



Decision and Reasons for Decision

Citation:	<i>V25 and Department of Trade, Employment and Training</i> [2025] QICmr 79 (11 November 2025)
Application Number:	317874
Applicant:	V25
Respondent:	Department of Trade, Employment and Training
Decision Date:	11 November 2025
Catchwords:	<p>ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO PUBLIC INTEREST - name and mobile telephone number of a third party - notes taken by Departmental officers regarding telephone conversations with a third party - whether access to information may be refused on ground that its disclosure would, on balance, be contrary to the public interest - sections 47(3)(b) and 49 of the <i>Right to Information Act 2009</i> (Qld)</p> <p>ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - NONEXISTENT OR UNLOCATABLE DOCUMENTS - where agency has conducted searches - whether agency has taken all reasonable steps - where agency has described its processes to explain why documents do not exist - whether explanation is reasonable - whether access to documents may be refused on ground they are nonexistent or unlocatable - section 67(1) of the <i>Information Privacy Act 2009</i> (Qld) and sections 47(3)(e) and 52(1) of the <i>Right to Information Act 2009</i> (Qld)</p>

REASONS FOR DECISION

Summary

1. The applicant applied¹ under the *Information Privacy Act 2009* (Qld) (**IP Act**)² for access to various documents relating to his electrical apprenticeship.³ The application was made to the then Department of Youth Justice, Employment, Small Business and

¹ On 20 November 2023.

² On 1 July 2025 key parts of the *Information Privacy and Other Legislation Amendment Act 2023* (Qld) came into force, effecting changes to the IP Act and *Right to Information Act 2009* (Qld) (**RTI Act**). As the applicant's application was made before this change, the IP Act and RTI Act **as in force prior to 1 July 2025** remain applicable to it. This is in accordance with transitional provisions in Chapter 8, Part 3 of the IP Act and Chapter 7, Part 9 of the RTI Act, which require that applications on foot before 1 July 2025 are to be dealt with as if the IPOLA Act had not been enacted. Accordingly, references to the IP Act and RTI Act in this decision are to those Acts **as in force prior to 1 July 2025**.

³ The date range for the application was 1 June 2011 to 1 January 2014.

Training. The Department of Trade, Employment and Training now administers matters relevant to the applicant's application and is therefore the respondent agency.⁴

2. Twelve categories of documents were agreed to in negotiations between the applicant and the Department.⁵ The Department then located 13 pages, which were released to the applicant except for certain information on 9 pages,⁶ which the Department decided⁷ may be refused on the ground its disclosure would, on balance, be contrary to the public interest.
3. The applicant applied⁸ to the Office of the Information Commissioner (**OIC**) for external review of the Department's decision. During the review, a further three page document was released, except for certain information which, in line with the Department's decision, was redacted on the ground its disclosure would, on balance, be contrary to the public interest.
4. For the reasons set out below, I vary the Department's decision and find that:
 - the remaining information in issue may be refused on the ground its disclosure would, on balance, be contrary to the public interest;⁹ and
 - access to further documents responding to the application may be refused on the ground that they are nonexistent or unlocatable.¹⁰

Background

5. In September 2011, the applicant commenced an apprenticeship with a private electrical business. His application requests various documents held by the Department regarding this apprenticeship.
6. Apart from some general details in a report,¹¹ the documents located by the Department during its processing of the application and on external review relate to the cancellation of the applicant's training contract with the private electrical business in January 2013.
7. The remaining information in issue sought by the applicant on comprises the name and mobile telephone number of a third party with whom the Department communicated regarding the cancellation, and notes regarding telephone conversations with that third party in the week preceding the cancellation.
8. The applicant also maintains that the Department should have located further documents responsive to his application. In the time since the applicant's apprenticeship, there have been a number of changes, both to training of apprentices and to the machinery of government generally. Given these changes, consideration of whether the Department

⁴ Following machinery of government changes on 18 December 2023, the relevant respondent agency was the Department of Employment, Small Business and Training. Following further machinery of government changes on 1 November 2024, the relevant respondent agency became the Department of Trade, Employment and Training. For the purpose of this decision, for sake of brevity, except where it may be necessary to distinguish between them, I will refer to these agencies, and those whose functions were most closely related to the requested documents during the time period covered by the applicant's application, collectively as the **Department**.

⁵ Letter from Department to applicant dated 28 November 2023 and email from applicant to Department dated 15 December 2023.

⁶ Comprising the signatures of officers of the Department; the name, mobile number, residential address and signature of a private sector employee, and notes regarding telephone conversations with that third party.

⁷ On 8 February 2024.

⁸ On 7 March 2024.

⁹ Section 67(1) of the IP Act and section 47(3)(b) of the RTI Act. Section 67(1) of the IP Act sets out that an agency may refuse access to information in the same way and to the same extent that the agency could refuse access to the document under section 47 of the RTI Act were the document the subject of an access application under the RTI Act.

¹⁰ Under section 67(1) of the IP Act and sections 47(3)(e) and 52 of the RTI Act.

¹¹ That is, the first page of the 'Contract Detail Report with Notes' at page 3 of the 13 pages considered in the Department's decision and page 1 of 3 additional pages released in this review.

has conducted all reasonable searches for responsive documents is somewhat complex, requiring an understanding of the arrangements in place for apprenticeships at the relevant time – including the roles performed by previous iterations of the Department, TAFE Queensland and the Commonwealth’s Department of Employment and Workplace Relations (**DEWR**); an apprenticeship services provider acting as the “apprenticeship one-stop shop”¹² between these parties; the private electrical business; and the applicant.

Reviewable decision

9. The decision under review is the Department’s decision dated 8 February 2024.

Evidence considered

10. The evidence, submissions, legislation and other material I have considered in reaching my decision are set out in these reasons (including footnotes and the Appendix). I have taken into account the applicant’s submissions to the extent they are relevant to the issue for determination in this review.
11. I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information.¹³ A decision-maker will be ‘*respecting, and acting compatibly with*’ that right, and others prescribed in the HR Act, when applying the law prescribed in the IP Act and RTI Act.¹⁴ I have acted in this way in making this decision, in accordance with section 58(1) of the HR Act.

Issues for determination

12. The two issues for determination in this review are:

- whether access to the information in issue may be refused on the ground its disclosure would, on balance, be contrary to the public interest; and
- whether access to certain documents may be refused on the ground they do not exist or cannot be located.¹⁵

First issue for determination

Can access to the information in issue be refused on the ground its disclosure would, on balance, be contrary to the public interest?

Relevant law

13. Under section 40 of the IP Act, an individual has a right to be given access to documents of an agency to the extent they contain the individual’s personal information.¹⁶ This right

¹² Letter from Department dated 15 April 2025.

¹³ Section 21(2) of the HR Act.

¹⁴ *XYZ v Victoria Police (General)* [2010] VCAT 255 (16 March 2010) (**XYZ**) at [573], wherein Bell J observed that ‘it is perfectly compatible with the scope of that positive right in the Charter for it to be observed by reference to the scheme of, and principles in, the Freedom of Information Act’ on the interaction between equivalent pieces of Victorian legislation; *Horrocks v Department of Justice (General)* [2012] VCAT 241 (2 March 2012) at [111]. I further note that OIC’s approach to the HR Act set out in this paragraph was considered and endorsed by the Queensland Civil and Administrative Tribunal (**QCAT**) in *Lawrence v Queensland Police Service* [2022] QCATA 134 at [23] (where Justice Member McGill saw ‘no reason to differ’ from OIC’s position).

¹⁵ The Information Commissioner (or their delegate) can decide any matter in relation to the access application that could, under the IP Act have been decided by the agency dealing with the application – see section 118(1)(b) of the IP Act.

