

## Legislative Council

### Hansard

Tuesday 17 March 2026

The President, Mr Farrell, took the Chair at 11 a.m., acknowledged the Traditional People and read Prayers.

*[excerpt...]*

### MOTION

#### **Getting Back on Track: Independent Review of Tasmania's Right to Information Framework - Consideration and Noting**

[4.56 p.m.]

**Ms WEBB** (Nelson) - Mr President, I do rise to debate motion no. 8 standing in my name on the notice paper, the Getting Back on Track: Independent Review of Tasmania's Right to Information Framework, which was undertaken by Professor Tim McCormack, and adjunct professor Rick Snell, released on 29 September 2025. Mr President, I move –

That the Getting Back on Track: Independent Review of Tasmania's Right to Information Framework, undertaken by Professor Tim McCormack and Adjunct Associate Professor Rick Snell, and released on 29 September 2025, be considered and noted here by the Chamber.

We all know that old adage: the early bird catches the worm. Well, I don't know about worms, but certainly this morning, the early bird can catch an early government media release. Despite there not being a whisper of the government's formal response to the Getting Back on Track report over the last six months, certainly not even an acknowledgement in the Premier's recent State of the State address, suddenly, at 6.01 this morning, there is a media release and a government response attached to it: lo and behold.

However, the story of this report does not begin with the government's belated and overdue-by-three-months response. In fact, to go back a bit further, this significant, independent review was a long time coming. As members will recall, the particular catalyst for this independent review of our Right To Information (RTI) framework was the so-called confidence and stability agreement that was negotiated between the then-newly-elected Jacqui Lambie Network MPs and Premier Jeremy Rockliff following the 2024 State Election. Goodness, that feels like a long ago, doesn't it, Mr President?

**Mr PRESIDENT** - Several elections ago.

**Ms WEBB** - Indeed. However, concerns over the robustness of our RTI framework and whether the Right Information Act 2009 was delivering on its legislated objectives had been growing for many years before the 2024 State Election. Escalating disquiet was voiced by public administration and legal experts, by the media outlets, by community members following unsatisfactory experience after unsatisfactory experience. It might have even been voiced in this Chamber a few times. For years, the common refrain of those attempting to use our RTI system was, quote unquote, like pulling teeth. When some did manage to extract a few of those rare teeth, lo and behold, they tended to be predominantly black with redactions: not

good dental hygiene when it comes to our RTI system. Clearly, this significant component of our state's integrity and oversight architecture was failing, maybe is failing still.

Which brings us to this independent review and the Getting Back on Track: Independent Review of Tasmania's Right to Information Framework report, which sadly for the government, is a specific focus of my motion rather than the government's freshly-minted response, although I will comment on that at times as I'm able to in my contribution, given that we've had limited time to absorb its contents. I can't think at all why it might have arrived today, when there's a motion in this Chamber debating this and noting this report, and a motion in the other place relating to one of its recommendations to be, I believe, debated tomorrow. When considering

—  
**Ms Forrest** - It might help to focus their attention.

**Ms WEBB** - I beg your pardon?

**Ms Forrest** - It would probably help to focus their attention. Good on you for putting it on there.

**Ms WEBB** - Well, certainly, the attention was obviously waning since it was three months after the agreed time it was supposed to be responded to, which was a deadline of three months after its release, that being September last year.

When considering this report and its recommendations, it is worth noting its terms of reference, which is provided in the report as Appendix 1 on page 180. The terms of reference were in essence to reflect and specifically seek to address the range of concerns about the effectiveness of our RTI framework raised by legal experts, by civil society stakeholders, by political commentators, and the broader community. The independent review was tasked with considering any findings and recommendations arising from previous reviews and reports. They were to identify any administrative and cultural challenges which may be impeding delivery of the legislative objectives of our Right to Information Act 2009. They were to look at how the RTI Act intersects with other information management related acts including the Public Interest Disclosure Act 2002 and the Personal Information Protection Act 2004. They were to look at the performance, resourcing and efficacy of the Office of the Ombudsman when undertaking its functions under the act and finally to identify barriers or barriers to, or constraints on the RTI frameworks capacity.

Crucially, the independent review was also specifically tasked with identifying and recommending reforms, that, and I quote, 'encapsulate into jurisdictional best practise in terms of right to information or freedom of information models and deliver reform options, administrative and legislative, including recommended phases for implementation'. That was the task nice and clearly laid out. I love it when we are asked to look at best practice and when we are asked to specifically look at reform options that can be phased in. Was a great task to be given for the reviewers. Is that what we got, I wonder? Let's have a look at it.

In the context of this comprehensive and broad terms of reference, It is safe to say that this report provides the most exhaustive examination of our right to information and related information management frameworks since the act was passed in this Parliament in 2009. It is a good piece of work. As a case in point, chapter 1 of the report details the review's examination of previous reviews done, including the following ones:

- The Watt Independent Review of the Tasmanian State Service of 2021

- The Environmental Defenders Office 2023 report, 'Transparent Failure, lutruwita/Tasmania's ineffective right to information system and how to fix it'
- The Commission of Inquiry into the Tasmanian Government's responses into child sexual abuse and institutional settings final report released in August 2023
  - Two Integrity Commission reports released in 2024 that were relevant
- The Tasmanian Law Reform Institute, the TLR's Review of privacy laws in Tasmania, released in 2024
- As well as the annual reports of the Ombudsman from 2010 to 2024.

