



## Decision and Reasons for Decision

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Citation:	<i>Department of Education (Office of Industrial Relations) and Queensland Fire and Emergency Services; Brooks Australia Pty Ltd (Third Party) [2022] QICmr 22 (14 April 2022)</i>
Application Number:	316388
Applicant:	Department of Education (Office of Industrial Relations)
Respondent:	Queensland Fire and Emergency Services
Third Party:	Brooks Australia Pty Ltd (ACN: 000 469 910)
Decision Date:	14 April 2022
Catchwords:	<p><b>ADMINISTRATIVE LAW - RIGHT TO INFORMATION - EXEMPT INFORMATION</b> - information about smoke alarm safety - whether disclosure could reasonably be expected to prejudice a system or procedure for the protection of persons or property - whether access may be refused under sections 47(3)(a) and 48 and schedule 3, section 10(1)(i) of the <i>Right to Information Act 2009</i> (Qld)</p> <p><b>ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO THE PUBLIC INTEREST INFORMATION</b> - prejudice to ability to obtain confidential information - disclosure of deliberative process information - whether disclosure of information 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>

## REASONS FOR DECISION

### Summary

1. The Third Party applied to the Respondent (**QFES**) under the *Right to Information Act 2009* (Qld) (**RTI Act**) for access to all requests made by QFES between 1 January 2020 and 31 March 2021 for information or reports by the Electrical Safety Office (**ESO**) about smoke alarms at fire scenes. ESO is a division of the Applicant (**OIR**).
2. QFES located 231 responsive documents. It decided<sup>1</sup> to give full access to 196 documents and partial access to 35 documents. Its decision to give access to information contained on four pages was contrary to objections lodged by the Applicant with whom QFES had consulted about disclosure under section 37 of the RTI Act. Access to that information was therefore deferred to allow OIR to pursue its review rights.

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<sup>1</sup> Decision dated 16 August 2021.

3. OIR sought internal review of QFES's decision.<sup>2</sup> In its internal review decision,<sup>3</sup> QFES decided that there were no grounds under the RTI Act for refusing access to the relevant information and that it should therefore be released to the Third Party. Access was again deferred to allow OIR to exercise its review rights.
4. OIR applied<sup>4</sup> to the Office of the Information Commissioner (**OIC**) for external review of OIR's decision. OIC notified the Third Party of the review and invited it to apply to become a participant in the event that it continued to seek access to the deferred information. The Third Party's lawyers advised that their client continued to seek access to the information.<sup>5</sup> The Third Party later applied to become a participant in the review<sup>6</sup> and was granted participant status under section 89(3) of the RTI Act.
5. For the reasons set out below, I set aside the decision under review. In substitution for it, I find that access to the information in issue may be refused under the RTI Act on the grounds that its disclosure would, on balance, be contrary to the public interest.

## Background

6. The Third Party manufactures smoke alarms. It entered into an agreement with QBuild (a commercial division of Department of Energy and Public Works (**DEPW**)) to supply smoke alarms. It appears that after safety concerns were raised, supply was paused by QBuild. The Third Party contends that ESO investigated its product and was unable to establish that it was not electrically safe or contained any design fault. The Third Party considers that supply of its product has been unfairly paused and that it has suffered reputational damage as a result. It seeks access to *'any information that a government agency holds that contributed to that state of affairs'*.<sup>7</sup>

## Reviewable decision

7. The decision under review is QFES's internal review decision dated 11 October 2021.

## Evidence considered

8. Significant procedural steps relating to the external review are set out in the Appendix.
9. 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).<sup>8</sup>

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<sup>2</sup> Application dated 13 September 2021.

<sup>3</sup> Dated 11 October 2021.

<sup>4</sup> Application dated 26 October 2021.

<sup>5</sup> Email of 11 November 2021.

<sup>6</sup> Letter dated 14 February 2022.

<sup>7</sup> Letter dated 15 March 2022.

<sup>8</sup> The application in this matter was made by an agency, and all other participants are also corporations or an agency, such that at face value it may not appear necessary to consider the application of the *Human Rights Act 2019* (Qld) (**HR Act**), which only affords human rights to individuals in Queensland. However, Kingham J in *Waratah Coal Pty Ltd v Youth Verdict Ltd & Ors* [2020] QLC 33 at [90] indicated that where section 58(1) of the HR Act applies, there need be no mover to raise human rights issues because that section requires the relevant public entity to properly consider engaged human rights and to not act or make a decision that is not compatible with human rights. To the extent then that it is necessary to observe relevant rights under section 58(1) of the HR Act, I am satisfied that I have done so. This is because in observing and applying the law prescribed in the RTI Act, as I have done in this case, an RTI decisionmaker will be *'respecting and acting compatibly with'* applicable human rights as stated in the HR Act (*XYZ v Victoria Police (General)* [2010] VCAT 255 (16 March 2010) (XYZ) at [573]; *Horrocks v Department of Justice (General)* [2012] VCAT 241 (2 March 2012) at [111].) In this regard, I note Bell J's observations at [573] of XYZ on the interaction between the Victorian analogues of Queensland's RTI Act and HR Act: *'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.'*

## Information in issue

10. The information in issue appears in two emails contained on pages 29-30 of the responsive documents, one of which is duplicated on pages 215-216 (**Information in Issue**).