¹⁶ ‘Personal information’ is defined in section 12 of the IP Act as ‘information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion’.

is subject to limitations, including grounds for refusal of access. Access to information may be refused where disclosure would, on balance, be contrary to the public interest.¹⁷

14. The RTI Act identifies various factors that may be relevant to deciding the balance of the public interest¹⁸ and explains the steps that a decision-maker must take in deciding the public interest as follows:¹⁹
 - a) identify any irrelevant factors and disregard them²⁰
 - b) identify relevant public interest factors favouring disclosure and nondisclosure
 - c) balance the relevant factors favouring disclosure and nondisclosure; and
 - d) decide whether disclosing the information in issue would, on balance, be contrary to the public interest.
15. Schedule 4 of the RTI Act contains non-exhaustive lists of factors that may be relevant in determining where the balance of the public interest lies in a particular case. Each of the factors contains the phrase, '*could reasonably be expected to*'. This phrase means that the relevant expectation must be reasonably based: that is, there must be real and substantial grounds for expecting the relevant occurrence, which can be supported by evidence or cogent reasoning. There cannot be merely an assumption or allegation that the occurrence will take place, nor an expectation of an occurrence that is merely a possibility or that is speculative, conjectural, hypothetical or remote.²¹ Whether the expected consequence is reasonable requires an objective examination of the relevant evidence.²² Importantly, the expectation must arise as a result of disclosure of the specific information in issue, rather than from other circumstances.²³

Findings

16. On external review, the applicant agreed not to pursue access to signatures and a residential address of third parties.²⁴ The remaining information in issue comprises parts of ten pages – namely parts of seven pages considered in the Department's decision²⁵ and parts of three additional pages located and released to the applicant by the Department during the external review.²⁶ This information may be categorised as:
 - the name²⁷ and mobile telephone number of a third party (**Name and Number**); and

¹⁷ Section 67(1) of the IP Act and section 47(3)(b) of the RTI Act. The 'public interest' '...is a term embracing matters, among others, of standards of human conduct and of the functioning of government and government instrumentalities tacitly accepted and acknowledged to be for the good order of society and for the well-being of its members. The interest is therefore the interest of the public as distinct from the interests of an individual or individuals': Director of Public Prosecutions v Smith (1991) 1 VR 63. The concept refers to considerations affecting the good order and functioning of the community and government affairs for the well-being of citizens. This means that, in general, a public interest consideration is one which is common to all members of, or a substantial segment of, the community, as distinct from matters that concern purely private or personal interests, although there are some recognised public interest considerations that may apply for the benefit of an individual: Chris Wheeler, 'The Public Interest: We Know It's Important, But Do We Know What It Means' (2006) 48 AIAL Forum 12, 14.

¹⁸ Schedule 4 of the RTI Act lists factors that may be relevant when deciding whether disclosure of information would, on balance, be contrary to the public interest. This list is not exhaustive and, therefore, other factors may also be relevant in a particular case.

¹⁹ Section 49(3) of the RTI Act.

²⁰ No irrelevant factors arise in the circumstances of this case and I have not taken any into account in making this decision.

²¹ Murphy and Treasury Department (1995) 2 QAR 744 at [44] (**Murphy**), citing Re B and Brisbane North Regional Health Authority (1994) 1 QAR 279 at [160]. See also Attorney-General's Department and Australian Iron and Steel Pty Ltd v Cockcroft (1986) 10 FCR 180.

²² Murphy at [45]-[47].

²³ Murphy at [54].

²⁴ Letter to OIC dated 12 September 2024.

²⁵ While parts of nine pages were refused pursuant to the Department's decision, the only refused information on 2 of these pages was third party signatures.

²⁶ On 1 April 2025.

²⁷ The name of the third party appears in two contexts – first, where the third party's name is recorded; and second, as the username component of an email address. While the username remains in issue, the @symbol and domain name component of the email have been disclosed.

- notes of calls between a third party and the Department (**Notes**).

Name and Number

- The applicant submitted that disclosure of the third party's Name and Number '*could reasonably be expected to assist in identifying further documents / communications made by that individual concerning myself and my apprenticeship*²⁸ and '*will enable the applicant to provide the department with better targeted information to assist it in searches which will indirectly serve the [following] public interest factors resulting from the provision of other documents that the department would otherwise have been unable to locate*':²⁹
 - reveal the reason for a government decision and any background or contextual information that informed the decision³⁰
 - contribute to the administration of justice for a person³¹
 - advance the applicant's fair treatment in his dealings with the Department;³² and
 - ensure effective oversight and expenditure of public funds.³³
- The applicant does not contend that disclosure of the Name and Number will *directly* advance the above factors. Rather, he contends that their disclosure will *indirectly* advance the above factors, by enabling the identification, location and provision to him of additional, as yet unidentified documents responsive to his application.
- In terms of this *indirect* outcome, the applicant has provided no explanation as to why he considers that it could reasonably be expected. Possibly, he may consider that he could ask the Department to conduct broader searches, using the disclosed Name and Number as search terms. If this is the case, it is unclear why the applicant would need to know the specific Name and Number in order to raise the possibility of such searches. The applicant's submissions simply assert that, if the Name and Number were disclosed to him, the Department would identify, locate and disclose additional documents to him, and this disclosure would advance the above factors. On the material available to me, these assertions are no more than speculation, and I can identify no reasonable prospect that the factors raised by the applicant could be relevant in the manner he submits.
- For the sake of completeness, although the applicant does not argue that disclosure of the Name and Number would *directly* advance the factors at paragraph 17, I have also considered this. Taking into account the nature of the information and the context in which it appears, I cannot see how its disclosure could reasonably be expected to advance any of these factors.
- I have also considered the remaining factors in schedule 4, part 2 of the RTI Act, and cannot identify any other relevant factors favouring disclosure. For example, I cannot see how disclosure could reasonably be expected to enhance the Department's accountability or inform the community of its operations.³⁴
- On the other hand, I consider that disclosure of the Name and Number could reasonably be expected to:

²⁸ Letter to OIC dated 12 September 2024.

²⁹ Letter to OIC dated 13 August 2025 and received on 14 August 2025.

³⁰ Schedule 4, part 2, item 11 of the RTI Act.

³¹ Schedule 4, part 2, item 17 of the RTI Act.

³² Schedule 4, part 2, item 10 of the RTI Act.

³³ Schedule 4, part 2, item 4 of the RTI Act.

³⁴ Schedule 4, part 2, items 1 and 3 of the RTI Act.

- reveal the third party's personal information, causing a public interest harm;³⁵ and
 - prejudice the protection of the third party's right to privacy.³⁶
23. The applicant is of course aware that his application requested information regarding his apprenticeship. Further, nearly all of the information surrounding the Name and Number has been released to him. Given this context, it is possible that the applicant may be generally aware of the identity of the third party, and could even have called or received calls from the mobile telephone number in question at some point. Such circumstances support reducing the weight that I would otherwise give these two factors somewhat, and I am satisfied that they should be given moderate weight.
24. In summary, I have identified no public interest factors favouring disclosure, but consider that two factors favouring nondisclosure are relevant and warrant moderate weight. Having undertaken the balancing process in section 49(3) of the RTI Act, I am satisfied that it would, on balance, be contrary to the public interest to disclose the third party's Name and Number, and that this information may be refused on this ground.³⁷

Notes

25. The Notes were taken by Departmental officers regarding their telephone conversations with a third party about the applicant's electrical apprenticeship in the week preceding cancellation of the training contract between the applicant and a private electrical business.³⁸
26. On applying for external review, the applicant submitted:³⁹

...Employers are legally obligated to notify the department when certain circumstances transpire; these are known as 'notifiable events'. Thus, compulsory disclosures cannot be 'prejudiced', as they are legally required. Even in the event the disclosures were voluntary, you must think of the matter from the perspective of the apprentice...Would the number of people participating in apprenticeships be affected if it became widely accepted knowledge that employers and qualified tradespeople can treat apprentices however they like...

...you can't expect to make comments that could potentially affect the future wellbeing of an individual and expect that information to be held in secret; there is a real public interest in people knowing the substance of comments or opinions made about them, especially when those comments or opinions could affect that person's ability to work, train, and educate themselves...

27. While the applicant's submissions indicate that the applicant considers that he was '*fired by his former employer without cause*'⁴⁰ and that this was a 'notifiable event', the information disclosed to the applicant includes:
- a form '*specifically developed for use by the parties to a training contract, to provide written notification to the Department ... of their mutual agreement to cancel their training contract*' signed by the applicant and employer on 9 January 2013⁴¹

³⁵ Schedule 4, part 4 section 6(1) of the RTI Act.

³⁶ Schedule 4, part 3, item 3 of the RTI Act.

