

# RIGHT TO INFORMATION

## ANNUAL REPORT

on the administration of the *Right to Information Act*  
2009 for the period 1 July 2021 – 30 June 2022

## **Right to Information Annual Report 2021-22**

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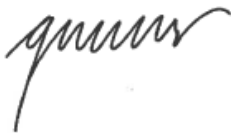
February 2023

Hon Elise Archer MP  
Attorney-General  
Minister for Justice

**Annual Report on the Administration of the *Right to Information Act 2009* for the year ended 30 June 2022**

In accordance with the requirements of section 53 of the *Right to Information Act 2009* (the Act), I have pleasure in presenting to you the Annual Report on the administration of the Act for the year ended 30 June 2022.

Except for information about reviews conducted by the Ombudsman, the statistics and data contained in this Report are taken directly from information provided by each public authority. The Office of the Ombudsman provided the data in relation to external reviews conducted by the Ombudsman. The Report is compiled by the Department of Justice from the information provided to it by those authorities. The Department of Justice does not validate or audit that data.



Ginna Webster  
**Secretary**



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# 1 INTRODUCTION

## 1.1 Object of the Act

The object of the *Right to Information Act 2009* (the Act) is outlined in section 3 of the Act. The section reads as follows:

### 3. Object of 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.*

The Act is intended to improve the operation of democracy in the State by increasing the accountability of government to the people, and by increasing the ability of the people to participate in government decision-making. The underlying principle is that the information held by Tasmanian public authorities belongs to the people of the State, and has been collected for them and on their behalf.

Section 3 speaks of "*a right to obtain information about the operations of Government*". This statutory right has been created to assist in the better working of democracy, and should be seen as integral to our democratic system of government. The administration of the Act, including the making of decisions under the Act as to whether information requested under it is or is not released, is to be approached in this spirit.

As subsection 3(4) states, the Act is to be interpreted so as to further its objectives. The subsection also states Parliament's intention that decisions under the Act should be made with a view to providing the public with the maximum amount of information, as quickly and as cheaply as is reasonably possible.

## 1.2 Application of the Act to Public Authorities and Ministers

The Act applies to Ministers and public authorities.

Section 5 of the Act, **Interpretation**, includes a definition of “public authority”.

*“public authority” means –*

- (a) an Agency, within the meaning of the State Service Act 2000; or*
- (ab) the University of Tasmania; or*
- (b) the Police Service; or*
- (c) a council; or*
- (d) a statutory authority; or*
- (e) a body, whether corporate or unincorporate, that is established by or under an Act for a public purpose; or*
- (f) a body whose members, or a majority of whose members, are appointed by the Governor or a Minister of the Crown; or*
- (g) a Government Business Enterprise within the meaning of the Government Business Enterprises Act 1995; or*
- (h) a council-owned company; or*
- (i) a State-owned company;*

Section 6 provides that the Act does not apply to certain persons or bodies which may otherwise be considered public authorities, but that exclusion is limited:

*“6(1) This Act does not apply to information in the possession of the following persons or public authorities, or in the possession of a person whose services are provided or procured for the purposes of assisting the person or public authority, unless the information relates to the administration of the relevant public authority:*

- (a) the Governor;*
- (b) a court;*
- (c) a tribunal;*
- (d) the Integrity Commission;*
- (e) a judge;*
- (f) an associate judge;*
- (g) a magistrate;*
- (h) the Solicitor-General;*
- (i) the Director of Public Prosecutions;*
- (j) the Ombudsman;*
- (ja) the Custodial Inspector;*
- (k) the Auditor-General;*



- (ka) *the Legal Profession Board of Tasmania;*
- (l) *.....*
- (la) *the Parole Board;*
- (m) *the Anti-Discrimination Commissioner;*
- (ma) *the Commissioner for Children and Young People;*
- (n) *the Public Guardian;*
- (o) *the Health Complaints Commissioner;*
- (p) *Parliament;*
- (q) *a Member of Parliament.”*

An exclusion also applies to the Law Society of Tasmania in relation to the performance and exercise of the Society's functions and powers relating to trust accounts, trust monies and disciplinary proceedings.

During the reporting period the Act was also amended to provide that information for the purposes of the Independent Review of Parliamentary Workplace practices and procedures to support workplace culture is exempt from disclosure.

The information in this Report from public authorities is generally categorised under the groupings of ‘Government Departments’, ‘Councils’ and ‘Other Public Authorities’. Ministers are also a separate category.

### 1.3 Decision Makers

The Act requires that decisions in respect of requests made under the Act are to be made by the responsible Minister, the principal officer of a public authority or a delegated officer.

Under section 21 of the Act, the responsible Minister and the principal officer of each public authority are automatically designated as decision makers. Section 24 allows the Minister or principal officer of a public authority to delegate decision-making powers.

### 1.4 Data Contained within this Annual Report

Apart from information relating to external reviews by the Ombudsman, the statistics and data contained in this Report are taken directly from returns from public authorities on their own activities under the Act for the year 2021-22. The Report is compiled by the Department of Justice from the information provided to it by those authorities. The Department does not validate or audit the data. However, where necessary, discussions are held with public authorities to ensure a consistent approach to the data provided.

## 1.5 Format of Report

Section 53 of the Act provides, in part:

### **53. Reporting**

- (1) The Secretary of the Department must, as soon as practicable after the end of each financial year, prepare a report on the administration of this Act showing, in particular –*
  - (a) the number of applications made under Part 2 and the public authorities or Ministers that received the applications; and*
  - (b) the number of applications under Part 2 that were refused and the provisions of this Act under which they were refused; and*
  - (c) the number of applications under this Act where the information requested was exempt information or part of the information was exempt information and the provision under which it was exempt; and*
  - (d) the number of applications for internal review under section 43 and the results of those applications; and*
  - (e) a list of the Acts and sections of those Acts which exempt information or public authorities from the provisions of this Act; and*
  - (f) the number of applications for review made to the Ombudsman under Part 4 and the results of those applications.*
- (2) The Secretary of the Department must give the report prepared in accordance with subsection (1) to the Minister who must table it in both Houses of Parliament within 10 sitting-days of its receipt.*

Comparative figures are provided for the key statistics and summary categories (Overall, Government Departments, Councils, Other Public Authorities and Ministers). Appendices 2 and 3 of the Report provide data related to 2021-22 for each individual entity. Data relating to previous years for those entities may be obtained by examining earlier annual reports.

Statistics relating to Ministers, where a Minister received a right to information request and referred it to a Department for determination under a delegation, are reported separately against the relevant Ministerial portfolio.

Information about external reviews has been provided by the Office of the Ombudsman.

## 2 KEY STATISTICS

The following table provides a snapshot of the activity under the Act for the past three financial years.

Table 1: Key Statistics

Total Number	2019-20	2020-21	2021-22
Applications received <sup>1</sup>	1037	1389	1957
Applications determined <sup>2</sup>	867	1141	1615
Applications where information granted in full	281	399	672
Applications where information granted in part	405	462	566
Applications refused <sup>3</sup>	75	83	105
Applications for which exemptions were used <sup>4</sup>	430	534	692
Applications that took less than 20 working days to be determined	645	833	1021
Applications that took more than 20 working days to be determined	222	309	594
Internal reviews determined	59	66	49
External (Ombudsman) reviews determined	46	53	46

<sup>1</sup> Application means an application made under Part 2 of the Act.

