

Hi Rick and Tim,

I am a journalist based in Tasmania.

My approach to RTI is non-adversarial. I act in good faith with public servants processing my request, noting their own workload pressures and other external pressures in an under-resourced and under-valued aspect of Tasmania's public service.

I believe there are some things that work well with Tasmania's right to information system, and many things that do not work well.

Positives:

- The 'free' access to information for journalists, without limits on number of applications
- Access to departmental disclosure logs
- The responsiveness and effectiveness of the Ombudsman in assisting in delayed departmental responses (eg prior to external review stage)

Negatives:

- Inconsistencies in department approaches to RTI, particularly regarding timeframes for response, interpretation of the Act regarding redactions, explanations for redactions in decision letters
- Department of State Growth, in particular, is very poor in its handling of RTI requests
- Long delays in external reviews with Ombudsman, effectively making external review process redundant, which may be exploited by department responses
- Misuse of s17 (eg lack of evidence of decision to release within 12 months, information still not released after 12 months)
- Potential external influence on independence of RTI process (eg example of minister being aware of an impending RTI release, and then releasing information pre-emptively) (media advisor contacting me prior to release of RTI) (department media advisor saying I am 'fishing' for information after RTI submitted)
- Ambiguity of s22 (4), should be clarified
- Misuse of s35 (particularly (1) (a), as 'positive' opinions of officers are often released, while opinions that could be 'negative' or 'sceptical' are always redacted)
- Lack of consistency of s36 (eg identity of public servants are occasionally redacted, but in other cases, journalists regularly have their personal phone numbers and email addresses released)
- Lack of disclosure logs for GBEs, most regulatory authorities (why does the EPA have a log, but not Taswater?), local councils (while it may be resource intensive for smaller councils, larger councils should have this requirement)
- Lack of consistency in publishing on departmental disclosure logs (eg often my decisions are published on logs simultaneously with me receiving them rather than on delay, other times they are not published at all. The EPA recently removed one of my decisions from the log)
- The 'document dump' style of releasing information by most departments with excessive duplication, requiring significant collating and ordering

Better departments:

I believe some departments have made genuine attempts at improving responses. In particular, I find the Justice Department has managed very complex and labour intensive RTIs while keeping me updated and requesting extensions as appropriate. The Department of Premier and Cabinet has improved in the detail of its decision letters, clearly articulating its reasons for the application of redactions and in greater detail. Both Justice and DPAC will usually provide document schedules, which greatly assist in the collating of information. The Department of Natural Resources and Environment also avoids missing deadlines, while seeking extensions as appropriate. I find these departments helpful to deal with.

State Growth:

As one of Tasmania's largest departments – effectively a 'catch all' for a range of government functions, some of which involve the largest provision of government funds and grants – I find the Department of State Growth's approach to RTI consistently frustrating.

This department has misused s17 to avoid releasing information, without demonstrating where a decision was made that information would be released within 12 months, and then not releasing information for well over 12 months regardless. In one instance, the information was released by the minister several days before the RTI was released to me.

State Growth never adheres to timeframes for the release of information. I now request acknowledgement from this department in order to 'start the clock' for a response, however the "as soon as practicable but in any case not later than 20 working days" timeframe is merely seen as a suggestion, rather than a requirement.

Suggestions:

While RTI is a way for me to find stories, I also consider it a way of providing a broader public service, by making information accessible to the public.

I am not an expert in RTI law, nor public administration, nor have I had time recently to assess previous RTI system reviews, but these are a few points I have pondered regarding Tasmania's system:

- An independent body could be established to handle RTI requests. This would address the 'lack of incentive' for departments to efficiently release information, and also allow RTI officers to build on expertise in release of information, rather than denial of information
- This could include a central RTI disclosure log system for all departments, authorities, councils, GBEs – and improved public knowledge of how to access this information
- A way of prompting departments to adhere to timeframes, without the need to trigger external review from the Ombudsman
- Clear legislated requirements as to how information is released (eg all must involve schedule of documents, must be chronological where possible)

Thank you,

Adam