³⁷ Under section 67(1) of the IP Act and section 47(3)(b) of the RTI Act.

³⁸ Specifically, they comprise notes regarding conversations on 4 January 2013 (two), 7 January 2013 and 10 January 2013 – see pages 6-7 of the 13 pages considered in the Department's decision and pages 2-3 of 3 additional pages released in this review.

³⁹ Letter to OIC dated 4 March 2024 and received on 7 March 2024.

⁴⁰ Ibid.

⁴¹ Page 2 of the 13 pages considered in the Department's decision.

- a Departmental field officer's notes regarding a phone call on 9 January 2013 in which a third party advised that the applicant had agreed to mutual cancellation⁴²
 - the Departmental field officer's notes regarding a meeting with the applicant on 10 January 2013 in which the Departmental field officer explained mutual and single party cancellation to the applicant;⁴³ and
 - a letter from the Department to the applicant dated 1 February 2013 which states '*I wish to confirm that your training contact with [business name] has been cancelled due to mutual consent*'.⁴⁴
28. In response to OIC's reference to this contemporaneous information about mutual cancellation, the applicant submitted⁴⁵ that '[t]here was never any mutual agreement to cancel the apprenticeship', raised concerns about the Departmental field officer's interactions with him on 10 January 2013, queried the nature of conversations with the third party in the week before the cancellation of the contract, and made submissions regarding several public interest factors favouring disclosure.⁴⁶
29. The applicant raised the public interest factor regarding his personal information.⁴⁷ As the Notes relate to the applicant and his electrical apprenticeship, they comprise the applicant's personal information. This gives rise to a public interest factor favouring disclosure which, in my view, should be given significant weight.
30. The applicant also raised six other public interest factors favouring disclosure. I do not consider that these factors are relevant regarding the Notes. I will now set out each of these factors and the reasons why I consider that they do not apply.
31. Firstly, the applicant submitted that disclosure of the Notes could reasonably be expected to enable inquiry into possible deficiencies in the conduct or administration of the agency or official.⁴⁸ In this regard, he alleged that during his meeting on 10 January 2013, which was held at the premises of an apprenticeship services provider (**Provider**), the Departmental field officer assumed the role of an employee of the Provider, did not identify himself as a Departmental field officer, and did not give him sufficient information. He considered that the Notes:⁴⁹
- ... will reveal the circumstances that led to the applicant's training contract being cancelled and assist inquiry into a major deficiency that was the conduct of the department in the way it dealt with the cancellation of the applicant's training contract. Had the applicant been properly informed of the situation and his rights, he would probably currently be a fully qualified electrician. ...*
32. Considering the contents of the Notes regarding 10 January 2013 in particular, I am satisfied that their disclosure could not reasonably enable inquiry into whether the Departmental field officer acted so as to give the impression that they worked for the Provider, or acted in a way which the applicant considers did not inform him of his rights. Further, looking at the remaining Notes – which relate to earlier interactions on 4 and 7 January 2013⁵⁰ – I am satisfied that the contents of these could not reasonably enable inquiry into possibly deficient conduct by the particular Departmental field officer, other

⁴² Page 8 of the 13 pages considered in the Department's decision and page 2 of 3 additional pages released in this review.

⁴³ Page 8 of the 13 pages considered in the Department's decision and page 2 of 3 additional pages released in this review.

⁴⁴ Page 1 of the 13 pages considered in the Department's decision.

⁴⁵ Letter to OIC dated 13 August 2025 at paragraphs 21 to 29.

⁴⁶ Schedule 4, part 2, items 4, 5, 7, 11, 12, 16 and 17 of the RTI Act.

⁴⁷ Schedule 4, part 2, item 7 of the RTI Act.

⁴⁸ Schedule 4, part 2, item 5 of the RTI Act.

⁴⁹ Letter to OIC dated 13 August 2025 at paragraph 22.

⁵⁰ At pages 6-7 of the 13 pages considered in the Department's decision and pages 2-3 of 3 additional pages released in this review.

Departmental officers, or the Department generally. I therefore find that the factor raised by the applicant is not relevant.

33. Secondly, the applicant also submitted that disclosure of the Notes could reasonably be expected to ensure effective oversight of expenditure of public funds.⁵¹ In this regard, he stated:⁵²

... Ensuring apprentices complete their training is ensuring the effective expenditure of government funds, and the applicant could very well have completed his apprenticeship had the department informed the applicant of the nature of the situation, his rights and what he could have done to keep his training contract. ... That applicant contends that releasing the withheld information will allow for a greater understanding of how this situation came to pass which could reasonably be expected to result in the department implementing policies and/or procedures aimed at preventing something like this from happening in future to another apprentice or trainee....

34. I am satisfied that disclosure of the Notes could not reasonably be expected to ensure effective oversight of public funds either directly or, as the applicant submits, via the improvements to policies and procedures that the applicant suggests would ensue. I note that to accept the latter would require accepting the applicant's assumptions regarding both what the Notes contain, and what would happen if they were released. Based on the material before me, I consider both assumptions to be mere speculation. I am satisfied that this factor is not relevant.

35. Thirdly, the applicant further submitted that disclosure of the Notes could reasonably be expected to reveal the reason for a government decision and any background or contextual information that informed the decision.⁵³ He stated:⁵⁴

The applicant considers that the release of the ... notes ... is likely to reveal the reason the department sought to speak with the applicant, and forgo mentioning critical aspects of the cancellation.

36. I am satisfied that the entirety of the information relating to the Departmental field officer's meeting with the applicant on 10 January 2013 has already been released to the applicant. This information states:⁵⁵

09/01/2012 FO [name] received a call from [redacted] who advised that he had spoken to apprentice (sic) today ... and both have agreed to mutual cancellation. [Redacted] asked that I have a word to apprentice and advise of any assistance I can offer him. Apprentice to see FO at Lutwyche office 09/01/2012

...

10/01/2012 FO [name] had a meeting with apprentice at the [location] office. FO explained mutual and single party cancellation as well as giving FAAt [sic] information and also out of trade and QTIS info Suggested calling TAFE about employers that may be looking for apprentices [sic].

37. Given all information relating to the meeting has already been released, I find that this factor cannot apply in the manner the applicant suggests.

⁵¹ Schedule 4, part 2, item 4 of the RTI Act.

⁵² Letter to OIC dated 13 August 2025 at paragraph 23.

⁵³ Schedule 4, part 2, item 11 of the RTI Act.

⁵⁴ Letter to OIC dated 13 August 2025 at paragraph 25.

⁵⁵ At page 8 of the 13 pages considered in the Department's decision and page 2 of 3 additional pages released in this review.

38. Fourthly, the applicant further submitted that disclosure of the Notes could reasonably be expected to reveal information that was incorrect, misleading, unfairly subjective or irrelevant.⁵⁶ He submitted:⁵⁷

... the applicant's former employer was in contact with the department during the week leading up to the cancellation of his training contract and the applicant considers that the department's appearance at the [Provider's] employment center (sic) occurred as a result of what was said to the department by the applicant's former employer. ... The applicant believes that he worked quite hard for his former employer and it is therefore the applicant's view that anything negative that was said about him by his former employer must have been either incorrect, misleading, unfairly subjective, or irrelevant. The applicant's former employer obviously did not have a genuine reason get rid of the applicant and one can only imagine what must have been said to the department for them to have had a meeting with the applicant about the cancellation whilst failing to even mention that he had not actually been fired.

39. The Notes record conversations with the third party on 4 and 7 January 2013, before the applicant's meeting with the Departmental field officer, and on 10 January 2013 after that meeting. I have carefully considered the contents of the Notes regarding the conversations on 4 and 7 January 2013. They record a particular individual's comments, and must therefore be shaped by that individual's recollections and subjective impressions. This inherent subjectivity does not, however, mean that the contents of the notes are necessarily incorrect, misleading, unfairly subjective or irrelevant, as the applicant contends. Disclosing the notes would only potentially reveal that another individual may have different recollections and understanding of events from the applicant's own. There is no information available to me, other than the applicant's assertions, to suggest that this factor is relevant. I find that it does not apply in the circumstances.

