requests received by this authority were incorporated into the response of a Government Department in the relevant year/s.  
' - ' indicates a nil result or that statistics were not published for this authority for the time period.

## Councils

Councils had a **17.9%** decrease in FOI applications this year, compared with a 21.9% increase in the previous year. Over the four-year period covered in this table there has been a 13.6% decrease in applications to councils under FOI.

Applications to the four largest urban councils – Clarence, Hobart, Glenorchy and Launceston – represented **34.9%** of all requests received by councils in 2005/2006. This was comparable to the proportion they received in the previous year.

Apart from the four city councils mentioned above, the number of requests received by councils remains low, with only four other councils receiving 5 or more requests. Four councils received no requests in the reporting year.

**Table 5**

**Requests Received and Decided - Councils - 2002/2003 to 2005/2006**

Council	Requests Received	Requests Decided	Requests Received	Requests Decided	Requests Received	Requests Decided	Requests Received	Requests Decided	Requests outside Act
	2002/03	2002/03	2003/04	2003/04	2004/05	2004/05	2005/06	2005/06	2005/06
Break O'Day Council	10	9	12	1	10	10	7	5	2
Brighton Council	2	1	1	1	1	1	Nil	Nil	Nil
Burnie City Council	3	2	6	6	2	2	2	2	Nil
Central Coast Council	5	3	8	8	6	6	8	8	Nil
Central Highlands Council	-	-	Nil	Nil	2	2	1	1	Nil
Circular Head Council	-	-	7	6	1	1	3	3	Nil
Clarence City Council	23	21	18	17	28	28	16	14	Nil
Derwent Valley Council	2	-	7	7	3	3	2	2	Nil
Devonport City Council	6	6	2	2	6	6	1	1	Nil
Flinders Island Council	1	1	Nil	Nil	Nil	Nil	Nil	Nil	Nil
George Town Council	3	3	2	1	5	5	2	2	Nil
Glamorgan/Spring Bay Council	2	2	Nil	Nil	1	1	4	4	2
Glenorchy City Council	6	6	7	7	11	11	10	10	Nil
Hobart City Council	28	26	25	25	29	29	41	37	Nil
Huon Valley Council	4	3	3	2	12	10	4	4	Nil
Kentish Council	1	1	Nil	Nil	2	2	1	0	1
King Island Council	1	1	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Kingborough Council	30	30	10	10	9	9	4	4	Nil
Latrobe Council	5	5	Nil	Nil	4	4	Nil	Nil	Nil
Launceston City Council	9	9	18	17	16	11	10	10	Nil
Meander Valley Council	9	7	5	4	6	5	4	3	Nil
Northern Midlands Council	1	1	4	4	4	4	2	2	Nil
Sorell Council	10	10	7	7	11	11	8	8	Nil

<b>Council</b>	<b>Requests Received</b>	<b>Requests Decided</b>	<b>Requests Received</b>	<b>Requests Decided</b>	<b>Requests Received</b>	<b>Requests Decided</b>	<b>Requests Received</b>	<b>Requests Decided</b>	<b>Requests outside Act</b>
Southern Midlands Council	1	1	Nil	Nil	Nil	Nil	2	2	Nil
Tasman Council	1	1	Nil	Nil	1	1	3	2	2
Waratah-Wynyard Council	4	4	Nil	Nil	3	3	6	6	Nil
West Coast Council	1	1	1	1	2	2	Nil	Nil	Nil
West Tamar Council	1	-	3	3	3	3	4	4	Nil
<b>TOTALS</b>	169	152	146	140	178	170	146	132	7

## CHAPTER THREE: OUTCOMES OF REQUESTS

### Determinations on Requests for Information

Applications for information may result in access to the information requested being provided in full, provided in part or refused. In addition, it may be found that the agency did not actually hold the information requested. Of the requests decided by all agencies, **33.9%** (43.6%) of applicants were granted access to the whole of the information they sought; **27.4%** (26.7%) were given part access, **6.9%** were denied access and **5.9%** were not provided with access for other reasons, including withdrawal of the request or transfer to another agency.

**Table 6**  
**Outcome of Requests -Summary – 2005/2006**

Agency	Total	Full	Part	Exempt/	Refusals		
	Determined	Access	Access	Exceptions	Denied	Transferred	Withdrawn
Government Departments	<b>1143</b> (1337)	<b>303</b> (468)	<b>345</b> (355)	<b>613</b> (736)	<b>77</b> (200)	<b>31</b> (28)	<b>37</b> (41)
Prescribed authorities	<b>114</b> (69)	<b>76</b> (34)	<b>13</b> (24)	<b>34</b> (34)	<b>10</b> (9)	<b>1</b> (Nil)	<b>2</b> (Nil)
Councils	<b>132</b> (170)	<b>92</b> (109)	<b>22</b> (29)	<b>52</b> (59)	<b>9</b> (16)	<b>2</b> (2)	<b>9</b> (9)
<b>TOTALS</b>	<b>1383</b> (1576)	<b>470</b> (611)	<b>380</b> (408)	<b>699</b> (829)	<b>96</b> (99)	<b>34</b> (30)	<b>48</b> (50)

*Note:* An FOI request may be for more than one item of information, and one request may be refused wholly or partly on several different bases. Therefore the total of the other columns is more than the total determined in the second column.

### Government Departments

Of the **1143** (1337) determinations by all Government Departments in respect of applications (**Table 7**):

- **26.4%** were granted full access;
- **30.1%** partial access;
- **6.7%** were denied;
- **5.9%** were refused for other reasons (including transferred and withdrawn).

Because of the diversity of applications it is not possible to attribute the year-to-year differences to any particular factor.

**Table 7**  
**Outcome of Requests - Government Departments – 2005/2006**

Department	Full	Part	Exempt/	Refusals		
	Access	Access	Exception	Denied	Transferred	Withdrawn
Economic Development	<b>1</b> (2)	<b>17</b> (9)	<b>25</b> (27)	<b>Nil</b> (1)	<b>1</b> (Nil)	<b>1</b> (7)
Education	<b>21</b> (25)	<b>8</b> (5)	<b>13</b> (Nil)	<b>1</b> (Nil)	<b>Nil</b> (Nil)	<b>1</b> (Nil)
Health & Human Services	<b>87</b> (54)	<b>57</b> (43)	<b>179</b> (169)	<b>3</b> (2)	<b>1</b> (6)	<b>5</b> (Nil)
Infrastructure, Energy & Resources	<b>21</b> (157)	<b>15</b> (30)	<b>34</b> (182)	<b>9</b> (9)	<b>4</b> (3)	<b>15</b> (20)

Department	Full	Part	Exempt/	Denied	Refusals	
	Access	Access	Exception s		Transferred	Withdrawn
Justice	<b>18</b> (17)	<b>25</b> (10)	<b>44</b> (45)	<b>15</b> (8)	<b>6</b> (4)	<b>5</b> (Nil)
Police & Emergency Management	<b>123</b> (154)	<b>155</b> (201)	<b>349</b> (364)	<b>36</b> (46)	<b>7</b> (6)	<b>4</b> (4)
Premier & Cabinet	<b>3</b> (10)	<b>6</b> (4)	<b>12</b> (10)	<b>2</b> (1)	<b>7</b> (3)	<b>1</b> (2)
Primary Industries, and Water	<b>24</b> (38)	<b>45</b> (32)	<b>75</b> (63)	<b>5</b> (2)	<b>3</b> (5)	<b>3</b> (7)
Tourism, Arts and Environment	<b>3</b> (3)	<b>12</b> (17)	<b>24</b> (45)	<b>1</b> (Nil)	<b>1</b> (Nil)	<b>1</b> (1)
Treasury & Finance	<b>1</b> (8)	<b>5</b> (4)	<b>16</b> (84)	<b>4</b> (5)	<b>Nil</b> (1)	<b>Nil</b> (Nil)
<b>TOTALS</b>	<b>302</b> (468)	<b>345</b> (355)	<b>753</b> (989)	<b>77</b> (74)	<b>31</b> (28)	<b>37</b> (41)

**NOTE:** 1) An FOI request may be for more than one item of information. Therefore **Outcome of Requests** total more than **Requests Decided** in Table 6.

2) Only departments that decided requests either in the 2004/05 or the 2005/06 financial years are included in Table 7.

