

Department of Treasury and Finance

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Doc reference 21/190144

Meg Webb MLC
Independent Member for Nelson
Legislative Council

By email: meg.webb@parliament.tas.gov.au

Dear Ms Webb MLC

Right to Information application - Premier's Economic and Social Recovery Advisory Council

I refer to correspondence sent to you on 30 July 2021 from Tony Ferrall, Secretary and Principal Officer of the Department of Treasury and Finance regarding your application dated 19 July 2021 under the *Right to Information Act 2009* (the RTI Act) seeking the following information in relation to the Premier's Economic and Social Recovery Advisory Council (as noted under "General topic of information applied for" on Treasury's Application for Assessed Disclosure form):

"1. The following documentation for all formal meetings held by the Premier's Economic and Social Recovery Advisory Council (PESRAC), for the duration the Council was operating:

- a) Meeting Agendas;*
 - b) Meeting Minutes;*
 - c) Standing Notice of Interests declarations submitted by PESRAC members, including the date of update and submission of declaration; and*
- 2. All government and departmental guidelines regarding:*
- a) independent oversight of PESRAC submitted Standing Notice of Interests declarations;*
 - b) guidance to PESRAC members; and*
 - c) administration, maintenance and storage of any submitted Notice of Interest declarations. "*

As stated in that correspondence, it was determined that as parts 1(a), (b), (c) and 2(a) of the scope of your application included information that had already been assessed by Treasury, in a previous application made by you under the RTI Act, your application was partly refused under section 20 of the RTI Act, with the remainder of the application, namely parts 2(b) and (c), accepted for separate assessment by a delegated RTI Officer.

I am a delegated RTI Officer of the Department of Treasury and Finance. I have undertaken a search of Treasury's records and I have identified 2 records that contain information relevant to your request. These are listed in the enclosed schedule of records (Attachment A). The schedule contains my assessment of each record, including any relevant exemption categories, any public interest tests that I have applied, and the release status of each record.

Attachment B contains the relevant sections of the RTI Act cited below for your reference.

Reasons for Decision

Document 1

This document consists of a meeting agenda and associated papers prepared for a meeting of PESRAC. It contains information which is in scope along with other information which is not in scope, accordingly I have extracted the relevant information as provided for in section 18(3)(b) of the RTI Act.

I have determined that this document be partially released as extracted with personal information redacted under section 36(1) of the RTI Act as the release would involve the disclosure of personal information of a person other than the person making the application under section 13 of the RTI Act and, on balance, I consider the release of such information to be contrary to the public interest.

In making my determination, I have considered the public interest test as required by section 33(1) of the RTI Act. All provisions of Schedule 1 of the RTI Act have been taken into consideration, in particular:

- *I(c) whether the disclosure would inform a person about the reasons for a decision;*
- *I(d) whether the disclosure would provide the contextual information to aid in the understanding government decisions;*
- *I(f) whether the disclosure would enhance scrutiny of government decision-making processes and thereby improve accountability and participation; and*
- *I(g) whether the disclosure would enhance scrutiny of government administrative processes.*

Document 2

This document consists of an email from a Treasury Official to PESRAC members relating to the approach to managing conflicts and attaches a blank template titled “Standing Notice of Interests, Premier’s Economic and Social Recovery Council 2020”.

The attachment to the email has already been assessed by Treasury and released in a previous application made by you under the RTI Act, and remains available on the Right to Information Disclosure Log on Treasury’s website. Accordingly the attachment has not been included in my assessment.

I have determined that this document be partially released with personal information redacted under section 36(1) of the RTI Act as the release would involve the disclosure of personal information of a person other than the person making the application under section 13 of the RTI Act and, on balance, I consider the release of such information to be contrary to the public interest.

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- *I(f) whether the disclosure would enhance scrutiny of government decision-making processes and thereby improve accountability and participation; and*
- *I(g) whether the disclosure would enhance scrutiny of government administrative processes.*

Review

Should you wish to lodge an application for an internal review of my decision, you may do so under section 43 of the RTI Act. An application for review must be made in writing within 20 working days of receipt of this letter. You will be taken to have received this letter via email on the date of this letter.

Should you have any queries or require any further information regarding this matter, please contact me by email at rti@treasury.tas.gov.au.

Yours sincerely



Kate Patmore
Delegated RTI Officer

17 August 2021

Attachment A

Doc #	Title	Release status	Relevant sections
1.	PESRAC Agenda Meeting I	In scope information to be extracted and partially released	s.18(3)(b), s. 36(1). Schedule 1(c), (d), (f), (g).
2.	Email and attachment	Partial Release	s. 36(1). Schedule 1(c), (d), (f), (g).

Attachment B**Relevant Sections of the RTI Act****18. Provision of information**

- (3) If –
- (a) information requested under this Act is included with other information; and
 - (b) the information requested can be extracted from that other information by the use of a computer or other equipment usually available to the public authority or Minister –
- the information is to be extracted accordingly.

33. Public interest test

- (1) In this Division, information is exempt information if the principal officer of the public authority or Minister considers, after taking into account all relevant matters, that it is contrary to the public interest to disclose the information.

36. Personal information of person

- (1) Information is exempt information if its disclosure under this Act would involve the disclosure of the personal information of a person other than the person making an application under [section 13](#).

SCHEDULE I - Matters Relevant to Assessment of Public Interest

- I. The following matters are the matters to be considered when assessing if disclosure of particular information would be contrary to the public interest:
 - (a) the general public need for government information to be accessible;
 - (b) whether the disclosure would contribute to or hinder debate on a matter of public interest;
 - (c) whether the disclosure would inform a person about the reasons for a decision;
 - (d) whether the disclosure would provide the contextual information to aid in the understanding of government decisions;
 - (e) whether the disclosure would inform the public about the rules and practices of government in dealing with the public;
 - (f) whether the disclosure would enhance scrutiny of government decision-making processes and thereby improve accountability and participation;
 - (g) whether the disclosure would enhance scrutiny of government administrative processes;
 - (h) whether the disclosure would promote or hinder equity and fair treatment of persons or corporations in their dealings with government;
 - (i) whether the disclosure would promote or harm public health or safety or both public health and safety;
 - (j) whether the disclosure would promote or harm the administration of justice, including affording procedural fairness and the enforcement of the law;
 - (k) whether the disclosure would promote or harm the economic development of the State;
 - (l) whether the disclosure would promote or harm the environment and or ecology of the State;
 - (m) whether the disclosure would promote or harm the interests of an individual or group of individuals;
 - (n) whether the disclosure would prejudice the ability to obtain similar information in the future;
 - (o) whether the disclosure would prejudice the objects of, or effectiveness of a method or procedure of, tests, examinations, assessments or audits conducted by or for a public authority;
 - (p) whether the disclosure would have a substantial adverse effect on the management or performance assessment by a public authority of the public authority's staff;
 - (q) whether the disclosure would have a substantial adverse effect on the industrial relations of a public authority;
 - (r) whether the disclosure would be contrary to the security or good order of a prison or detention facility;
 - (s) whether the disclosure would harm the business or financial interests of a public authority or any other person or organisation;
 - (t) whether the applicant is resident in Australia;
 - (u) whether the information is wrong or inaccurate;
 - (v) whether the information is extraneous or additional information provided by an external party that was not required to be provided;
 - (w) whether the information is information related to the business affairs of a person which if released would cause harm to the competitive position of that person;
 - (x) whether the information is information related to the business affairs of a person which is generally available to the competitors of that person;
 - (y) whether the information is information related to the business affairs of a person, other than a public authority, which if it were information of a public authority would be exempt information.