<sup>2</sup> An application may be determined by an authority making a decision to provide the information requested in full or part; to not provide the information because it is exempt; or that no information relevant to the application is in the possession of the authority; or the application is transferred, deferred or refused for another reason permitted under the Act.

<sup>3</sup> Refused under sections 9, 10, 12, 19 and 20 of the Act.

<sup>4</sup> The number of applications in which one or more exemptions were claimed has been counted.

### 3 NUMBERS OF APPLICATIONS

Section 53(1)(a) of the Act requires that the Report shows the number of applications (for assessed disclosure) made under Part 2 of the Act and the public authorities or Ministers that received those applications.

This section provides summary data about applications received and determined during the year. The number of the applications received and determined by each individual entity is shown in Appendix 2.

Table 2 below shows that the number of applications received during the year, including a comparison with 2019-20 and 2020-21. Consistent with previous years, the majority of the applications received during 2021-22 were made to Government Departments.

Table 2: Applications Received

Type of Entity	Applications Received 2019-20	Applications Received 2020-21	Applications Received 2021-22
Government Departments	730	1 108	1 614
Councils	177	167	152
Other Public Authorities	108	98	151
Ministers <sup>5</sup>	22	16	40
<b>All Entities</b>	<b>1 037</b>	<b>1 389</b>	<b>1 957</b>

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<sup>5</sup> Minister's offices may process their own applications or the relevant Government Department may manage the Right to Information processes by way of a delegation from the Minister.

Table 3 shows the number of applications determined during the year including a comparison with 2019-20 and 2020-21. Some applications decided would have been received in the previous financial year and some received during the year will be determined in the next financial year.

Table 3: Applications Determined

Type of Entity	Applications Determined 2019-20	Applications Determined 2020-21	Applications Determined 2021-22
Government Departments	601	878	1320
Councils	153	154	138
Other Public Authorities	94	92	124
Ministers	19	17	33
<b>All Entities</b>	<b>867</b>	<b>1141</b>	<b>1615</b>

## 4 OUTCOME OF APPLICATIONS

Sections 53(1)(b) and (c) of the Act require that the Report shows:

- (b) the number of applications under Part 2 that were refused and the provisions of the Act under which they were refused; and
- (c) the number of applications under the Act where the information requested was exempt information or part of the information was exempt information, and the provision under which it was exempt.

There are, however, a variety of outcomes possible following receipt by an entity of an application under Part 2 of the Act. These include:

- The provision of all the information sought by an application.
- The non-disclosure of some or all of the information sought by an application as it is exempt information by virtue of the provisions of Part 3 of the Act.
- Non-acceptance of the application because the relevant fee is not paid or the application is flawed because it is not in writing or does not contain the minimum information prescribed in the Regulations<sup>6</sup>.
- Transfer of the application, or part of it, to another entity under section 14 of the Act.
- Deferment of the provision of the information sought under an application under section 17 of the Act.
- The withdrawal of an application by the applicant.
- Refusal of some or all of the application for a reason under one of the following sections of the Act:
  - The information requested was already available for inspection or purchase (section 9);
  - The information requested cannot be produced using normal computer means and producing it would substantially and unreasonably divert resources (section 10);
  - The information requested was or is to be disclosed by other means, e.g. by active or routine disclosure (section 12);
  - Providing the information requested would substantially and unreasonably divert resources (section 19);
  - The information requested is a repeat of a previous application (section 20(a)); or

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<sup>6</sup> Right to Information Regulations 2021

- The application for information is vexatious or lacks definition even after negotiation (section 20(b)).

Table 4 provides summary information about the outcome of applications dealt with by entities in 2021-22.

**Table 4: Outcome of Applications – Summary**

Type of Entity	Information provided in full	Exemptions Applied	Transfer	Deferral	Refusal	Withdrawal	Other <sup>7</sup>
Government Departments	527	579	118	1	84	50	67
Councils	84	34	1	1	12	3	10
Other Public Authorities	45	70	4	0	9	1	7
Ministers	16	9	5	0	0	1	4
<b>All Entities</b>	<b>672</b>	<b>692</b>	<b>128</b>	<b>2</b>	<b>105</b>	<b>55</b>	<b>88</b>

The outcome of the applications received and determined by each individual entity is shown in Appendix 2.

## 4.1 Refusals

An outcome of a request for assessed disclosure may be that the application is refused under one or more of the following sections of the Act:

- That the information may be purchased at a reasonable cost in accordance with arrangements made by a public authority (section 9(b)).
- That the information is stored in electronic form, cannot be produced using the normal computer hardware and software and technical expertise of the public authority, and producing it would substantially and unreasonably divert the resources of the public authority from its usual operations (section 10(1)).
- That the information is only held in a back-up system (section 10(2)).
- That the information is otherwise available (section 12(3)(c)(1)).
- That the information will become available, in accordance with a decision that was taken before receipt of the application, as a required or routine disclosure, within a period of time specified by the public authority or Minister,

<sup>7</sup> Other – information sought in an application was not in the possession of the agency or Minister or information related to an excluded person or body under section 6 of the Act.

but not exceeding 12 months from the date of the application (section 12(3)(c)(ii)).

- In the case of information sought from a public authority, that the work involved in providing the information requested would substantially and unreasonably divert the resources of the authority from its other work, having regard to the matters specified in Schedule 3 (section 19(1)(a), but subject to the obligation in section 19(2)).
- In the case of information sought from a Minister, that the work involved in providing the information requested would interfere substantially and unreasonably with the performance by the Minister of the Minister's other functions, having regard to the matters specified in Schedule 3 (section 19(1)(b), but subject to the obligation in section 19(2)).
- That the information is the same or similar to information sought under a previous application to a public authority or Minister and the application does not, on its face, disclose any reasonable basis for again seeking access to the same or similar information (section 20(a)).
- That the application is, in the opinion of the public authority or Minister, vexatious or remains lacking in definition after negotiation have been entered into (section 20(b)).

Table 5 shows data regarding the reasons why applications or parts of applications were refused by entities in 2021-22.

**Table 5: Reasons for Refusal - Summary**

Type of Entity	Information already available for purchase (s9)	Not available normal computer means (s10)	Information already available (s12)	Unreasonable diversion of resources (s19)	Repeat (s20(a))	Vexatious/lack of definition (s20(b))
Government Departments	47	0	19	6	12	4
Councils	2	0	8	4	0	0
Other Public Authorities	0	0	7	1	1	0
Ministers	0	0	0	0	0	0
<b>All Entities</b>	<b>49</b>	<b>0</b>	<b>34</b>	<b>11</b>	<b>13</b>	<b>4</b>

The reasons why applications or part of applications were refused by each individual entity are shown in Appendix 2.



## 4.2 Exemptions

The Act has a number of provisions that exempt certain types of information from release. However, the application of exemptions may not necessarily result in non-disclosure of all information sought by an application. In some cases, an RTI decision-maker's determination may exclude from release parts of documents that are not relevant to or necessarily part of the request. When information is redacted from released material, the exemption is recorded in a written decision to the applicant.

The way in which the data for the Report is collected does not explain the reasons particular exemptions are applied to the redacted documents. For example, a document may be exempt under section 35 (internal deliberative information) but this report will not explain how or why that document was considered to be exempt. Details about why information is exempt are explained in written decisions provided to the applicant.

