



Decision and Reasons for Decision

Citation:	<i>K76 and Griffith University [2025] QICmr 85 (17 November 2025)</i>
Application Number:	318235
Applicant:	K76
Respondent:	Griffith University
Decision Date:	17 November 2025
Catchwords:	<p>ADMINISTRATIVE LAW - RIGHT TO INFORMATION - SCOPE OF APPLICATION - whether certain categories of documents fall within the scope of the application - whether terms of the application can be unilaterally expanded on external review - documents not identified by the terms of the application - section 24 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 - whether access may be refused to documents on ground they are nonexistent or unlocatable - 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 made an access application to Griffith University (**University**)¹ under the *Right to Information Act 2009* (Qld) (**RTI Act**).² The scope of the application agreed between the applicant and the University is as follows:³

Name:	...
Student Number:	...
Degree:	...
Enrollment [sic] Period:	Trimesters 1 & 2 (2016 – 2017)

¹ On 9 May 2024.

² On 1 July 2025 key parts of the *Information Privacy and Other Legislation Act 2023* (Qld) came into force, effecting changes to the RTI Act and *Information Privacy Act 2009* (Qld) (**IP Act**). As the applicant's application was made before this change, the RTI Act **as in force prior to 1 July 2025** remains applicable to it. This is in accordance with transitional provisions in 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 RTI Act in this decision are to the Act **as in force prior to 1 July 2025**. This may be accessed at <<https://www.legislation.qld.gov.au/view/html/inforce/2024-12-31/act-2009-013>>.

³ During the initial processing of the application, the University notified the applicant of its intention to refuse to deal with the application on the ground that processing it would be a substantial and unreasonable diversion of resources under section 41 of the RTI Act. See the University's letter to the applicant dated 25 June 2024. The applicant agreed to reduce the scope of his application. See the applicant's email to the University of 9 July 2024.

Requested Documents:

Part 1 – The following policy document versions that were in effect while I attended the University:

- 1.1 Student Wellbeing and Safety Policy
- 1.2 Student Wellbeing and Safety Procedures
- 1.3 Student Sexual Assault, Harassment Bullying and Discrimination Policy
- 1.4 Procedures for Reporting and Responding to Student Sexual Assault, Harassment, Bullying and Discrimination
- 1.5 Student Critical Incident Management Policy
- 1.6 Student Critical Incident Management Procedures; and
- 1.7 Records Management Procedures.

If there were multiple versions existing while I was at [the University] (for example, because a review occurred during my enrollment [sic] period), I request access to both versions. Additionally, I have noticed that some reviews result in name changes, consolidations, or deconsolidation of what are essentially the same document/s. If this has occurred in relation to the documents I am seeking access to, I request all policy documents associated with those name changes, consolidations and deconsolidations.

Part 2 – Council/Committee Meeting Minutes associated with the creation/revision:

- 2.1 Student Wellbeing and Safety Policy
- 2.2 Student Sexual Assault, Harassment, Bullying and Discrimination Policy.
- 2.3 Student Critical Incident Management Policy.

[Note to Part 2] Meetings associated with policy revisions are those revisions that occurred for the policy documents that were in effect while I was enrolled [sic] at [the University]. For example, if made-up policy was revised in 2013, and had a review cycle of 5 years (and therefore was in effect while I was enrolled [sic]), the minutes associated with the review that took place for made-up policy in 2013 is the document I would like to access. If a policy only came into existence while I was attending [the University] or sometime afterwards, I would be concerned with the minutes associated with the creation of those policy documents. As in section one, if name changes, consolidations or deconsolidation occurred for what is substantially the same policy, the same rules apply.

Part 3 – the following University resources:

- 3.1 The Delegations Register (versions existing during my time at the University).

Part 4 – Griffith University Research Ethics Manual (GUREM) booklets:

- 4.1 Booklet 03 - Responsibilities of researchers.
- 4.2 Booklet 05 - Monitoring of human research.
- 4.3 Booklet 06 - Variations to approved projects.
- 4.4 Booklet 08 - Prior review.
- 4.5 Booklet 12 - Clinical research.
- 4.6 Booklet 20 - Student research and course ethical clearances.
- 4.7 Booklet 22 - Consent.
- 4.8 Booklet 28 - Persons with a mental/intellectual impairment, or are unconscious, or otherwise unable to communicate.
- 4.9 Booklet 32 - Research involving human biospecimens.
- 4.10 Booklet 40 - Research and the discovery of illegal behaviour.
- 4.11 Booklet 41 - Research ethics and human genetic research.
- 4.12 Booklet 46 - Utilizing external service providers in human research.

Part 5 – The following workplace health and safety/risk management documents for all lectures, tutorials, workshops or other named classes during my time at [the University]:

- 5.1 Risk Assessments
- 5.2 Risk Management Plans
- 5.3 Risk Plans
- 5.4 Directions, instructions, communications, or some other documents/resources delivered to staff members by the risk administrator (e.g. briefs, specialised WHS resources/materials, guidance, regulatory notices, etc.).

Please Note:

I have appended my university timetable to this attachment.

