

11th June 2014

Mr Richard Connock – Acting Ombudsman

Office of the Ombudsman

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Dear Sir,

Request to Expedite Review O1405–192

Thank you for your letter dated today.

The decision not to expedite my review is disappointing.

Unfortunately I can do no more than explain the circumstances once more that might persuade you to reconsider. Some of these were mentioned in conversation to Ms Edwards over the telephone but I believe by then the letter to me had already been drafted.

I applied under RTI for information and data to be released that was gathered by our EPA Tasmania staff in and around Morwell back in February this year. It has been determined that DPIPWE are in possession of the data sought by me.

However, DPIPE were in breach of the Act in how long it took them to get their Decision to me. They also claimed there was no information, which I believe is wrong.

I applied to you for a Review of DPIPWE's Decision.

In acknowledgement I found out there are 15 reviews ahead of mine and I sought to have my review expedited.

Further, today you write, "...I am not persuaded that this is required in the circumstances of this case. There are currently 15 applications for review which must be dealt with before considering your application. I cannot therefore advise you of a time frame for completion of the review."

You are aware the information I applied for Under Right to Information in sufficient time to meet The Hazelwood Mine Fire Inquiry submission deadline in Victoria has not been released to me and the reasons given in the Decision, to say the very least in my opinion, have no substance.

The Board of Inquiry is being led by Justice Bernard Teague AO and the Board is due to submit its final report and recommendations to the Victorian Government by the end of August 2014. This of course leaves very little time.

As a result of the earlier delays here in Tasmania I was granted extra time to get this information to the Inquiry, however, I feel this is going to be exhausted if this matter is allowed to drag on.

Your decision not to expedite my review almost makes it impossible for the Inquiry to receive my completed submission in reasonable time before the report is presented to Government.

This I find extraordinary when the Inquiry is asking for information (that is available) and it is not going to get it in time, because it is just gathering dust on someone's desk here in Tasmania.

The Principal Legal Advisor to the Inquiry (Ms Justine Stansen) on the 30th April 2014 said in relation to EPA Victoria doing exactly the same thing and not releasing air quality information to me:

"I can confirm that there is no directive from the Inquiry to the EPA about publishing air monitoring data from the Latrobe Valley. The EPA is not constrained by the Inquiry in any way."

Upon receiving this advice, it made good sense for EPA Victoria to immediately release the information requested, which they did.

I believe there are special and pressing circumstances in this case, and I am kindly asking you to please reconsider your decision not to expedite my review.

Thank you again and I look forward to hearing from you.

Yours sincerely,

Clive M. Stott