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

- Section 25 - Executive Council information
- Section 26 - Cabinet information
- Section 27 - Internal briefing information of a Minister
- Section 28 - Information not relating to official business
- Section 29 - Information affecting national or state security, defence or international relations
- Section 30 - Information relating to enforcement of the law
- Section 31 - Legal professional privilege
- Section 32 - Information related to closed meetings of council
- Section 34 - Information communicated by other jurisdictions
- Section 35 - Internal deliberative information
- Section 36 - Personal information of person
- Section 37 - Information relating to business affairs of third party
- Section 38 - Information relating to business affairs of public authority
- Section 39 - Information obtained in confidence
- Section 40 - Information on procedures and criteria used in certain negotiations of public authority
- Section 41 - Information likely to affect State economy
- Section 42 - Information likely to affect cultural, heritage and natural resources of the State

The exemptions provided for in sections 34 to 42 are subject to a public interest test.

Table 4: 'Outcome of Applications – Summary' shows the **number of applications** determined by entities in 2021-22 to which one or more exemptions were applied. The numbers of exemptions claimed for this financial year are shown in Table 6: 'Exemptions Used'.

Section 36 (personal information of person) was the most frequently applied exemption. Because documents containing information requested by an applicant often include information that relates to a third party, the names and other identifying or personal information of the third party may be redacted from the released documents. This will generally be recorded as an exemption under section 36 having been applied to the document.

Where an application is received and the information requested contains third party content, sections 36 or 37 provide for the decision maker to consult with that third party<sup>8</sup>. In the case of section 36, the disclosure of information must only cause a 'concern' to the third party. In the case of section 37, the disclosure of information must be expected to cause a 'substantial concern'. The next most frequent exemptions claimed were section 30 (Information relating to enforcement of the law) and section 35 (Internal deliberative information).

**Table 6: Exemptions Used - Summary**

Type of Entity	s.25	s.26	s.27	s.28	s.29	s.30	s.31	s.32	s.34	s.35	s.36	s.37	s.38	s.39	s.40	s.41	s.42
Government Departments	0	5	22	0	1	131	33	1	1	79	512	17	7	24	0	2	5
Councils	0	0	0	0	0	5	4	3	0	9	21	5	2	5	1	0	0
Other Public Authorities	0	0	4	0	1	1	24	0	1	9	49	6	5	6	1	0	0
Ministers	0	0	2	0	0	0	0	0	2	1	7	0	2	0	0	0	0
<b>All Entities</b>	<b>0</b>	<b>5</b>	<b>28</b>	<b>0</b>	<b>2</b>	<b>137</b>	<b>61</b>	<b>4</b>	<b>4</b>	<b>98</b>	<b>589</b>	<b>28</b>	<b>16</b>	<b>35</b>	<b>2</b>	<b>2</b>	<b>5</b>

The exemptions claimed by individual entities during 2021-22 are shown in Appendix 2.

<sup>8</sup> only if practicable in the case of section 36

## 5 TIMEFRAMES FOR DECISIONS

Section 15 of the Act requires an entity to notify an applicant of its decision in respect of an application for information, within 20 working days of the application being accepted. This timeframe starts when an application is received with the correct application fee, or a decision is made to waive the fee and the negotiation period, if any, is completed.

The period within which an application must be decided may also be extended by agreement with the applicant (see section 15(4)(a)) or by the Ombudsman (section 15(4)(b)) based on an application from the public authority. The 20 working day processing period may be extended by a further period of 20 working days if there is a need to consult a third party in accordance with sections 36 or 37 (see section 15(5)).

Tables 7a and 7b show a summary of the time taken by entities to make determinations about applications, and the reasons an extension may have been required for consultation. Information about individual entities is provided in Appendix 2.

**Table 7a: Time taken to determine applications – Summary for 20 working days or less**

Type of Entity	Total applications determined	Determined within 20 working days
Government Departments	1320	787
Councils	138	114
Other Public Authorities	124	103
Ministers	33	17
<b>All Entities</b>	<b>1615</b>	<b>1021</b>

**Table 7b: Time taken to determine applications –Summary for more than 20 working days**

Type of Entity	s 15(4)(a)	s 15(4)(b)	s 15(5)	Other reason	Total
Government Departments	197	0	81	255	533
Councils	8	1	2	13	24
Other Public Authorities	12	0	9	0	21
Ministers	5	0	7	4	16
<b>All Entities</b>	<b>222</b>	<b>1</b>	<b>99</b>	<b>272</b>	<b>594</b>

## 6 REVIEWS OF DECISIONS

Sections 53(1)(d) and (f) of the Act requires that the Report shows:

- (d) the number of applications for internal review under section 43 and the results of those applications; and
- (f) the number of applications for review made to the Ombudsman under Part 4 and the results of those applications.

### 6.1 Internal Reviews

The Act provides a number of avenues for review to an applicant who is not satisfied that a public authority has made a proper search or released all the information which the applicant has sought, or to which the applicant claims to be entitled. The applicant can also challenge exemptions or exceptions used by the agency. Reviews may be sought within the agency or by the Ombudsman.

A request for a review of a decision can be made to the principal officer by an original applicant, or by an external party in relation to a decision to release information concerning personal information of a person, or by an external party in relation to a decision to release information concerning the business affairs of that third party. In these instances, the principal officer must, as soon as practicable, review the decision and make a fresh decision, or arrange for a delegated officer (other than the delegated officer who made the original decision) to review the decision and make a fresh decision.

Section 43 sets out the basis on which applications for internal review of decisions can be made.

Where the decision maker has not provided a decision within the time limit set by the Act, a request for a review may be made directly to the Ombudsman.

Table 8 shows data about the number of internal reviews requested and determined in 2021-22. Information for individual authorities is shown in Appendix 3.

Table 8: Internal Reviews – Summary - Applications Received and Determinations<sup>9</sup>

Type of Entity	Applications Received	Applications determined	Determinations upheld in full	Determinations upheld in part	Determinations reversed in full	Resolved by other means
Government Departments	28	26	16	10	0	0
Councils	12	10	8	2	0	0
Other Public Authorities	13	13	11	1	1	0
Ministers	0	0	0	0	0	0
<b>All Entities</b>	<b>53</b>	<b>49</b>	<b>35</b>	<b>13</b>	<b>1</b>	<b>0</b>

## 6.2 Ombudsman Reviews

External review rights arise when internal review possibilities are exhausted. This occurs where an internal review has been applied for and either that decision has been made and communicated to the applicant, or has not been made and the time to make that decision has expired.

A series of other decisions made under this Act are reviewable by the Ombudsman if an application for review has been made within 20 days of the applicant or third party being notified of the decision.

Section 44 sets out the basis on which applications for external review of decisions can be made.

Tables 9 and 10 show data provided by the Office of the Ombudsman about the number of Ombudsman reviews received and determined in 2021-22. Information for individual entities is shown in Appendix 4.