40. Fifthly, the applicant submitted that disclosure of the Notes could reasonably be expected to contribute to the administration of justice generally, including procedural fairness.⁵⁸ In this regard, the applicant submitted:⁵⁹

The applicant feels as though he was not given an opportunity to respond to negative things that were said about him or his work by his former employer, and that if there was open dialogue between the employer, the apprentice, and department, that the apprentice never would have been unaware that he had actually not been fired because he would have been aware of the situation.

41. While I acknowledge the applicant's submissions, I have also considered the content of the entirety of the documents before me, including the information indicative of mutual cancellation noted at paragraph 27 above. Based on the material before me, I am unable to identify any adverse decision giving rise to a need to afford procedural fairness. Given this, I cannot see how disclosure of the Information in Issue would, in any meaningful way, contribute to the administration of justice generally.

42. Sixthly, the applicant submitted that disclosure of the Notes could reasonably be expected to contribute to the administration of justice for a person.⁶⁰ In this regard, the applicant submitted:⁶¹

The applicant feels as though he was treated unfairly and would like the opportunity to address any false information that was provided to the department by his former employer.

⁵⁶ Schedule 4, part 2, item 12 of the RTI Act.

⁵⁷ Letter to OIC dated 13 August 2025 at paragraph 26.

⁵⁸ Schedule 4, part 2, item 16 of the RTI Act.

⁵⁹ Letter to OIC dated 13 August 2025 at paragraph 27.

⁶⁰ Schedule 4, part 2, item 17 of the RTI Act.

⁶¹ Letter to OIC dated 13 August 2025 at paragraph 28.

43. This factor requires consideration of whether the applicant has suffered loss, or damage, or some kind of wrong, in respect of which a remedy is, or may be, available under the law; whether the applicant has a reasonable basis for seeking to pursue the remedy; and whether disclosing the Notes would assist the applicant to pursue the remedy or evaluate whether a remedy is available or worth pursuing.⁶² However, neither the applicant's submission regarding this factor nor any other material before me satisfies me that disclosure of the Notes is reasonably required to enable the applicant to pursue a legal remedy or evaluate whether a remedy (legal or otherwise) is available or worth pursuing.
44. For these reasons, I consider that the abovementioned six public interest factors raised by the applicant are not relevant regarding the Notes. If I am wrong, and they are relevant, I consider that the circumstances I have outlined above support giving each factor no more than low weight. I have also considered the remaining factors in schedule 4, part 2 of the RTI Act. In particular, I have considered the factors about enhancing Government accountability and informing the community about Government operations.⁶³ Given the nature of the call notes, I am not satisfied that disclosure of this information would significantly advance the Department's accountability or transparency, but acknowledge that its disclosure would provide a somewhat more fulsome understanding of what the Department was informed in the context of the applicant's apprenticeship. I have afforded these factors low weight. Otherwise, I cannot identify any other relevant factors favouring disclosure. For example, based on the same considerations as those mentioned in paragraph 41 above regarding procedural fairness, I cannot see how disclosing the notes could reasonably be expected to advance the applicant's fair treatment in his dealings with the Department.⁶⁴
45. In terms of public interest factors favouring nondisclosure, I note that, throughout the Notes, the applicant's personal information is intertwined with the personal information of the third party. This gives rise to the two public interest factors favouring nondisclosure which are discussed at paragraph 22 above. Taking into account the possibility that the applicant may have some awareness of the content of the notes, I have slightly reduced the weight of these two factors – but given the nature of this content, I am satisfied that the weight of both factors remains significant.
46. I also consider that disclosure of the call notes could reasonably be expected to prejudice the Department's ability to obtain confidential information.⁶⁵ This is because, in my view, the third party would have a reasonable expectation that the information they provide and support they receive from the Department in relation to an apprenticeship would be held in confidence. I consider it reasonable to expect that, in future, individuals in the third party's position would be less likely to provide such information to the Department if it was to be released under the IP Act. In the circumstances, I have afforded this factor moderate weight.
47. In summary, the Notes give rise to one public interest factor favouring disclosure which I have given significant weight: that the information is the applicant's personal information. The Notes also give rise to two further factors favouring disclosure regarding Government accountability and operations, each of which I have afforded low weight. On the other hand, as the Notes also comprise the personal information of another individual, they give rise to the personal information harm factor and the privacy

⁶² *Willsford and Brisbane City Council* (1996) 3 QAR 368 at [17] and confirmed in 10S3KF and *Department of Community Safety (Unreported, Queensland Information Commissioner, 16 December 2011)* at [16] and C98 and *Cairns and Hinterland Hospital and Health Service* [2021] QICmr 46 (9 September 2021) at [26].

⁶³ Schedule 4, part 2, items 1 and 3 of the RTI Act.

⁶⁴ Schedule 4, part 2, item 10 of the RTI Act.

⁶⁵ Schedule 4, part 3, item 16 of the RTI Act.

factor favouring nondisclosure as well. I consider that these factors also warrant significant weight. Further, I consider that the factor favouring nondisclosure regarding the Department's ability to obtain confidential information applies, and should be given moderate weight. Having undertaken the balancing process in section 49(3) of the RTI Act, I am satisfied that on balance, it would be contrary to the public interest to disclose the Notes and, accordingly, they may be refused on this ground.⁶⁶

Second issue for determination Can access to certain documents be refused on the ground they do not exist or cannot be located?

Relevant law

48. The Information Commissioner's external review functions include investigating whether agencies have taken reasonable steps to identify and locate documents applied for by applicants.⁶⁷ However, access may be refused in circumstances where a document is nonexistent or unlocatable.⁶⁸
49. A document will be *nonexistent* if there are reasonable grounds to be satisfied it does not exist.⁶⁹ To be satisfied that a document does not exist, the Information Commissioner has previously had regard to various key factors, including an agency's record keeping practices and procedures (including, but not limited to, its information management approaches).⁷⁰ By considering relevant factors, the decision maker may conclude that a particular document was not created because, for example, the agency's processes do not involve creating that specific document. In such instances, it is not necessary for the agency to search for the document. Rather, it is sufficient the relevant circumstances to account for the nonexistent document are adequately explained by the agency.
50. The Information Commissioner may also take into account the searches and inquiries conducted by an agency in determining whether a document is nonexistent. The key question then is whether those searches and inquiries amount to '*all reasonable steps*'.⁷¹ What constitutes reasonable steps will vary from case to case, as the search and inquiry process an agency will be required to undertake will depend on which of the key factors are most relevant in the particular circumstances. Such steps may include inquiries and searches of all relevant locations identified after consideration of relevant key factors.⁷²
51. A document is *unlocatable* if it has been or should be in the agency's possession and all reasonable steps have been taken to find it, but it cannot be found. In determining whether a document is unlocatable, it is necessary to consider the specific circumstances of each case,⁷³ and in particular, whether:⁷⁴

⁶⁶ Under section 67(1) of the IP Act and section 47(3)(b) of the RTI Act.

⁶⁷ Section 137(2) of the IP Act. The Information Commissioner also has power under section 115 of the IP Act to require additional searches to be conducted during an external review. QCAT confirmed in *Webb v Information Commissioner* [2021] QCATA 116 at [6] that the RTI Act '*does not contemplate that [the Information Commissioner] will in some way check an agency's records for relevant documents*' and that, ultimately, the Information Commissioner is dependent on the agency's officers to do the actual searching for relevant documents.

⁶⁸ Sections 47(3)(e) and 52(1) of the RTI Act.

⁶⁹ Section 52(1)(a) of the RTI Act. For example, a document has never been created.

⁷⁰ *Pryor and Logan City Council* (Unreported, Queensland Information Commissioner, 8 July 2010) (*Pryor*) at [19] which adopted the Information Commissioner's comments in *PDE and University of Queensland* (Unreported, Queensland Information Commissioner, 9 February 2009) (*PDE*) at [37]-[38]. *PDE* addresses the application of section 28A of the repealed *Freedom of Information Act 1992* (Qld). Section 52 of the RTI Act is drafted in substantially the same terms as the provision considered in *PDE* and, therefore, the Information Commissioner's findings in *PDE* are relevant.

⁷¹ As set out in *PDE* at [49].

⁷² As set out in *PDE* at [38].