2. The University located 224 pages and, with the exception of a small amount of information on one page of the documents,⁴ disclosed these to the applicant in full.⁵ In addition, the University decided to refuse access to the documents referred to items 1.1 to 1.7 in Part 1, items 2.2 and 2.3 in Part 2, and Part 3 on the ground they do not exist.⁶
3. The applicant applied to the Office of the Information Commissioner (**OIC**) for external review of the University's decision.⁷
4. For the reasons set out below, I vary the University's decision and find:
 - the Minutes raised by the applicant do not fall within the scope of the application
 - the documents the applicant considers comprise Delegations Registers do not fall within the scope of the application; and
 - access to certain documents responding to the application may be refused on the ground they are nonexistent or unlocatable.⁸

Background

5. During the review, the University located further GUREM booklets and disclosed these to the applicant.⁹

Reviewable decision

6. The decision under review is the University's decision dated 22 August 2024.

Evidence considered

7. Significant procedural steps relating to the external review are set out in the Appendix.
8. 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.
9. I have also had regard to the Human Rights Act 2019 (Qld) (**HR Act**), particularly the right to seek and receive information.¹⁰ A decision-maker will be 'respecting, and acting compatibly with' that right, and others prescribed in the HR Act, when applying the law

⁴ Page 20 of the released documents. The University stated that it deleted this information as irrelevant under section 73 of the RTI Act, as it comprised information relating to updates and revisions to policies that did not fall within the timeframe of the applicant's request.

⁵ Decision dated 22 August 2024. Note – pages 1 to 19 of the 224 pages were not considered to respond to the applicant's application. In relation to these pages, the decision stated:

Please note, in part 1, items (1) and (2), you requested access to the Student Wellbeing and Safety Policy and Student Wellbeing and Safety Procedures. This suite of documents did not exist during the timeframe of your request, instead the Student Charter existed. You have been provided with the Student Charter dated 2013 and 2016, both of which were in existence during the time of your enrolment.

Similarly, in part 1, items (5) and (6), you requested access to the Student Critical Incident Management Policy and Procedure. The International Student Critical Incident Management Policy and Procedure only existed during the timeframe of your request and this document has been provided to you.

⁶ Under sections 47(3)(e) and 52(1)(a) of the RTI Act.

⁷ On 17 September 2024.

⁸ Under sections 47(3)(e) and 52 of the RTI Act.

⁹ On 8 September 2025.

¹⁰ Section 21(2) of the HR Act.

prescribed in the IP Act and RTI Act.¹¹ I have acted in this way in making this decision, in accordance with section 58(1) of the HR Act.

Issues for determination

10. The applicant previously made an application to the University for documents about him created under the Student Wellbeing and Safety Policy (**Wellbeing Policy**) as referred to in item 1.1. of Part 1 of this application. That previous application was subject to external review by OIC (**Previous Review**),¹² which was finalised by a formal decision – *S25 and Griffith University [2025] QICmr 2* (10 February 2025) (**S25**).
11. In S25, I found that the Wellbeing Policy did not come into effect until 3 December 2018, which was after the applicant attended the University, and accordingly decided that access to documents about him created under the Wellbeing Policy may be refused on the ground they do not exist.
12. During this review, the applicant submitted¹³ that he does not accept that the same Wellbeing Policy, now referred to at item 1.1 of Part 1 of his application, came into effect after he left the University. He made the same submission about the Student Wellbeing and Safety Procedures (**Wellbeing Procedure**) at item 1.2 of Part 1 of his application.
13. He also made submissions:
 - that, while certain documents were created *after* he attended the University, due to the wording of the note he ‘appended’ to Part 2 of his application (**Note to Part 2**), those documents fall within the scope of the application
 - regarding the type of information that he considers is a Delegations Register, which he considers the University should locate in response to Part 3 of his application; and
 - that, generally, the University has not conducted reasonable searches to locate certain documents referred to in his application, including the Wellbeing Policy and Procedure.
14. Accordingly, the issues for determination in this review are whether:
 - a. Part 2 of the application can be taken to include documents created *after* the applicant attended the University, due to the Note to Part 2
 - b. the type of information the applicant considers he should be given under Part 3 of his application falls within his request for a ‘*Delegations Register*’; and
 - c. access to certain documents requested in the application may be refused on the ground they do not exist or cannot be located.

Relevant law for issues a. and b.

15. The RTI Act requires that an access application must ‘give sufficient information concerning the document to enable a responsible officer of the agency or Minister to identify the document’.¹⁴

¹¹ *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).

¹² External Review 317741.

¹³ Letter to OIC dated 4 September 2025.

¹⁴ Section 24(2)(b) of the RTI Act.

16. The Information Commissioner has previously recognised¹⁵ that the scope of an access application should not be interpreted legalistically or narrowly – however, balanced against this is the need for agencies to be able to restrict their searches for documents with reference to the terms used in the application. There are sound practical reasons for the documents sought being clearly and unambiguously identified. The terms of an application set the direction and parameters of an agency's search efforts¹⁶ and are therefore of primary importance where an applicant contends – as is the case in this review – that the agency has not located all relevant documents. For these reasons the scope of an access application may not be unilaterally widened on external review.¹⁷

Findings

Issue a. Does the Note to Part 2 of the application extend coverage of Part 2 to meeting minutes created after the applicant attended University?

17. I will address issue a. with respect to the types of meeting minutes requested by the applicant at each of the three items of Part 2 in turn.

Item 2.1 - Minutes about the Wellbeing Policy

18. Item 2.1 of the application requests Council/Committee Meeting Minutes associated with the creation/revision of the Wellbeing Policy (**Wellbeing Minutes**). The University refused access to Wellbeing Minutes on the ground they did not exist when the applicant attended the University.
19. During this review, I informed the applicant that, as noted in S25 (my decision regarding the Previous Review),¹⁸ the University had provided me with an extract of its Meeting Minute for the meeting on 3 December 2018 in which the Wellbeing Policy was approved and declared; and relied on this extract to express the preliminary view that the Wellbeing Minutes did not exist during the timeframe of his current application – that is, January 2016 to December 2017 (being when he attended the University).
20. In response,¹⁹ the applicant referred to the note that he had 'appended' to Part 2 of his application – ie the Note to Part 2. The applicant submitted:

The effect of the additional notes that were appended to the right to information application should have been pretty straight forward – [the University] was to produce council / committee meeting minutes associated with the creation or review of the policy if it was created prior to 2016 (depending on whether one or more review cycles had occurred prior to 2016) and the council /committee meeting minutes associated with the creation of the policy if it was created while the applicant was a student or sometime thereafter. Whichever angle you look at the request from, the council meeting minutes are within scope and must be produced. The only real question is which minutes they need to produce, which again, depends upon when the policy actually came into effect. Based upon what [the University] is saying about when the

¹⁵ *Fennelly and Redland City Council* (Unreported, Queensland Information Commissioner, 21 August 2012) (**Fennelly**) at [21].