<sup>9</sup> Some reviews determined would have been requested in the previous financial year

Table 9: RTI External Review Applications Received and Closed by Ombudsman Tasmania<sup>10</sup>

Authority	Applications Received 2021-22	Closed 2021-22	Reviews Undertaken
State Government Department	30	33	11
Local Government Council	10	10	5
Statutory Authority or Other Body	7	3	3
<b>Total</b>	<b>47</b>	<b>46</b>	<b>19</b>

Table 10: RTI External Reviews closed by Ombudsman Tasmania – Outcomes Summary

Decision	2020-21	2021-22
Public Authority Decision Affirmed	8	3
Public Authority Decision Varied	4	12
Public Authority Decision Set Aside	4	4
Closed after Preliminary View <sup>11</sup>	0	2
Other <sup>12</sup>	37	25
<b>Total</b>	<b>53</b>	<b>46</b>

<sup>10</sup> Some reviews determined would have been requested in the previous financial year.

<sup>11</sup> 2021-22 new outcome reported on.

<sup>12</sup> 'Other' includes matters withdrawn by the applicant, declined due to lack of progression by the applicant or lack of substance, closed after the information or a decision has been released, or a resolution negotiated.

# APPENDIX 1 – ENTITIES SURVEYED FOR 2021-22

## Government Departments

Department of Communities Tasmania  
Department of Education  
Department of Health  
Department of Justice  
Department of Natural Resources and Environment  
Department of Police, Fire and Emergency Management  
Department of Premier and Cabinet  
Department of State Growth  
Department of Treasury and Finance

## Councils

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  
Kingborough Council  
King Island 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

## Other Public Authorities

Aurora Energy  
Board of Architects  
Brand Tasmania  
Commissioner for Children and Young People  
Cradle Coast Authority  
Dulverton Regional Waste Management Authority  
Environment Protection Authority  
Equal Opportunity Tasmania  
Forest Practices Authority  
Hydro Electric Corporation (Hydro Tasmania)  
Inland Fisheries Service  
Integrity Commission Tasmania  
Keystone Tasmania  
Legal Profession Board  
Liquor and Gaming Commission  
Local Government Association of Tasmania  
Macquarie Point Development Commission  
Marine and Safety Tasmania  
Metro Tasmania Pty Ltd  
Motor Accidents Insurance Board  
Northern Tasmanian Development Corporation  
Northern Tasmanian Natural Resource Management Association Inc. (NRM North)  
Office of Tasmanian Assessment, Standards and Certification  
Office of the Superannuation Commission  
Office of the Tasmanian Economic Regulator  
Port Arthur Historic Site Management Authority  
Private Forests Tasmania  
Property Agents Board  
Royal Tasmanian Botanical Gardens  
Southern Regional Natural Resource Management Association (NRM South)  
Southern Waste Solutions  
State Grants Commission  
Sustainable Timber Tasmania  
Tasmania Legal Aid  
Tasmanian Audit Office  
Tasmanian Irrigation Pty Ltd  
Tasmanian Networks Pty Ltd  
Tasmanian Pharmacy Authority  
Tasmanian Planning Commission  
Tasmanian Ports Corporation Pty Ltd  
Tasmanian Public Finance Corporation



Tasmanian Railways Pty Ltd  
Tasmanian Water and Sewerage Corporation  
TasRacing Pty Ltd  
TasTAFE  
Teachers Registration Board of Tasmania  
The Public Trustee  
Tourism Tasmania  
TT Line  
University of Tasmania  
Veterinary Board Tasmania  
Wellington Park Management Trust

## APPENDIX 2 – DETAILED STATISTICS – INDIVIDUAL ENTITIES – APPLICATIONS

Tables 11 to 14 outline the number of applications received and the outcomes for all entities. Entities are displayed in Tables 11 to 14 even where a nil return was received.

From Table 15 onwards, entities are displayed only where there are outcomes to report.

Table 11 - Individual Entities - Applications: Departments - Outcome

Department	Applications Received	Applications Determined	Provided in full	Provided in part	Decisions using exemptions	exemption used (section)	Not in possession (ss5, 11)	Excluded person or body (s 6)	transferred	deferred	refused	refusal reasons	withdrawn
Communities Tasmania	222	178	43	103	103	27, 30, 31, 34, 35, 36, 37, 39	5	0	14	0	6	9, 12, 19, 20(a)	6
Education	215	169	50	106	110	26, 27, 30, 31, 35, 36, 39	10	0	1	0	0		5
Health	263	93	34	33	28	30, 35, 36, 37, 38, 39	21	0	8	0	6	9, 19, 20(a), 20(b)	11
Justice	303	281	172	41	41	26, 27, 30, 31, 35, 36, 39	0	5	83	0	4	9, 20(a), 20(b)	5
Natural Resources and Environment	72	75	39	24	24	26, 27, 30, 31, 35, 36, 37, 39, 42	4	0	2	0	1	20(b)	1
Police Fire and Emergency Management	461	452	166	127	244	27, 29, 30, 31, 35, 36, 37, 38, 39	2	20	6	0	51	9, 12, 19, 20(a), 20(b)	16
Premier and Cabinet	11	10	7	2	1	31, 32, 36, 39	0	0	2	0	1	19	0
State Growth	51	51	16	19	19	26, 27, 30, 31, 35, 36, 37, 38, 39, 41, 1	0	0	1	0	12	12, 19	3
Treasury and Finance	16	11	0	7	9	26, 27, 31, 35, 36	0	0	1	1	3	12, 20(a)	3

Table 12 - Individual Entities - Applications: Ministers - Outcome

Minister	Applications Received	Applications Determined	Provided in full	Provided in part	Decisions using exemptions	Exemptions used (section)	Not in possession (ss5, 11)	Excluded person or body (s 6)	transferred	deferred	refused	refusal reasons	withdrawn
Aboriginal Affairs	0	0	0	0	0		0	0	0	0	0		0
Arts	0	0	0	0	0		0	0	0	0	0		0
Attorney General and Minister for Justice	3	3	2	1	1	36	0	0	1	0	0		0
Deputy Premier	0	0	0	0	0		0	0	0	0	0		0
Advanced Manufacturing and Defence Industries	0	0	0	0	0		0	0	0	0	0		0
Community Services and Development	0	0	0	0	0		0	0	0	0	0		0
Corrections and Rehabilitation	0	0	0	0	0		0	0	0	0	0		0
Disability Services	0	0	0	0	0		0	0	0	0	0		0
Education, Children and Youth	1	1	0	0	0		0	0	1	0	0		0
Energy and Renewables	2	1	0	0	0		0	0	1	0	0		0
Environment and Climate Change	1	0	0	0	0		0	0	0	0	0		0
Finance	1	1	0	1	1	27, 36	0	0	0	0	0		0
Health	0	0	0	0	0		0	0	0	0	0		0
Heritage	0	0	0	0	0		0	0	0	0	0		0
Hospitality and Events	0	0	0	0	0		0	0	0	0	0		0
Infrastructure and Transport	2	1	0	0	0		1	0	0	0	0		0
Local Government	0	0	0	0	0		0	0	0	0	0		0
Mental Health and Wellbeing	0	0	0	0	0		0	0	0	0	0		0
Parks	1	1	0	0	0		1	0	0	0	0		0
Planning	0	0	0	0	0		0	0	0	0	0		0
Police, Fire and Emergency Management	0	0	0	0	0		0	0	0	0	0		0
Premier	18	16	11	5	4	34, 36, 38	0	0	1	0	0		0
Prevention of Family Violence	0	0	0	0	0		0	0	0	0	0		0
Primary Industries and Water	3	2	0	2	2	27, 34, 35, 38	0	0	1	0	0		0