## Prescribed Authorities

Of the **114** (69) determinations recorded by Prescribed Authorities in **Table 8**:

- **66.6%** of applicants were given full access;
- **11.4%** were given partial access;
- **8.7%** were denied;
- **2.6%** of applications were refused for other reasons (including transferred and withdrawn).

**Table 8**

### Outcome of Requests - Prescribed authorities - 2005/2006

Prescribed authorities	Full	Part	Exempt/	Denied	Refusals	
	Access	Access	Exceptions		Transferred	Withdrawn
Aurora Energy	<b>1</b> (2)	Nil	Nil	Nil	Nil	Nil
Esk Water Authority	Nil	<b>Nil</b> (1)	Nil	Nil	Nil	Nil
Forestry Tasmania	<b>12</b> (6)	<b>4</b> (3)	<b>9</b> (8)	<b>2</b> (3)	Nil	Nil
Hobart Water	<b>Nil</b> (1)	<b>1</b> (Nil)	<b>3</b> (Nil)	Nil	Nil	Nil
Hydro Electric Corporation Tasmania	Nil	<b>Nil</b> (1)	<b>1</b> (1)	<b>1</b> (Nil)	Nil	Nil
Inland Fisheries Service	<b>Nil</b> (1)	<b>Nil</b> (1)	<b>Nil</b> (1)	Nil	Nil	Nil
Law Society of Tasmania	<b>Nil</b>	<b>Nil</b>	<b>5</b>	<b>Nil</b>	<b>Nil</b>	<b>Nil</b>
Marine & Safety Tasmania	<b>1</b> (Nil)	<b>Nil</b> (2)	<b>Nil</b> (2)	Nil	Nil	<b>1</b> (Nil)
Medical Council of Tasmania	Nil	<b>Nil</b> (4)	<b>Nil</b> (6)	<b>Nil</b> (2)	Nil	Nil
Metro Tasmania	<b>1</b> (1)	<b>Nil</b> (1)	<b>Nil</b> (1)	Nil	Nil	Nil

Prescribed authorities	Full Access	Part Access	Exempt/ Exceptions	Denied	Refusals Transferred	Withdrawn
Motor Accidents Insurance Board	<b>17</b> (9)	<b>4</b> (3)	<b>Nil</b> (4)	<b>4</b> (1)	<b>1</b> (Nil)	Nil
Nursing Board of Tasmania	<b>Nil</b> (1)	Nil	Nil	Nil	Nil	Nil
Office of the Anti- Discrimination Commissioner	<b>30</b> (2)	<b>1</b> (5)	<b>4</b> (5)	<b>1</b> )	Nil	Nil
Ombudsman	<b>#</b> (1)	(1)	(1)	(1)	Nil	Nil
Physiotherapists Registration Board	<b>Nil</b> (1)	Nil	Nil	Nil	Nil	Nil
Private Forests Tasmania	<b>2</b> (Nil)	<b>1</b> (Nil)	<b>2</b> (Nil)	Nil	Nil	Nil
The Public Trustee	<b>1</b> (Nil)	Nil	Nil	Nil	Nil	Nil
Retirement Benefits Fund	<b>1</b> (1)	Nil	<b>1</b> (Nil)	<b>1</b> (Nil)	Nil	Nil
TAFE Tasmania	<b>1</b>	<b>Nil</b>	<b>Nil</b>	<b>Nil</b>	<b>Nil</b>	<b>Nil</b>
Tasmania Fire Service	<b>6</b> (3)	Nil	Nil	Nil	Nil	Nil
Tasmanian Heritage Council	<b>*</b> (1)	Nil	Nil	Nil	Nil	Nil
Tasmanian Public Finance Corporation	<b>Nil</b> (1)	Nil	<b>Nil</b> (1)	<b>Nil</b> (1)	Nil	Nil
TOTE Tasmania	<b>Nil</b> (1)	<b>1</b> (Nil)	<b>2</b> (Nil)	Nil	Nil	<b>1</b> (Nil)
Transend Networks Pty Ltd	<b>1</b>	<b>Nil</b>	<b>Nil</b>	<b>Nil</b>	<b>Nil</b>	<b>Nil</b>
University of Tasmania	<b>2</b> (1)	<b>1</b> (2)	<b>3</b> (3)	<b>1</b> (1)	Nil	Nil
<b>TOTALS</b>	<b>76</b> 33	<b>13</b> 24	<b>34</b> 33	<b>10</b> 9	<b>1</b> (Nil)	<b>2</b> (Nil)

*NOTE: 1) An FOI request may be for more than one item of information. Therefore **Outcome of Requests** total more than **Requests Decided** in Table 6.*

*2) Only authorities that decided requests in the 2004/05 or the 2005/06 financial years are included in Table 8.*

*\* Tasmanian Heritage Council statistics were combined into the Department of Tourism, Arts and the Environment return for the 2005/06 period.*

*# The Ombudsman is no longer subject to the Freedom of Information Act.*

## Councils

Of the **132** (170) determinations recorded by Local Government Councils (**Table 9**):

- **69.6%** of applicants were granted full access;
- **16.6%** were granted partial access;
- **6.8%** were denied
- **8.3%** of applications were refused for other reasons (including transferred and withdrawn).

Overall these figures are consistent with the trend shown last year. There has been a decrease in the number of denials/refusals at the same time as a proportional increase in the grant of full access.

**Table 9**  
**Outcome of Requests - Councils – 2005/2006**

<b>Council</b>	<b>Full Access</b>	<b>Part Access</b>	<b>Exempt/ Exceptions</b>	<b>Denied</b>	<b>Refusals Transferred</b>	<b>Withdrawn</b>
Break O'Day Council	<b>3</b> (Nil)	<b>Nil</b> (1)	<b>Nil</b> (4)	<b>Nil</b> (3)	Nil	<b>4</b> (1)
Brighton Council	Nil	Nil	<b>Nil</b> (1)	<b>Nil</b> (1)	Nil	Nil
Burnie City Council	<b>2</b> (2)	Nil	Nil	Nil	Nil	Nil
Central Coast Council	<b>5</b> (2)	<b>3</b> (2)	<b>6</b> (4)	<b>Nil</b> (2)	Nil	Nil
Central Highlands Council	<b>1</b> (2)	Nil	Nil	Nil	Nil	Nil
Circular Head Council	<b>2</b> (1)	<b>1</b> (Nil)	Nil	Nil	Nil	Nil
Clarence City Council	<b>9</b> (16)	<b>1</b> (8)	<b>3</b> (5)	<b>1</b> (2)	Nil	<b>1</b> (1)
Derwent Valley Council	<b>2</b> (2)	<b>Nil</b> (1)	<b>Nil</b> (1)	Nil	Nil	Nil
Devonport City Council	<b>Nil</b> (2)	<b>Nil</b> (1)	<b>Nil</b> (2)	1	Nil	1
George Town Council	<b>1</b> (5)	<b>1</b> (Nil)	<b>2</b> (Nil)	Nil	Nil	Nil
Glamorgan/Spring Bay Council	<b>2</b> (1)	Nil	<b>1</b> (Nil)	<b>1</b> (Nil)	Nil	Nil
Glenorchy City Council	<b>7</b> (6)	<b>1</b> (1)	<b>3</b> (4)	<b>1</b> (3)	Nil	1
Hobart City Council	<b>31</b> (26)	<b>7</b> (3)	<b>8</b> (3)	<b>1</b> (Nil)	<b>2</b> (Nil)	<b>2</b> (Nil)
Huon Valley Council	<b>2</b> (5)	<b>1</b> (4)	<b>5</b> (4)	<b>1</b> (Nil)	Nil	Nil
Kentish Council	<b>1</b> (2)	Nil	Nil	Nil	Nil	Nil
Kingborough Council	<b>3</b> (8)	<b>1</b> (Nil)	<b>1</b> (1)	<b>Nil</b> (1)	Nil	Nil
Latrobe Council	<b>Nil</b> (3)	Nil	<b>Nil</b> (1)	<b>Nil</b> (1)	Nil	Nil
Launceston City Council	<b>5</b> (8)	<b>4</b> (2)	<b>5</b> (3)	<b>1</b> (1)	<b>Nil</b> (1)	4
Meander Valley Council	<b>2</b> (2)	<b>Nil</b> (2)	<b>4</b> (8)	<b>2</b> (Nil)	Nil	<b>1</b> (Nil)
Northern Midlands Council	<b>2</b> (4)	Nil	Nil	Nil	Nil	Nil
Sorell Council	<b>5</b> (5)	<b>1</b> (2)	<b>Nil</b> (5)	<b>Nil</b> (1)	<b>Nil</b> (1)	<b>Nil</b> (1)
Southern Midlands Council	<b>1</b>	Nil	<b>1</b>	Nil	Nil	
Tasman Council	<b>2</b> (1)	Nil	Nil	<b>1</b> (Nil)	Nil	<b>1</b> (Nil)
Waratah/Wynyard Council	<b>4</b> (2)	<b>1</b> (1)	<b>2</b> (1)	Nil	Nil	Nil
West Coast Council	<b>Nil</b> (2)	Nil	Nil	Nil	Nil	Nil
West Tamar Council	<b>Nil</b> (2)	<b>Nil</b> (1)	<b>Nil</b> (1)	Nil	Nil	Nil
<b>TOTALS</b>	<b>92</b> (109)	<b>22</b> (29)	<b>42</b> (48)	<b>9</b> (16)	<b>2</b> (2)	<b>9</b> (9)

**NOTE:** 1) An FOI request may be for more than one item of information. Therefore **Outcome of Requests** total more than **Requests Decided** in Table 6.