Plenty of review there on work already done to be able to inform us about where to from here. Independent reviewers, Snell and McCormack, found across the reports they examined the concerns were strikingly consistent, which they summarised as, and I quote this from page 12 of the report,

Taken together, the findings of previous reviews in Tasmania's RTI framework point to a system under strain.

The independent reviewers went on to state, and I quote from page 14,

Across all sources, the same issues recur. A risk averse and opaque administrative culture, extensive delays, widespread misuse of exemptions, inconsistent practices across agencies and inadequate resourcing and oversight. These are not isolated problems. They are interconnected, compounding and deeply entrenched.

I am sure there are many of us here in this Chamber or listening online who recognise from firsthand experience some, if not all of those problematic characteristics identified by the independent reviewers when they looked to all those previous reviews and reports.

Identifying the systemic problems, flaws and challenges posed by the current state of our RTI framework is, of course, only part of the story. Presenting a set of integrated and coherent solutions to address these identified problems is the crucial component of the work undertaken by the reviewers and presented in the report before us.

I do not intend to discuss individually each of the reports 43 recommendations, some of which also consist of sub recommendations. Instead, I intend to focus upon selected findings and specific take away themes which I believe are indicative of both the key failings of the current system and the urgency for action as exhorted by the reviewers.

What did the report find? On page14 it states this:

The body of evidence from previous reports and review processes paints a clear and consistent picture. Tasmania's RTI framework is not functioning as it should.

The identified persistent problems are systemic, it's clear. Starting with the failure for the legislated timeframes to be adhered to, delays and inappropriate use of exemptions by RTI officers. For example. the report provides a series of statistical sets comparing RTI performance over recent years. It's interesting to note that in 2021-22 the number of RTI applications granted in full was 42 per cent, that decreased to 28.6 per cent the following year and hit the low of 28 per cent in 2023-24, which is the most recent year assessed by the reviewers.

That's a big decrease and it's a very low percentage being granted in full. The report highlights that the downward trend in the number of applications granted in full since 2021 indicates there is likely a corresponding increase in exemption use. A theme throughout the report is the extent to which RTI requests are assessed erroneously, with exemptions applied incorrectly.

The extent to which exemptions are being wrongly applied can be gauged by not only the number of internal reviews requested but also the number of external reviews, particularly those which result in the Ombudsman varying or overturning original determinations. As the report states on page 22:

The data reveals a consistently high rate of externally reviewed decisions being varied set aside, typically between 70 and 90 per cent, suggesting there may be a high rate of incorrect application.

We see a decrease in the number of applications being released in full. We see an incredibly high rate of external reviews being varied or set aside by the Ombudsman, telling us that this system is not being operated correctly. Just to be clear, its not being operated correctly in favour of not disclosing information.

A further concern is the misapplication of the public interest test when exempting materials from release, with the report stating the data indicates:

Decisions involving public interest test exemptions are particularly challenging for RTI decision-makers and suggest a higher error rate than other decision types.

The report provides analytical detail regarding specific metrics and performance indicators, which are also presented as a comparative analysis with other Australian jurisdictions. Time constraints today prevent me from discussing that aspect of the report in detail now, but for members yet to do so, I'd encourage you to read this analysis. It's disturbing when we compare ourselves.

The report highlights the urgent need for cultural change as one of the most significant findings and one of, if not the biggest challenge for RTI reform in this state. Chapter four: Culture and RTI in Tasmania opens with the following statement and I quote,

Over the last 34 years the administrative culture in Tasmania has persisted with a default position of non-disclosure of government information.

The report continues by stating on page 50:

The need for leadership and cultural improvement is at the heart of addressing the entrenched problems of Tasmania's administrative culture, a culture that has prevented the state from continuing on a journey to reap the benefits of increased transparency.

The review report confirms what many have been saying for decades. Despite the Right to Information Act 2009 ostensibly providing an information push model, it is not operating as such. Instead, it is still requiring people to pull information from government agencies, and that pulling takes a great deal of effort.

As identified by the report, the fundamental challenge in achieving this mainstreaming of transparency [inaudible 5.09.17]

several elements of the approach to RTI by the Tasmanian public sector must be adjusted to realign the underlying culture to one that facilitates the mainstreaming of transparency.

We hear a lot of rhetoric about transparency from this government. This report tells us incredibly clearly, with utter clarity actually, that that is not the culture that is present within this government and its administration. It's not. The RTI system tells us that it is exactly the opposite.

The report provides some interesting examples of jurisdictions working to mainstream transparency where there is genuine effort. Locally, there is the example of a council development of a request for information form that ratepayers could simply fill out. The form does not constitute a formal RTI application. Instead, the council involved is basically saying to its ratepayers, 'If there's some information the council holds that you want, fill out this form so that you tell us what the requested information is and we will provide it to you if we can'.

The RTI team of the council involved informed the independent reviewers that they have formed the view that nine out of 10 times it's possible to provide the ratepayer with the information they seek, thus obviating any need for a formal RTI application.

Can you imagine, a government department adopting that similar approach? That would be a mainstreaming of transparency when they're actually looking to be able to actively push information out that they know citizens are interested in and should have the right to see.