¹⁶ In this regard, I note the following observations of the Information Commissioner in *Cannon and Australian Quality Egg Farms Ltd* (1994) 1 QAR 491 at [8], when addressing similar considerations under the predecessor to the RTI Act, the *Freedom of Information Act 1992* (Qld) (**FOI Act**): 'The terms in which an FOI access application is framed set the parameters for an agency's response under Part 3 of the FOI Act, and in particular set the direction of the agency's search efforts to locate all documents of the agency which fall within the terms of the FOI access request. The search for the relevant documents is frequently difficult and has to be conducted under tight time constraints. Applicants should assist the process by describing with precision the document or documents to which they seek access'. These observations were cited with approval in *Rolfe and Banana Shire Council* (Unreported, Queensland Information Commissioner, 9 October 2009) at [104], *O80PCE and Department of Education and Training* (Unreported, Queensland Information Commissioner, 15 February 2010) at [33] and *Ciric and Queensland Police Service* [2018] QICmr 30 (29 June 2018) at [20].

¹⁷ *Robbins and Brisbane North Regional Health Authority* (1994) 2 QAR 30 at [17]; *Arnold and Redland City Council* (Unreported, Queensland Information Commissioner, 17 October 2013) at [21].

¹⁸ S25 at [41].

¹⁹ Letter to OIC dated 4 September 2025.

policy was created, that should be the minutes associated with the meeting that took place in 2018.

... [the University's] failure to provide the applicant with the Council / Committee Meeting Minutes associated with the creation of the [Wellbeing Policy] doesn't exactly create a great deal of trust when assessing their claims regarding the policy's introduction in 2018 are true. Again, the notes attached to the applicant's request for minutes are quite specific and were designed to capture the minutes containing information which would either prove or disprove the [University's] claim.

... Firstly, [the University] must produce the council / committee meeting minutes associated with the meeting that took place in 2018 and give them to the applicant. If that document proves that the policy was introduced in 2018, no further inquiry will be needed.

21. At the time the applicant initiated the application that is the subject of this external review,²⁰ he was in receipt of my first preliminary view in the Previous Review,²¹ in which I detailed the explanation that the University had provided to OIC, as to why the Wellbeing Policy did not exist prior to 2018 and accordingly did not exist for the time period of the applicant's request i.e. the time period that the applicant attended the University. I understand the applicant does not accept the University's explanation, and accordingly made the application that is the subject of this external review, in an attempt to prove that the information that the University had provided to OIC in the Previous Review was incorrect.
22. I have carefully considered all material before me. For the reasons set out in S25, I remain satisfied that the Wellbeing Policy did not come into effect until the University Council meeting that was held on 3 December 2018, and accordingly the Wellbeing Policy was not in effect when the applicant attended the University. I address this issue further below.²²
23. It follows that I am satisfied that the Wellbeing Minutes regarding this University Council meeting were created *after* the applicant attended the University, and were therefore nonexistent when he attended the University, from January 2016 to December 2017. Given the applicant's submission set out at paragraph 20, it is necessary for me to consider whether the Note to Part 2 of the application is sufficient to expand Part 2 to include the Wellbeing Minutes created in December 2018.
24. Considering the terms of the agreed application, I note that:
 - The only timeframe specified in the application was '**Enrollment [sic] Period: Trimesters 1 & 2 (2016-2017)**'.
 - The applicant's request for various documents including the Wellbeing Policy and the Wellbeing Procedure at Part 1 of his application specified that the applicant was seeking access to the '*... policy document versions that were in effect while I attended [the U]niversity.*²³
 - The applicant's request for the Wellbeing Minutes at Part 2 of his application seeks Minutes '*associated with the creation/revision [of the Wellbeing] Policy*'.
 - The Note to Part 2 of the applicant's application states:

²⁰ On 9 May 2024.

²¹ Dated 1 March 2024.

²² At paragraphs 56 to 63.

²³ My emphasis added.

Meetings associated with policy revisions are those revisions that occurred for the policy documents that were in effect while I was enrolled [sic] at [the University]. For example, if made-up policy was revised in 2013, and had a review cycle of 5 years (and therefore was in effect while I was enrolled [sic]), the minutes associated with the review that took place for made-up policy in 2013 is the document I would like to access. If a policy only came into existence while I was attending [the University] or sometime afterwards, I would be concerned with the minutes associated with the creation of those policy documents. As in section one, if name changes, consolidations or deconsolidation occurred for what is substantially the same policy, the same rules apply.²⁴

25. The only words which could arguably support the applicant's contention are the words 'or sometime afterwards' (in the sixth line of the Note to Part 2 as set out above). Apart from these words, the Note to Part 2 addresses the revision or creation of policy 'while I was enrolled [sic] at [the University]' and 'while I was attending [the University]'. Further, the nature of the request in Part 2 (seeking meeting minutes regarding all policies listed in Part 1) and the wording of Part 1 (seeking '... *policy document versions that were in effect while I attended [the University]*'), along with timeframe of '**Enrollment [sic] Period: Trimesters 1 & 2 (2016-2017)**' specified at the beginning of the applicant's amended scope, all support interpreting the application as relating to documents in existence during the period 'while I attended [the University]'.

