

# Government bodies still keeping secrets they shouldn't: RTI report

Tasmania's bid to shake its reputation as the "secret state" has faltered as public authorities continue to misinterpret Right to Information laws to conceal information that should be made public.

David Killick, November 14, 2022



*Richard Connock, Tasmanian Ombudsman in 2015*

TASMANIA'S bid to shake its reputation as the "secret state" has faltered as public authorities continue to misinterpret Right to Information laws to conceal information that should be made public.

The Tasmanian Ombudsman says the vast majority of appeals against decisions to withhold information are overturned, but appellants are waiting an average of 18 months for their cases to be reviewed amid a massive backlog.

It comes despite repeated commitments from the state government for greater transparency, particularly relating to right to information requests.

Ombudsman Richard's Connock's office is responsible for external reviews of decisions made under the Act.

"Of the 19 external review decisions completed in the 2021-22 reporting year, only three affirmed the decisions of the relevant public authority," he said in his annual report.

"The significant majority varied or set aside the decisions, and two of the decisions in which the public authority's decision was affirmed included significant criticism of the manner in which the assessed disclosure application had been handled," he noted in his report.

“That 95 per cent of the external reviews dealt with in the 2021-22 financial year identified issues with the manner in which the public authority had responded to a request for assessed disclosure is of concern.

“The express object of the RTI Act is clear in relation to its pro-disclosure focus, seeking to increase government accountability and acknowledging that the public has a right to the information held by public authorities who are acting on behalf of the people of Tasmania.

“Too often, sadly, adherence to this object is not evident in practice and a closed, and at times obstructive, approach is taken when responding to requests for assessed disclosure which come before my office.”

The report noted that there are 100 further appeals awaiting a review, roughly the same as a year before.

The average wait time for a review is 587 days.

Tasmania has been dubbed the nation’s “most secret state”. Former Premier Gutwein promised reform in 2020 and revealed that 30 per cent of RTI requests receive no information at all, by far the worst performance in the nation.

The number of overall complaints lodged with the Ombudsman rose by 27 per cent from 2020/21 to 2021/22 to reach 907 for the financial year.

The bulk of the complaints were about state government departments.

Of the 887 complaints dealt with during the periods, 44.5 per cent were declined, referred of out of jurisdiction; 5.5 per cent were discontinued, 39 per cent were found to have no defective administration and 11 per cent were either partly or fully substantiated.

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