The report tells us that governments elsewhere have adopted a similar approach to making as much information available as possible, minimising the need for its citizens to go through RTI processes. The specific example provided in the report is Norway, where anyone can directly search the digital records via an online portal of all Norwegian agencies. Significantly, the Norwegian approach reflects a more holistic approach to information management in general, which I won't go into here, but which is extremely relevant when considering the independent review reports recommendations to touch on structural reform of our RTI and other information-management frameworks. Critically, these local council and international examples have in common the fact that they seek to be citizen-centric and collaborative. They seek to mainstream transparency.

The report recommends the state government and the public service develop a collaborative partnership with citizens, civil society and the business community to break free of the government-centric approach currently hindering efforts towards mainstreaming transparency.

To reiterate, addressing the identified cultural challenge of an automatic propensity to secrecy instead of transparency, is fundamental to any reform that's fundamental to any reforms of our RTI framework. Whether today's belated government response will drive the urgently needed deep cultural reform will be the lens by which that response will need to be examined.

Already we've heard on ABC radio just this morning, one of the report's authors, Adjunct Professor Rick Snell, provided his muted assessment, raising concerns whether the necessary cultural change will result, along with a more pointed comment that was read out on

air as a text message from an anonymous senior public servant, which stated rather bluntly their doubt that the government's formal response will change the culture one iota.

Additional to the fundamental need for cultural change, the report also highlights the current RTI system, and I quote from page 96:

Is not just under strain, it is structurally flawed and fixing it will require bold whole-of-system changes.

The report provides detailed recommendations from day-to-day functions through to systemic considerations, including the broader information-management legislative framework and oversight and accountability mechanisms, such as those provided by the Office of the Ombudsman.

As members may recall, the independent review's terms of reference included a specific task to assess the performance, resourcing and efficacy of the Office of the Ombudsman in undertaking its RTI-related functions and duties.

Chapter 7 of the report addresses this specific element of the terms of reference and it opens by stating the following:

It is impossible to overstate how critically important the role and the performance of the Ombudsman and their office is to the Tasmanian Right to Information Framework.

This important chapter of the report then details the range of areas the Ombudsman is responsible for and the challenges that office faces in fulfilling those obligations. Those challenges include resourcing restrictions, the limitations imposed by the need to balance the officers' RTI responsibilities with those of the other hats that are worn, such as the Health Complaints Commissioner, the Energy Ombudsman, the Coordinator of the Official Visitors Program, the Tasmanian Custodial Inspector and the Tasmanian National Preventative Mechanism (TNPM).

That's a lot of hats, and of course, efforts are hampered in one area when you're wearing so many hats, you can't even allocate a day a week to each of them.

Anyone invested in a reformed and robust RTI framework will be really concerned by the independent reviews estimation that even an allocation of time and focus between each of those key roles means the Ombudsman has less than a day a week to generally spend looking at each of them and in particular in this instance, the Right to Information Act 2009 and its responsibilities of his office under that act. It's not surprising then that the Ombudsman's office has focused primarily on reducing the worrisome backlog of external reviews, but that's been to the detriment of providing proactive training and systemic oversight functions, such as undertaking regular audits or spot checks of government agencies for compliance. It's been a real struggle, and it's understandable when you've got limited resources; some things fall by the wayside and you try and do the urgent things first. Basically, this critically important role, as it's described by the reviewers, and the functions that it has to undertake, have been hamstrung for decades.

I encourage members to examine closely the nine specific Ombudsman-related recommendations provided by the report, and also the discussion on pages 131 and 132

regarding the ideal budget required for the Office of the Ombudsman to clear their RTI external review backlog, and to effectively perform all their duties and functions in terms of both the Right to Information Act 2009 and the Personal Information Protection Act 2004.

Recommendation 41 of the report is for the Office of the Ombudsman to be provided an extra \$500,000 annually for the next three years: a very worthwhile investment if we are genuine about mainstreaming transparency, and one which I will address further later in this contribution. At the very least, we must protect the Office of the Ombudsman from any future budgetary cuts in light of this independent review. It's quite plain that to cut the Ombudsman's funding would be regressive. It would be harmful to good governance and transparency in this state and it would be an incredibly bad look for a government of the day to do that, especially while we might take money from the Ombudsman with one hand while we give corporate welfare to our mates building their own businesses with the other.

Half a million dollars, for example, compared to a \$10 million corporate handout, doesn't seem like much to invest in transparency if we're prepared to give corporate welfare on the other side of the coin. I take this opportunity to reiterate my call of last week for there to be a clear quarantining of any resourcing cuts to the Office of the Ombudsman.

As members may recall, last week on Wednesday 11 March, the Office of the Ombudsman released the report of its own-motion inquiry into the release of personal information in error by public authorities implementing decisions on assessed disclosure applications under the Right to Information Act 2009. What a troubling and devastating read that one was, this own-motion inquiry by the Ombudsman's Office.

The report details multiple instances of private information and details being released wrongly, providing a contemporary example of the problems identified by the independent review reports discussion on how the Right to Information Act 2009 intersects with other legislative frameworks such as the Personal Information Protection Act 2004.