- 2) *Requests transferred to another agency and those withdrawn by an applicant are not included in **Requests Decided** in Table 9.*
- 3) *Only councils that decided requests in the 2003/04 or the 2004/05 financial years are included in Table 9.*

Section 16 of the FOI Act requires an agency to notify an applicant of its decision in respect of a request for information within 30 days.

In 2005/2006 **80.7%** (83.5%) of decisions on applications made under the FOI Act were made within 30 days of the receipt of the application. This figure represents a slight decrease compared to last year but an increase compared to the figures of previous years.

Apart from delays caused by complex requests, there are a number of reasons for delays in finalising decisions on applications which are brought about by the procedures under the Act itself, some of which are set out below. The data collected does not allow for any differentiation of the reasons for delays in finalising requests.

Requests received may seek personal information relating to another person or information originally acquired by the agency from a business, commercial or financial undertaking other than from a business owned by the applicant. To protect the privacy or business interests of the person or business sections 30 and 31 of the Act require that the views of the person, business or undertaking be sought regarding the release of the information before a decision is made. As obtaining the views may take some time after the information has been identified the 30-day time limit can be difficult or impossible to meet as the person or business has to be given time to consider whether to agree or object to the release of the information.

Further, if a decision is made by the agency to release information contrary to the view expressed by the person, business or undertaking then 28 days must be allowed to elapse, after notification to the person of the agency's intention to release the information is given, before the information is actually released. Within that period the person or business objecting to the release of the information can seek a review of the decision by the Ombudsman. In these instances it would be impossible to comply with the 30-day time limit required in section 16.

Section 18 of the Act allows an agency to defer providing information if it is proposed to be published by the agency but has not yet been published or if it was prepared for presentation to Parliament but has not at that time been so presented.

If a request has been made to an agency or Minister under section 13 or 37 and the period for making a decision has elapsed without notice of a decision on the request being received by the applicant, there is deemed to be a decision of the agency refusing to grant the request. The applicant may seek a review by the Ombudsman of the deemed refusal. Rather than review the matter immediately the Ombudsman may grant the agency an extension of time to deal with the application. The applicant may also agree (without necessarily taking the matter to the Ombudsman and often subject to fees being reduced or waived) to the period of time to make a decision being extended.

**Table 10**  
**Time Taken to Complete Requests - Summary - 2005/2006**

Department	30 days or less	Greater than 30 days	Extension negotiated
Government Departments	<b>894</b> (1099)	<b>273</b> (239)	<b>27</b> (42)
Prescribed Authorities	<b>96</b> (56)	<b>14</b> (13)	<b>1</b> (16)
Councils	<b>127</b> (162)	<b>12</b> (15)	<b>1</b> (3)
<b>TOTALS</b>	<b>1117</b> (1317)	<b>299</b> (267)	<b>29</b> (61)

**Government Departments**

In excess of 80% of requests are dealt with within the 30-day deadline. It is noteworthy to mention the promptness with which the Department of Police and Emergency Management processes the bulk of its FOI applications with approximately 97% dealt with within the 30-day period compared with the average for Departments of approximately 75%.

**Table 11**  
**Time Taken to Complete Requests - Government Departments - 2005/2006**

Department	30 days or less	Greater than 30 days	Extension negotiated
Economic Development	<b>6</b> (3)	<b>15</b> (9)	<b>1</b> (2)
Education	<b>12</b> (23)	<b>16</b> (12)	<b>1</b> Nil
Health & Human Services	<b>153</b> (144)	<b>107</b> (80)	<b>5</b> Nil
Infrastructure, Energy & Resources	<b>34</b> (306)	<b>18</b> (16)	<b>4</b> (16)
Justice	<b>69</b> (46)	<b>17</b> (14)	<b>Nil</b>
Police & Emergency Management	<b>584</b> (543)	<b>11</b> (15)	<b>Nil</b> (3)
Premier & Cabinet	<b>7</b> (3)	<b>9</b> (13)	<b>Nil</b>
Primary Industries & Water	<b>16</b> (17)	<b>63</b> (55)	<b>5</b> (10)
Tourism, the Arts & Environment	<b>3</b> (2)	<b>13</b> (18)	<b>10</b> (9)
Treasury & Finance	<b>7</b> (12)	<b>4</b> (7)	<b>1</b> (2)
<b>TOTALS</b>	<b>894</b> (1099)	<b>273</b> (239)	<b>27</b> (42)

## Prescribed authorities

**Table 12**  
**Time Taken to Complete Requests - Prescribed authorities - 2005/2006**

Prescribed Authority	30 days or less	Greater than 30 days	Extension negotiated
Anti-Discrimination Commissioner	<b>33</b> (3)	<b>2</b> (4)	Nil
Auctioneers & Real Estate Council	<b>Nil</b> (3)	Nil	Nil
Aurora Energy	<b>1</b> (2)	Nil	Nil
Cradle Coast Regional Authority	Nil	Nil	Nil
Esk Water	<b>Nil</b> (1)	Nil	Nil
Forestry Tasmania	<b>18</b> (10)	<b>2</b> (2)	Nil
Hobart Water	<b>1</b> (1)	Nil	Nil
Hydro Tasmania	<b>Nil</b> (1)	<b>1</b> (Nil)	Nil
Inland Fisheries Service	Nil	<b>Nil</b> (2)	Nil
Law Society of Tasmania	Nil	<b>4</b> (Nil)	Nil
Legal Aid Commission	Nil	Nil	Nil
Marine and Safety Tasmania	<b>1</b> (2)	Nil	Nil
Medical Council of Tasmania	<b>Nil</b> (5)	<b>Nil</b> (1)	<b>Nil</b> (1)
Metro Tasmania	<b>1</b> (2)	Nil	Nil
Motor Accidents Insurance Board	<b>26</b> (14)	Nil	<b>Nil</b> (14)
Nursing Board of Tasmania	Nil	Nil	Nil
Ombudsman	<b>Nil</b> (3)	Nil	Nil
Physiotherapists Registration Board	<b>Nil</b> (1)	Nil	Nil
Private Forests Tasmania	<b>5</b> (Nil)	Nil	Nil
Public Trustee	<b>1</b> (Nil)	Nil	Nil
Retirement Benefits Fund Board	<b>2</b> (1)	Nil	Nil
Solicitor General's Office	Nil	Nil	Nil
TAFE	<b>1</b> (Nil)	Nil	Nil
Tasmania Fire Service	<b>4</b> (1)	<b>2</b> (2)	Nil
Tasmanian Heritage Council	<b>Nil</b> (1)	Nil	Nil
Tasmanian Harness Council	Nil	Nil	Nil
Tasmanian Public Finance Corporation	<b>Nil</b> (2)	Nil	Nil

Prescribed Authority	30 days or less	Greater than 30 days	Extension negotiated
TOTE Tasmania	Nil (1)	1 (Nil)	Nil
Transend Pty Ltd	Nil	1	Nil
University of Tasmania	2 (2)	1 (2)	1 (Nil)
<b>TOTALS</b>	<b>96</b> (56)	<b>14</b> (13)	<b>1</b> (16)