26. The applicant submitted:²⁵

You will note the individualised and open-ended timelines here. The timeframe is dependent on each item request, and when the respective documents were created. [The University's] interpretation of my request as only seeking documents that were created or existed during my enrollment [sic] period is misconceived, my enrollment [sic] period provides context to the request.

...

... the enrollment [sic] period listed in the details sections serves as a reference point, not a temporal constraint; this should be quite clear.

27. However, interpreting the application as relating to documents in existence during the period 'while I attended [the University]' is consistent with Part 3 of the application, which specifies '*versions existing during my time at the [U]niversity*'. It is also consistent with the applicant's own approach regarding Parts 4 and 5 of the application – wherein no timeframe is mentioned. The applicant has not contested the University's understanding that these parts of the application related to documents in existence during the period 'while I attended [the University]', as is evident from the University's decision and searches on external review. Indeed, the applicant's submissions have raised further documents responding to Parts 4 and 5 that he believes were in existence during this period.
28. I do not accept the applicant's submissions that the Note to Part 2 extends his application for the Wellbeing Minutes beyond the timeframe otherwise stated and accepted as being applicable. As noted at paragraph 15, the RTI Act requires an applicant to provide sufficient information concerning a document to enable a responsible officer of the agency to identify it.²⁶ I consider that, when read as a whole, and particularly following Part 1, it was reasonable for the University to interpret the applicant's scope in Part 2, as well as Part 1, as relating to documents that existed or were created during his attendance at the University.

²⁴ My emphasis added.

²⁵ Attachment 1 to the applicant's external review application.

²⁶ Section 24(2)(b) of the RTI Act.

29. I do not consider it reasonable to consider that the words ‘*or sometime afterwards*’ referred to in the sixth line of the Note to Part 2 provide sufficient clarity for the Wellbeing Minutes created in December 2018 to be included within the scope of the application. The applicant appears to consider that this phrase makes it sufficiently apparent to the University that, for Part 2, the applicant does not want searches confined to an otherwise stated and applicable timeframe. In my opinion, however, expecting an agency to parse and analyse notes ‘appended’ to one part of a relatively lengthy and detailed five-part application, to identify the significance attached by the applicant to one relatively inconspicuous and ambiguous phrase, does not satisfy the requirement to provide sufficient information to the University. If the applicant sought access to the Wellbeing Minutes dated 8 December 2018, it was open to him to clearly request them.
30. For these reasons, I find that the Wellbeing Minutes do not fall within the scope of the application. As such, the University was not required to conduct searches for them.

Item 2.2 - Meeting Minutes about the Discrimination Policy

31. Item 2.2 of the application requests Council/Committee Meeting Minutes associated with the creation/revision of the Student Sexual Assault, Harassment, Bullying and Discrimination Policy (**Discrimination Policy**).
32. In relation to items 1.3 and 1.4 of Part 1. of the application – the Discrimination Policy and the Procedures for Reporting and Responding to Student Sexual Assault, Harassment, Bullying and Discrimination (**Discrimination Procedure**) – the University decided to refuse access to this information on the basis that the documents did not exist within the timeframe of the application. In its decision, the University stated:
- These documents did not exist within the timeframe of your request. The [Discrimination Policy] and [Discrimination Procedure] were created in 2018 in response to the publication of a guideline by Universities Australia.*
33. During the review, I conveyed a preliminary view to the applicant that I was satisfied that the Meeting Minutes regarding the Discrimination Policy (**Discrimination Minutes**) did not exist during the timeframe of his application.²⁷ In this regard, I noted the University’s explanation that the Discrimination Policy and Procedure became effective on 15 February 2018, and that extracts from relevant Minutes related to meetings in 2018 – after the applicant attended the University.²⁸
34. In response, the applicant raised similar submissions as noted above in relation to the Wellbeing Minutes, including:²⁹

...the ... minutes associated with the creation / review of the [Discrimination Policy] are within scope regardless of when the policy came into existence and the only real confusion that should have ensued (if any) was what council meeting minutes (i.e. from which date) should have been relevant to the application. With regards to the further information provided by [the University] and the OIC’s conclusions based upon that information, it doesn’t make sense to suggest that [the University’s] statements could have created a belief that the minutes are non-existent. The [Discrimination Policy] did exist and [the University] has at the very least admitted to the occurrence of a council / committee meeting in 2018.

The applicant concludes that the reasonable course of action would be to require [the University] to produce the minutes associated with the meeting that took place in 2018. This will, in turn provide evidence as to whether they are the correct minutes and whether there are

²⁷ Letter to the applicant dated 22 July 2025.

²⁸ Letter to OIC dated 20 June 2025.

²⁹ Letter to OIC dated 4 September 2025.

any pre-2018 policy documents relating to the matter of sexual assault, harassment, bullying and discrimination that were within scope. In summary, the minutes do exist, they were requested as part of the application, they will provide information about whether there were any in-scope policy documents existing prior to 2018 and must be produced not only because they were requested, but because they will provide information needed to discern what other policy documents might be within the application's scope.

35. The applicant has misunderstood my preliminary view to him in this respect. I accept that the Discrimination Policy, Procedure and Minutes exist, however as they were created in 2018, they did not exist at the time the applicant attended the University. For the same reasons as set out above in relation to my findings about access to the Wellbeing Minutes, I do not consider that the Note to Part 2 of the application is sufficient to encompass the Discrimination Minutes which were created when the applicant no longer attended the University. For these reasons, I find that the Discrimination Minutes do not fall within the scope of the application. As such, the University was not required to conduct searches for them.