I'm aware that the motion before us does not specifically deal with the Ombudsman's own-motion inquiry and report that was released last week. However, I contend that it provides a timely and relevant exposé of detrimental, wrong and flawed practices that are occurring across government departments under the current culture and practice of our RTI system. It's not such a stretch to envisage how the implementation of an operational roving unit, such as that recommended in this independent review, alongside further random audits by the Ombudsman's office, would see those troubling statistics at least identified, addressed and turned around.

Another significant structural reform proposed by the independent review is the proposed new Information Commissioner, which is detailed in chapter 8 of the report. I won't repeat in detail the report's discussion, but instead it's worth emphasising that the proposed new Information Commissioner would complement the current Ombudsman's role, rather than take over or duplicate. Importantly, the proposed new Commissioner is seen as providing a more effective and coordinated information flow between the different elements of Tasmania's information-management system. It would have great scope to do so in a macro and consistent manner, compared with our current reliance on a single ad hoc and limited determination issued by the Ombudsman in relation to a particular matter.

As such, it would help to address the identified challenges with how the Right to Information Act 2009 interrelates with other information-management legislative frameworks such as the Personal Information Protection Act 2004, and it would foster consistent decision-making, which is absolutely currently lacking, Mr. President, as identified through this review.

Interestingly, the reviewers state their consultations encountered, and I quote, 'broad support for an appropriately-funded, multifunctional Information Commissioner'. I'm not surprised that the Ombudsman, the State Archivist and the Treasury all indicated to the reviewers broad support for that concept. It actually would help the system work better and ultimately result, I'm sure, in efficiencies, better practice and better outcomes if we were to go down that path. It's certainly one that other jurisdictions have tackled much more proactively than we have here.

The last structural reform that I wish to focus on is the independent reviewer's recommendation no. 23 for a specialised unit of seconded, experienced RTI delegates to be established. The purpose of the unit would be to help address agency RTI workloads, assist with the development of training and assist in various cross-government initiatives in information sharing and management. This is such a sound and commonsense recommendation.

It has long been identified and reiterated by this review's findings that a challenge for government departments and public agencies can be the intermittent nature of RTI requests. There can be none and then suddenly there will be numerous applications. It's not consistent workflow. Due to those fluctuations in requests, many RTI officers or delegates fulfil these duties additional to other full-time roles. They're doing it off the side of their desk. This then becomes problematic. Should there be an influx of RTI demands when also trying to maintain other, unrelated position requirements, this can then contribute to delayed responses and/or inappropriate interpretation of the act and the application of exemptions.

There are also ongoing concerns regarding a lack of training and mentorship for RTI officers who may be left to their own devices with little oversight or assistance. I'm certainly not wanting to cast aspersions on our RTI officers present throughout various departments and agencies. This is a situation they find themselves in where they're doing their best. I think they were probably very pleased to see the work done in this review and probably hope that it will actually drive meaningful change. Based on the quick assessment today of the government's response, I think they're probably going to be largely disappointed, to be honest.

The proposed roving RTI specialist unit would assist in working through the unpredictable workloads, while also providing mentoring and training and contributing to a more consistent understanding and application of the RTI act, facilitating its objectives being fulfilled. Just as the recommendations regarding the Office of the Ombudsman and the new Information Commissioner, the proposed roving specialist RTI unit would be an investment in restoring confidence in our RTI framework, and progressing the mainstreaming of transparency in this state. As independent reviewers put it, the roving RTI unit would be a 'practical game changer'. I think that's correct. Ultimately, I think it would probably save money to employ that model because we'd be doing things more efficiently across all departments, and we'd be having those RTI officers much better supported than they are now.

Yet, unfortunately, the formal government response that came out at 6.01 this morning is to not prioritise these potentially game-changing proposals and to resort to a support-in-principle notation, on page 19 there, by contradicting the specific recommendation of the unit that it be under the direction of the Ombudsman and stating that any specialised RTI unit will not be under the direction of the Ombudsman, and that in fact they don't seem to have much of an appetite for it.

In the beginning of my contribution I mentioned the review's terms of reference. The last sentence of the terms of reference reads this, and I quote:

The report will be made publicly available within 14 days of formal receipt, and the government will provide its response within three months of the completion of the review.

Now, as we know, that response was delivered at 6.01 a.m. today, just prior to this scheduled debate and prior to the related piece of business in the other place. In the context of the report's focus on the urgent need to change the culture, it's still pertinent to point out the disparity between the government's response and the agreed timeframe for that response. They agreed to provide a response within three months of the release of the report. It was released in late September last year; here we are, six months later.

We know that due to the slight delay caused by the snap election last year, this report was a little bit delayed even in it being presented, but it was released in late September; that meant the government's formal response was due by late December. Now, we could give a little leeway here and say notwithstanding the impracticality of providing a formal response during the festive season, there's no good excuse for the government to have failed to honour its commitment to provide a response as close to the specified time frame as possible, either during late January or early February. For the six months following the report's release in September last year, it was radio silence from the Rockliff government up until 6.01 this morning. I have to say, it would have been appropriate and actually a considerable confidence boost if there had been any mention in the Premier's Address delivered a fortnight ago of the Rockliff government's intention to formally respond even to the Getting Back on Track report and when they intended to do so.

