KING ISLAND COUNCIL

Policy

RIGHT TO INFORMATION POLICY

Responsible Officer: GENERAL MANAGER

Date: 17 October 2023

Review Date: 17 October 2026

1. Purpose

Aim

King Island Council acknowledges and respects the rights of individuals to access certain information held by Council as a public authority under the Right to Information Act 2009 (Tas).

Council aims to proactively provide information that explains what it does and how it does that.

Council aims to assist members of the community to access disclosable information.

Council's Right to Information Policy provides guidance on how members of the public may access information collected by Council and the circumstances in which information is provided.

2. Policy

Compliance Obligations

The Right to Information Act 2009 (Tas) aims to increase public access to information held by government bodies by encouraging those bodies to increase voluntary disclosure of information. It also authorises and encourages active disclosure of information in response to informal requests from the community, without the need for formal applications.

The Act provides the community with an enforceable right to access information held by government bodies and reduces the reasons for not providing requested information.

Legislation

Right to Information Act 2009 (Tas)
Right to Information Regulations 2010 (Tas)

Definitions

Refer to Part 1 – Preliminary, Section 5, Interpretation for the definition of terms included under this Act.

Policy

Council collects and holds information from many sources so it can deliver its services.

Council will provide information about access to its information under the Act on its website.

In meeting its obligations under the Act, Council will be mindful of its limited resources, administrative efficiency and its commitments to privacy.

Right to Information Officers

Under the Act, the General Manager is the Principal Officer for matters related to the Act.

As Principal Officer, the General Manager may appoint additional staff member(s) as Right to Information delegates. Appointments will be made in writing.

Council will provide access to training and support to manage requests for information efficiently and within the terms of the Act.

Information already available

In accordance with the Act and other relevant obligations, Council will make information available to the public proactively through various means. These may include Council's website, public reports, annual reports, discussion papers, information sheets, local newspapers and other publications and materials.

Council recommends that members of the public look for the information they want to access before making a formal application. If the information is otherwise available, an application for access may be refused without refund of the application fee.

Members of the public may find information they are looking for from such places as Council's website: www.kingisland.tas.gov.au

Tasmania Online: www.tas.gov.au

Tasmanian Archives and Heritage office: https://libraries.tas.gov.au/tasmanian-archives/

Local Government Association of Tasmania: http://www.lgat.tas.gov.au

Informal requests for information

Members of the public may informally request access to information at Council's office.

Council will aim to deal with the request without a formal application if the information requested is factual data, readily available, simple to provide and carries no risk of the information being exempt under the Act.

Council's Customer Service Charter https://kingisland.tas.gov.au/wp-content/uploads/Customer-Service-Charter.pdf will be the foundation for addressing informal requests for information.

Assessed disclosures

Any request for information that is not already available, or cannot be met as an informal request, must be addressed as an assessed disclosure.

Applications for an assessed disclosure must be in writing and include all the information required under the Act. Council recommends that its form is used to apply. The "Application for Assessed Disclosure" form will be available on Council's website, from Council's office and can be provided by email on request.

Applications for assessed disclosure that do not use Council's form must contain all the information required before the application can be considered.

Completed applications can be delivered to Council's offices at 10 George Street Currie, mailed to Council at P O Box 147 Currie, 7256 or emailed to kicouncil@kingisland.tas.gov.au .

The statutory application fee payable under the Act will be available on Council's website www.kingisland.tas.gov.au, by telephone on 03 6462 9000; via the Ombudsman's Office by phone on 1800 001 170 or at www.ombudsman.tas.gov.au

The statutory fee must be paid before the assessed disclosure can be accepted, unless the exemptions in the Act can be met. Council's form details the exemptions available.

Council may contact the applicant in relation to the application, particularly where the information is not held by Council or the request is not clear.

Once the application fee is paid and the request clarified, Council will assess the request under the Act and will advise the applicant of the outcome in writing. Council will aim to meet the request as quickly as possible, but within 20 working days.

If the request is complex or involves large amounts of information, Council may ask the applicant for more time to finalise the request.

Special rules apply to requests that involve information about other people or organisations' business affairs or their private information. Council may be required to consult with the other people or organisation before the information can be provided. If so, extra time is automatically allowed by the Act and the applicant will be advised of this. Council will aim to meet the request as quickly as possible, but within 40 working days.

Alternatively, the request may be transferred to another public authority if it is best placed to provide you with the information. Council will advise you of the need or its intention to do this.

Council may defer the provision of information if that information will be released as a required or routine disclosure within a reasonable timeframe that is within 12 months.

Council may not provide the requested information if it determines:

- it is publicly available elsewhere,
- it is not of general public interest,
- it is not available within Council or another public body, or
- it is exempt under the Act.

If Council does not meet the time limits prescribed in the Act, the application will be deemed to be refused. The applicant may then ask the Ombudsman for a review of that outcome.

Reviews

If the application, or any part of it, is refused, Council will provide the reasons for the refusal and advise of the review processes available to the applicant.

Request for reviews must be made to Council firstly and must be in writing. They can be delivered to Council's office or mailed to:

The General Manager
King Island Council
P O Box 147
Currie TAS 7256

Or emailed to kicouncil@kingisland.tas.gov.au

Within Council, an alternative Right to Information delegate will review the decision internally. Council will address reviews in accordance with the Act and advise the applicant of the outcome.

If the applicant is not satisfied with Council's response to the internal review, further review processes are available through the Office of the Tasmanian Ombudsman. Forms and assistance to complete them are available from the Ombudsman's website: www.ombudsman.tas.gov.au or by phone 1800 001 170.

Responsibilities

This policy applies to councillors, council staff and members of the public.

3. Legislation, Terminology and References

Applicable legislation:

All laws in connection with policies including but not limited to:

- *King Island Council Right to Information Act 2009* – Application for Assessed Disclosure.

Definitions	
Term	**Meaning**
Council	King Island Council
Councillor	An elected member of Council known as a Councillor or Alderman or otherwise meeting the definition of a 'councillor' as defined under section 3 of the *Local Government Act 1993* (TAS)
Employee	A person who carries out work for Council as an employee of Council.

General Manager	The general manager of Council as appointed under section 61 of the *Local Government Act 1993* (TAS).
Manager/Supervisor	A person at the Workplace who is appointed to a position that has management/supervisory responsibilities for others or their appropriately nominated or authorised delegate.
Other Persons at the Workplace	A person, other than a Councillor, who carries out work in any capacity for Council, including work as: (a) a contractor or subcontractor. (b) an employee of a contractor or subcontractor. (c) an employee of a labour hire company who has been assigned to work at Council. (d) an apprentice or trainee. (e) a student gaining work experience; or (f) a volunteer.
Policy	Right to Information Policy
Workplace	A place where work is carried out for Council.

History:

Any previous policies used by Council:

Right to Information Policy - Policy Adopted 17 September 2019 – Res No: 226/19

POLICY VERSION AND REVISION INFORMATION

Title: Policy on Policies

Policy Maintained by: Administration Manager

Policy first commenced: 17 September 2019

Policy Review: 17 October 2026

Version No	Date	Resolution No	Responsible Officer
1.0	17.10.2023	223/23	Administration Manager