

PURPOSE

This policy sets out how Council will manage and disclose its information in accordance with the *Right to Information Act 2009* (**the Act**).

SCOPE

This policy has been prepared in accordance with section 23 of the Act, which requires the principal officer to develop policies and procedures for the disclosure of information held by Council and to outline the way in which people can exercise their rights under the Act to access this information.

STRATEGIC PLAN ALIGNMENT

Making Lives Better

Objective 1.1 Know our communities and what they value.

Strategy 1.1.1 Guide decision making through continued community engagement based on our community plan.

Leading Our Community

Objective 4.1 Govern in the best interests of our community.

Strategy 4.1.1 Manage Council for maximum efficiency, accountability and transparency.

Strategy 4.1.3 Maximise regulatory compliance in Council and the community through our systems and processes.

Objective 4.2 Prioritise our resources to achieve our community's goals.

Strategy 4.2.1 Deploy the Council's resources effectively to deliver value.

STATUTORY REQUIREMENTS

Acts	<i>Right to Information Act 2009</i> <i>Personal Information Protection Act 2004</i> <i>Archives Act 1983</i>
Regulations	<i>Right to Information Regulations 2021</i>
Australian/International Standards	N/A

DEFINITIONS

Active Disclosure means the disclosure of information by Council in response to a request from a person made otherwise than under Division 2 of Part 2 of the Act (i.e. where an application for assessed disclosure is not required).

Applicant means a person who has requested information from Council, including requests made informally and applications for assessed disclosure.

Assessed Disclosure means the disclosure of information by Council in response to an application in accordance with section 13 of the Act.

Delegated Officer means a person specified in an instrument of delegation in accordance with section 24 of the Act.

Exempt information means information which is exempt by virtue of a provision of Part 3 of the Act.

Information means:

- anything by which words, figures, letters or symbols are recorded and includes a map, plan, graph, drawing, painting, recording and photograph; and
- anything in which information is embodied so as to be capable of being reproduced.

Officer means a member of Council, a member of the staff of Council and any person employed by or for Council.

Ombudsman means the Ombudsman appointed under the *Ombudsman Act 1978*.

Personal Information means any information or opinion in any recorded format about an individual:

- whose identity is apparent or is reasonably ascertainable from the information or opinion; and
- who is alive or has not been dead for more than 25 years.

Principal Officer means the Chief Executive Officer of Council or a Delegated Officer exercising the powers and functions of the Principal Officer.

Required Disclosure means the disclosure of information by Council where the information is required to be published by the Act or any other Act, or where disclosure is otherwise required by law or enforceable under an agreement entered into by Council.

Routine Disclosure means the proactive disclosure of information by Council which it decides may be of interest to the public, but which is not a required disclosure, an assessed disclosure or an active disclosure.

The Act means the *Right to Information Act 2009*.

POLICY STATEMENT

Right to Information Principles

The Act commenced on 1 July 2010 and provides for greater access to information held by government bodies by:

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

Our Information Holdings

The Council holds significant records related to its functions under the *Local Government Act 1993* and its regulatory roles such as the *Building Act 2016*, *Land Use Planning and Approval Act 1993* and *Food Act 2003*. Some legislation restricts the information we can release – for instance, building permits are typically only available to the current property owner.

The Council also maintain records relating to infrastructure managed by Council, including roads, watercourses, the public stormwater system, landfill sites, dog pounds, parks, car parks, gardens, playgrounds, sports fields, community clubrooms and the Moonah Arts Centre. Information relating to Council services such as waste and recycling collection, community engagement, certain childcare services, immunisation programs, environmental health, nuisance and animal management, and arts and cultural events, is also available.

Further details of Council's services, functions and municipal boundaries are available at www.gcc.tas.gov.au.

In line with the *Archives Act 1983*, we archive and dispose of records according to the Archives Office of Tasmania's guidelines, meaning some historical records may no longer be available - for example, operational financial records over seven years old may be destroyed.

How we disclose information

Council is required by the Act to make information available to the public through proactive disclosure. This means we routinely make information available that will assist the public in understanding what we do and how we do it. Applicants will be directed to our website if the material requested is already published.

Most Council records are stored electronically, although some older building and planning documents remain in paper form. Information is usually released as an electronic copy, however applicants may ask for alternative means of disclosure if preferred (charges for printing physical copies may apply).

Ways of disclosing information

Routine Disclosure

Officers of Council are encouraged to routinely disclose information in the public domain that might reasonably be of public interest, especially where this will help reduce the need for the community to approach Council for copies of popular items. As recommended in the Ombudsman's Manual (July 2010), media communication officers within Council will endeavour to identify the types of information that should be routinely disclosed and put measures in place to regularly publish this information.