## Issue for determination

11. The issue for determination is whether access to the Information in Issue may be refused under the RTI Act because it is exempt information or because its disclosure would, on balance, be contrary to the public interest.
12. During the course of the review, QFES accepted my preliminary view that disclosure of the Information in Issue would, on balance, be contrary to the public interest.<sup>9</sup> However, the Third Party did not accept my view, and continues to pursue access.

## Exempt information

13. The RTI Act gives a right of access to documents of government agencies.<sup>10</sup> This right is subject to other provisions of the RTI Act, including grounds on which access may be refused. An agency may refuse access to exempt information.<sup>11</sup>
14. OIR argues that the Information in Issue is exempt information under schedule 3, section 10(1)(i) of the RTI Act: *disclosure could reasonably be expected to prejudice a system or procedure for the protection of persons, property or the environment*.
15. Three elements must be satisfied for this exemption to apply:<sup>12</sup>
- there exists an identifiable system or procedure
  - it is a system or procedure for the protection of persons, property or the environment; and
  - disclosure of the information could reasonably be expected to prejudice that system or procedure.
16. In respect of the first element, OIR argued that *'a system to ensure safe and effective smoke alarms, and consequently the protection of persons and property from fire, is established by legislation and the interaction between the Queensland Fire and Emergency Services (QFES) and the OIR regarding the safe operation of smoke alarms in Queensland.'* OIR submitted that the relevant legislation governing it and QFES gave each a regulatory role in respect of fire alarm safety and that this constituted a system for the protection of people and property with *'cooperation, communication and information sharing between the two agencies ... vital for the operation of this system.'*<sup>13</sup>
17. I am not satisfied that the fact that both agencies have regulatory responsibilities in relation to fire alarm safety, and may, on occasion, consult, share information and cooperate with each in the discharge of these responsibilities, is sufficient to constitute an identifiable system or procedure within the meaning of the exemption provision. I do not consider that *ad hoc* instances of information-sharing and cooperation between the

<sup>9</sup> Letter dated 14 January 2022.

<sup>10</sup> Section 23 of the RTI Act.

<sup>11</sup> Schedule 3 of the RTI Act specifies the types of information that Parliament has determined are exempt because release would be contrary to the public interest.

<sup>12</sup> As set out in *Ferrier and Queensland Police Service* (1996) 3 QAR 350 [27]-[36] under the equivalent provision in the repealed *Freedom of Information Act 1992* (Qld) and summarised in *I3C1ST and Department of Community Safety* (Unreported, Queensland Information Commissioner, 30 August 2011) [12] in the context of the RTI Act.

<sup>13</sup> Application for internal review dated 13 September 2021.

agencies are sufficiently coherent to comprise an *identifiable* system which is a system for the protection of persons, property or the environment.<sup>14</sup>

18. As I am not satisfied that the first of the three necessary elements to establish the application of the exemption provision is met by the Information in Issue, I therefore find that the Information in Issue is not exempt information under schedule 3, section 10(1)(i) of the RTI Act.

### **Public interest balancing test**

19. An agency may also refuse access to information if the disclosure of which would, on balance, be contrary to the public interest.<sup>15</sup>
20. In assessing whether disclosure of information would, on balance, be contrary to the public interest, a decision maker must:<sup>16</sup>
- identify factors irrelevant to the public interest and disregard them
  - identify factors in favour of disclosure of information
  - identify factors in favour of nondisclosure of information; and
  - decide whether, on balance, disclosure of the information would be contrary to the public interest.
21. Schedule 4 of the RTI Act contains non-exhaustive lists of factors that may be relevant in determining where the balance of public interest lies in a particular case. I have considered these lists,<sup>17</sup> together with all other relevant information, in reaching my decision. I have kept in mind the RTI Act's pro-disclosure bias<sup>18</sup> and Parliament's requirement that grounds for refusing access to information be interpreted narrowly.<sup>19</sup>

### **Factors favouring disclosure**

22. The Third Party relies on the following factors favouring disclosure of the Information in Issue:<sup>20</sup>
- a) disclosure could reasonably be expected to promote open discussion of public affairs and enhance the Government's accountability<sup>21</sup>
  - b) disclosure could reasonably be expected to advance the fair treatment of individuals and other entities in accordance with the law in their dealings with agencies<sup>22</sup>
  - c) disclosure could reasonably be expected to reveal the reason for a government decision and any background or contextual information that informed the decision<sup>23</sup>

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<sup>14</sup> EC710C and Queensland Police Service [2019] QICmr 24 (27 June 2019).