## Councils

**Table 13**  
**Time Taken to Complete Requests - Councils - 2005/2006**

Council	30 days or less	Greater than 30 days	Extension negotiated
Break O'Day Council	3 (7)	Nil (3)	Nil (2)
Brighton Council	Nil (1)	Nil	Nil
Burnie City Council	2 (2)	Nil	Nil
Central Coast Council	7 (4)	1 (2)	Nil
Central Highlands Council	1 (2)	Nil	Nil
Circular Head Council	2 (10)	1 (Nil)	Nil
Clarence City Council	12 (24)	2 (4)	Nil
Derwent Valley Council	2 (3)	Nil	Nil
Devonport City Council	Nil (6)	Nil	Nil
George Town Council	2 (4)	Nil (1)	Nil
Glamorgan/Spring Bay Council	2 (1)	Nil	Nil
Glenorchy City Council	9 (11)	1 (Nil)	1 (Nil)
Hobart City Council	41 (28)	1 (1)	Nil
Huon Valley Council	4 (10)	4 (Nil)	Nil
Kentish Council	1 (2)	Nil	Nil
King Island Council	Nil	Nil	Nil
Kingborough Council	4 (8)	Nil (1)	Nil (1)
Latrobe Council	Nil (4)	Nil	Nil
Launceston City Council	8 (9)	2 (20)	Nil
Meander Council	3 (4)	Nil (1)	Nil
Northern Midlands Council	2 (4)	Nil	Nil

Sorell Council	<b>8</b> (11)	Nil	Nil
Southern Midlands Council	<b>2</b> (Nil)	Nil	Nil
Tasman Council	<b>2</b> (1)	Nil	Nil
Waratah-Wynyard Council	<b>6</b> (3)	Nil	Nil
West Tamar Council	<b>4</b> (3)	Nil	Nil
<b>TOTALS</b>	<b>127</b> (162)	<b>12</b> (15)	<b>1</b> (3)

Requests for information can be refused in accordance with the Act if the information is exempt, excepted from the operation of the Act or falls into a number of other categories. In some cases this will not mean that the person will not be able to access the information but access may be gained by other means – such as referral to Internet websites or published reports where the information is publicly available.

**Use of exceptions and other refusals**

The “exceptions” and grounds for refusal set out in Part 2 of the Act are:

- Section 8 Information, other than personal information, incorporated in records more than five years before the commencement of the Act (i.e. prior to 1.1.88);
- Section 9 Information already otherwise available (for example publicly available for inspection in accordance with another Act or that is available to be purchased);
- Section 10 Records placed in the custody of Archives Office or State Library by certain people;
- Section 18 Deferral of the provision of the information pending publication under an Act or presentation to Parliament;
- Section 20 Refusal of “voluminous” requests;
- Other Information requested is not in the possession of the agency

**Table 14  
Exceptions and Other Refusals - Summary - 2005/2006**

Department	Exceptions Under s.9	Refusals Under s.20	Information not in the possession of the agency
Government Departments	<b>187</b> (247)	<b>8</b> (12)	<b>176</b> (192)
Prescribed Authorities	<b>1</b> (1)	<b>4</b> (3)	<b>10</b> (4)
Councils	<b>2</b> (3)	<b>3</b> (1)	<b>12</b> (8)
<b>TOTALS</b>	<b>190</b> (251)	<b>15</b> (16)	<b>198</b> (204)

Tables 14 (exceptions & other refusals) and 18 (Exemptions) indicate that the two most commonly used exceptions were sections 9 and 30. While included in this chapter as ‘refusal’, as noted above the use of section 9 does not necessarily indicate that the person did not get the information requested, merely that it may have been inappropriate to use the Freedom of Information process to seek the information.

The inability to provide the applicant with the requested information because it is not in the possession of the agency, while neither an exemption nor exception, has been included in the above Table to indicate the disposition of the application. Where it can be discerned that the information may be held by another agency the request will usually be transferred to the other body.

**Table 15****Exceptions and Other Refusals - Government Departments - 2005/2006**

<b>Department</b>	<b>Exceptions Under s.9</b>	<b>Refusals Under s.20</b>	<b>Information not in the possession of the agency</b>
Economic Development	Nil	Nil	<b>3</b> (Nil)
Education	Nil	<b>2</b> (Nil)	<b>1</b> (Nil)
Health & Human Services	Nil	<b>2</b> (3)	<b>113</b> (122)
Infrastructure, Energy & Resources	<b>Nil</b> (90)	<b>Nil</b> (5)	<b>1</b> (31)
Justice	<b>Nil</b> (9)	<b>Nil</b> (3)	<b>14</b> (8)
Police & Emergency Management	<b>185</b> (145)	<b>1</b> (1)	<b>33</b> (30)
Premier & Cabinet	<b>Nil</b> (1)	Nil	<b>5</b> (Nil)
Primary Industries & Water	<b>1</b> (1)	<b>2</b> (Nil)	<b>5</b> (Nil)
Tourism, the Arts & the Environment	Nil	Nil	Nil
Treasury & Finance	<b>1</b> (1)	<b>1</b> (Nil)	<b>1</b> (1)
<b>TOTALS</b>	<b>187</b> (247)	<b>8</b> (12)	<b>176</b> (192)

**Table 16****Exceptions and Other Refusals - Prescribed authorities - 2005/2006**

<b>Prescribed Authority</b>	<b>Exceptions Under s.9</b>	<b>Refusals Under s.20</b>	<b>Information not in the possession of the agency</b>
Anti-Discrimination Commissioner	Nil	<b>Nil</b> (1)	<b>3</b> (1)
Forestry Tasmania	Nil	<b>1</b> (2)	Nil
Hobart Water	<b>1</b>	Nil	Nil
Law Society of Tasmania	Nil	<b>1</b>	4
Medical Council	Nil	Nil	<b>Nil</b> (1)
Motor Accidents Insurance Board	Nil	Nil	<b>1</b> (1)
Private Forests Tasmania	Nil	Nil	2
TOTE Tasmania	Nil	<b>1</b>	Nil
University of Tasmania	<b>Nil</b> (1)	Nil	Nil
<b>TOTALS</b>	<b>1</b> (1)	<b>4</b> (3)	<b>10</b> (3)

**Table 17****Exceptions and Other Refusals - Councils - 2005/2006**

<b>Council</b>	<b>Exceptions Under s.9</b>	<b>Refusals Under s.20</b>	<b>Information not in the possession of the agency</b>
Break O' Day Council	Nil	Nil (1)	Nil 1
Brighton Council	Nil	Nil	Nil 1
Burnie Council	Nil	Nil	Nil
Central Coast Council	Nil	Nil	<b>1</b> (Nil)
Circular Head Council	Nil	Nil	<b>Nil</b> (2)
Clarence City Council	Nil	Nil	<b>3</b> (1)
Devonport Council	Nil	Nil	<b>Nil</b> (1)
Glamorgan/Spring Bay Council	Nil	Nil	<b>1</b>
Glenorchy City Council	Nil	<b>1</b> (Nil)	<b>1</b> (1)
Hobart City Council	Nil	Nil	<b>2</b>
Huon Valley Council	<b>1</b>	<b>1</b>	<b>1</b>
Kingborough Council	<b>Nil</b> (1)	Nil	Nil
Latrobe Council	Nil	Nil	<b>Nil</b> (1)
Meander Valley Council	Nil	<b>1</b>	Nil
Sorell Council	<b>Nil</b> (1)	Nil	<b>2</b> (1)
Waratah/Wynyard Council	<b>1</b> (1)	Nil	<b>1</b> (Nil)
West Tamar Council	Nil	Nil	<b>Nil</b> (1)
<b>TOTALS</b>	<b>2</b> (3)	<b>3</b> (1)	<b>12</b> (8)

**Exemptions**

The Act has a number of provisions which exempt certain types of information from release under the Act. As noted previously the application of exemptions may not result in the denial of access and in some cases the FOI officer's determination would include exemptions so as to exclude release of parts of documents that are not relevant to or necessarily part of the request.

Even though in some cases the information which is not released would fall outside of the scope of the request, the way in which the data is collected does not differentiate on the reasons why exemptions are applied to the documents.