But now we know, and now we have the government's formal response, that the strengthening transparency, continuously improving Tasmania's right to information framework response has now been released and it's rather underwhelming. In fact, I'd say that the document is rather optimistically named, to be honest, because when examining the government's response to the 43 recommendations made in independent review, we have to say that they've only seen fit to fully support 17 of those 43 recommendations.

That's just under 40 per cent fully supported. Hardly a burning light on the hill driving cultural change and mainstreaming transparency I'd say. A further 15 recommendations have in-principle support but given the government's commentary provided in relation to those regarding complexity and cost, it's safe to assume we won't see action on those items anytime soon.

The final 11 recommendations have merely been noted, with no commitment for action and as I said this is incredibly disappointing response and those within government,

departments who care passionately about making improvements in this area will find it an incredibly disappointing response.

I mentioned earlier, the review report's emphasis on the need for cultural change. Cultural change starts at the top. I had hoped that the government's response would have provided discussion, analysis and implementation plan for all the review reports findings and the 43 recommendations which would reflect the priorities emphasised made by the independent reviewers and specifically the following call from the reviewers, which I quote from page 58 of the report.

Let's just be clear, they called for this:

A clear and emphatic leadership statement of commitment to mainstreaming transparency and acknowledging the steps to return to the paths set out by the RTI Act by the Premier and by the Secretary of the Department of Premier and Government, endorsed by the Secretary's board, is needed. A symbolic statement would help ensure that all the settings of Tasmania's government governmental information system from the very top are applied to maximise transparency.

That call is also formalised under recommendation number 11 it is absolutely clear that that is a call for leadership from the top, but unfortunately, despite the government's formal response indicating support for recommendation number 11 its accompanying comment on page 17 of the government's document falls short.

There's no mention of mainstreaming transparency, no mention of committing the return to the goals of the RTI Act 2009, or recognition that any strengthening reforms must occur from the top as to as specifically contained in the wording of recommendation 11. Even when we see the word 'supported' next to each of the independent review reviews recommendations, those commitments provided need to be closely examined for weasel words and a disingenuous approach. You can't say you support the recommendation and turn around and not quite really do it.

The independent reviewers emphasise the need for a sense of urgency to pervade efforts to drive cultural change in the area of our right to information framework.

Six months of silence from the government followed by less than 40 per cent endorsed recommendations does not provide a sense of urgency, it simply doesn't. I mentioned the need for change to be driven from the top, at initial examination it would appear that most of the supported and in principle supported recommendations place the onus of delivery on heads of agencies, senior state executives and the broader public sector in general.

Where this particular government would be responsible for taking the action for its approach to mainstreaming transparency is not quite so quick to be to adopt the full intent of the reviews recommendations. Case in point is the release of Cabinet documents, which is a matter covered in this report.

Let's be clear, the Tasmanian Premier has the authority to make the recommended change in the report around Cabinet documents right now, to quote from page 64 of the Getting Back on Track report:

Changing the approach to a public release of Cabinet information would be a profound catalyst for energising a positive pro-disclosure information environment and would demonstrate elected government leading by example. Transparency does not require the release of all information and must allow the necessary protection of some sensitive information.

However, over protection of any class of information simply feeds the temptation to err on the side of non disclosure.

The report continues by stating:

The Tasmanian approach to Cabinet information has resulted in a deference to excessive claims for secrecy and or erring on the side of a cautious approach to interpretation. This approach has resulted in a missed opportunity to allow greater transparency into the system. Section 26.2 of the RTI Act 2009 allows the release of cabinet information after 10 years and Section 26.5 gives the Premier the discretion to release cabinet information at any time.

The independent reviewers then specifically recommended the programmed release, of Cabinet information after 10 years, while also emphasising that non-sensitive Cabinet documents such as intelligence briefings, submissions to Cabinet agendas, et cetera, be automatically released and published online within 30 business days of a final decision being taken by cabinet.

It is with strong disappointment that I see the government has ruled out changing the current Cabinet convention in this regard, of monthly release. It's a shame actually that that's the case of just immediately ruling it out. Further, the government's response deliberately muddies the water in relation to the 10-year release where it states, and I quote from page 17 of the government's document released today:

That it will be consistent with Australian Government practice. Government will explore mechanisms for release of Cabinet information after 20 years.

Twenty years, not 10 as referenced in the recommendation. It's a much longer timeframe than recommended. It is shorter than the current timeframe, which I believe is 25 years in Tasmania, but it's certainly not meeting the recommendation at all. The independent reviewer's clear intent was for the automatic release of Cabinet documents after 10 years without requiring anyone to request the release and mirroring the current federal arrangement, but obviously with a shorter timeframe than the Commonwealth has, which I believe is actually 30 years.

Definitely not mainstreaming transparency, to pretend you're committing to a recommendation, but then actually double the timeframe that Cabinet documents will stay hidden away.

I ask the question now, and I hope the leader will be able to respond in detail when providing the government's response to this motion. Leader, given the government has indicated it supports the independent review's recommendation number 14, that there be a 10 year programmed release of cabinet documents, is the government's intention to move towards the release of cabinet documents within 10 years, or is it just looking at the federal example for procedural methodology?