Item 2.3 - Meeting Minutes about the Critical Incident Policy

36. Item 2.3 of the application requests Council/Committee Meeting Minutes associated with the creation/revision of the Student Critical Incident Management Policy (**Critical Incident Policy**).
37. In relation to items 1.5 and 1.6 of Part 1. of the application – the Critical Incident Policy and the Student Critical Incident Management Procedures (**Critical Incident Procedures**) – the University refused access to this information on the basis that the documents did not exist within the timeframe of the application. In its decision, the University stated that the documents that existed during the timeframe of the applicant's request were the International Student Critical Incident Management Policy and Procedure, and the University had disclosed a copy of these documents to the applicant.
38. During the review, I conveyed a preliminary view to the applicant that I was satisfied that the Meeting Minutes regarding the Critical Incident Policy and Procedure (**Critical Incident Minutes**) did not exist during the timeframe of his application.³⁰ Having considered the information provided by the University, I noted that the Critical Incident Policy and Procedure were approved by the University's Executive Group on 4 July 2018, and that extracts from relevant Minutes related to a meeting in 2018 – after the applicant attended the University.³¹
39. The applicant stated that he considers that the Critical Incident Minutes fall within the scope of his application and relied on the submissions that he made in relation to the Discrimination Minutes. In addition, the applicant stated that disclosing the Critical Incident Minutes will:³²

... provide evidence about [the University's] claims regarding the recission / introduction of the [Critical Incident Policy] and International Student Critical Incident Management Policy / Procedure in 2018.

40. Again, for the same reasons as referred to in relation to my above findings about access to the Wellbeing Minutes, I do not consider that the Note to Part 2 of the application is sufficient to encompass the Critical Incident Minutes which were created when the applicant no longer attended the University. For these reasons, I find that the Critical

³⁰ Letter to the applicant dated 22 July 2025.

³¹ Letter to OIC dated 20 June 2025.

³² Letter to OIC dated 4 September 2025.

Incident Minutes do not fall within the scope of the application. As such, the University was not required to conduct searches for them.

Issue b. Does the type of the information the applicant considers he should be given under Part 3 of the application fall within his request for a Delegations Register?

41. In relation to the request made at Part 3 of the application, for versions of the Delegations Register that existed during the time the applicant attended the University, the University decided to refuse access to this information on the ground that it did not exist during the timeframe of his application. In this regard, the University stated:

Composite delegations register did not exist prior to 2018. This is because relevant delegations were recorded in the policy they related to rather than in a centralised register.

42. In my preliminary view to the applicant, I informed him that, after considering further information provided by the University, it was my preliminary view that the University did not record delegations in a centralised register for the timeframe of his application; rather the delegations simply appeared in various policy documents (which were listed for his information). Given this, it was my preliminary view that access to a delegations register may be refused on the ground that it is nonexistent.

43. In response, the applicant submitted:³³

While the applicant may have previously submitted that what the [U]niversity may or should have been looking for were delegations schedules, having reviewed some of the delegations schedules referred to by the [University], I am prepared to accept that it may be the case that the schedules only contain descriptions of delegations as opposed to the details of the persons that occupied the delegations throughout the stated period – these were not the types of documents the applicant was seeking in his application. What the applicant sought was the lists, registers, internal indexes or some other similar record linking employees to delegated positions within the [U]niversity. While the [University] claims otherwise, it simply couldn't be the case that the only internal documents linking staff members to delegated positions were the policy documents themselves as most [U]niversity delegations wouldn't even be mentioned within public facing policy documents.

44. The applicant also provided links to University webpages. He stated that these were from 2013 and 2017 and comprised 'information mirroring an informal delegations register', and considered that 'this is the type of information that should be recorded more formally elsewhere'. While acknowledging that 'it does appear that the current delegations framework was established in 2020', he nevertheless requested that OIC:

consider directing the [University] to produce the council / committee meeting minutes associated with the creation of the current delegations framework for the purpose of determining what it replaced.

45. I do not consider it reasonable or relevant to the applicant's request at Part 3 of his application to direct the University to produce any minutes relating to the creation of the current delegations framework. As noted at paragraph 16, it is well settled that the scope of an application sets the parameters for an agency's searches. I have carefully considered the wording of Part 3 of the application and I am satisfied that its terms specifically seek access to '[t]he Delegations Register (versions existing during my time at the [U]niversity'. Given these terms, it is relevant for me to consider what the common understanding of a delegations register is, and whether this encompasses the type of information the applicant has raised in his submissions.

³³ Letter to OIC dated 4 September 2025.

46. In my view, the common understanding of a delegations register is a document that records who can make decisions or exercise certain responsibilities within an organisation.³⁴ In contrast, the webpages that the applicant provided to OIC, which I understand comprise the type of information he now envisages receiving, can be more appropriately described as an organisational chart, which comprises the Executive and various units in the University, together with the relevant positions within the Executive and various units³⁵ and the names of the individuals holding those positions at the time.
47. I do not consider that a reasonable interpretation of what a delegations register means extends to this type of information. As noted at paragraph 16, the scope of an access application may not be unilaterally widened on external review. Given this, I find that the University was not required to conduct searches for the type of information that the applicant has raised on external review, as this information was not requested in his application.

Issue c. Can access to certain requested documents be refused on the ground they are nonexistent or unlocatable?

Relevant law

48. Under section 23 of the RTI Act, an individual has a right to be given access to documents of an agency. This right is subject to limitations, including grounds for refusal of access.³⁶
49. The Information Commissioner's external review functions include investigating whether agencies have taken reasonable steps to identify and locate documents applied for by applicants.³⁷ However, access may be refused in circumstances where a document is nonexistent.³⁸
50. A document will be *nonexistent* if there are reasonable grounds to be satisfied it does not exist.³⁹ 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).⁴⁰ 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.

³⁴ Such as, for example, the ones that OIC publishes on its website – see <Policies | Office of the Information Commissioner Queensland>.