⁷³ *Pryor* at [21]. See also, *F60XCX and Office of the Queensland Parliamentary Counsel* [2016] QICmr 42 (13 October 2016) at [84] and [87], and *Underwood and Minister for Housing and Public Works* [2015] QICmr 27 (29 September 2015) at [33]-[34] and [49].

⁷⁴ Section 52(1)(b) of the RTI Act.

- there are reasonable grounds to be satisfied that the requested documents have been or should be in the agency's possession; and
 - the agency has taken all reasonable steps to find the document.
52. In assessing an agency's searches, the Information Commissioner has confirmed the relevant question is whether the agency has taken *all reasonable steps* to identify and locate documents, as opposed to *all possible steps*.⁷⁵
53. The agency that made the decision under review has the onus of establishing that the decision was justified, or the Information Commissioner should give a decision adverse to the applicant.⁷⁶ However, where an external review involves the issue of missing documents, the applicant bears a practical onus to establish reasonable grounds which demonstrate that the agency has not discharged its obligation to take all reasonable steps to locate the requested documents. Suspicion and mere assertion will not satisfy this onus.⁷⁷

Findings

54. The applicant has submitted that documents responsive to items [2] to [11] of his application, as set out below, '*must or should exist*' and should have been located by the Department:⁷⁸

- ...
- [2] *The copy of indenture / training contract papers associated with my electrical apprenticeship; including all versions of (amendments to) those documents.*
 - [3] *The training plan associated with my electrical apprenticeship; including all versions of (amendments to) those documents.*
 - [4] *The training record associated with my electrical apprenticeship.*
 - [5] *Notifications made to the department by any entity regarding any aspect of my electrical apprenticeship.*
 - [6] *Documents associated with any reports, issues, or concerns raised with the department by any entity regarding my electrical apprenticeship.*
 - [7] *Any of my health information, collected or used by the department.*
 - [8] *Applications made in relation my electrical apprenticeship.*
 - [9] *A record of applications made in relation to my electrical apprenticeship.*
 - [10] *Notices issued in relation to me and some aspect of my electrical apprenticeship.*
 - [11] *Orders issued in relation to me and some aspect of my electrical apprenticeship.*
- ...

Time Period: 01.06.2011 - 01.01.14

55. On external review, the applicant submitted⁷⁹ that the Department needed to conduct further searches for documents responsive to items [2] to [4]; however, at the same time he also submitted that '*there are a few reasons these documents might not exist*'. In this regard, he explained that documents responsive to items [2] to [4] might not exist because certain 'events' transpired during his apprenticeship, and then contended that

⁷⁵ *S55 and Queensland Police Service* [2023] QICmr 3 (30 January 2023) at [23], cited with approval in *W55 and Brisbane City Council* [2024] QICmr 13 (17 April 2024) at [19].

⁷⁶ Section 100(1) of the IP Act.

⁷⁷ *Parnell and Queensland Police Service* [2017] QICmr 8 (7 March 2017) at [23]; *Dubois and Rockhampton Regional Council* [2017] QICmr 49 (6 October 2017) at [36]; *Y44 and T99 and Office of the Public Guardian* [2019] QICmr 62 (20 December 2019) at [38].

⁷⁸ Letter to OIC received on 7 March 2024 and letter to OIC dated 12 September 2024. In terms of documents responsive to the other two items in the applicant's application, the applicant stated in his letter to OIC dated 13 August 2025 regarding documents responsive to item [1] - '*the only document the applicant is satisfied the department has taken all reasonable steps to locate is applicant's extract of service*'; and in his letter to OIC dated 12 September 2024 regarding documents responsive to item [12] - '*It appears that a reprimand would be made via order of council, and therefore item 12 would appear to be redundant. Please take item 12 to be withdrawn for the purposes of this review*'.

⁷⁹ Letter to OIC dated 12 September 2024.

these events would have resulted in the creation of documents responsive to items [5] to [11], regarding which the Department also needed to conduct further searches.

56. The Department made submissions to OIC about the general arrangements in place for apprenticeships at the relevant time, typical processes for apprenticeships at the relevant time, and the particular circumstances regarding the applicant's apprenticeship.
57. In terms of the general arrangements, the Department submitted:⁸⁰
 - In Queensland, at the time of the applicant's apprenticeship, the State exercised jurisdiction over the regulation of apprenticeships through the now repealed *Vocational Education, Training and Employment Act 2000* (Qld) (**VETE Act**).⁸¹
 - The VETE Act required an apprentice and his/her employer to sign an approved form training contract and for the contract to be approved by and registered with the Department.
 - The Australian Government, through DEWR and its previous iterations, plays a significant role in the creation of apprenticeships in all States — especially by providing incentives and other payments to the parties.
 - To reduce duplication of processes, a number of apprenticeship service providers act as "apprenticeship one-stop shops" and undertake functions on behalf of both the Commonwealth and State governments.
58. The Department's initial submission⁸² stated in general terms that a copy of the training contract responsive to item [1] *would* be received. However, after liaising with a Departmental officer with knowledge of the typical processes for apprenticeships at the relevant time, the Department then advised⁸³ that this was *not* usually the case, and explained that the typical processes were as follows:
 - a. an employer would advertise an apprenticeship position, select a suitable candidate and make an offer of employment, of which training would be a component and require a training contract to be signed
 - b. the employer would then contact an apprenticeship services provider to prepare a training contract and arrange for its signing
 - c. the training contract would be processed and handled by the apprenticeship services provider in line with its contract with DEWR, a contract with the Department and statutory delegations received under the VETE Act
 - d. once the training contract was filled out and signed by the parties (employer, apprentice and parent/guardian where applicable), a notification would be sent to the Supervising Registered Training Organisation (**SRTO**) nominated on the training contract to develop a training plan and provide the apprentice with a training record
 - e. once the SRTO accepted the nomination, the apprenticeship services provider would enter the training contract information into a database (**TYIMS**) that populated DEWR's database
 - f. the training contract data would then be then transferred electronically to the Department from TYIMS via interfaces with the Department's database known as DELTA to be reviewed and registered

⁸⁰ Letter to OIC dated 15 April 2025.

⁸¹ Which was repealed on 1 July 2014. The version of the VETE Act in force at the beginning of the time period specified in the access application may be accessed here: <https://www.legislation.qld.gov.au/view/html/2010-12-20/act-2000-023>. The version in force at the end of this period is here: <https://www.legislation.qld.gov.au/view/html/2013-11-22/act-2000-023>. The acts as passed that amended provisions regarding apprenticeships (in Chapter 3) are <https://www.legislation.qld.gov.au/view/html/2013-11-22/act-2000-023>, <https://www.legislation.qld.gov.au/view/html/asmade/act-2012-011> and <https://www.legislation.qld.gov.au/view/html/asmade/act-2013-049>.

⁸² Email to OIC dated 10 September 2024.

⁸³ Letter to OIC dated 15 April 2025 unless otherwise stated.

- g. the Department could perform its functions relying on data entered from the training contract only
- h. where the training contract data met all the requirements of the Department, the contract would be registered and a 'commencement letter'⁸⁴ would be sent to the parties detailing the name of the apprenticeship, the commencement date, nominal completion date and other important information
- i. the SRTTO would develop and negotiate a training plan with the employer and apprentice and provide the apprentice with a training record to enable the parties to record the apprentice's progress
- j. the Department would not receive a copy of the training plan unless it was reviewing an apprentice's progress or investigating a matter
- k. during the life of the training contract, issues may arise relating to matters such as the performance of the apprentice, the way the employer interacts with the apprentice or other transactions eg: suspension, amendment or cancellation of the training contract – and in this regard, actions taken on behalf of the Department would normally be undertaken by the relevant departmental regional office
- l. any interaction between the Department and a party to a training contract would be recorded under the training contract in the DELTA database
- m. the Department of Education's Content Manager system would not be used to store apprenticeship records⁸⁵
- n. at the relevant time the Department did not have a central computer network or CRM to support DELTA; rather, records were maintained on separate, region-based networks that were not visible to other parts of the department (local systems)⁸⁶
- o. paperwork or electronic communication sent to the Department would be saved in another database (such as the CRM) and/or in a local regional office system; and
- p. under the contractual arrangements referred to at c. above, when the training contract ended, for any reason, the training contract document would be archived by DEWR.