Or is the government saying it supports a programmed release of cabinet information but within a 20-year time frame? Which is it? Let's be really clear about it on the record today. It's a really important clarification which needs to be made sooner rather than later. There are also other implications arising from the government's formal response. Unfortunately, predictions regarding recommendations posing state budget implications have been proven correct. The lack of commitment to driving cultural change from the top and to invest in the corresponding strengthening of both information-management frameworks and strengthening the public's trust and confidence has been shirked in today's formal government response.

The government equivocates over its commitment to delivering in full recommendation number 41 which highlighted the need for additional funding for the Ombudsman's Office. I take this opportunity to reiterate that this recommendation must be upgraded from noted and formally adopted and supported.

The May state budget and the forward estimates must contain the recommended additional \$500,000 per year for the next three years for the Ombudsman's office. Maybe we could just crib that \$1.5 million over three years, from some other corporate welfare the government has been planning to make in this budget.

It would still leave millions in the chest for providing to some mates, but let's just take \$1.5 million over three years and give it to the Ombudsman for this transparency purpose. It's barely a quarter of a conference centre somewhere in the state.

Similarly, the longer-term recommendation, number 42, which would see the establishment of the Information Commissioner, has been relegated to the noted category. Yes, I acknowledge this reform would require a budgetary investment, although in all reality it wouldn't be immediate.

First, the necessary legislation would need to be prioritised and drafted, which could allow for refinement of budgetary establishment and operation costs, as well as consideration of how such a role would fit within our existing integrity oversight architecture and find complementarities there and ways to make savings perhaps, as we find a way to fit it into that system.

Fundamentally, openness to accepting these proposed reforms as investments is critical but is sadly lacking from the government's formal response. Other recommendations focus upon a raft of proposed legislative reforms which, as we know, will take time to develop and consult and then debate. These should be committed to and prioritised, with a corresponding timetable provided rather than just being categorised under the ambiguous supported in principle label.

The report also recommends time specific reviews following the release of the report, such as recommendation no. 22, which requires the RTI Uplift Project to conduct applicant and RTI delegate surveys 12 months after the report's release. That clock is ticking, because we are now six months into that 12-month period, but yet again, with the government's response today, we see they have merely supported that in principle. They have stated an intention to undertake a review three years after the review report release. That is nothing but kicking the can down the road and it certainly does not reflect any of the urgency in relation to culture change required to genuinely improve our RTI system, which was the implication of the reviewers recommending a 12-month review.

They very specifically made that a short term check in to see how things were moving forward. Kicking it down the road to three years means we would not be surveying probably the same participants who have engaged with the reviewers when they did their review work and produced this report. We will not be checking back in to see how things are tracking in the short term so we can see are we on the right track in the early stages. We are going to wait three years and let's face it, we will all believe that when we see it. Three years is a long time in Tasmanian politics. Who knows what will happen in the next three years and whether this recheck in with a resurveying of participants will even happen three years from now. We may well be left floundering, not really getting a good read, particularly at an early stage, on how well we are tracking for improvement.

Survey 12 months post the release of the report would have been engaging with many of the same participants that provided input to the review. It would have been a really valuable gauge of short-term progress or otherwise. Three years hence, the independent review will be far in our rear-view mirror, and we will not be able to provide anything like the same value and will risk being a box ticking exercise indeed, if we ever even see it come to pass.

It was predictable, but it was also disappointing to see the extent to which the government has fallen back in its response on the Departmental RTI Uplift Project to front most of the recommendations or at least to point to action, hoping that pointing to action gets them off the hook for a lot of these recommendations. The uplift project commenced prior to this independent review and is critiqued by the review which makes specific recommendations in relation to that uplift project. While there's been good work now underway via the uplift project, it clearly is not the vehicle that we now need to use to address sufficiently the detailed concerns, findings and recommendations laid out in the report of the independent review.

To conclude, I wish to draw members' attention to the following statement made on page 14 of the report and I quote:

Fixing the RTI system in Tasmania will require sustained investment, stronger oversight, better training and support, and, most importantly, a cultural shift, one that sees transparency not as a burden or risk but as a fundamental obligation of public service. The repeated nature of these findings and the limited progress to date underline the urgency for action. Without meaningful reform, the right to information in Tasmania will remain more theoretical than real.

That assessment is probably as succinct and as blunt as it can get. Additionally, it is important to reiterate that at the heart of this debate is the need for real cultural change. The independent reviewers make the following observation, and I quote,

There is a prevailing culture of government decision making that is risk averse and drifts back towards a closed approach to the disclosure of information, particularly whenever scrutiny is politically sensitive.

It is well past time that we challenge that providing culture. Yes, at the eleventh hour of this debate, we have now received the government's belated formal response to the Getting Back on Track report and its 43 recommendations. To reiterate, I consider that response lacking in the necessary bravery, commitment to entrenching and mainstreaming transparency and

vision required to effectively drive necessary cultural change to get our RTI framework back on track.

Finally, I wish to take this opportunity to commend and thank the independent reviewers, Professor Tim McCormack and Adjunct Associate Professor Rick Snell, who were so ably supported and assisted also by Taya Ketelaar-Jones for their rigorous and painstaking work when undertaking and reporting upon this review. I also wish to thank all those who contributed to the independent review, either by participating in interviews with the reviewers or by making a submission to the process. So many people really genuinely tried to make sure this would be a meaningful opportunity for our state to improve transparency and the culture of mainstreaming transparency.