The following is a list of the exemption provisions in Part 3 of the Act:

Section 23	Executive Council Information
Section 24	Cabinet Information
Section 25	Information not Relating to Official Business
Section 26	Information Communicated by other States etc
Section 27	Internal Working Information

Section 28	Law Enforcement Information
Section 28A	Information Affecting National Security
Section 29	Information Affecting Legal Proceedings
Section 30	Information Affecting Personal Privacy of a person other than the applicant
Section 31	Information Relating to Trade Secrets etc of Undertakings
Section 32	Information Relating to Trade Secrets etc of Agency
Section 32B	Information relating to Law Society other than under certain parts of the <i>Legal Profession Act 1993</i>
Section 33	Information Obtained in Confidence
Section 34	Information on Procedures and Criteria
Section 35	Information likely to Affect State Economy
Section 35A	Information likely to Threaten Endangered Species etc.

Of the **515** (541) exemptions applied in 2005/2006, section 30 (Information Affecting Personal Privacy) was the most commonly used. The 515 exemptions applied in 2005/2006 represent a decrease of **4.8%** compared to last year's figure, in line with the overall decrease in applications and decisions.

It should be noted that the exemption in relation to personal information (s.30) is commonly used to protect the privacy of third parties rather than to deny a person access to the information requested. Because the documents requested can include information that relates to a third party the name and other identifying information may be masked on the released documents and be recorded as having an exemption under section 30 applied to the document. As noted previously, a decision to release the third party information could entail seeking the views of the person to whom the information relates. In some cases the applicant may follow up the initial decision with a request to seek the views of the third parties to determine whether additional material might be released.

**Table 18**  
**Exemptions claimed - Summary- 2005/2006**

Agency	s.23	s.24	s.25	s.26	s.27	s.28	s.28A	s.29	s.30	s.31	s.32	s.32A	s.32	s.33	s.34	s.35	s.35A
Government Departments	Nil (1)	7 (17)	Nil (1)	2 (3)	64 (67)	Nil	Nil (1)	30 (33)	280 (225)	32 (67)	4 (4)	Nil	1 (Nil)	26 (41)	2 (2)	Nil (6)	Nil (3)
Prescribed authorities	Nil	Nil	Nil	Nil	5 (10)	Nil	Nil	8 (4)	3 (5)	2 (3)	2 (1)	Nil (1)	Nil	5 (2)	Nil	1 (Nil)	Nil
Councils	Nil	Nil (8)	Nil	Nil	3 (6)	1 (1)	Nil	1 (3)	18 (17)	1 (2)	Nil	4 (Nil)	4 (Nil)	2 (6)	1 (Nil)	Nil (1)	Nil
<b>TOTALS</b>	Nil (1)	13 (25)	Nil (1)	2 (3)	72 (83)	1 (1)	Nil (1)	39 (40)	301 (247)	35 (72)	6 (5)	4 (1)	5 (Nil)	33 (49)	3 (2)	1 (7)	Nil (3)

**Table 19**  
**Exemptions claimed - Government Departments – 2005/2006**

Department	s.23	s.24	s.25	s.26	s.27	s.28	s.28A	s.29	s.30	s.31	s.32	s.33	s.34	s.35	s.35A
Economic Development	Nil	Nil	Nil	Nil	6 (5)	Nil	Nil	3 (2)	7 (5)	4 (7)	Nil (2)	5 (6)	Nil	Nil	Nil
Education	1 (Nil)	Nil	Nil	Nil	Nil	Nil	Nil	2 (Nil)	8 (Nil)	Nil	Nil	Nil	Nil	Nil	Nil
Health & Human Services	Nil	Nil	Nil	Nil (1)	4 (3)	Nil	Nil	4 (2)	47 (35)	3 (1)	1 (Nil)	5 (1)	Nil (1)	Nil	Nil
Infrastructure, Energy and	Nil	1	Nil	Nil	5	2	Nil	4	13	1	2	6	Nil	Nil	Nil

Department	s.23	s.24	s.25	s.26	s.27	s.28	s.28A	s.29	s.30	s.31	s.32	s.33	s.34	s.35	s.35A
Resources															
Justice	Nil	<b>1</b> (1)	Nil	Nil	<b>5</b> (5)	<b>14</b> (10)	Nil	<b>2</b> (2)	<b>15</b> (5)	<b>2</b> (Nil)	<b>1</b> (Nil)	<b>3</b> (2)	Nil	Nil	Nil
Police & Emergency Management	Nil	Nil	Nil	Nil	<b>22</b> (8)	<b>39</b> (41)	Nil	<b>6</b> (7)	<b>150</b> (121)	Nil	Nil	<b>1</b> (5)	Nil	Nil	Nil
Premier & Cabinet	<b>Nil</b> (1)	<b>1</b> (Nil)	Nil	Nil	<b>2</b> (1)	<b>2</b> (Nil)	Nil	<b>2</b> (3)	<b>3</b> (4)	<b>1</b> (Nil)	Nil	Nil	Nil	Nil	Nil
Primary Industries & Water	Nil	<b>1</b> (Nil)	Nil	<b>1</b> (2)	<b>12</b> (11)	<b>2</b> (4)	Nil	<b>5</b> (8)	<b>29</b> (17)	<b>13</b> (8)	<b>Nil</b> (1)	<b>4</b> (6)	Nil	<b>Nil</b> (2)	<b>Nil</b> (2)
Tourism, the Arts & Environment	<b>Nil</b>	<b>1</b> (1)	Nil	<b>1</b> (Nil)	<b>5</b> (15)	<b>2</b> (Nil)	Nil	<b>2</b> (3)	<b>7</b> (12)	<b>4</b> (8)	Nil	<b>Nil</b> (3)	<b>2</b> (1)	<b>Nil</b> (1)	<b>Nil</b> (1)
Treasury & Finance	<b>Nil</b>	<b>3</b> (13)	Nil	Nil	<b>3</b> (10)	<b>1</b> (4)	Nil	<b>Nil</b> (1)	<b>1</b> (7)	<b>4</b> (35)	Nil	<b>2</b> (9)	Nil	<b>Nil</b> (3)	Nil
<b>TOTALS</b>	<b>Nil</b> (1)	<b>7</b> (17)	<b>Nil</b> (1)	<b>2</b> (3)	<b>64</b> (67)	<b>62</b> (61)	<b>Nil</b> (1)	<b>30</b> (33)	<b>280</b> (225)	<b>32</b> (67)	<b>4</b> (4)	<b>26</b> (41)	<b>2</b> (2)	<b>Nil</b> (6)	<b>Nil</b> (3)

**Table 20**

**Exemptions claimed - Prescribed authorities – 2005/2006**

Prescribed authority	s.27	s.29	s.30	s.31	s.32	s.33	s.35	s.35A
Anti Discrimination Commission	<b>1</b> (1)	Nil	<b>1</b> (Nil)	Nil	Nil	<b>2</b> (2)	Nil	Nil
Forestry Tasmania	<b>1</b> (2)	<b>2</b> (Nil)	<b>Nil</b> (2)	<b>1</b> (2)	Nil	<b>2</b> (Nil)	<b>1</b> (Nil)	<b>1</b> (Nil)
Hobart Water	<b>1</b>	<b>Nil</b>	<b>1</b>	<b>Nil</b>	<b>Nil</b>	<b>Nil</b>	<b>Nil</b>	<b>Nil</b>
Hydro Tasmania	Nil	Nil	Nil	Nil	<b>1</b> (1)	Nil	Nil	Nil
Inland Fisheries Service	<b>Nil</b> (1)	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Law Society of Tasmania	<b>1</b>	<b>1</b>	<b>Nil</b>	<b>Nil</b>	<b>Nil</b>	<b>1</b>	<b>Nil</b>	<b>Nil</b>
Marine & Safety Tasmania	Nil	<b>Nil</b> (1)	Nil	<b>Nil</b> (1)	Nil	Nil	Nil	Nil
Medical Council of Tasmania	<b>Nil</b> (6)	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Motor Accidents Insurance Board	Nil	<b>4</b> (Nil)	<b>Nil</b> (1)	Nil	Nil	Nil	Nil	Nil
Private Forests	Nil	Nil	<b>1</b> (Nil)	<b>1</b> (Nil)	Nil	Nil	Nil	Nil
Retirement Benefits Fund Board	<b>Nil</b>	<b>1</b>	<b>Nil</b>	<b>Nil</b>	<b>Nil</b>	<b>Nil</b>	<b>Nil</b>	<b>Nil</b>
TOTE Tasmania	<b>Nil</b>	<b>Nil</b>	<b>Nil</b>	<b>Nil</b>	<b>1</b>	<b>Nil</b>	<b>Nil</b>	<b>Nil</b>
The Public Trustee	Nil	Nil	<b>Nil</b> (3)	Nil	Nil	Nil	Nil	Nil
University of Tasmania	<b>1</b> (Nil)	Nil	<b>Nil</b> (2)	Nil	Nil	Nil	Nil	Nil
<b>TOTALS</b>	<b>5</b> (10)	<b>8</b> (1)	<b>3</b> (8)	<b>2</b> (3)	<b>2</b> (1)	<b>5</b> (2)	<b>1</b> (Nil)	<b>1</b> (Nil)