Information may be routinely disclosure via our website (<https://www.gcc.tas.gov.au/>), through publications (e.g. fact sheets, By-Laws, or discussion papers), and via reports (e.g. our Annual Report, Strategic Plan, Community Plan, etc). If the requested information cannot be found on Council's website or Facebook page, please contact the Council and we may be able to assist in finding it.

Required Disclosure

Sometimes Council is required by law to make certain information publicly available. For example, the *Local Government Act 1993* requires Council to publish an annual report detailing information such as financial and activity statements, any land sold or disposed of by Council, and allowances and expenses paid to elected members.

Information that has been released through required disclosure can typically be accessed via Council's website or may be available in-person at Council Chambers located at 374 Main Road, Glenorchy in Tasmania.

Active Disclosure

If a request for information that is not otherwise available through routine or required disclosure is received by Council, and an officer does not consider the requested information to be sensitive (see the dot points below) or otherwise prohibited from release under law, that officer may disclose the information without asking for an application for assessed disclosure.

Active disclosure should always be considered for each request in line with the objects of the Act contained in section 3, which includes an aim to "...facilitate and promote, promptly and at the lowest reasonable cost, the provision of the maximum amount of official information".

Information that may contain exempt information should not be released through active disclosure and is more appropriately managed as an application for assessed disclosure. Exempt information can include, but is not limited to, information that:

- contains personal information;
- may cause harm to the interests of a person or business;
- was provided to Council with the intention that it remain confidential;
- contains legal advice;
- relates to a closed Council meeting;
- may compromise an official investigation; and

- may otherwise be contrary to the public interest.

It may be possible to negotiate with the applicant to remove items of exempt information from a document if it is not critical to a request. Doing so may speed up a response to a request.

When information is provided to the Applicant, the Officer should endeavour to identify in correspondence that the release is “an active disclosure under the *Right to information Act 2009*.”

Assessed Disclosure

Some information can only be released after careful and formal assessment. This may be because the information is not suitable for routine, required or active disclosure, and needs to be assessed against the exemptions in the Act prior to disclosure.

Assessed disclosure should be used as a last resort, as formal applications for assessed disclosure can be a costly and time-consuming process for all the parties involved. Where an application for assessed disclosure is needed in the circumstances, officers will provide assistance to members of the public throughout this process.

Negotiation

Upon receipt of a request for information, officers will contact applicants to discuss the request wherever practicable. It is important to discuss what information is available, refine the request if needed, discuss timelines, and ensure that the applicant will be given the information they are seeking as much as is reasonably possible.

While it may assist officers with identifying and locating information, applicants are not required to detail why they are requesting the information. If the request appears to an officer to be misdirected, attempts should be made with the applicant to disclose any limitations of the information held by Council and identify higher quality information that could be provided on the same subject.

Applicants may be invited to discuss ways of trimming broad requests to more useful key documents. In some circumstances, the Principal Officer can decide to refuse an excessively large request.

Fees and Fee Waiver

Council’s application form details the relevant fee for an application for assessed disclosure which is available here: <https://www.gcc.tas.gov.au/your-council/legislation/right-to-information.aspx>.

No fees are payable in respect of an application where the applicant has provided evidence demonstrating that they are:

- a Member of Parliament acting in connection with their official duties;
- a journalist employed by a recognised news service; and
- impecunious (i.e. they have no money to pay the fee).

An application fee may also be waived in circumstances where the applicant can demonstrate that the information requested is of general interest or benefit to the public (as opposed to the interest or benefit of private parties). Fee waivers in this circumstance are at the discretion of the Principal Officer, who may seek further information from the applicant to determine whether a fee waiver is warranted.

Assessing RTI Applications

In accordance with the Ombudsman Manual (July 2010), the Principal Officer must have regard to the objectives described in section 3 of the Act. These are:

(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;

(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.

Additionally, section 7 of the Act states:

“A person has a legally enforceable right to be provided, in accordance with this Act, with information in the possession of a public authority or a Minister unless the information is exempt information”.

The basic principle behind the Act is that members of the public are to be given access to information held by Council, **unless** the release of that information would be contrary to the public interest. Section 12(3) of the Act provides the guiding principle that assessed disclosure of information should only occur as a last resort.

If an application for assessed disclosure is made, the words of each exemption provision in the Act are to be examined by the Principal Officer carefully, keeping in mind the objects of the Act. Some information is, by its nature, exempt from disclosure such as information related to closed meetings of council (s 32). Other information may be prima facie exempt upon an initial assessment but may nevertheless be released on public interest grounds such as internal deliberative information of Council (s 35).