The Getting Back on Track report provides a comprehensive and lucid road map to urgently required reforms in our RTI framework. Mr President, it's such a shame we seem to be throwing that map out and just picking up a few easy wins from it that I can guarantee you right now will not be resulting in the urgent cultural change that is required. And to cite the reports reference on page 139 to the first Victorian Privacy Commissioner, Paul Chadwick's, summation of the goals of effective right to information systems, and that was this:

The right to information at the right time, to the right people in the right way for the right reason.

I note, Mr President, that the Getting Back on Track independent review of Tasmania's Right to Information report, and I commend this motion to the House and hope that others will join me in noting it.

[6.35 p.m.]

**Ms WEBB (Nelson)** - I really appreciate the contributions made, particularly from the member for Hobart and the Member for Murchison joining me in noting the report and the reflections that they provided. I'll just make mention of a few things that came up in those reflections, including from the government. I appreciate the government's response to that.

It's really interesting when people reflect on the RTI framework that we have and its effectiveness from their experience and the member for Hobart and member for Murchison both did that and I absolutely have to agree my anecdotal experience, as well as a frequent user of our RTI system is that I have never received everything I asked for in full.

I have always, when requested an internal review, had something further released actually, but then I've always asked for an external review and the ones that have actually managed to get through the system have always been released to me something far more than the original decision or the internal review released and have made absolutely pointed assessments of the lacking decision making at the first stage and the internal review stage.

Again, when I'm making those sorts of comments I want to be really clear here, I'm not making a criticism necessarily of individuals who are doing this work. They are working within a system and this report makes really clear within a culture that doesn't actually support them to give effect to the full intent of the legislation.

Member for Murchison posed the question were we ever on track given that this report is about getting back on track and perhaps the point at which we were on track is when this Parliament in 2009 passed the RTI Act because at that time the model that's in that Act and the intent of that Act is absolutely exemplary in terms of a right to information framework. It's absolutely based on the right principles of push, not pull.

If it were given effect to in its full, based on its full principles, we would be seeing an entirely different situation now and different remarks being made when it was reviewed. The report makes it really clear that we are not giving effect to that act as in the way that we should be and that's a cultural issue.

I appreciate the Member for Hobart going into some more detail around the Integrity Commission reports that were part of a series of other reports reviewed by the reviewers of the Get Back On Track report. They were quite shocking, absolutely shocking, and the own motion report that came out that I mentioned just last week from the ombudsman showing that inappropriate release of personal information is happening in 30 to 40 per cent of cases in some departments of RTI is being released, absolutely shocking that's the case.

Anywhere we look here we see a failure and as much as the government wants to get up and read through lists of things, it's busy work and just pointing to lists of things that you're doing, most of which are partial at best, ineffectiveness to addressing the fundamental issues here is really disappointing. It would have been refreshing to have the government get up and say actually we accept that this has exposed some incredibly problematic cultural issues and we absolutely will be addressing those by fully engaging with these recommendations from these independent experts.

We've had the absolute privilege of having provided us with their independent and expert advice in these recommendations. I agree that the GBE's aren't required at the moment to have disclosure logs and they absolutely should have anyone that comes under our RTI Act should be providing a disclosure log of what they disclose under that act. There's no reason not to. As soon as something is disclosed to someone, generally that means it's public information. It should be available to the public, we should be able to see it.

There's all sorts of ways that disclosure logs should be improved and there's some of that work being done. I really hope to see that come to fruition fully, that would remain to be seen. They might have to wait three years to find out because we're not reviewing anything in 12 months' time. We're waiting three years to review and to have another survey of things and see if we're all on track. What a shame.

Noting the government's contribution to this debate, I just find it astonishing for the government to start off by acknowledging that right to information is a fundamental pillar of a democratic government, and then to turn around and not acknowledge that this report is absolutely damning in the fact that their pillar is crumbling and cannot hold up our democratic government as robustly as it should, anywhere near as robustly as it should.

The framework we have is sound and the practice is utterly flawed. They're right. Practical implementation of reforms is all fine, and yes, we do have budget constraints, but actually, as the member for Murchison rightly pointed out, a whole lot of improvement can be made and savings can be realised if we do improve the way we put transparency around decision-making.

Here's the thing: accountable decisions are good decisions that have better outcomes. Decision-making that's done in secrecy, in a non-accountable way, based on absolutely murky and secret information in who knows whose interests, certainly not the public's: it's those decisions being made by any government of the day that lead to poor outcomes for our state and lead us to messes that we find ourselves in today, actually, that this government is well aware of, being up to their eyeballs in.

Accountable decisions are good decisions, and they deliver better outcomes. We save money with accountable decisions, and that's the reason we should invest in these spaces. It's not investment that breaks the bank. Let's be really clear here: the sort of investment that would be required to fully implement every single recommendation here, that the government says we're too fiscally constrained to necessarily contemplate - the full amount would be very, very modest compared to the amount we need to spend in all sorts of service systems in our state.

What it would do is lead to better decision-making when it comes to those other service systems, lead to better decision-making in terms of our priorities and where we choose to allocate our, yes, constrained resources. This is not about superfluous investment; it's about strategic investment and it's about delivering better outcomes, because it delivers better government to put transparency and accountability around the decisions that any government of the day makes.