**Table 21**  
**Exemptions claimed - Councils - 2005/2006**

Council	s.27	s.28	s.29	s.30	s.31	s.32B	s.33	s.34	s.35
Break O' Day Council	Nil (2)	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Central Coast Council	2 (Nil)	Nil	Nil	2 (4)	Nil	2 (Nil)	Nil (3)	Nil	Nil
Circular Head Council	Nil	Nil	Nil (1)	Nil (3)	Nil	1 (Nil)	Nil	Nil	Nil
Clarence City Council	Nil	1 (Nil)	Nil	1 (2)	Nil	Nil	Nil	Nil	Nil
Derwent Valley Council	Nil	Nil	Nil	Nil (1)	Nil	Nil	Nil	Nil	Nil
Devonport City Council	Nil (1)	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
George Town Council	Nil	Nil	Nil	Nil	1	1	Nil	Nil	Nil
Glamorgan/Spring Bay Council	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Glenorchy City Council	Nil (1)	Nil	Nil (2)	1 (Nil)	Nil	Nil	Nil	Nil	Nil
Hobart City Council	Nil (1)	Nil	Nil	8 (2)	Nil	Nil	Nil	Nil	Nil
Huon Valley Council	Nil	Nil	1 (Nil)	1 (4)	Nil	Nil	Nil	Nil	Nil
Kingborough Council	Nil	Nil	Nil	1 (Nil)	Nil	Nil	Nil	Nil	Nil
Launceston City Council	Nil (3)	Nil	Nil (1)	2 (1)	Nil (1)	Nil	2 (1)	Nil	Nil
Meander Council	1 (1)	Nil	Nil (1)	1 (1)	Nil (1)	Nil	Nil (2)	1 (Nil)	Nil (1)
Sorell Council	Nil	Nil (1)	Nil	Nil (2)	Nil	Nil	Nil	Nil	Nil
Southern Midlands Council	Nil	Nil	Nil	1	Nil	Nil	Nil	Nil	Nil
Waratah/Wynyard Council	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
West Tamar Council	Nil	Nil	Nil	Nil (1)	Nil	Nil	Nil	Nil	Nil
<b>TOTALS</b>	<b>3 (6)</b>	<b>1 (1)</b>	<b>1 (3)</b>	<b>18 (17)</b>	<b>1 (2)</b>	<b>4 (Nil)</b>	<b>6 (2)</b>	<b>Nil (1)</b>	<b>1 (Nil)</b>

## CHAPTER SIX – REVIEW OF DECISIONS

The following decisions under the Act are subject to review, at the request of the applicant, by the agency which made the initial decision in relation to the FOI request:

- that the applicant is not entitled to the information requested;
- that the information requested is exempt information;
- the amount of the expected charge to be paid for the information;
- that provision of the information should be deferred pending publication or presentation to Parliament;
- the refusal of a request on the grounds that a request is deemed to be voluminous;
- to provide information relating to the personal affairs of a person to a third party without the consent of the person;
- to provide to a third party information which is likely to expose the commercial affairs of an undertaking to competitive disadvantage;
- the refusal of a request to amend personal information;
- the deemed refusal of a request due to delay beyond the date a response is due.

If an applicant is not satisfied with a decision received from an agency, the applicant has the right to seek a review of the decision. The review will be undertaken internally by the principal officer or another authorised FOI officer nominated by the principal officer who will examine the original decision and either endorse it or vary it. If not satisfied with this decision, the applicant has a right of external review by the Ombudsman.

If the Minister or principal officer of the agency made the original decision then the request for a review may be made directly to the Ombudsman. In most cases an authorised officer makes the initial decision and direct recourse to the Ombudsman is not necessary. Few, if any, FOI decisions are made by Ministers.

Where the agency has not provided a decision within the time limit set by the Act an application for review may be made directly to the Ombudsman. The Ombudsman would generally ensure that the agency expedites the determination of the request but could undertake the determination himself. The latter approach would seldom be used.

### Internal Reviews

As can be seen by Table 22, agencies reported **48**(60) requests for internal review in 2005/2006, and made some **51** determinations. Some of the determined reviews would have been requested in the previous reporting period. The numbers to some degree mirror the reduction in the overall number of requests and determinations but councils were the group which accounted for the majority of the reduction having to undertake only a third of the reviews of the previous year.

**Table 22****Internal Reviews - All Departments/Authorities and Councils – 2005/2006**

<b>Department</b>	<b>Internal Reviews Requested</b>	<b>Internal Reviews Determined</b>
Economic Development	Nil (1)	Nil
Education	4 (Nil)	4
Health & Human Services	8 (5)	8
Infrastructure, Energy and Resources	2 (1)	2
Justice	6 (9)	5
Police & Emergency Management	11 (13)	11
Premier & Cabinet	2 (Nil)	2
Primary Industries & Water	4 (5)	8
Tourism, the Arts & the Environment	2 (6)	2
Treasury & Finance	1 (2)	1
<b>Sub total</b>	<b>40</b> (42)	<b>43</b>
<b>Prescribed Authority</b>	<b>Total Internal Reviews</b>	<b>Internal Reviews Determined</b>
Forestry Tasmania	1	1
Retirement Benefits Fund Board	1 (Nil)	1
University of Tasmania	1 (3)	1
<b>Sub total</b>	<b>3</b> (4)	<b>3</b>
<b>Council</b>	<b>Total Internal Reviews</b>	<b>Internal Reviews Determined</b>
Break O'Day Council	Nil (2)	Nil
Central Coast Council	1 (1)	1
Clarence Council	1 (3)	1
Glenorchy City Council	1	1
Hobart City Council	Nil (1)	Nil
Huon Valley Council	2 (3)	2
Latrobe Council	Nil (2)	Nil
Launceston Council	Nil (1)	Nil
Meander Valley Council	Nil (1)	Nil
Subtotal	5 (14)	5
<b>TOTAL</b>	<b>48</b> (60)	<b>51</b>

## External Reviews

All decisions are, on application, subject to internal review and also subject to review by the Ombudsman. In addition overdue decisions, which are deemed to have been refused may be reviewed, on application, by the Ombudsman. The Ombudsman, in dealing with applications to review agency decisions, has the right to view all information relevant to the request and to make a fresh decision.

The number of external reviews is surprisingly high when compared with the number of internal reviews, as it could be expected that an internal review would satisfy most applicants. On the other hand, if the principal officer made the initial decision, the only recourse is to the Ombudsman for a further examination of the matter.

In the 2004/2005 reporting period, the Ombudsman received 134 applications for external review, representing a 70% increase on the previous year. This was largely due to one applicant who made applications to have 60 separate decisions of an agency reviewed. Within that reporting period, 157 applications for review were finalised compared to 54 in the previous reporting period. In comparison, during this reporting year the Ombudsman received 57 applications of which 49 were within the jurisdiction of the Ombudsman.

The Ombudsman made a total of 23(40) determinations. Tables 25 to 27 set out the results and outcomes of the 23 finalised applications for review. A more detailed commentary of the types of decisions and reasons in relation to reviews conducted by the Ombudsman is contained in the Ombudsman's 2005/2006 Annual Report.