59. In terms of the applicant's apprenticeship in particular, the Department submitted:⁸⁷

- a particular apprenticeship services provider (**Provider**) was involved
- the nominated SRTTO for the applicant was a then existing TAFE institute – that is, TAFE Queensland SkillsTech (**SkillsTech**)⁸⁸
- the applicant's training contract data transferred electronically to the Department and appears in a report which has been released to the applicant⁸⁹
- the applicant's training record was an electronic product provided by a third party and administered by the previous iteration of TAFE Queensland
- the Metro region was the relevant region overseeing the applicant's apprenticeship and any departmental responses to incidents were taken through that region⁹⁰
- in line with the abovementioned typical arrangements, the Department has no record of receiving a paper or scanned copy of the applicant's training contract from the Provider⁹¹

⁸⁴ Letter to OIC dated 10 June 2025.

⁸⁵ Letter to OIC dated 10 June 2025.

⁸⁶ Letter to OIC dated 10 June 2025.

⁸⁷ Letter to OIC dated 15 April 2025 unless otherwise stated.

⁸⁸ Emails to OIC dated 10 September 2024 and 22 November 2024.

⁸⁹ Letter to OIC dated 10 June 2025. See the first page of the 'Contract Detail Report with Notes' at page 3 of the 13 pages considered in the Department's decision and page 1 of 3 additional pages released in this review.

⁹⁰ Letter to OIC dated 10 June 2025.

⁹¹ Letter to OIC dated 10 June 2025.

- the Department's records show there were no interactions with the Department until the training contract was cancelled (however, the applicant and/or employer may have had interactions with the Provider and or TAFE Queensland without the Department being aware)
 - the Provider's contract with the Australian Government expired in June 2024
 - the administration of the applicant's apprenticeship was not passed over to a different Provider at any stage; and
 - in line with the abovementioned typical arrangements, ownership and custody of the applicant's training records remained with DEWR.
60. The Department also provided submissions to OIC regarding the searches conducted by it for documents responsive to items [2] to [11].
61. The applicant made further submissions⁹² setting out his research regarding arrangements for apprenticeships and record keeping at the relevant time, and raising general concerns about the sufficiency of the Department's searches of particular locations for all items.
62. In these reasons, I will firstly address the Department's submissions about documents responsive to items [2] to [4], and then its submissions about documents responsive to items [5] to [11]. When doing so I will, as relevant, address the applicant's submissions.

Documents responsive to items [2] to [4]

63. The documents requested by the applicant at items [2] to [4] are quite specific and limited:
- item [2] a training contract and any amended versions
 - item [3] a training plan; and
 - item [4] a training record.
64. The applicant's submissions⁹³ raised three entities which performed certain functions regarding apprenticeships which were each disestablished during the period in which he was an apprentice. I note that the Training Recognition Council was absorbed into Skills Queensland, and Skills Queensland's records passed to the Department.⁹⁴ I also note that when the Office of the Training Ombudsman ceased, its records were archived.⁹⁵ Therefore, the documents of these entities are, for the purpose of this application, documents of the Department, as either the recipient of records or the agency whose functions are most closely related to any archived documents.⁹⁶ The questions I must consider remain those noted above in *PDE* – that is:
- If factors such as the Department's record keeping practices and procedures (including, but not limited to, its information management approaches) are relied on to support a conclusion that a particular document does not exist, do these factors provide reasonable grounds for concluding that the document was not created because, for example, the Department's processes do not involve creating that specific document?

⁹² Letter to OIC dated 13 August 2025.

⁹³ Letter to OIC dated 13 August 2025 at paragraphs 1 to 3.

⁹⁴ See *Vocational Education and Training (Commonwealth Powers) Act 2012 (No. 11)* (Qld) and *Vocational Education, Training and Employment (Skills Queensland) and Another Act Amendment Act 2013 (No. 49)* (Qld).

⁹⁵ *Fiscal Repair Amendment Act 2012 (No. 25)* (Qld) and Office of the Training Ombudsman, Final Report for 1 July 2012 to 31 October 2012 at <https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5413t3516/5413t3516.pdf>

⁹⁶ Section 191 of the IP Act.

- If searches are relied on to support a conclusion that the document does not exist or is unlocatable, have all reasonable steps been taken?

65. Having carefully considered the material before me:

- In terms of the training contract/s requested at item [2] – I accept that it was usual practice for the Department to receive data from a training contract, rather than a copy of the training contract itself; and that, in line with this, the Department has no record of receiving a paper or scanned copy of the applicant's training contract from the Provider.
- In terms of the training plan requested at item [3] – I accept that, typically, the SRTTO developed and negotiated a training plan with the employer and apprentice; and that in this case SkillsTech did so. However, noting that any interaction between the Department and a party to a training contract would be recorded under the training contract in the DELTA database, and noting that there were no records of interactions with the Department prior to those in the week preceding cancellation of the training contract, there is no evidence before me to suggest the occurrence of circumstances in which the Department would receive a copy of the training plan (such as review of the applicant's progress or investigation of a matter).
- In terms of the training record requested at item [4] – I accept that, generally, the SRTTO provided the apprentice with a training record to enable the parties to record the apprentice's progress; and that the applicant's training record was an electronic product provided by a third party and administered by TAFE Queensland.

66. I have considered the Department's searches of the Metro region's G: drive (being the local system for that region) and the following Department wide locations using the applicant's name,⁹⁷ date of birth and a unique training contract number as search terms:⁹⁸

- Direct Entry Level Training Administration (**DELTA**)
- Customer Relationship Management (**CRM**)
- CEDRIC
- Department of Education (**DOE**) Content Manager (legacy corporate records system and electronic document management system); and
- Ministerial and Executive Correspondence System (**MECS**).

67. I have also noted the Department's advice that these locations were searched because:

- DELTA is the Department's apprenticeship/traineeship contract administration database. It records key information and events for registered apprenticeship and traineeship contracts, from commencement to completion. Generally information in a record is taken from formal documents, such as the registered training contract. Standard correspondence and certificates can be generated from information in DELTA, e.g. completion certificates. Data entered in DELTA contains contract information including personal information of the parties to the contract.
- CRM is a superseded customer relationship management system that stored electronic copies of documents for apprenticeships and traineeships, such as

⁹⁷ First, middle and last name; first and last name; and last name.

⁹⁸ This number is the unique training contract number assigned by the DELTA system at the time of initial registration of a training contract.

contracts, variations, prescribed notices, variations, transfers, correspondence etc. CRM was active from approximately 2012 to late 2023.

- CEDRIC is the current customer relationship management system replacing CRM. CRM and CEDRIC store PDF copies of letters and certificates generated by the Department in the DELTA system from 2014.
- DOE Content Manager is a legacy corporate records system and electronic document and records management system.
- MECS which is a workflow and approval system. It contains corporate records, in particular, correspondence and briefings.

68. I have further noted the Department's advice about its enquiries with:

- The Department's Corporate Information and Communication Technology team responsible for maintaining the above systems – The Department made enquiries regarding a commencement letter⁹⁹ that would have been generated and issued by the Department at the time of the approval of the apprenticeship, which was not located in any system. A Senior Technical Specialist in the Digital Solutions Team was consulted to see if he could provide a copy of the electronic template that would have been used at the time, but that template was corrupted. Dates that would have been in that letter can be found in the other documents supplied.
- DEWR – The Department made enquiries about the applicant's apprenticeship contract. While an archived file was identified, a copy of the contract was not included in that file.

69. On being advised of the above, and having reviewed comments about changes to the Department's ICT systems in its annual reports from 2006-07 to 2023-24, the applicant made submissions¹⁰⁰ about further searches.

70. Firstly, he submitted that further searches must be conducted within:

- a) *The department's new eDRMS, Content Manager.*
- b) *Archived TRIM and HPE file locations.*
- c) *Legacy systems hosting archived VET files.*
- d) *The new MS365 and VMT Program systems referred to throughout the department's annual reports.*

71. As noted at paragraph 67, DOE Content Manager is a legacy corporate records system and electronic document and records management system. The Department has advised¹⁰¹ that it contains records originating in the department responsible for education which were transferred to a previous iteration of the Department, when the training function was split from the education function in 2017. It is unclear to me how responsive documents would be on a) the Department's new document management system unless they were migrated from another system – which would presumably be the DOE Content Manager. Given this, I do not consider it reasonable to expect that the searches of the Department's new document management system be conducted. Similarly, I do not consider that searches of d) the new MS365 and VMT Program systems are reasonable, as any records they could possibly contain would have been migrated from locations that have already been searched such as CEDRIC, which the Department advises is a MS365 Dynamics system.¹⁰²

⁹⁹ Given the wording of the applicant's application, including item [2] specifically, it is arguable that this letter falls outside the applicant's request.