I really appreciated what the member for Murchison said, that just because something provides discomfort for a government of the day, because it does put more visibility and accountability around their decisions, that doesn't mean that it shouldn't be done. In fact, that discomfort is healthy in a democracy and it's healthy to ensure that public interest is being put to the forefront and governments are held to account for that. It serves the public interest to know the basis of decisions being made, and I agree with the member for Murchison and thank her for speaking in some detail about the recommendations which have been essentially rejected by the government around the disclosure of Cabinet materials.

Just to be really clear, what's proposed in the recommendations is nothing extraordinary, nothing that isn't being done in some other jurisdictions right now with no negative consequence at all, including Queensland, which has begun releasing Cabinet papers after 30 days. That doesn't mean you release material about the deliberations of Cabinet. You don't release material about who said what to who and who agreed and who didn't. Of course, all of that stays private and part of Cabinet-in-confidence. What you do release is the material on which decisions were based that was provided to feed into the decision making, and yes, that actually doesn't constrain frank and fearless advice. In fact, the public service has an obligation to provide frank, candid and fearless advice.

That's an obligation of the public service to do that, and actually, release of Cabinet materials that decisions are based on, the briefing papers or the reports or whatever provided to Cabinet, by the time it gets to Cabinet it has been through numerous iterations of being developed, of having the evidence base tested, of being approved through various levels of the public service. By the time it gets to Cabinet, that should be absolutely robust advice, and it should be according to the requirement of the code that the public servants have to live by in their roles of providing frank, candid and fearless advice.

I believe it's a convenient excuse that gets rolled out to try to keep secrecy around these things. What's really the fear there, I suspect, and the member for Murchison alluded to this too, is that actually if we had an agreement as per the recommendations in this report, if the materials that fed into Cabinet decision-making were released after 30 days, what would be exposed is when the government hasn't cared to equip itself with any clear evidence or clear policy work behind the decisions being made, and has in fact made a decision based on either next to no policy input or evidence base or clear research or clear expert information, but has made a decision based on some other factors; political self-interest, perhaps to help some people out that they like out there in the community or in the business community. If that's the basis of the decisions, and what we would see from the release of Cabinet papers after 30 days is that there is exactly zero good evidence behind a decision made by Cabinet, then no wonder a government wants to cover that up.

That's shocking and astonishingly poor form; it absolutely proves that decisions aren't being made in the public interest. In fact, it will be interesting next week when we debate a motion that I may put on the notice paper today, because that certainly involves decisions made in Cabinet. I can guarantee you right now we will get to the bottom of having absolutely no expert-informed evidence put to Cabinet to inform that decision: absolutely none.

Of course, it's going to be embarrassing for the government when that has to be admitted, because then you have to ask yourself, well, on what basis were those decisions made? Where the choice is made to go down that avenue rather than an evidence-based, expert-informed avenue instead, whose interests are being served?

This is the thing: it's very sad that the government has rejected two key, very worthwhile recommendations that would create much more transparency around Cabinet decision-making, particularly when we find ourselves as a state, I believe - when you're out in the community talking to people, we are at an absolute nadir, the lowest point, about people's confidence in the way decisions are made in this state and in whose best interests those decisions are being made. People's confidence is subterranean right now.

This was an opportunity to start turning that around and unfortunately, based on what we've seen so far from the government's response, that is not what we're going to see eventuate. Again, I appreciate the contributions made by the member for Hobart and the member for Murchison in joining me in noting the report. I thank the government for making a response to this debate noting the report. Of course, I don't find it convincing to just list out things.

One thing that did prick my ears up, actually, perhaps the leader of government business may be able to clarify: she mentioned ministerial diaries are going to be moving to a monthly release. I haven't seen that announced, so perhaps the leader would like to clarify on what basis that has been committed to and whether that's in the public domain in some way we can look at. Most here will remember that the disclosure of ministerial diaries occurred as a result of a motion brought in this Chamber a number of times, and has now been consulted on in terms of improvements as a result of motions brought in this Chamber a number of times.

We're waiting to hear the results of the consultation that was undertaken late last year around ministerial diaries. I hope one outcome of that consultation on improvements will be to do things like look at the timeliness of disclosures of ministerial diaries. The leader of government business mentioned it here in her contribution. It's apparently a new commitment

to a new policy on that, so if there's anything further that can be mentioned in passing, or perhaps the leader can come back and clarify it tomorrow, but it certainly pricked my ears up. At the moment it's quarterly, not monthly.

**Ms Rattray** - Through you, Mr. President: that's exactly what I read out, what you heard. I can –

**Ms WEBB** - Monthly? There's an intention to move to monthly release of ministerial diaries? When will that be formally announced by the government and when will we be provided with details on that, I wonder?

**Ms Rattray** - I will take that question on notice.

**Ms WEBB** - Yes, thank you, leader: an interesting one. Anyhow, I agree with the member for Murchison, who pointed out at the end of her contribution that these eminent reviewers have provided us with a set of expert recommendations that provide an excellent blueprint or road map to get us back on track. Although hopefully we do limp forward under some of the things that the government is progressing, it's a shame we're not wholeheartedly embracing that investment and really jump-starting us back on track and really see the full benefit of good accountable decision-making, delivering better outcomes in this state and greater public confidence in the decisions being made.

**Motion agreed to.**