**Table 23**

### **Ombudsman Reviews – Requests Received - 2003/2003 to 2005/2006**

<b>Applications To Ombudsman for Review</b>	<b>2002/03</b>	<b>2003/04</b>	<b>2004/05</b>	<b>2005/06</b>
Total applications received	55	57	134	57
<b>Total applications within the jurisdiction of the Ombudsman</b>	52	54	147	49

**Table 24**

### **Ombudsman Reviews - Summary of Decisions - 2002/2003 to 2005/2006**

<b>Decision</b>	<b>2000/01</b>	<b>2001/02</b>	<b>2002/03</b>	<b>2003/04</b>	<b>2004/05</b>	<b>2005/06</b>
Agency Decisions affirmed in full	9	7	12	11	19	13
Agency Decision Varied	12	17	5	1	7	5
Agency Decision Set Aside	5	2	6	2	9	5
Agency allowed extra time to comply				3	2	
Decision varied					3	
<b>Total External Reviews/ Determinations</b>	<b>26</b>	<b>26</b>	<b>23</b>	<b>17</b>	<b>40</b>	<b>23</b>
No Jurisdiction	4	4	3	3	10	8
Lapsed, withdrawn or discontinued		18	11	1		11
Advised that within jurisdiction	4		6			
No commentary available	1					1
Resolved after interim determination				8		
Alternative review process (1)					60	
Resolved (with the assistance of the office albeit without an external review completed)	7	8	8	28	47	14
<b>TOTAL</b>	<b>42</b>	<b>56</b>	<b>55</b>	<b>57</b>	<b>157</b>	<b>57</b>

**Note:** (1) In 2004/5, 60 review applications related to one applicant who was provided with an alternative review process to amend their personal information.

**Table 25**

**Ombudsman Reviews - Government Departments - 2002/2003 to 2005/2006**

Departments	2003/4 Applications Received	2004/5 Applications Received	2005/6 Applications Received	2005/6 Reviews Undertaken	2005/6 Agency Decision Varied
Economic Development	1	1	0	0	0
Education	5	1	4	2	0
Health & Human Services	1	2	4	0	0
Infrastructure, Energy & Resources			1	0	0
Justice		7	11	5	1
Police and Emergency Management	3	8	6	2	0
Premier and Cabinet		1	0	0	0
Primary Industries & Water	2	3	6	2	2
Treasury & Finance		1	0	0	0
Tourism, Arts and the Environment		1	3	3	2
<b>Sub-Total</b>	12	25	35	14	5

**Table 26**

**Ombudsman Reviews - Prescribed Authorities - 2002/2003 to 2005/2006**

Prescribed Authorities	2003/4 Applications Received	2004/5 Applications Received	2005/6 Applications Received	2005/6 Reviews Undertaken	2005/6 Agency Decision Varied
Anti-Discrimination Commissioner	1	3	4	3	2
Clyde Water Trust	1	2	0	0	0
Director of Public Prosecutions	1	-	1	0	0
Forestry Tasmania	-	2	0	0	0
Law Society of Tasmania	-	-	0	0	0
Legal Aid Commission			1	0	0
Marine and Safety Tasmania (MAST)			1	0	0
Medical Council			2	0	0
Port of Devonport			1	1	0
Psychologists Registration Board	1	-	0	0	0
Tasmanian Ambulance Service	-	1	0	0	0
Transend			2	0	0
University of Tasmania	-	2	2	2	1
<b>Sub-Total</b>	4	10	14	6	3

**Table 27****Ombudsman Reviews - Councils - 2002/2003 to 2005/2006**

<b>Local Government</b>	<b>2003/4 Applications Received</b>	<b>2004/5 Applications Received</b>	<b>2005/6 Applications Received</b>	<b>2005/6 Reviews Undertaken</b>	<b>2005/6 Agency Decision Varied</b>
Break O'Day Council		1	0	0	0
Central Coast		1	1	1	1
Circular Head Council			1	1	0
Glenorchy City Council		1	0	0	0
Hobart City Council	1	1	0	0	0
Huon Valley Council			1	1	1
Launceston City Council		1	0	0	0
Tasman Council			1	0	0
<b>Sub-Total</b>	1	5	4	3	2
<b>TOTAL (Tables 25, 26 &amp; 27)</b>	17	40	57	23	10

The FOI Act provides for certain fees to be paid by applicants. Section 17 of the Act requires that prescribed charges be uniform for all agencies and also sets out detailed principles upon which such charges should be based.

Until 1 January 2005, the fees under the Act had not been adjusted since the Act commenced in 1992. The *Freedom of Information (Fees) Regulations 2004*, which commenced on 1 January 2005, prescribed the charges which may be made under the Act and expresses the fees in fee units (until that time they had been expressed as dollars or cents). The value of a fee unit is indexed annually and at the commencement of the above regulations the value of a fee unit was \$1.11, which resulted in the search fee of \$25.00 per hour set in 1992, increasing to \$27.50 per hour from the beginning of 2005. On 1 July 2005 the value of a fee unit increased to \$1.14.

Charges can also be levied for any other actual costs incurred.

Charges can only be levied when information is actually provided and can be levied for:

- time for a routine search for records @ 25 fee units (\$28.50) per hr;
- time spent supervising the inspection of records by the applicant @ 25 fee units (\$28.50) per hour;
- supplying A4 plain photocopies @ 0.2 fee units (23 cents) per page;
- supplying written transcripts @ 15 fee units (\$17.10 per page).

Charges cannot be levied for additional time taken to search for lost or misplaced records, or for time spent examining records to decide whether they are exempt, or time taken deleting exempt information.

Where the expected cost is calculated to exceed \$25 a notice of the expected charge must be sent to the applicant and a deposit may be sought against the final costing. The maximum charges that can be levied are \$100 for personal information and \$400 for other information. The maximum charges have not been indexed since the Act commenced.

A charge is to be waived for a routine request or for a request from a Member of Parliament, or from an impecunious applicant. No charge may be levied for the amendment of personal information.

Charges are to be reduced for personal information (first \$50 waived/maximum of \$100 charged) and when information is sought in the general public interest (first \$50 waived). In addition to the listed waivers and reductions, many agencies have a policy on fees, which effectively waives the fees without applying section 17 criteria particularly for personal information.

The following table shows the amount of charges collected and the number of requests in respect of which charges were waived in the reporting period. The figures reflect a reasonably static situation in respect of waivers of fees both in terms of the amount and the numbers.

Table 29

**Fees and Charges - All Agencies – 2003/2004 to 2005/2006**

Agency	2003/04 Total Charges collected \$	2003/04 Total Number of Charges Waived	2004/05 Total Charges collected \$	2004/05 Total Number of Charges Waived	2005/06 Total Charges collected \$	2005/06 Total Number of Charges Waived
Anti-Discrimination Commissioner	\$34	2	Nil	Nil	Nil	Nil
Aurora Energy	-	-	-	-	Nil	1
Break O'Day Council	\$264	7	\$510	3	Nil	3
Brighton Council	\$25	Nil	Nil	1	Nil	Nil
Burnie City Council	Nil	1	Nil	2	<b>\$104.41</b>	Nil
Clarence City Council	\$46	Nil	\$8.60	Nil	<b>\$62.80</b>	2
Central Coast Council	Nil	8	Nil	6	Nil	8
Central Highlands Council	-	-	\$15	1	Nil	1
Department of Economic Development	\$100	18	Nil	12	<b>\$18.40</b>	20
Department of Education	Nil	Nil	Nil	Nil	Nil	38
Department of Health & Human Services	\$417	268	\$341.30	219	<b>\$512.40</b>	251
Department of Infrastructure, Energy & Resources	\$5,802	28	\$5425	59	<b>\$484.43</b>	19
Department of Justice	Nil	Nil	Nil	Nil	<b>\$6197.36</b>	55
Department of Police & Emergency Management	\$1,953	180	\$2269	68	<b>\$3020.20</b>	94
Department of Premier & Cabinet	Nil	9	Nil	16	Nil	24
Department of Primary Industries & Water	Nil	Nil	Nil	16	Nil	30
Department of Tourism, the Arts & Environment	-	-	-	-	Nil	15
Department of Treasury & Finance	Nil	11	Nil	20	Nil	1
Derwent Valley Council	\$50	Nil	Nil	21	Nil	2
Devonport City Council	-	-	-	-	Nil	1
Forestry Tasmania	-	-	\$62.50	Nil	<b>\$60.50</b>	Nil
George Town Council	Nil	1	\$25	4	Nil	1
Glamorgan/Spring Bay Council	Nil	Nil	Nil	Nil	<b>\$84</b>	1
Glenorchy City Council	\$125	3	Nil	Nil	Nil	1
Hobart City Council	\$808	6	\$365	12	<b>\$899.50</b>	5
Hobart Water	\$400	Nil	\$440	Nil	Nil	1
Huon Valley Council	Nil	Nil	\$25.75	4	<b>\$77.55</b>	2
Kingborough Council	-	-	-	-	Nil	4
Launceston City Council	\$170	10	\$223	6	<b>\$60</b>	6
Legal Aid Commission	Nil	2	Nil	Nil	Nil	Nil
Marine & Safety Tasmania	Nil	Nil	\$27.40	Nil	Nil	Nil
Meander Council	\$58	2	\$67.26	2	Nil	Nil
Medical Council of Tasmania	-	-	\$30	1	Nil	Nil
Metro Tasmania	\$30	Nil	\$20	Nil	Nil	Nil
Motor Accidents Insurance Board	Nil	11	Nil	14	Nil	Nil
Northern Midlands Council	-	-	Nil	4	Nil	Nil
Physiotherapists Registration Board	-	-	Nil	1	Nil	Nil
Private Forests Tasmania	-	-	-	-	Nil	5
Retirement Benefits Board	-	-	Nil	1	Nil	2
Sorell Council	\$116	1	\$37.80	1	<b>\$25</b>	7
TAFE Tasmania	Nil	1	Nil	Nil	Nil	1
Tasmania Fire Service	\$396	3	\$204.60	1	<b>\$132</b>	2
Tasman Council	-	-	Nil	1	Nil	Nil