Where information is determined to be exempt, the Principal Officer shall provide the applicant with a statement of reasons setting out why this determination has been made. The Principal Officer shall also advise the applicant of the process to have the decision reviewed.

The Ombudsman’s website provides further manuals and other guidance material on the assessment of applications for assessed disclosure, exemptions, decision statements, notifications and appeals: www.ombudsman.tas.gov.au.

Cooperation with the Principal Officer

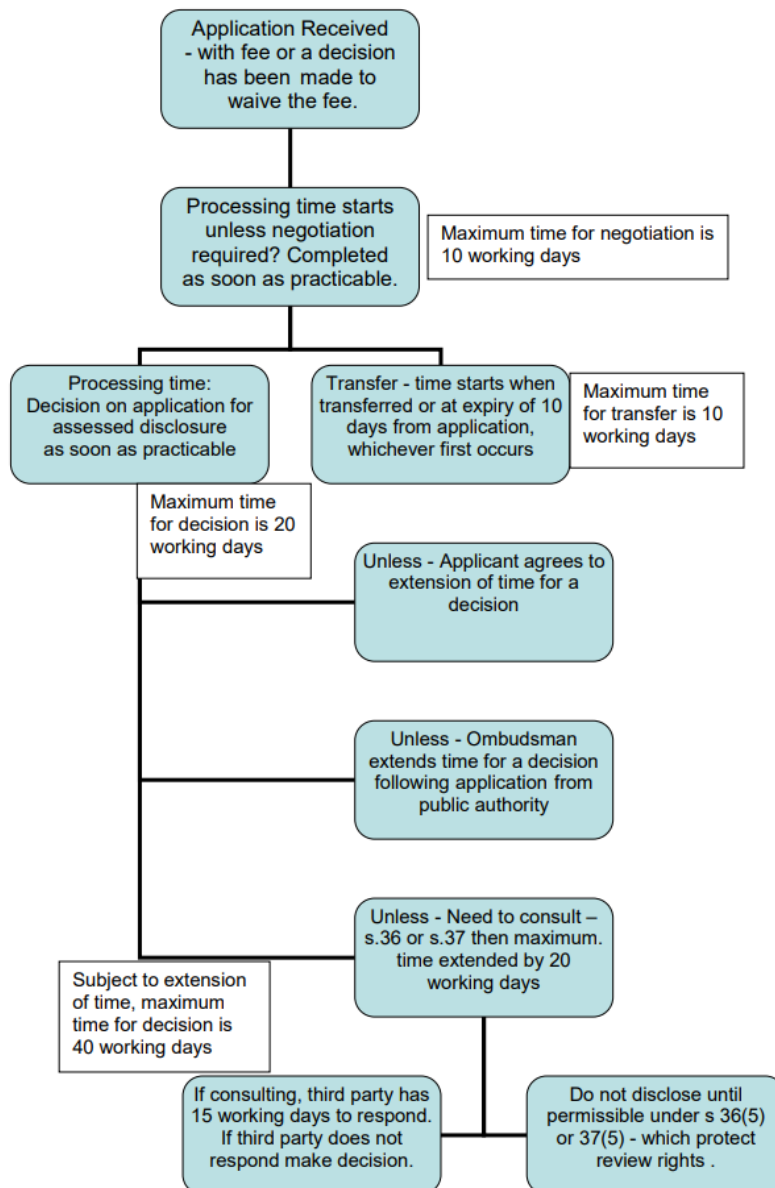
To ensure the transparency of Council practices and the accountability of officers, all officers must not:

- attempt to improperly influence the independent decisions of the Principal Officer, including the Internal Review Officer; or
- obstruct the provision of information, including by concealing or destroying information.

Instead, officers shall assist the Principal Officer and applicant by:

- first considering requests for information as possible routine or active disclosures;
- assisting the Principal Officer in finding alternatives to a formal application (e.g. by calling the applicant to answer a simple query);
- assisting people to understand the Council's records holdings, how to access them, and how to apply for formal disclosure of information;
- when requested, promptly finding and collating all requested material held in their department, and providing this information to the Principal Officer for assessment.

Relevant Timeframe for Assessed Disclosure



DOCUMENT CONTROL

Version:	2.0	Adopted	29 September 2025	Commencement Date	30 September 2025
Minutes Reference	29 September 2025 Council Meeting, Item 11.2			Review Period	4 Years from adoption
Previous Versions:	v 1.0 adopted 26 April 2021 (Council Meeting, Item 11)				
Responsible Directorate	Corporate Services		Controller:	Manager Governance and Risk	
ECM Document No.:	Policies by Directorate				