Minister	Applications Received	Applications Determined	Provided in full	Provided in part	Decisions using exemptions	Exemptions used (section)	Not in possession (ss5, 11)	Excluded person or body (s 6)	transferred	deferred	refused	refusal reasons	withdrawn
Racing	2	3	1	0	0		1	0	0	0	0		1
Resources	3	2	1	1	1	36	0	0	0	0	0		0
Science and Technology	0	0	0	0	0		0	0	0	0	0		0
Skills, Training and Workforce Growth	0	0	0	0	0		0	0	0	0	0		0
Small Business	0	0	0	0	0		0	0	0	0	0		0
Sport and Recreation	1	1	1	0	0		0	0	0	0	0		0
State Development, Construction and Housing	1	0	0	0	0		0	0	0	0	0		0
State Growth	1	1	0	0	0		1	0	0	0	0		0
Tourism	0	0	0	0	0		0	0	0	0	0		0
Trade	0	0	0	0	0		0	0	0	0	0		0
Treasurer	0	0	0	0	0		0	0	0	0	0		0
Veterans Affairs	0	0	0	0	0		0	0	0	0	0		0
Women	0	0	0	0	0		0	0	0	0	0		0
Workplace Safety and Consumer Affairs	0	0	0	0	0		0	0	0	0	0		0

Table 13 - Individual Entities - Applications: Councils - Outcome

Council	Applications Received	Applications Determined	Provided in full	Provided in part	Decisions using exemptions	Exemption used (section)	Not in possession (ss5, 11)	Excluded person or body (s 6)	transferred	deferred	refused	refusal reasons	withdrawn
Break O'Day Council	4	4	2	1	1	32	0	0	0	0	1	19	0
Brighton Council	10	7	7	0	0		0	0	0	0	0		0
Burnie City Council	3	2	1	1	1	36	0	0	0	0	0		0
Central Coast Council	2	2	1	0	1	35	0	0	0	0	0		0
Central Highlands Council	0	0	0	0	0		0	0	0	0	0		0
Circular Head Council	1	1	0	0	0		0	0	0	1	0		0
Clarence City Council	8	8	3	4	2	35, 37	1	0	0	0	1	12	0
Derwent Valley Council	18	18	18	0	0		0	0	0	0	0		0
Devonport City Council	2	2	0	1	1	32, 37	1	0	0	0	0		0
Dorset Council	4	4	1	0	0		1	0	0	0	2	12, 19	0
Flinders Council	1	1	0	1	1	30, 36	0	0	0	0	0		0
George Town Council	0	1	0	1	1	36	0	0	0	0	0		0
Glamorgan/Spring Bay Council	8	6	3	1	1	30, 31, 35, 36	2	1	0	0	0		1
Glenorchy City Council	10	9	8	0	1	36	0	0	0	0	0		0
Hobart City Council	29	29	17	3	7	30, 31, 35, 36, 37, 38, 39	0	0	1	0	6	12	1
Huon Valley Council	8	7	2	3	4	30, 31, 32, 35, 36, 39, 40	1	0	0	0	0		0
Kentish Council	2	0	0	0	0		0	0	0	0	0		0
King Island Council	0	0	0	0	0		0	0	0	0	0		0
Kingborough Council	4	3	1	2	2	5, 36	0	0	0	0	0		0
Latrobe Council	5	4	0	2	2	36, 37	1	0	0	0	2	9	0
Launceston City Council	7	4	2	1	1	30, 36	2	0	0	0	0		1
Meander Valley Council	1	1	0	1	1	36	0	0	0	0	0		0
Northern Midlands Council	1	2	2	0	0		0	0	0	0	0		0
Sorell Council	6	6	0	6	6	36	0	0	0	0	0		0
Southern Midlands Council	1	1	1	0	0		0	0	0	0	0		0

Council	Applications Received	Applications Determined	Provided in full	Provided in part	Decisions using exemptions	Exemption used (section)	Not in possession (ss5, 11)	Excluded person or body (s 6)	transferred	deferred	refused	refusal reasons	withdrawn
Tasman Council	4	4	4	0	0		0	0	0	0	0		0
Waratah-Wynyard Council	3	2	2	0	0		0	0	0	0	0		0
West Coast Council	2	2	2	0	0		0	0	0	0	0		0
West Tamar Council	8	8	7	1	1	36	0	0	0	0	0		0

Table 14 - Individual Entities - Applications: Other Authorities - Outcome

Public Authority	Applications Received	Applications Determined	Provided in full	Provided in part	exemptions used	exemption reasons	Not in possession (ss5, 11)	Excluded person or body (s 6)	transferred	deferred	refused	refusal reasons	withdrawn
Aurora Energy	1	1	0	1	1	27	0	0	0	0	0		0
Board of Architects	0	0	0	0	0		0	0	0	0	0		0
Brand Tasmania	0	0	0	0	0		0	0	0	0	0		0
Commissioner for Children and Young People	0	0	0	0	0		0	0	0	0	0		0
Cradle Coast Authority	0	0	0	0	0		0	0	0	0	0		0
Dulverton Regional Waste Management Authority	0	0	0	0	0		0	0	0	0	0		0
Environment Protection Authority <sup>13</sup>	14	9	6	3	3	31, 34, 35	0	0	1	0	0		0
Equal Opportunity Tasmania	0	0	0	0	0		0	0	0	0	0		0
Forest Practices Authority	4	3	2	1	0		1	0	1	0	0		0
Hydro Electric Corporation (Hydro Tasmania)	7	8	1	4	4	30, 35, 37, 38, 39	2	0	0	0	2	12	1
Inland Fisheries Service	0	0	0	0	0		0	0	0	0	0		0
Integrity Commission Tasmania	0	0	0	0	0		0	0	0	0	0		0
Keystone Tasmania	0	0	0	0	0		0	0	0	0	0		0

<sup>13</sup> The EPA became a separate agency on 1 December 2021. Reporting relates to the period from that date to 30 June 2022.

Public Authority	Applications Received	Applications Determined	Provided in full	Provided in part	exemptions used	exemption reasons	Not in possession (ss5, 11)	Excluded person or body (s 6)	transferred	deferred	refused	refusal reasons	withdrawn
Legal Profession Board	0	0	0	0	0		0	0	0	0	0		0
Liquor and Gaming Commission	0	0	0	0	0		0	0	0	0	0		0
Local Government Association of Tasmania	0	0	0	0	0		0	0	0	0	0		0
Macquarie Point Development Corporation	1	0	0	0	0		0	0	0	0	0		0
Marine and Safety Tasmania	4	3	3	0	0		0	0	0	0	0		0
Metro Tasmania Pty Ltd	2	2	2	0	0		0	0	0	0	0		0
Motor Accidents Insurance Board	53	48	4	44	44	31, 36	0	0	0	0	0		0
Northern Tasmania Development Corporation	0	0	0	0	0		0	0	0	0	0		0
Northern Tasmanian Natural Resource Management Association Inc. (NRM North)	0	0	0	0	0		0	0	0	0	0		0
Office of the Superannuation Commission	0	0	0	0	0		0	0	0	0	0		0
Office of the Tasmanian Economic Regulator	0	0	0	0	0		0	0	0	0	0		0
Office of Tasmanian Assessment, Standards and Certification	2	2	0	1	0		2	0	0	0	0		0
Port Arthur Historic Site Management Authority	0	0	0	0	0		0	0	0	0	0		0
Private Forests Tasmania	0	0	0	0	0		0	0	0	0	0		0
Property Agents Board	1	0	0	0	0		0	0	0	0	0		0
Royal Tasmanian Botanical Gardens	0	0	0	0	0		0	0	0	0	0		0
Southern Regional Natural Resource Management Association (NRM South)	0	0	0	0	0		0	0	0	0	0		0
Southern Waste Solutions	0	0	0	0	0		0	0	0	0	0		0
State Grants Commission	0	0	0	0	0		0	0	0	0	0		0
Sustainable Timber Tasmania	9	3	2	1	1		0	0	0	0	3	12, 19	0
Tasmania Legal Aid	0	0	0	0	0		0	0	0	0	0		0
Tasmanian Audit Office	0	0	0	0	0		0	0	0	0	0		0

