

Environment Protection Authority

GPO Box 1550 HOBART TAS 7001 Australia

Enquiries: Fionna Bourne

Phone: + [REDACTED]

Web: www.epa.tas.gov.au

Our Ref: File Reference and DocONE/myDAS



ENVIRONMENT PROTECTION AUTHORITY

30 May 2025

Prof Tim McCormack and Assoc Prof Rick Snell
Independent Reviewers

Email: tasrti.review@gmail.com

Dear Prof McCormack and Assoc Prof Snell,

REVIEW OF TASMANIA'S RIGHT TO INFORMATION FRAMEWORK - INVITATION TO PARTICIPATE IN CONSULTATIONS

I refer to your letter of 27 March 2025 advising of the independent review into Tasmania's Right to Information system, to report on the adequacy, effectiveness, and implementation of the *Right to Information Act 2009* and enclosing the terms of reference of the review. The Environment Protection Authority (EPA) welcomes the independent review of the right to information system currently operating within Tasmania.

The EPA is an independent statutory authority committed to being transparent about its operations by the provision of environmental data and information obtained in the EPA's role of protecting and enhancing Tasmania's environment, in line with the object of the *Right to Information Act 2009* (the Act) to improve democratic government in Tasmania.

In recent years, the EPA has seen a steady number of applications for information under the Act, as illustrated by the following financial year figures:

- 2024/25 (to date): 22
- 2023/24 30
- 2022/23 21
- 2021/22 17

Of the 30 applications received in the 2023/24 financial year, in 24 cases the information was released in full and one was released in part. Similarly in the 2024/25 year to date of the 22 applications 10 were released in full, 5 released in part, and 2 were actively disclosed in full without the need for an assessed disclosure process.

While these numbers have been relatively steady across the years, the nature of the information applied for under the Act, both in quantum and complexity, has increased. As a result the EPA, in responding to these applications for information, is constantly having to balance the need for transparency of information held by government authorities with the operation of the exemptions under the Act.

For instance, many of the facilities that the EPA regulates operate within a commercially sensitive and/or competitive market, and produce lengthy and highly technical documents, all or part of which they may argue should not be released to the public.

The EPA values the role of the Ombudsman in carrying out the external review functions contained in the Act. The Ombudsman's decisions provide a mechanism for consistency across agencies in the application of the exemptions outlined in the Act, together with performing the final arbiter function in the balancing of competing interests.

It is also important to note that outside the assessed disclosure process of the Act, there is an increasing amount of routine disclosure and information publicly available on the EPA website; including the EPA Annual Report, EPA Board Minutes, the publication of environmental and contaminated land notices (on the EPA Regulated Premises layer on LISTMap), and the large quantity of information comprising current and completed EPA Board assessments.

In addition, the EPA manages a database of information released under the new environmental monitoring information provision under the *Environmental Management and Pollution Control Act 1994*. Section 23AA came into effect in December 2022. This amendment was made in order to provide the EPA Director with the discretion to publish, provide or make available 'relevant information.'

'Relevant information' is defined as information that: –

- results from, or relates to, monitoring of the environmental effects of an activity, including but not limited to any of the following:
 - the results of any type of test or measurement of any emissions, discharge, or deposition of a substance;
 - reports as to the condition of the environment at the place where the activity occurs or that is in the proximity of that place;
 - any interpretation, or analysis, of such results or reports;
 - any photographs, visual recordings, audio recordings or audio-visual recordings.

To support the application of section 23AA, the EPA has published an *Environmental Monitoring Information Disclosure Policy*, and developed a web based search portal, which allows the public to search for information by operator, activity, or type of report. See the EPA [Release of Environmental Monitoring Information](#) webpage. Information is being progressively added to this search portal.

The EPA is committed to the transparent provision of information as it relates to its activities and the information it holds. Thank you for the opportunity to provide comment for this review.

Yours sincerely,



Catherine Murdoch

**CHIEF EXECUTIVE OFFICER
ENVIRONMENT PROTECTION AUTHORITY**