

# Decision and Statement of Reasons

## *Right to Information Act 2009*

**Applicant:** Clive Stott

**Organisation:**

**Reference number** RTI202526-217      **Date of decision:** 15 May 2026

### **Information requested:**

An application for assessed disclosure of information was made pursuant to the *Right to Information Act 2009* ('the Act'), was received by the Department of Health on 16 January 2026 and accepted on the same day.

The information applied for was:

Requesting full information in relation to a leak in the LGH theatre block.

- Note: a) Certified evidence of concession card included  
b) Media details of the leak

The time frame that the applicant specified for search was:

1<sup>st</sup> September 2025 and until this application is accepted.

### **Application fee**

The prescribed application fee was waived pursuant to section 16(2) of the Act.

### **Time taken to make this decision**

The applicant, pursuant to section 15(4)(a) of the Act, did not agree to grant an extension on the application for assessed disclosure.

This meant that the due date was 17 February 2026, which unfortunately was not met and we apologise for the delay in receiving this decision.

## Decision

### Preliminary

The information sought by the applicant concerns an incident that occurred at the Launceston General Hospital on 26 September 2025 with respect to a potential gas leak. I have identified documents including technical and incident reports and related email communications that contain:

- personal information that is exempt from release (section 36); and
- information that, if it were disclosed would be reasonably likely to divulge the location of a dangerous substance (section 29(1)(d)).

My reasons for exempting this information is set out below.

### Personal Information exempt from release

I have identified personal information in the form of names and contact information of individuals contained in various emails and documents. I am content that that information does attract the possibility of it being exempt under section 36 if the release of that information would be contrary to the public interest. That test is set out in section 33. The Ombudsman has consistently determined that the names, position titles, and signatures of public officers and third parties should not be exempt unless there are exceptional circumstances that would warrant exemption. In this instance, I find no such circumstance exists and consider that this information should not be exempt from disclosure. The same cannot be said for the personal contact details of public officers and third parties. The Ombudsman had consistently found that the need for communication to be directed through appropriate channels does mean that it is appropriate to exempt the personal contact details such as email addresses and phone numbers.

**Decision: The names and position titles of public officers and third parties identified in the email documents is not exempt. The personal contact details of those public officers and third parties are exempt.**

### Section 29 - Information affecting national or State security, defence or international relations

This exemption potentially covers any information in the possession of a public authority or Minister, the disclosure of which would or would be reasonably likely to cause harm in one of the following ways:

- endangering the security of the Commonwealth, a State or Territory; or
- endangering the defence of the Commonwealth; or
- adversely affecting the international relations of the Commonwealth; or
- divulging the location of dangerous substances or dangerous goods.

While not subject to the public interest test set out in section 33, this section protects other, wider aspects of the public interest - matters which go to national or public security, national defence, Australia's relations with other nations, and an aspect of public safety. It is the latter of these interests that appears most applicable to the information subject to exemption under section 29.

The information sought contains details of chemicals that I consider to be dangerous substances and dangerous goods. The Act does not define what a dangerous good is, however, section 29(2) indicates that a dangerous substance is a substance that has the potential to cause harm to

persons, property or the environment because of (among other things) the chemical properties of the substance.

In this instance, the documents contain information that identifies two products used in the hospital that, when combined, have the potential to create a resulting dangerous substance which is also disclosed in the documents. I can only conclude that each component is itself dangerous and that their identity should not be released as it would divulge the location of those dangerous goods or substances, and by extension the location of the resulting dangerous substance.

**Decision: The identity of goods or substances that may be combined to result in a dangerous substance are not released because disclosure inevitably divulges the location of those goods or substances and by implication the resulting dangerous substance.**

## Decision maker

This decision was made by Kristian Clayton, Principal Legal Adviser, a delegated officer of the Department of Health, Ambulance Tasmania, and the Tasmanian Health Service, under an instrument of delegation made in accordance with section 24 of the *Right to Information Act 2009*.

## Review options

- Under section 43 of the Act, you have the right to apply for a review of the decision. To seek a review, you must first apply in writing to the Secretary, Department of Health, GPO Box 125, Hobart 7001, within 20 working days of receiving this notice. This request for review can be emailed to [rti@health.tas.gov.au](mailto:rti@health.tas.gov.au)

## Attachments

Page	Document	Decision
1-28	AG&G Testing and Validation Launceston General Hospital Operating Theatre 4 November 2024	Partial release (exempt personal information)
29	File Note dated 30/09/2025	Partial release (exempt personal information)
30-32	Email and screen shots dated 6 February 2026	Partial release (exempt personal information)
33-37	Email and attached WorkSafe inspection report dated 01/10/2025	Partial release (exempt personal information)
38-39	Emails re LGH Biomed Investigation dated 27/09/2025	Partial release (exempt personal information)

40-44	Emails and preliminary investigation dated 1/10/2025	Partial release (exempt personal information)  Section 29 exempt info on page 43
45-46	Emails dated 29 September 2025	Partial release (exempt personal information)
47-49	Emails re TFS testing dated 27/09/2025	Partial release (exempt personal information)
50-53	Incident debrief dated 02/10/2025	Released in full
54-56	Situation report dated 26/09/2025	Released in full
57-69	Presna Indoor Air Quality Assessment – Launceston General Hospital – October 2025	Partial release (Section 29 exempt information)