³⁵ For the Executive – the Chancellor, Vice Chancellor and President, Senior Deputy Vice Chancellor; and within various units – Dean (Academic), Dean (Research) and Heads of Department.

³⁶ Section 47(3) of the RTI Act.

³⁷ Section 130(2) of the RTI Act. The Information Commissioner also has power under section 102 of the RTI Act to require additional searches to be conducted during an external review. QCATA 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.

³⁸ Sections 47(3)(e) and 52(1) of the RTI Act.

³⁹ Section 52(1)(a) of the RTI Act. For example, a document has never been created.

⁴⁰ *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 now 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.

51. 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*'.⁴¹ 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.⁴²
52. 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,⁴³ and in particular, whether:⁴⁴
- 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.
53. 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*.⁴⁵
54. 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.⁴⁶ 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.⁴⁷

Findings

55. The applicant has made submissions that the following documents responding to his application exist and should have been located by the University.

Items 1.1 and 1.2 - Wellbeing Policy and Procedure

56. As noted at paragraph 1, in Part 1, the applicant requests '[t]he *following policy document versions that were in effect while I attended the University*'. The subsequent list includes, at items 1.1 and 1.2, the Wellbeing Policy and Procedure.
57. As noted at paragraph 10, the applicant previously made an application to the University for access to documents about him created under the Wellbeing Policy. The Previous Review was finalised by the formal decision of S25, in which I found that the Wellbeing Policy did not come into effect until 3 December 2018, which was after the applicant

⁴¹ As set out in *PDE* at [49].

⁴² As set out in *PDE* at [38].

⁴³ *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].

⁴⁴ Section 52(1)(b) of the RTI Act.

⁴⁵ *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].

⁴⁶ Section 87(1) of the RTI Act.

⁴⁷ *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].

attended the University, and accordingly access to documents about him created under the Wellbeing Policy could be refused on the ground they do not exist.

58. The University decided to refuse access to the Wellbeing Policy and Procedure on the basis that the *'suite of documents did not exist during the timeframe of your request, instead the Student Charter existed. You have been provided with the Student Charter dated 2013 and 2016, both of which were in existence during the time of your enrolment'*.
59. During this review, I informed the applicant that, given that I had already made findings in my decision for the Previous Review that the Wellbeing Policy did not come into effect until December 2018, I would not address the Wellbeing Policy and Procedure as part of this external review.⁴⁸
60. In response the applicant submitted:⁴⁹

While I understand that the OIC previously considered the existence of the [Wellbeing Policy] prior to 2018 in external review 317741 and relies on those findings for the purposes of this review, the applicant was not satisfied with the outcome of that review and has been waiting for the documents subject of this review so that [the University's] claims may be verified. For the purposes of this review, it must be noted that the applicant disagrees with the OIC's findings regarding the non-existence of the [Wellbeing Policy] ...

61. The applicant then listed what he considers to be *'misleading submissions'* that were made by the University in the Previous Review. In particular, the applicant referred to my second preliminary view to him in the Previous Review,⁵⁰ in which I explained the following information that the University had provided to OIC, to support that the Wellbeing Policy did not come into effect until 3 December 2018. This information – also set out in S25 – was:⁵¹
 - the agenda for the Griffith Council meeting on 3 December 2018, which shows that the recommendation of the Policy was an agenda item, following endorsement of the Policy by the Academic Committee
 - an extract from the Council minutes of that meeting, in which the Council resolved to approve the Policy with immediate effect
 - an extract from Griffith's Policy Library, which shows the date declared for the Policy as 3 December 2018; and
 - a copy of the Policy showing the approval date of 3 December 2018.
62. As noted in S25, in the Previous Review, the applicant made submissions in response to the preliminary view,⁵² and these were addressed in S25.⁵³ The submissions made by the applicant in this review about the existence of the Wellbeing Policy and Procedure are, in essence, the same as those addressed in S25. For ease of reference, I have set out my findings in S25 below:

41. I acknowledge the applicant's submissions. However, having had the benefit of considering the documents provided by the University, I am satisfied that they demonstrate that the Policy came into effect on 3 December 2018. This position is not only supported by the provided documents. It is consistent with, and explicable in terms of, the University's practices and procedures regarding both policy and record keeping generally (despite what I accept was an oversight regarding the Register of Policy Changes). Also, it is plausible and reasonable, in

⁴⁸ Letter to the applicant dated 22 July 2025.

⁴⁹ Letter to OIC dated 4 September 2025.

⁵⁰ Dated 18 October 2024.

⁵¹ S25 at [38].

⁵² S25 at [40].

⁵³ S25 at [41] to [42].

that it seems usual and uncontroversial in terms of agency governance. Accordingly, I consider it unnecessary to require the University to provide a full copy of the Minutes from the Council meeting that was held on 3 December 2018 in order to find that the Policy commenced on 3 December 2018.

42. I am satisfied that the applicant's submissions contesting the University's explanation about the Policy offer no reasonable basis for concluding that relevant documents exist, and therefore cannot satisfy the onus on the applicant to show that the University failed to conduct all reasonable searches for such documents. The University's explanation regarding when the Policy commenced enables, in and of itself, a finding that relevant documents do not exist. I do not consider it necessary for the University to conduct any searches, let alone all reasonable searches, for relevant documents in order to reach this finding.⁵⁴

63. Having again turned my mind to all material before me, I am satisfied that the Wellbeing Policy and in addition the Wellbeing Procedure did not come into effect until 3 December 2018 – after the applicant attended the University. In this regard, I repeat and rely on the reasons in S25. Accordingly, I find that access to any versions of the Wellbeing Policy and Procedure *'that were in effect while I attended [the U]niversity'* may be refused on the ground that they do not exist.