<b>Agency</b>	<b>2003/04 Total Charges collected \$</b>	<b>2003/04 Total Number of Charges Waived</b>	<b>2004/05 Total Charges collected \$</b>	<b>2004/05 Total Number of Charges Waived</b>	<b>2005/06 Total Charges collected \$</b>	<b>2005/06 Total Number of Charges Waived</b>
Transend Networks Pty Ltd	-	-	-	-	<b>Nil</b>	<b>1</b>
University of Tasmania	Nil	1	Nil	2	<b>Nil</b>	<b>3</b>
Waratah/Wynyard Council	-	1	Nil	2	<b>Nil</b>	<b>6</b>
West Coast Council	\$25	Nil	\$50	Nil	<b>Nil</b>	<b>Nil</b>
West Tamar Council	Nil	3	Nil	3	<b>Nil</b>	<b>4</b>
<b>TOTALS</b>	\$10,930	581	\$10,147.21	507	<b>\$11,738.55</b>	<b>617</b>

## CHAPTER EIGHT: ADMINISTRATION OF FREEDOM OF INFORMATION

An FOI Advisory Unit was set up in 1992 to facilitate the introduction of the Act and to provide ongoing training, advice and assistance to the government, agencies and the public in relation to the operation of the Act. The Unit was originally located in the Department of Premier and Cabinet and was transferred to the Office of the Ombudsman in the Department of Justice in May 1996.

The Unit while in the Office of the Ombudsman :

- provided general telephone and in-person advice and assistance to members of the public and agencies on the operation of the Act;
- conducted training and information sessions for agencies and community groups; and the collection of statistical data on FOI requests from agencies for the Annual Report.

Since that time the authorised officers in departments, authorities and councils have gained significant experience in dealing with the FOI Act and the Unit in the Ombudsman's office has been disbanded as individual agencies can now handle most matters. The Office of the Ombudsman still fields some inquiries, particularly relating to reviews of decisions, but generally the public is directed to the Freedom of Information officers of the relevant department, authority or council.

From July 2005 the responsibility for the collection of statistical data and preparation of this Annual Report transferred from the Office of the Ombudsman to the secretariat of the Department of Justice.

Copies of the *Freedom of Information Act 1991*, the *Freedom of Information Regulations 2001* and the *Freedom of Information (Fees) Regulations 2004* can be purchased from The Printing Authority of Tasmania or can be downloaded from [www.thelaw.tas.gov.au](http://www.thelaw.tas.gov.au).

"A User's Guide to Freedom of Information – " can be accessed and downloaded from the Department of Justice website at:

[http://www.justice.tas.gov.au/legislationreview/foi\\_act\\_1991/guidelines](http://www.justice.tas.gov.au/legislationreview/foi_act_1991/guidelines)

The Guide was be reviewed during 2005/2006 and moved from the Department of Premier and Cabinet's website to the Department of Justice website.

Application forms are not mandatory when seeking information under the FOI Act, but a form that assists both the applicant to formulate the request, and the agency to manage the determination of the request, is available from individual departments, authorities and councils and can be found on many of their websites. The form may also be downloaded from the Department of Justice website at: [www.justice.tas.gov.au](http://www.justice.tas.gov.au)

## **Appendix 1: Government Departments as at 30 June 2006**

Department of Economic Development  
Department of Education  
Department of Health and Human Services  
Department of Infrastructure, Energy and Resources  
Department of Justice  
Department of Police and Emergency Management  
Department of Premier and Cabinet  
Department of Primary Industries, and Water  
Department of Tourism, the Arts and Environment  
Department of Treasury and Finance  
Tasmanian Audit Office

## **Appendix 2: Prescribed authorities as at 30 June 2006**

Auctioneers and Real Estate Agents' Council of Tasmania\*  
Aurora Energy  
Ben Lomond Skifield Management Authority  
Burnie Port Corporation \*  
Chiropractors & Osteopaths Registration Board \*  
Copping Refuse Disposal Site Joint Authority \*  
Cradle Coast Water \*  
Dental Board of Tasmania \*  
Dental Prosthetists Registration Board \*  
Director of Public Prosecutions #  
Esk Water Authority\*  
Forests, Forest Industry Council \*  
Forestry Tasmania  
Government Pricing & Oversight Commission \*  
Greyhound Racing Tasmania \*  
Guardianship and Administration Board \*  
Health Complaints Commissioner \*  
Hobart Water  
Hydro Tasmania  
Inland Fisheries Service\*  
Law Society Of Tasmania  
Legal Aid Commission of Tasmania \*  
Marine and Safety Tasmania  
May Shaw Nursing Centre \*

Medical Council of Tasmania  
 Medical Radiation Science Professionals Registration Board of Tasmania \*  
 Mental Health Review Tribunal \*  
 Metro Tasmania Pty Ltd  
 Motor Accidents Insurance Board  
 Office of the Anti Discrimination Commissioner  
 Office of the Tasmanian Energy Regulator\*  
 Optometrists Registration Board \*  
 Pharmacy Board of Tasmania \*  
 Physiotherapists Registration Board of Tasmania\*  
 Plumbers and Gasfitters Registration Board \*  
 Podiatrists Registration Board of Tasmania \*  
 Port Arthur Historic Site Management Authority \*  
 Printing Authority of Tasmania \*  
 Private Forests Tasmania  
 Psychologists Registration Board of Tasmania \*  
 The Public Trustee  
 Retirement Benefits Fund Board  
 Rivers & Water Supply Commission \*  
 Royal Tasmanian Botanical Gardens\*  
 Solicitor General \*  
 Southern Regional Cemetery Trust \*  
 Southern Waste Strategy Authority \*  
 State Emergency Service #  
 TAFE Tasmania  
 Tasmanian Building and Construction Industry Training Board \*  
 Tasmanian Central Regional Authority \*  
 Tasmania Fire Service  
 Tasmanian Heritage Council #  
 Tasmanian International Velodrome Management Authority \*  
 Tasmanian Museum and Art Gallery #  
 Tasmanian Public Finance Corporation  
 Tasmanian Thoroughbred Racing Council\*  
 Tasmanian Qualifications Authority #  
 TOTE Tasmania  
 Transend Networks Pty Ltd  
 University of Tasmania  
 # Requests/Determinations are included in the relevant Government Department figures.  
 \* No FOI requests reported in 2005/2006

### **Appendix 3: Councils as at 30 June 2006**

Break O'Day Council  
Brighton Council\*  
Burnie City Council  
Central Coast Council  
Central Highlands Council  
Circular Head Council  
Clarence City Council  
Derwent Valley Council  
Devonport City Council  
Dorset Council \*  
Flinders Council \*  
George Town Council  
Glamorgan/Spring Bay Council  
Glenorchy City Council  
Hobart City Council  
Huon Valley Council  
Kentish Council  
King Island Council \*  
Kingborough Council  
Latrobe Council \*  
Launceston City Council  
Meander Valley Council  
Northern Midlands Council  
Sorell Council  
Southern Midlands Council \*  
Tasman Council  
Waratah-Wynyard Council  
West Coast Council \*  
West Tamar Council

\* No FOI requests reported in 2005/2006