

TASMANIA POLICE
Right to Information Services

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Our ref: RTI 286/14
TRIM ref: A14/127212
Your ref:
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24 October 2014

**RIGHT TO INFORMATION APPLICATION
RE: TASMANIA POLICE MANUAL**

In assessing the information to be released, I am exercising powers delegated to me by the principal officer of the Department under section 24 of the *Right to information Act 2009*.

Your Application:

Within your application dated 15 October 2014 you had requested information relating to the Tasmania Police Manual (TPM), specifically you requested a copy of the TPM. You further requested that the TPM be posted on the Tasmania Police website.

Assessment:

Having assessed that information in accordance with the *Right to Information Act 2009*, I have applied the following exemption;

- S 17 Deferment of provision of Information

The previous publication of the TPM on the Tasmania Police website was as a *routine disclosure*. The TPM was removed from the Tasmania Police Website as part of a major overhaul and contemporary review and update. I am advised that the document, which is still under review, is a very different document than previously displayed. The TPM is deemed to be an internal document aimed at providing guidance and orders for Tasmania Police in their duties. It is now a more values based document than the previous rules based document.

Much of the new version of the TPM has hyperlink references to other Tasmania Police guidelines and policies, some of which are confidential in nature due to their operational significance, and which are reviewed and amended regularly. As a consequence, parts of the manual may be subject to further exemption. In its current form, the TPM is not able to be provided to the public due to the ongoing work required.

The production of the TPM is not complete however it is expected to be available on the Tasmania Police website as a *routine disclosure* within the next twelve months. At this time I deny you access to the information in accordance with section 12 (3) (c) (ii) and 17 (1) (a) of the *Right to Information Act 2009*. In accordance with section 17 (2) of the Act, my enquiries indicate that the production of the TPM should be completed within the first half of 2015 and available on the Tasmania Police website. Section 17 is reproduced for your information;

12. Information to be provided apart from Act

(1) This Act does not prevent and is not intended to discourage a public authority or a Minister from publishing or providing information (including exempt information), otherwise than as required by this Act.

(2) Subject to guidelines issued by the Ombudsman under section 49, public authorities or Ministers may disclose information to the public as –

(a) a required disclosure; or

(b) a routine disclosure; or

(c) an active disclosure; or

(d) an assessed disclosure.

(3) Assessed disclosure is the method of disclosure of last resort and –

.....

(c) the principal officer of a public authority or a Minister may refuse an application made in accordance with section 13 if the information that is the subject of the application –

.....

(ii) will become available, in accordance with a decision that was made before receipt of the application, as a required disclosure or routine disclosure within a period of time specified by the public authority or Minister but not exceeding 12 months from the date of the application.

17. Deferment of provision of information

(1) A public authority or a Minister may defer providing information if –

(a) a decision has been made before receipt of the application for assessed disclosure of information that the information will be disclosed as a required disclosure or routine disclosure of information within a period of time specified by the public authority or Minister but not exceeding 12 months from the date of the application; or

.....

(2) If the provision of information is deferred, the public authority or Minister must, when informing the applicant of the reason for the deferral, indicate as far as practicable, when the information will be published or presented.

.....

routine disclosure

means a disclosure of information by a public authority which the public authority decides may be of interest to the public, but which is not a required disclosure, an assessed disclosure or an active disclosure;

In relation to your reliance of section 93 of the Police Service Act 2003 that the TPM is required to be published and made available to the public I can outline my instructions as follows. Section 93 refers to the fact that the Commissioner of Police must publish a Police Manual providing orders, procedures, directions and instructions. The TPM is published for use of Police Officers although not publicly available at present for the reasons explained earlier. However, as indicated, Tasmania Police has elected to disclose the TPM previously and in the future as a *routine disclosure*. As a Delegate under the *Right to information Act 2009*, I have no influence when that routine disclosure may occur.

You have the right under Section 43 of the *Right to Information Act 2009* to apply for a review of this decision. To apply for a review you must write a letter to the Commissioner of Police within 20 working days of receiving this notice.

Yours sincerely



R C REARDON
Sergeant 1395
Right to Information Delegate