Public Authority	Applications Received	Applications Determined	Provided in full	Provided in part	exemptions used	exemption reasons	Not in possession (ss5, 11)	Excluded person or body (s 6)	transferred	deferred	refused	refusal reasons	withdrawn
Tasmanian Irrigation Pty Ltd	4	4	2	0	2	27	0	0	0	0	0		0
Tasmanian Networks Pty Ltd	4	4	0	3	4	29, 36, 37, 39	0	0	0	0	0		0
Tasmanian Pharmacy Authority	0	0	0	0	0		0	0	0	0	0		0
Tasmanian Planning Commission	1	1	1	0	0		0	0	0	0	0		0
Tasmanian Ports Corporation Pty Ltd	1	1	0	0	0		1	0	0	0	0		0
Tasmanian Public Finance Corporation	2	2	1	0	0		0	0	1	0	0		0
Tasmanian Railways Pty Ltd	0	0	0	0	0		0	0	0	0	0		0
Tasmanian Water and Sewerage Corporation	13	14	13	1	1	35	1	0	1	0	0		0
TasRacing Pty Ltd	4	2	1	1	1	36	0	0	0	0	0		0
TasTAFE	2	2	2	0	0		0	0	0	0	0		0
Teachers Registration Board of Tasmania	2	1	0	1	1	31, 35, 36, 39, 40	0	0	0	0	0		0
The Public Trustee	3	3	2	0	1	31, 36	0	0	0	0	0		0
Tourism Tasmania	1	1	0	1	1	27, 35, 36	0	0	0	0	0		0
TT Line	2	2	1	0	1	36	0	0	0	0	0		0
University of Tasmania	13	7	2	3	4	31, 35, 36, 37, 38, 39	0	0	0	0	4	12, 20(a)	0
Veterinary Board Tasmania	1	1	0	0	1	36, 37, 39	0	0	0	0	0		0
Wellington Park Management Trust	0	0	0	0	0		0	0	0	0	0		0



Table 15 - Individual Entities - Applications: Departments - Time Taken

Department	Applications Determined	1-20 working days	More than 20 working days	> 20 days + 15(4)(a)	>20 days + 15(4)(b)	>20 + 15(5)
Communities Tasmania	178	29	149	5	0	2
Education	169	44	125	85	0	1
Health	93	20	73	69	0	0
Justice	281	210	71	4	0	0
Natural Resources and Environment	75	36	39	22	0	17
Police Fire and Emergency Management	452	406	46	4	0	42
Premier and Cabinet	10	4	6	4	0	2
State Growth	51	31	20	0	0	16
Treasury and Finance	11	7	4	4	0	1

Table – 16 Individual Entities - Applications: Ministers - Time Taken

Minister	Applications Determined	1-20 working days	More than 20 working days	> 20 days + 15(4)(a)	>20 days + 15(4)(b)	>20 + 15(5)
Attorney General and Minister for Justice	3	1	2	0	0	0
Education, Children and Youth	1		1	1	0	0
Energy and Renewables	1	1		0	0	0
Finance	1	1		0	0	0
Infrastructure and Transport	1	1		0	0	0
Parks	1	1		0	0	0
Premier	16	7	9	4	0	5
Primary Industries and Water	2	1	1	0	0	0
Racing	3	2	1	0	0	0
Resources	2	1	1	0	0	1
Sport and Recreation	1		1	0	0	1
State Growth	1	1	0	0	0	0

Table 17 - Individual Entities - Applications: Councils - Time Taken

Council	Applications Determined	1-20 working days	More than 20 working days	> 20 days + 15(4)(a)	>20 days + 15(4)(b)	>20 + 15(5)
Break O'Day Council	4	4	0	0	0	0
Brighton Council	7	7	0	0	0	0
Burnie City Council	2	2	0	0	0	0
Central Coast Council	2	2	0	0	0	0
Circular Head Council	1	1	0	0	0	0
Clarence City Council	8	6	2	2	0	0
Derwent Valley Council	18	16	2	2	0	0
Devonport City Council	2	2	0	0	0	0
Dorset Council	4	3	1	1	0	0
Flinders Council	1	0	1	1	0	0
George Town Council	1	1	0	0	0	0
Glamorgan/Spring Bay Council	6	5	1	1	0	0
Glenorchy City Council	9	8	1	1	0	0
Hobart City Council	29	17	12	0	0	0
Huon Valley Council	7	6	1	0	0	0
Kingborough Council	3	3	0	0	0	0
Latrobe Council	4	4	0	0	0	0
Launceston City Council	4	3	1	0	0	1
Meander Valley Council	1	0	1	0	0	1
Northern Midlands Council	2	1	1	0	1	0
Sorell Council	6	6	0	0	0	0
Southern Midlands Council	1	1	0	0	0	0
Tasman Council	4	4	0	0	0	0
Waratah-Wynyard Council	2	2	0	0	0	0
West Coast Council	2	2	0	0	0	0
West Tamar Council	8	8	0	0	0	0

Table 18 - Individual Entities - Applications: Other Authorities - Time Taken

Public Authority	Applications Determined	1-20 working days	More than 20 working days	> 20 days + 15(4)(a)	>20 days + 15(4)(b)	>20 + 15(5)
Aurora Energy	1	1	0	0	0	0
Environment Protection Authority	9	7	2	2	0	0
Forest Practices Authority	3	3	0	0	0	0
Hydro Electric Corporation (Hydro Tasmania)	8	6	2	1	0	1
Marine and Safety Tasmania	3	2	1	1	0	0
Metro Tasmania Pty Ltd	2	2	0	0	0	0
Motor Accidents Insurance Board	48	47	1	1	0	0
Office of Tasmanian Assessment, Standards and Certification	2	2	0	0	0	0
Sustainable Timber Tasmania	3	2	1	0	0	1
Tasmanian Irrigation Pty Ltd	4	1	3	3	0	0
Tasmanian Networks Pty Ltd	4	1	3	0	0	3
Tasmanian Planning Commission	1	1	0	0	0	0
Tasmanian Ports Corporation Pty Ltd	1	1	0	0	0	0
Tasmanian Public Finance Corporation	2	2	0	0	0	0
Tasmanian Water and Sewerage Corporation	14	10	4	4	0	0
TasRacing Pty Ltd	2	1	1	0	0	1
TasTAFE	2	2	0	0	0	0
Teachers Registration Board of Tasmania	1	1	0	0	0	0
The Public Trustee	3	3	0	0	0	0
Tourism Tasmania	1	0	1	0	0	1
TT Line	2	2	0	0	0	0
University of Tasmania	7	6	1	0	0	1
Veterinary Board Tasmania	1	0	1	0	0	1