Item 1.7 - Records Procedures

64. At item 1.7, the applicant requested versions of the Records Management Procedure (**Records Procedures**) in effect while he attended the University. The University decided to refuse access to such documents on the basis that, during the timeframe of the applicant's request, only a Records Management Policy existed (**Records Policy**).
65. During the review, the University provided further information in this regard. It submitted that there was no separate Records Procedures document, as the procedures were described in the Records Policy.⁵⁵ Having considered the University's submission, I conveyed a preliminary view to the applicant that access to any Records Procedures may be refused on the ground that they are nonexistent.⁵⁶
66. In response, the applicant submitted that the University's response was incorrect.⁵⁷ He provided a copy of the University's *Records Management Policy*⁵⁸ which he stated was in effect while he attended the University, referred to a section in this document headed *What is a University Record?*, and highlighted a sentence that stated '[Corporate Records and Digitisation Services (**CRDS**)] has procedures for managing day to day operations of recordkeeping in the University'. Based on this statement, the applicant submitted that the University could not state that the Records Procedures were nonexistent and that:

... it is expected that [the University] will undertake searches of CRDS for the procedures referred to in the 2014 version of its Records Management Policy.

67. After considering the applicant's submission, I asked the University to either arrange for CRDS to conduct searches or explain why such procedures do not exist. The University submitted that its Head of Corporate Governance had confirmed:⁵⁹

⁵⁴ Nevertheless, I acknowledge the constructive nature of the University's general search of the applicant's student file on the 'University's CRM' noted at paragraph 6 of this decision.

⁵⁵ Letter to OIC dated 28 November 2024.

⁵⁶ Letter to the applicant dated 22 July 2025.

⁵⁷ Letter to OIC dated 4 September 2025.

⁵⁸ With an approval date of 2 September 2014.

⁵⁹ Letter to OIC dated 3 November 2025.

- *the Record Management Policy was the policy that was in effect at the time the applicant attended the University*
 - *there are no other relevant CRDS procedures that existed between 2016 to 2017*
 - *... the Policy Governance Framework that introduced the approach of separating policy from procedure was only approved by Council in December 2019. Before this, procedural information was typically included within a policy.*
68. In addition, the University submitted that it also contacted the Head of Information Management and Solutions, who was the Manager of Corporate Information at the time the Records Policy was in effect, who stated that the phrase '*procedures for managing day to day operations of recordkeeping in the University*' as raised by the applicant:
- ... does not refer to a formal, organisation-wide document (like one you would find in a corporate policy or procedure library). Instead, it likely refers to the informal, internal steps or processes that each individual team follows to carry out their day-to-day work'.*
69. Further, the University submitted that it was not able to confirm whether informal process documents ever existed in relation to the Records Policy, but if they did, such documents would typically be stored as Word files on OneDrive or Onenote. In this regard, the University confirmed that the Head of Information Management and Solutions had conducted searches of those locations and could not locate any such documents in relation to the Records Policy.
70. Having considered the information provided by the University, I am satisfied that it provides a reasonable explanation as to why a separate Records Procedure did not exist at the time the applicant attended the University. In addition, an officer with the appropriate knowledge about the University's record-keeping at the time, has conducted searches of the relevant locations in which any informal records (if they existed) would be expected to be located. In these circumstances, I am satisfied that access to any document/s requested at item 1.7 of Part 1 of the application may be refused on the ground they are nonexistent or unlocatable.

Part 4 - Further GUREM booklets

71. At Part 4 of the application, the applicant requested various GUREM booklets. During the processing of the application, the University located some GUREM booklets and disclosed these to the applicant. During the external review process, the applicant submitted that while the University had provided him with copies of the booklets, most of them were current and were not effective during the time he attended the University.⁶⁰
72. After considering the applicant's submissions, OIC requested the University conduct further searches to locate the GUREM booklets that were in effect at the time he attended the University. As a result of those further searches, the University located four booklets that were in effect at the time the applicant attended the University and disclosed these to the applicant.⁶¹ The University was not able to locate the versions of six GUREM booklets that were in effect when the applicant attended the University;⁶² however it stated that as the GUREM is a living document, the University keeps a record of all changes and this would '*provide the applicant with an understanding of any changes that may have occurred to the relevant documents*'.⁶³ OIC provided the applicant with a link to the University's update page.

⁶⁰ Attachment 1 to the applicant's external review application. I note in relation to the information that the University disclosed in response to the application, booklets 44 and 46 were for the timeframe that the applicant attended the University.

⁶¹ Booklets 3, 5, 6 and 8.

⁶² Being booklets 12, 20, 22, 28, 32 and 40.

⁶³ Letter to OIC dated 28 November 2024.

73. I conveyed a preliminary view to the applicant that I considered that access to the remaining six booklets could be refused on the ground that they are nonexistent. I explained to the applicant that I had reached this view after considering the following submissions from the University:

- that information of the nature of GUREM booklets would be saved in the University's G Drive
- searches were:
 - conducted by the Senior Manager of Ethics Integrity and Governance of all shared folders in the G drive that are accessible by the Ethics Integrity and Governance Teams; and
 - also conducted of folders belonging to a previous staff member who was responsible for updating the GUREM booklets
- the following search terms were used when conducting the searches 'GUREM', 'ethics manual' and 'booklet'.

74. The applicant did not accept my preliminary view and provided a list of reasons as to why he considers further searches are necessary.⁶⁴ Further the applicant submitted:

[The University] has obviously not undertaken enquiries with the appropriate people, because if they did, they would have found the versions of the documents existing while the applicant was a student. Further steps are necessary and [the University] must provide more information about the locations searched and the people who were consulted when describing their search efforts to the OIC.

75. In my view any further searches or steps that the applicant considers should be conducted go beyond what is reasonable to require an agency to take in an effort to locate documents responding to Part 4 of the application.

