

OMBUDSMAN PRIORITY POLICY

Right to Information Act 2009



1. Ombudsman Tasmania has a significant backlog of applications for external review under the *Right to Information Act 2009*. This has the unfortunate effect of causing significant delays in the finalisation of external reviews.
2. To try to ensure this backlog does not cause particular disadvantage in matters of compelling need, this priority policy has been developed to enable such applications to be expedited.
3. The initial assessment of all applications is prioritised and a prompt assessment of whether a matter is within jurisdiction will occur as a matter of course. There is no need to apply for this.
4. External review applications from third parties seeking to block the release of information will be prioritised, to ensure that the backlog does not cause delay to the assessment of whether information the relevant public authority does not consider to be exempt may be released.
5. A specific request will generally need to be made to seek priority in having a new external review request finalised by decision, though in special cases the Ombudsman may prioritise a matter without there being an application.
6. Priority does not necessarily mean that the review will be immediately finalised. There may be other cases with greater priority or there may be an operational need to deal with other older reviews first.
7. Where jurisdiction has been established and priority has not been granted, reviews will generally be dealt with in order of receipt, subject to operational requirements.

When priority will be considered

8. All external review requests deserve consideration and the Ombudsman will only consider prioritising newer requests when there is evidence of a compelling need to do so.
9. A request must fall within one of the following categories:
 - **Approaching deadline** - that a critical date exists to use or provide the information sought and failure to expedite the request will result in the major detriment to, or loss of, that opportunity (such as to initiate court action, make submissions, lodge an application);
 - **Imminent harm** - that a failure by the applicant to obtain the requested information on an expedited basis could reasonably be expected to:
 - pose a threat to an individual's safety or well-being; or
 - cause serious financial harm or cause commercial interests to be severely affected; or
 - pose a major threat to public safety or the environment;
 - **Public interest** - where the applicant is seeking the information in the broader public interest, the Ombudsman must be satisfied that there is an urgent need to inform the public about the actual or alleged actions or inactions of the relevant public authority or Minister.

10. In rare circumstances, the Ombudsman may consider granting priority outside these categories if there is sufficient evidence of genuine and compelling need.

Process for applicant seeking priority based on compelling need

11. An applicant can request priority at any stage in their matter.
12. The applicant must put their application for priority in writing to rti@ombudsman.tas.gov.au or GPO Box 960, Hobart, TAS, 7001. There is no specific form for this.
13. It is the applicant's obligation to provide the Ombudsman with all relevant evidence and information which would support their claim for priority. In special cases the Ombudsman may require this evidence as a Statutory Declaration.
14. The Ombudsman will endeavour to deal with any priority application within 14 days of receipt of all evidence and information.
15. The Ombudsman may defer a decision on a priority request if opportunities to resolve the matter without the need for a full review and decision are identified. In this instance, limited priority to undertake this early resolution work may be granted but a decision on whether full application will be prioritised will be deferred until the outcome of this resolution work is known.
16. The Ombudsman will write to the applicant to give advice of the decision on a priority application and will provide reasons for that decision.
17. There are no appeal rights in relation to application for priority decisions.

Richard Connock

OMBUDSMAN

22 August 2024