## APPENDIX 3 – DETAILED STATISTICS- INDIVIDUAL ENTITIES – INTERNAL REVIEWS

Table 19 - Individual Entities – Internal Reviews - Departments

Department	Requested	Determined	Upheld in Full	Upheld in part	Reversed in full	Resolved by other means
Communities Tasmania	3	3	1	2	0	0
Education	4	4	1	3	0	0
Health	1	1	1	0	0	0
Justice	3	3	3	0	0	0
Natural Resources and Environment	2	2	2	0	0	0
Police Fire and Emergency Management	9	7	6	1	0	0
Premier and Cabinet	1	1	0	1	0	0
State Growth	5	5	2	3	0	0

Table 20 - Individual Entities – Internal Reviews – Councils

Council	Requested	Determined	Upheld in Full	Upheld in part	Reversed in full	Resolved by other means
Break O'Day Council	1	0	0	0	0	0
Central Coast Council	2	2	2	0	0	0
Clarence City Council	1	1	1	0	0	0
Devonport City Council	1	0	0	0	0	0
Dorset Council	2	1	1	0	0	0
Huon Valley Council	1	1	0	1	0	0
Kingborough Council	1	1	0	1	0	0
Latrobe Council	1	1	1	0	0	0
Meander Valley Council	1	1	1	0	0	0
Sorell Council	1	1	1	0	0	0
Southern Midlands Council		1	1	0	0	0

Table 21 - Individual Entities – Internal Reviews - Other Authorities

Public Authority	Requested	Determined	Upheld in Full	Upheld in part	Reversed in full	Resolved by other means
Environment Protection Authority	1	1	0	1	0	0
Hydro Electric Corporation (Hydro Tasmania)	1	2	2	0	0	0
Office of Tasmanian Assessment, Standards and Certification	1	1	1	0	0	0
Sustainable Timber Tasmania	2	2	2	0	0	0
Tasmanian Irrigation Pty Ltd	1	1	1	0	0	0
TasTAFE	1	1		0	1	0
TT Line	1	1	1	0	0	0
University of Tasmania	5	4	4	0	0	0

## APPENDIX 4 – DETAILED STATISTICS- INDIVIDUAL ENTITIES – OMBUDSMAN EXTERNAL REVIEWS

Table 22 - Individual Entities – Ombudsman Reviews – Departments<sup>14</sup>

Department	Applications Received 2020-21	Applications Received 2021-22	Closed 2021-22	Reviews Undertaken	Public Authority Decision Affirmed
Communities Tasmania	12	5	4	0	0
Education	2	2	2	2	0
Health	16	7	5	1	0
Justice	5	4	3	0	0
Natural Resources and Environment Tasmania <sup>15</sup>	7	2	10	6	1
Office of the Ombudsman and Health Complaints Commissioner	1	0	0	0	0
Police, Fire and Emergency Management	3	3	5	2	2
Premier and Cabinet	1	1	0	0	0
State Growth	2	5	3	0	0
Tasmanian Health Service (THS)	2	0	0	0	0
Treasury and Finance	0	1	1	0	0
<b>Total</b>	<b>51</b>	<b>30</b>	<b>33</b>	<b>11</b>	<b>3</b>

Table 23 - Individual Entities – Ombudsman Reviews – Councils<sup>16</sup>

Council	Applications Received 2020-21	Applications Received 2021-22	Closed 2021-22	Reviews Undertaken	Authority Decisions Affirmed
Break O'Day Council	1	0	1	0	0
Central Coast Council	0	1	0	0	0
City of Hobart	2	0	1	1	0
City of Launceston	2	1	0	0	0
Clarence City Council	1	0	0	0	0
Devonport City Council	3	0	1	1	0
Dorset Council	0	1	0	0	0

<sup>14</sup> As supplied by the Office of the Ombudsman

<sup>15</sup> Previously known as Department of Primary Industries, Parks, Water and Environment

<sup>16</sup> As supplied by the Office of the Ombudsman

Council	Applications Received 2020-21	Applications Received 2021-22	Closed 2021-22	Reviews Undertaken	Authority Decisions Affirmed
Huon Valley Council	0	2	1	1	0
Kentish Council	0	0	0	0	0
Kingborough Council	0	1	1	1	0
Latrobe Council	0	1	1	0	0
Meander Valley Council	0	2	1	0	0
Northern Midlands Council	3	0	1	1	0
Sorell Council	1	0	1	0	0
Tasman Council	0	1	1	0	0
Waratah-Wynyard Council	1	0	0	0	0
West Coast Council	1	0	0	0	0
<b>Total</b>	<b>15</b>	<b>10</b>	<b>10</b>	<b>5</b>	<b>0</b>

Table 24 - Individual Entities – Ombudsman Reviews - Other Authorities<sup>17</sup>

Statutory Authority or Other Body	Applications Received 2020-21	Applications Received 2021-22	Closed 2021-22	Reviews Undertaken	Authority Decisions Affirmed
Hydro Tasmania	0	1	0	0	0
Minister for Primary Industries and Water	0	1	0	0	0
Minister for Resources	0	1	0	0	0
Northern Tasmanian Development Corporation	1	0	0	0	0
Sustainable Timber Tasmania	0	1	1	1	0
Tasmanian Building and Construction Industry Training Board	1	0	0	0	0
Tasmanian Ports Corporation Pty Ltd	0	0	0	0	0
TasNetworks	1	0	0	0	0
Teachers Registration Board	0	1	0	0	0
TT-Line Company Pty Ltd	0	1	1	1	0
University of Tasmania	1	1	1	1	0
<b>Total</b>	<b>4</b>	<b>7</b>	<b>3</b>	<b>3</b>	<b>0</b>

<sup>17</sup> As supplied by the Office of the Ombudsman



## APPENDIX 5 – ACTS WHICH EXEMPT INFORMATION OR PUBLIC AUTHORITIES FROM THE PROVISIONS OF THE RTI ACT

Section 53(1)(e) of the Act requires that the Report shows a list of the Acts and sections of those Acts which exempt information or public authorities from the provisions of the RTI Act.