¹⁰⁰ Letter to OIC dated 13 August 2025 at paragraphs 4 to 20.

¹⁰¹ Email to OIC dated 10 September 2025.

¹⁰² Email to OIC dated 10 September 2025.

72. I also do not consider it reasonable to require searches of previous document management systems such as b) TRIM or HPE. It is reasonable to expect that records from both of these systems of what is now the Department of Education would have been included in the DOE Content Manager at the time training records were passed to the Department. In terms of c) '[l]egacy systems hosting archived VET files', it appears that the applicant is quoting text from an annual report rather than identifying any specific legacy systems. Noting (as set out above) the systems that have been searched, and in the absence of further detail from the applicant, I do not consider it reasonable to explore this submission further.
73. Secondly, the applicant submitted that further searches of physical locations are necessary. However, considering the specific documents requested by the applicant at items [2] to [4] in light of the Department's submissions at paragraphs 57 to 59 about typical processes, record keeping, and the applicant's apprenticeship in particular, I consider it likely that the training contract, plan and record were not, at any point, provided to the Department. Rather, as submitted by the Department, usual practice would suggest that the contract may be held by DEWR rather than the Department, and the training plan and possibly training record would be held by TAFE Queensland rather than the Department.¹⁰³ In these circumstances, there is nothing before me to suggest that the searches beyond those already conducted would be reasonable.
74. Thirdly, the applicant submitted that, in terms of searches that the Department had conducted of MECS, '[i]t is unclear where TRIM tracked correspondence from the 2011–13 period is currently being held', and therefore further enquiries are required. However, in this regard, I repeat and rely on my comments about TRIM at paragraph 72 above.
75. Fourthly, the applicant submitted that further searches need to be conducted for documents held within DEWR's eDRMS. While the Department made some enquiries with DEWR (as noted at paragraph 68 above), I am satisfied that documents held by DEWR are *not* in the Department's possession nor in its control, and are therefore not documents of the Department¹⁰⁴ for the purpose of the applicant's application to it.
76. Fifthly, the applicant submitted that further searches of the CRM or its predecessor and all relevant departmental email inboxes are required, given the Department's advice that the CRM was active from approximately 2012, whereas his apprenticeship commenced in September 2011. However, a report which has been released to the applicant¹⁰⁵ indicates that the Department did not receive and register the training contact until January 2012. Also, as noted at paragraph 73, the usual practice outlined by the Department suggests that the limited, specific documents requested by the applicant at items [2] to [4], were not, at any point, provided to the Department. In these circumstances, there is nothing before me to suggest that any searches beyond those already conducted would be reasonable.
77. Sixthly, the applicant submitted that the 2018 and 2024 retention and disposal schedules applicable to the Department require permanent retention of apprenticeship files, therefore enquiries should be made with Queensland State Archives (QSA). The Department provided OIC with a copy of the 2018 schedule¹⁰⁶ which, consistent with its submissions,¹⁰⁷ indicated a 7 year retention period – but went on to record the imposition

¹⁰³ Given sections 19 and 30 of the expired *TAFE Queensland Regulation 2013* (Qld) provide that records of SkillsTech passed to TAFE Queensland.

¹⁰⁴ Section 13 of the IP Act and section 12 of the RTI Act.

¹⁰⁵ Letter to OIC dated 10 June 2025. See the first page of the 'Contract Detail Report with Notes' at page 3 of the 13 pages considered in the Department's decision and page 1 of 3 additional pages released in this review.

¹⁰⁶ Email to OIC dated 27 February 2025.

¹⁰⁷ Email to OIC dated 22 November 2024.

on 1 June 2018 of a freeze on the disposal of documents regarding apprentices who were minors at the time their apprenticeship commenced (including the applicant) which was imposed on 1 June 2018. The Department advised that, although the freeze had been lifted on 2 March 2020, all documents regarding the applicant's apprenticeship had been retained.¹⁰⁸ Given, as previously noted at paragraph 73, it appears likely that the limited, specific documents requested by the applicant at items [2] to [4] were not, at any point, provided to the Department, it follows that I am satisfied that there can be no reasonable basis for expecting that any responsive documents were transferred to QSA.

78. Seventhly, the applicant submitted that *'DEWR claims that the signed apprenticeship contracts are held by the providers'* and that enquiries with the Provider are necessary. I consider, however, that the Department's submissions at paragraphs 57 to 59 indicate that, under the contractual arrangements involving the Provider, DEWR and the Department, it would be DEWR, rather than the Department, which had control of or a legal entitlement to any training contract held by the Provider. Given this, I do not consider such enquiries to be a reasonable step in this matter.

79. Eighthly, the applicant submitted:¹⁰⁹

While the OIC disbelieves that the parties to a training contract could also be involved in the administration of the Act:

a) SRTOs, employers and services providers met the definition of service providers for the purposes of the YJ Act.

b) The Chief Executive of the department (of training), is a prescribed entity for the purposes of the YJ Act.

c) The YJ Act permits prescribed entities and service providers to disclose, record and use information for various purposes.

While the 2011–13 YJ Act reprints may be less specific, the disclosure provisions appear to be just as broad.

80. The provisions of the *Youth Justice Act 1992* (Qld) raised by the applicant relate to entities that provide services to children charged with offences. They enable a coordinated response by the entities who provide services to deal with the charges and help rehabilitate children, and therefore enable sharing of information between such entities. Whether or not charges for any offences were laid against the applicant during the relevant period, I do not accept that the parties involved in providing or administering his electrical apprenticeship could reasonably be viewed as entities providing services to him to deal with such charges or help rehabilitate him. I cannot see how requiring searches in this regard could be considered reasonable.

81. In conclusion, regarding the applicant's request at item [2] for a training contract and any amended versions, item [3] for a training plan, and item [4] for a training record, I have considered both the Department's typical processes and record keeping practices at the relevant time, and information regarding the applicant's particular circumstances noted in the Department's submissions and evident in the documents released to him. I find that the Department's submissions provide reasonable grounds for concluding that the training contract/s, plan and record were not, at any point, provided to the Department.

82. I have also considered the locations searched by the Department and the further searches and enquiries the applicant submits are required. I am satisfied that the Department has conducted comprehensive searches of the locations where it would be reasonable to expect documents responsive to items [2] to [4] to be stored. I am also satisfied that the searches were performed and approved by officers who have

¹⁰⁸ Email to OIC dated 10 June 2025.

¹⁰⁹ Applicant's footnotes omitted (letter to OIC dated 13 August 2025).

knowledge of the Department's systems and are best placed to understand where relevant documents would be located. In the circumstances, I consider that the Department has taken all reasonable steps.

83. In the circumstances, I find that documents responsive to items [2] to [4] may be refused on the ground they are nonexistent or unlocatable.

Documents responsive to items [5] to [11]

84. As noted at paragraph 55 above, the applicant made submissions¹¹⁰ which appeared to acknowledge that documents responsive to items [2] to [4] might not exist, but suggested that this would be because certain 'events' transpired during his apprenticeship¹¹¹ – and these events would have resulted in the creation of documents responsive to items [5] to [11].

85. The applicant described three 'events' he is aware of as follows:¹¹²

... there was some bad electrical work my colleagues blamed me for that resulted in my former employer ... submitting an Electrical Safety Undertaking ... If I was blamed for the work by my colleagues, I am all but certain my former employer mentioned my name in the Electrical Safety Undertaking.

... there were one or two days where I was laid off without pay. ... Given some of the events that occurred throughout my apprenticeship and how I was treated by my former employer / colleagues generally, I am concerned that these days may have been suspensions which I received no notice of.

There was at least one occasion ... asked me to sign documents without letting me read them. ... I am concerned the documents I was made to sign were contract amendment related.