76. I am satisfied, having considered all of the information before me, that the individual that conducted the searches was appropriately qualified to conduct those searches, given they are the Senior Manager of the relevant unit within the University. I am also satisfied that the searches undertaken were of the locations that the University would expect to find documents relating to Part 4 of the application, using relevant search terms, and accordingly were reasonable in the circumstances. Taking this into account, I am satisfied that access to any further documents referred to in Part 4 of the application may be refused on the ground they are nonexistent or unlocatable.

Part 5 - Various workplace health and safety/risk management documents

77. At Part 5, the applicant requested various workplace health and safety/risk management documents for all lectures, tutorials, workshops or other named classes during the applicant's time at the University. To assist, he provided a copy of his timetable.

78. During the processing of the application, the University located 18 pages of information and disclosed these to the applicant in full. This information comprised the relevant School's risk registers for 2016 and 2017.⁶⁵

79. In his external review application, the applicant submitted that he had also requested access to Risk Assessments, Risk Management Plans, Risk Plans and various documents delivered to staff members by the risk administrator. OIC requested that the University respond to the applicant's submission in this respect.

⁶⁴ Letter to OIC dated 4 September 2025.

⁶⁵ At pages 207 to 224 of the released documents.

80. The University submitted that it had spoken to the Dean of the School and:⁶⁶

A risk plan is not created for each individual course, instead all general courses fall under the Griffith Business School risk plan. The applicant has been given a copy of this document and no further documents relevant to this item exist.

81. In my preliminary view to the applicant, I conveyed a view that having considered the University's submission it was my preliminary view that access may be refused to any further information on the ground that it is nonexistent.⁶⁷

82. The applicant did not accept my preliminary view. He listed the various individuals who are responsible for health and safety within the University and submitted:⁶⁸

- the documents released by the University were only summary reports of all individual risks that were undertaken at 'a broad top-tier level'
- at an operational level, course convenors and teaching staff have larger roles with risk management within the teaching environment
- the University did not conduct searches for risk management material by the most relevant people – being teachers and course convenors
- the University has not explained how and where it looked for the documents it produced; and
- the University did not search for documents referred to in item 5.4 of Part 5 of the application.

83. Given that the University located and disclosed the School's risk registers for the relevant period to the applicant, I do not consider that it is necessary for the University to provide an explanation as to what steps it took to locate those documents.

84. In relation to the remaining documents that the applicant stated the University had failed to locate, the University's Enterprise Risk unit stated that it was not aware of any risk assessments, plans or other documents that would relate to lectures, tutorials or workshops.⁶⁹ It stated that if such 'micro-level documents' did exist these would not fall within the function of Enterprise Risk and that it would be necessary to contact individual groups to see if they hold such documentation. In relation to taking this further step, the University submitted:⁷⁰

The applicant has listed over 70 separate lectures, tutorials and practicals attended between 2016 and 2017. To locate this information, it would be necessary to identify the relevant staff involved in those classes and determine whether they retain any of those micro-level records. Given the age of the information, it is likely that staff have changed positions or are no longer employed by the University. Conducting such a search would require a significant amount of work. ...

85. In addressing this issue, I am required to consider the University's explanations regarding its record keeping processes and whether all reasonable steps, as opposed to all possible steps, have been taken to locate the requested documents. The information provided by both the Dean of the School and the Enterprise Risk unit suggests that it was never part of the University's processes for course convenors and teachers to create risk assessments, plans or other documents for all lectures, tutorials and workshops. Other than the applicant's assertions that such documents would have been created,

⁶⁶ Letter to OIC dated 28 November 2024.

⁶⁷ Letter to the applicant dated 22 July 2025.

⁶⁸ Letter to OIC dated 4 September 2025.

⁶⁹ Letter to OIC dated 3 November 2025.

⁷⁰ Letter to OIC dated 3 November 2025.

there is no further information before me to suggest that this is the case. Given this, I cannot see how it could be viewed as reasonable for the University to undertake the further steps referred to in paragraph 84 for each of the lectures, tutorials and workshops attended by the applicant over a two-year period, nor given the University's explanations do I consider it necessary for it to do so.

86. In conclusion, I consider requesting that the University undertake further searches for documents, where the information before me suggests such documents were not required to be created, goes beyond what is reasonable. Accordingly, I find that the remainder of the requested documents referred to in Part 5 of the application may be refused on the ground they are nonexistent or cannot be located within the University.

DECISION

87. For the reasons set out above, I vary the University's decision and find:

- the Minutes raised by the applicant do not fall within the scope of the application
- the documents the applicant considers comprise Delegations Registers do not fall within the scope of the application; and
- access to certain documents responding to the application may be refused on the ground they are nonexistent or unlocatable.⁷¹

88. I have made this decision as a delegate of the Information Commissioner, under section 145 of the RTI Act.



A Rickard
Assistant Information Commissioner
Date: 17 November 2025

⁷¹ Under sections 47(3)(e) and 52 of the RTI Act.

APPENDIX

Significant procedural steps

Date	Event
17 September 2024	OIC received the application for external review from the applicant.
18 September 2024	OIC requested the preliminary documents from the University.
8 October 2024 and 29 October 2024	OIC received the preliminary documents from the University.
31 October 2024	OIC advised the applicant and the University that the application for external review had been accepted.
28 November 2024	OIC received a submission from the University.
21 May 2025	OIC requested further information from the University.
20 June 2025	OIC received a submission from the University.
30 June 2025	OIC conveyed a preliminary view to the University.
16 July 2025	OIC received a submission from the University.
22 July 2025	OIC conveyed a preliminary view to the applicant and requested further information from the University.
4 September 2025	OIC received a submission from the applicant.
9 September 2025	OIC received a submission from the University.
24 September 2025	OIC requested further information from the University.
3 November 2025	OIC received a submission from the University.