

TASMANIA

RIGHT TO INFORMATION REGULATIONS 2021
STATUTORY RULES 2021, No. 36

CONTENTS

1. Short title
 2. Commencement
 3. Interpretation
 4. Information to be available to members of the public
 5. Minimum information to be contained in application for assessed disclosure
 6. Minimum information to be provided to applicant by public authority
 7. Corresponding laws
 8. Legislation rescinded
- Schedule 1 – Legislation rescinded

RIGHT TO INFORMATION REGULATIONS 2021

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Right to Information Act 2009*.

Dated 7 June 2021.

C. WARNER
Governor

By Her Excellency's Command,

ELISE ARCHER
Minister for Justice

1. Short title

These regulations may be cited as the *Right to Information Regulations 2021*.

2. Commencement

These regulations take effect on the day on which their making is notified in the *Gazette*.

3. Interpretation

In these regulations –

Right to Information Regulations 2021
Statutory Rules 2021, No. 36

r. 3

Act means the *Right to Information Act 2009*;

proof of identity, in relation to a person making an application under section 13 of the Act, means –

- (a) a certified copy, or an extract, of a birth certificate for the applicant that shows the name of the applicant; or
- (b) a certified copy of a certificate, declaration, notice or other instrument in respect of the applicant's status as an Australian citizen or British subject, or otherwise in respect of the applicant's nationality, issued under –
 - (i) the *Australian Citizenship Act 2007* of the Commonwealth; or
 - (ii) the *Australian Citizenship Act 1948* of the Commonwealth; or
- (c) a passport, issued to the applicant in any country or territory, that shows the name of the applicant; or
- (d) a drivers licence, issued to the applicant in Australia, that shows the name of the applicant.

4. Information to be available to members of the public

A public authority must publish the following information, in respect of an application for assessed disclosure of information under section 13 of the Act, in a manner that is accessible to the public:

- (a) the address to which the application may be sent;
- (b) the application fee payable in respect of the application under section 16(1) of the Act;
- (c) the grounds on which the application fee for the application may be waived under section 16(2) of the Act;
- (d) a statement to the effect that the application must –
 - (i) be made in writing; and
 - (ii) contain the minimum information required by section 13(3) of the Act; and
 - (iii) be signed by the applicant;
- (e) details of the minimum information, that must be contained in the application, as prescribed under regulation 5.

5. Minimum information to be contained in application for assessed disclosure

For the purposes of section 13(3) of the Act, the following information is prescribed as the minimum information that must be contained in an application for assessed disclosure of information under that section:

- (a) the name of the applicant;
- (b) a postal address, or email address, for the applicant, to be used for communication on matters relating to the application;
- (c) the contact details of the applicant where the applicant may be contacted during ordinary business hours;
- (d) the general subject matter of the application;
- (e) details of the information sought by the applicant under the application, including all relevant dates and time periods that may relate to the information being sought, if known by the applicant;
- (f) details of efforts undertaken by the applicant, if any, before the application was made, to obtain from publicly available sources the information sought;
- (g) the date on which the application was signed by the applicant;

- (h) if the application includes a request for personal information of the applicant, proof of identity of the applicant.

6. Minimum information to be provided to applicant by public authority

For the purposes of section 13(5) of the Act, the following information is prescribed as the minimum information that a public authority must provide to a person applying for assessed disclosure of information under that section about the public authority's assessment procedure for such an application:

- (a) an outline of the object of the Act as specified in section 3 of the Act;
- (b) the application fee payable under section 16(1) of the Act;
- (c) the grounds on which the application fee may be waived under section 16(2) of the Act;
- (d) the period, under section 15 of the Act, within which an application is to be decided;
- (e) information to the effect that an applicant may apply, under section 45(1)(f) of the Act, to the Ombudsman for a review of a decision if the applicant has not received notice of the decision within the period specified in, or calculated under, section 15 of the Act;

Right to Information Regulations 2021
Statutory Rules 2021, No. 36

r. 7

- (f) information specifying that the public authority, in accordance with sections 13(6), (7) and (8) of the Act –
 - (i) must take reasonable steps to assist the person to make an application that complies with section 13 of the Act; and
 - (ii) may negotiate with an applicant to refine or redirect an application; and
 - (iii) if requested, must make available general details of information in possession of the public authority.

7. Corresponding laws

For the definition of *corresponding law* in section 34(3) of the Act, the following laws are declared to be laws that correspond to the Act:

- (a) the *Freedom of Information Act 2016* of the Australian Capital Territory;
- (b) the *Freedom of Information Act 1982* of the Commonwealth;
- (c) the *Government Information (Public Access) Act 2009* of New South Wales;
- (d) the *Information Act 2002* of the Northern Territory;

- (e) the *Right to Information Act 2009* of Queensland;
- (f) the *Freedom of Information Act 1991* of South Australia;
- (g) the *Freedom of Information Act 1982* of Victoria;
- (h) the *Freedom of Information Act 1992* of Western Australia.

8. Legislation rescinded

The legislation specified in Schedule 1 is rescinded.

Right to Information Regulations 2021
Statutory Rules 2021, No. 36

sch. 1

SCHEDULE 1 – LEGISLATION RESCINDED

Regulation 8

Right to Information Regulations 2010 (No. 51 of 2010)

Right to Information Regulations 2021
Statutory Rules 2021, No. 36

Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 16 June 2021.

These regulations are administered in the Department of Justice.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations, for the purposes of the *Right to Information Act 2009* –

- (a) prescribe the minimum information to be included in an application for disclosure of information under the Act; and
- (b) prescribe the minimum information to be provided to an applicant for disclosure of information under the Act; and
- (c) declare certain laws to be corresponding laws; and
- (d) rescind the *Right to Information Regulations 2010*.