86. In relation to documents responsive to items [5] to [11], the applicant submitted¹¹³ that the above three events (and possibly other 'events I am not aware of') would have resulted in processes in the VETE Act which required the creation of documents responsive these items¹¹⁴ -- and that further searches were necessary to locate these 'missing documents'.

¹¹⁰ Letter to OIC dated 12 September 2024.

¹¹¹ Even if I were to accept that the events identified by the applicant occurred as described by him, I do not understand the basis for this expectation. My findings regarding documents responsive to items [2] to [4] are, in any event, set out above.

¹¹² Letter to OIC dated 12 September 2024.

¹¹³ Ibid.

¹¹⁴ In summary, the applicant's submissions referred to the following processes regarding these items:

- item [5] notifications - notice of suspension of contract under then section 64 of the VETE Act amendment to training contract under then sections 75 or 82 of VETE Act; and notice of failure to make reasonable progress in training under then section 82 of VETE Act
- item [6] reports, issues, concerns - documents about a complaint made to the Ombudsman about a referable matter under section 134 of VETE Act
- item [7] health information - collection by the Department as a result of 'triggering events'
- item [8] applications - application to suspend contract by employer under section 64 of VETE Act; application to amend contract signed by all parties under section 13 of the then VETE Regulation; and application for employment exemption under section 183A of VETE Act
- item [9] list of applications - made 'on some departmental database or client profile'
- item [10] notices issued by the Department - notice to produce information to decide whether to register a training contract under section 12 of VETE Regulation; notice to produce information to decide whether to approve amendment to training contract under section 13 of VETE Regulation ; notice of successful contract amendment under section 14 of VETE Regulation ; information notice about unsuccessful contract amendment under section 57 of VETE Act; information notice of discipline order under section 71 of VETE Act; information notice for Ombudsman's refusal to deal with complaint under section 136 of VETE Act; and notice from Ombudsman requiring information under section 138 of VETE Act
- items [11] order - a reprimand order issued to the applicant under section 71 of VETE Act.

87. I put the three events and the documents the applicant considered would have been created to the Department, and the Department provided submissions in response.¹¹⁵
88. The Department stated that, *if* any of the three events occurred, it would be quite normal they would *not* have been brought to the Department's attention, and the Department would not have any record in these circumstances. This was consistent with the Department's earlier submissions that:

[N]ot all processes described in the Former VETE Act: ...

*... applied to every apprenticeship / traineeship. For example, the Department did not undertake a discipline process under the Former VETE Act for every apprentice / trainee or employer. For example, a "reprimand" for an apprentice may not be the result of a process undertaken by the Department under the Former VETE Act – it could describe an action taken by the employer under the employment contract and not involve the Department.*¹¹⁶

... Although a fundamental feature of an apprenticeship is the apprentice is employed by the employer, the training contract is different from the employment contract.

*The Department's regulation of the apprenticeship does not extend beyond the employee's training and progression as an apprentice. That is, the Department did not regulate other issues that arise in an employment relationship, such as disputes over wages and conditions and safety. The Department would only have a record of non-training issues within the employment relationship if it was communicated as part of or incidental to a training issue.*¹¹⁷

89. The Department also submitted that *if* any of the three events occurred and *if* (outside of normal practice) the Department was notified, the notification, events and documents would be recorded as follows:
- notes about the Department's actions in response to the notification would have been recorded in DELTA. The information recorded in DELTA would appear in the 'Contract Detail with Notes' document.
 - documents about the notification and Department's response would have been stored electronically in the CRM and/or kept in a local regional office system.
90. Otherwise, the Department submitted:
- Items [6] and [10] relate to processes of the Training Ombudsman. If the Training Ombudsman did make inquiries of the Department about an apprenticeship, it is likely there would be a record of that inquiry and response noted in DELTA and the CRM.
 - Item [8] refers to applications for employment exemptions made under section 183A of the VETE Act to a statutory body, Skills Queensland. Employment exemptions are not relevant to an apprenticeship contract and would not be recorded.
 - There are no suspensions recorded in the system regarding the applicant.
91. The applicant has not provided any evidence to corroborate the occurrence of the three events described by him, and the Department's above submissions have not identified any. I also observe that each of the three events raised by the applicant involves not only a circumstance that he recalls, but also incorporates – as fact – the applicant's supposition about what happened next. For example:

¹¹⁵ Letter to OIC dated 10 June 2025.

¹¹⁶ Email to OIC dated 10 September 2024.

¹¹⁷ Letter to OIC dated 15 April 2025.

- From recalling bad electrical work, the applicant assumes that he must have been named in an undertaking and held responsible.
 - From recalling a day or two where he was laid off, the applicant assumes he was suspended, but not told about it.
 - From recalling signing something without reading it, the applicant assumes that contractual amendments were made.
92. On the material before me, there is nothing to confirm the circumstances recalled by the applicant, and nothing to support his speculation as to what subsequently occurred, or his assumption that such subsequent occurrences were documented in accordance with VETE Act processes. There is nothing to suggest that any documents responsive to items [5] to [11] were created, or if they were created, that they were provided to the Department.
93. I have also considered the searches conducted by the Department, as outlined above regarding documents responsive to items [2] to [4]. I am satisfied that, if any documents responsive to items [5] to [11] were held by the Department, it would be reasonable to expect that these searches would have located the documents, or at the very least some information which referred to them, or to processes which would have resulted in their receipt or creation. As mentioned regarding the documents responsive to items [2] to [4], I am satisfied that these searches were comprehensive searches of the locations where relevant documents could reasonably be stored, conducted by Departmental officers with requisite knowledge of the Department's systems. I therefore consider that the Department has taken all reasonable steps.
94. Accordingly, I find that the applicant's request to the Department for documents 317874 responsive to items [5] to [11] may be refused on the ground that such documents are nonexistent or unlocatable.

DECISION

95. For the reasons set out above, I vary the Department's decision and find that:
- in terms of the remaining information in issue –
 - the Name and Number¹¹⁸ of a third party may be refused on the ground that its disclosure would, on balance, be contrary to the public interest;¹¹⁹
 - the Notes of calls between a third party and the Department may also be refused on the ground that its disclosure would, on balance, be contrary to the public interest;¹²⁰ and
 - access to further documents responding to items [2] to [11] of the application may be refused on the ground that they are nonexistent or unlocatable.¹²¹
96. I have made this decision under section 123 of the IP Act as a delegate of the Information Commissioner, under section 139 of the IP Act.

A Rickard
Assistant Information Commissioner
Date: 11 November 2025

¹¹⁸ Mobile telephone number.

¹¹⁹ Under section 67(1) of the IP Act and section 47(3)(b) of the RTI Act.

¹²⁰ Under section 67(1) of the IP Act and section 47(3)(b) of the RTI Act.

¹²¹ Under section 67(1) of the IP Act and sections 47(3)(e) and 52 of the RTI Act.

APPENDIX

Significant procedural steps

Date	Event
7 March 2024	OIC received the application for external review from the applicant. OIC requested preliminary documents from the Department. OIC received the preliminary documents from the Department.
12 April 2024	OIC advised the applicant and the Department that the application for external review had been accepted. OIC noted to the applicant that documents to which access had been deferred (pending possible review by a consulted third party) had been released to him on 3 April 2024. OIC requested that the Department provide copies of copies of the information in issue and records of searches conducted by it.
15 April 2024	OIC received copies of the information in issue and records of searches conducted from the Department.
29 August 2024	OIC requested further information from the Department. OIC asked the applicant to advise if he wished to pursue access to the personal information of other individuals and information about documents that he considered had not been located.
10 September 2024	OIC received further information from the Department.
12 September 2024	OIC received a submission from the applicant.
29 October 2024	OIC requested further information from the Department.
22 November 2024	OIC received further information from the Department.
27 February 2025	OIC received further information from the Department.
25 March 2025	OIC asked the Department to release further information to the applicant. OIC also requested further information from the Department.
1 April 2025	OIC received confirmation from the Department that the further information had been released to the applicant.
15 April 2025	OIC received further information from the Department.
20 May 2025	OIC requested further information from the Department.
10 June 2025	OIC received further information from the Department.
9 July 2025	OIC conveyed a preliminary view to the applicant.
14 August 2025	OIC received a submission from the applicant.