Act	Section	Provision
Aboriginal Lands Act 1995	Section 11(7)	The RTI Act does not apply to the Preliminary Roll or the Roll.
Child Care Act 2001	Section 65	The RTI Act does not apply to the identity of a person who made a notification of contravention of Act, Regulations or the conditions to which a licence is subject or any information contained in or relating to such a notification that may lead to the identification of that person.
Children, Young Persons and Their Families Act 1997	Section 16	The RTI Act does not apply to the identity of a person who provides the Secretary or a Community-Based Intake Service with a risk notification (a notifier) or any information contained in or relating to a risk notification that may lead to the identification of the notifier.
	Section 40(4)	The RTI Act does not apply in relation to (a) any report on a family group conference; or (b) the written record of the decision of a family group conference; or (c) the written report of a facilitator following the failure of a family group conference to reach a decision.
	Section 111A	The Secretary or Community-Based Intake Service must not provide information under the RTI Act if the information has been provided under this Act to the Secretary or Community-Based Intake Service by an information -sharing entity. Nothing in this section prevents a person from requesting, under the RTI Act, an information -sharing entity that has provided information to the Secretary or a Community-Based Intake Service to provide that information to the person.
Community Protection (Offender Reporting) Act 2005	Section 46	The RTI Act does not apply to any document or information referred to in this Act.
Coroners Act 1995	Section 53A	If the coroner reasonably believes it necessary for the purpose of an investigation, he or she may direct that the provision of specified information contained in records that are in the possession of a State Service Agency or a Minister and to which any person may otherwise be entitled under the RTI Act be deferred for a specified period.
Economic Regulator Act 2009	Section 28	The RTI Act does not apply in respect of (a) evidence and documents in respect of which a direction under subsection (4)(b) has been made; or (b) records of the giving or production of such evidence and documents.
	Section 32	The RTI Act does not apply in respect of (a) a direction in respect of the answer, document, other information or part has been given under subsection (2) and its provision to that person would contravene the direction; or (b) the answer, document, other information or part contains information which is exempt information under the RTI Act.



Act	Section	Provision
	Section 63	The RTI Act does not apply in respect of (a) any answer, document, other information or part of any answer, document or other information in respect of which a direction has been given under section 30(2), 41(1) or 56(2); and (b) records relating to the production of any such answer, document, other information or part.
Education and Care Services National Law (Application) Act 2011	Section 5	The RTI Act does not apply to the Education and Care Services National Law (Tasmania) or to instruments made under that Law.
Electricity Supply Industry Act 1995	Section 16 (2)	Information classified by the Regulator as confidential is not liable to disclosure under the RTI Act.
Energy Coordination and Planning Act 1995	Section 8N	Information provided to the Assessor or the Coordinator on a confidential basis is not liable to disclosure under the RTI Act.
Gaming Control Act 1993	Section 157	Notwithstanding anything contained in the RTI Act, if the Minister certifies that it is necessary in the public interest that specified information should be divulged to a court, or a person to whom information relates has expressly authorized it to be divulged to a court, a person may be required to produce in the court any document containing the information, or to divulge the information to the court.
Gas Industry Act 2019	Section 16(3)	Information classified by the Regulator as confidential is not liable to disclosure under the RTI Act.
	Section 105	Information that is classified by the Regulator as confidential is not liable to disclosure under the RTI Act.
Gas Safety Act 2019	Section 12(3)	Information classified by the Director as confidential is not liable to disclosure under the RTI Act.
	Section 99(5)	Information that is classified by the Director as confidential under section 12 is not liable to disclosure under the RTI Act.
Health Practitioner Regulation National Law (Tasmania) Act 2010	Section 7(h)	The RTI Act does not apply to the Health Practitioner Regulation National Law (Tasmania) or to instruments made under that Law.
Heavy Vehicle National Law (Tasmania) Act 2013	Section 6(f)	The RTI Act does not apply to the Heavy Vehicle National Law (Tasmania) or to instruments made under the Heavy Vehicle National Law (Tasmania). The RTI Act applies to a State entity, or an employee of a State entity, exercising a function under the Heavy Vehicle National Law (Tasmania).
Local Government Act 1993	Section 53B	A Register of Interests of Board Members kept under this section is exempt from the provisions of the RTI Act.
	Section 54A	A Register of Interests of Members kept under this section is exempt from the provisions of the RTI Act.
	Section 55	Any Register of Interests of Employees and General Manager kept under subsection 55(2)(b) is exempt from the provisions of the RTI Act.
	Section 55A	Any Register of Interests of employees of authorities kept under subsection 55A(3)(b) is exempt from the provisions of the RTI Act.

Act	Section	Provision
	Section 55D	A Register of interests of members of audit panel is exempt from the provisions of the RTI Act.
	Section 228	Any records and documents of a Board of Inquiry are exempt from the provisions of the RTI Act.
	Section 322	The provisions of the RTI Act do not apply to any electoral material.
Mineral Resources Development Act 1995	Section 124(4)	Any information obtained as a result of an assay or geoscientific investigation is exempt from the provisions of the RTI Act.
	Section 190	The RTI Act does not apply to any records, returns or information submitted to the Director under this Act for the period during which they are to be kept confidential under this section.
National Health Funding Administration Act 2012	Section 24(1)	The RTI Act does not apply to or in respect of the Administrator or any function exercised or performed by the Administrator.
Obstetric and Paediatric Mortality and Morbidity Act 1994	Section 15(7)	The RTI Act does not apply in relation to (a) any information that was provided to the Council, a committee, a member of the Council or a committee, an employee or a person under this Act; or (b) any information that was produced by the Council, a committee, a member of the Council or a committee, an employee or a person.
Ombudsman Act 1978	Section 33A	The RTI Act does not apply to information, as defined in that Act, in the possession of the Ombudsman or an officer of the Ombudsman if the information relates to a complaint, preliminary inquiries, an investigation, conciliation, report or recommendation made under this or any other Act.
Police Powers (Surveillance Devices) Act 2006	Section 5	The RTI Act does not apply to activities and records under this Act.
Public Interest Disclosures Act 2002	Section 90	The RTI Act does not apply to information contained in records in the possession of a public body that is a public authority under that Act to the extent to which the information discloses information (a) in relation to a disclosure made under Part 2 of this Act; or (b) likely to lead to the identification of a person who made a disclosure under Part 2 of this Act; or (c) likely to lead to the identification of a person against whom a disclosure under Part 2 under this Act is made.
Rail Safety National Law (Tasmania) Act 2012	Section 7	The RTI Act does not apply to this Act and the Rail Safety National Law (Tasmania) or to instruments made under that Law (except as applied under that Law). The RTI Act does apply to a State entity or an employee of a State entity exercising a function under the Rail Safety National Law (Tasmania).
Registration to Work with Vulnerable People Act 2013	Section 57	The RTI Act does not apply to information in the possession of an official for the purposes of this Act unless the information relates to the administration of a public authority within the meaning of that Act. Official means (a) the Registrar; or (b) an independent advisor; or (c) a person authorised by the Registrar under this Act to do or not do a thing; or (d) another person engaged in the administration of this Act.

Act	Section	Provision
Taxation Administration Act 1997	Section 76A	The RTI Act does not apply to information obtained under or in relation to the administration or execution of a taxation law.
	Section 79F	Any records or information obtained under this Part (dealing with Reciprocal Arrangements) or under a corresponding law, are exempt from the provisions of the RTI Act.
Taxi and Hire Vehicle Industries Act 2008	Section 66G(5)	The RTI Act does not apply in respect of evidence and documents in respect of which a direction under 66G(4) has been given and records of the giving or production of such evidence and documents.
Witness Protection Act 2000	Section 28	The RTI Act does not apply to (a) a document, whether created before, on or after the commencement of this section, to the extent that the document discloses information about (i) the identity or location of a person who is, or has been, a participant or a recognised participant; or (ii) the fact that a person has entered into a memorandum of understanding under section 8 or the details of a memorandum of understanding; or (iii) the making of an entry in the register of births or register of marriages under this Act; or (iv) anything done by a police officer or an approved authority or an officer of an approved authority under this Act or a complementary witness protection law; or (b) a document to the extent that the document discloses any information received by the Commissioner of Police from an approved authority under this Act or a complementary witness protection law.



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