

Hon Meg Webb MLC
Parliament House
HOBART TAS 7000

By email: Kurt.Joyce@parliament.tas.gov.au

Dear Ms Webb

REQUEST UNDER THE RIGHT TO INFORMATION ACT 2009

I am writing regarding your two applications for assessed disclosure of 28 July 2022 received by the Department of Justice by email of the same date.

One application was made to the Attorney-General and Minister for Justice and one was made to the Department of Justice.

I hold a delegation under s 24 of the *Right to Information Act 2009* ("the Act") to assess both applications.

I note that you seek to have the application fees waived under section 16(2)(b) of the Act as you are a Member of Parliament acting in connection with your official duty. I agree that it is appropriate to waive the fee in this instance.

You requested:

all documentation since January 2019 inclusive relating to the government's role as a Founding Partner of the Tasmanian Law Reform Institute including, but not limited to, the establishment of the recent review of the TLRI

On 3 August 2022, the Department wrote to you pursuant to section 13(7) of the Act to ask you to refine your application. In response, by letter of 3 August 2022, you advised the information you were seeking

... is not 'relating to the Department of Justice and/or Attorney-General's involvement regarding the establishment of the Tasmanian Law Reform Institute', as the TLRI was established twenty years ago.

Nor do I solely seek any submission made by the Government to the recent review of the TLRI although I would expect that any submission made would fall under the request.

As per my request, I seek all documentation (for clarity, including but not limited to, correspondence, emails, notes, briefings, statements, etc.) from January 2019 onwards that relates to the State Government's role as a Founding Partner of the TLRI.

I have reason to believe documentation relating to the State Government's role as a Founding Partner of the TLRI is likely to exist because on page four of the final report on the review of the TLRI released in June, under the heading 1.2 Appointment of Review Panel and Terms of Reference it says (highlighting added):

1.2.1 This review of the TLRI was commissioned by the Vice-Chancellor, Professor Rufus Black, with the support of the other Founding Partners, namely the Tasmanian Government and the Law Society of Tasmania. The Review Panel consists of the Chair, Professor John Williams, Emeritus Professor Kate Warner and Associate Professor David Plater. Professor Williams is the Director of the South Australian Law Reform Institute (SALRI) and Dr Plater its Deputy Director. Both work at the University of Adelaide's Law School where SALRI is based. Professor Warner was the Director of the TLRI from 2001- 2014. The members of the Review Panel have undertaken this Review on a voluntary basis.

1.2.2 A review of the Tasmania Law Reform Institute (TLRI) was first raised prior to the renewal of the 2019 Agreement in a letter from the Attorney-General to the then Dean of Law, Professor Tim McCormack, in November 2019 ...

(https://www.utas.edu.au/data/assets/pdf_file/0004/1606639/TLRI-Review-Final-Report.pdf)

Clearly, the correspondence referred to in para 1.2.2 of the review report would fall under the request I have made, as would any other correspondence relating to the 'support of the other Founding Partners' referred to in 1.2.1, and also any further and additional documentation from January 2019 to the present which relates to or is under the remit of the State Government's role as a Founding Partner of the TLRI.

A search of information held by both the Attorney-General and Minister for Justice and the Department of Justice has identified no records responsive to your applications.

The Department requested the Minister's office to conduct a search of its records and was provided with a number of documents concerning the TLRI, but none of these relate directly to the subject matter of the applications. Those documents include a number of briefing notes regarding:

- the TLRI Annual Report;
- work being undertaken by the TLRI in relation to specific issues other than the review;
- funding for the TLRI through the Solicitor's Guarantee Fund; and
- recommendations resulting from the review of the TLRI.

The Department conducted its own searches of:

- the Department's electronic records management system known as CM9; and
- hard drives and emails of various Departmental officers (in the Office of the Secretary and the Strategic Legislation and Policy Division) responsible for providing advice regarding the TLRI,

again without success.

If you are dissatisfied with my decision, you may seek a review under section 43 of the Act within 20 working days after notice of this decision has been given. Applications for review should be addressed to:

Ms Ginna Webster
Secretary
Department of Justice
GPO Box 825
HOBART TAS 7001

Email: secretary@justice.tas.gov.au

Please contact me if you have any questions in relation to this decision.

Yours sincerely



Tom Saltmarsh
RTI Delegated Officer

2 November 2022