<sup>15</sup> Section 47(3)(b) and 49 of the RTI Act. The term public interest 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. However, there are some recognised public interest considerations that may apply for the benefit of an individual.

<sup>16</sup> Section 49(3) of the RTI Act.

<sup>17</sup> I have considered each of the public interest factors outlined in schedule 4 of the RTI Act, and any relevant factors are discussed below.

<sup>18</sup> Section 44 of the RTI Act.

<sup>19</sup> Section 47(2) of the RTI Act. In deciding whether disclosure of the Information in Issue would, on balance, be contrary to the public interest, I have taken no irrelevant factors into account in making my decision.

<sup>20</sup> Letter dated 15 March 2022.

<sup>21</sup> Schedule 4, part 2, item 1 of the RTI Act.

<sup>22</sup> Schedule 4, part 2, item 10 of the RTI Act.

<sup>23</sup> Schedule 4, part 2, item 11 of the RTI Act.

- d) disclosure could reasonably be expected to reveal that the information is incorrect, out of date, misleading, gratuitous, unfairly subjective or irrelevant;<sup>24</sup> and
- e) disclosure could reasonably be expected to reveal measures relating to public health and safety.<sup>25</sup>

23. In support of the application of these factors, the Third Party submits:<sup>26</sup>

- the Information in Issue had a material impact on the investigation of the Third Party's product
- disclosure would reveal that the investigation was conducted in a way that went beyond the agency's prescribed statutory functions
- disclosure would reveal the reasonable possibility that the information is incorrect, misleading or unfairly subjective
- disclosure would advance the fair treatment of the Third Party in its dealings with ESO by revealing that unverified opinions are being relied upon to the detriment of the Third Party's interests and causing the Third Party reputational damage in circumstances where ESO's investigation was finalised in October 2020 and no fault was found with the Third Party's product
- disclosure would reveal a matter of public importance, namely, how the State government regulates the approval of smoke alarms; and
- the purpose of the RTI Act is facilitate the provision of information in situations where there is no other positive statutory obligation to do so.

24. In respect of the final bullet point above, I acknowledge the pro-disclosure bias in the RTI Act and that its purpose is to facilitate access to government-held information. However, it is important to remember that section 44(1) of the RTI Act provides that it is Parliament's intention that an agency should decide to give access to a document '*unless giving access would, on balance, be contrary to the public interest*'. Where a party to a review raises objections to the release of documents on public interest grounds, regardless of the pro-disclosure bias in the RTI Act, the Information Commissioner's role on external review is to independently consider the documents and the arguments both for and against disclosure, and to apply the provisions of the RTI Act in deciding whether or not giving access to the documents would, on balance, be contrary to the public interest.

25. The words '*could reasonably be expected to*' require a decision-maker to make a judgment about whether something is reasonable, as distinct from something that is irrational, absurd or ridiculous; to distinguish between an expectation that is reasonably based, and the expectation of an occurrence that is merely a possibility, speculative, conjectural or hypothetical.<sup>27</sup>

26. I regard a number of the Third Party's submissions in favour of disclosure as speculative in nature rather than expectations for which real and substantial grounds exist. There is no evidence before me, including in the Information in Issue itself, to support a finding that disclosure could reasonably be expected to reveal that:

- the investigation by ESO into the Third Party's product exceeded its statutory functions; or
- the information is incorrect, out of date, misleading, gratuitous, unfairly subjective or irrelevant.

<sup>24</sup> Schedule 4, part 2, item 12 of the RTI Act.

<sup>25</sup> Schedule 4, part 2, item 14 of the RTI Act.

<sup>26</sup> Letters dated 14 February 2022 and 15 March 2022.

<sup>27</sup> *Attorney-General's Department v Cockcroft* (1986) 64 ALR 97 at 106; *Murphy and Treasury Department* (1995) 2 QAR 744 at paragraph 44, citing *Re B and Brisbane North Regional Health Authority* (1994) 1 QAR 279 at paragraph 160 (**B and BNRHA**).

27. The Third Party's contentions appear to be based upon its speculation about what the Information in Issue may contain. I acknowledge that some of the Information in Issue comprises opinions of the author, informed by their knowledge of relevant events and subjective impressions. However, this inherent subjectivity does not itself mean that the information is necessarily incorrect, misleading or unfairly subjective.<sup>28</sup>
28. I note that the Third Party has been given access by QFES to the bulk of the information that responded to the access application. This includes QFES's Fire Investigation Synopsis report, ESO's report reviewing fire incidents where the Third Party's product was installed, electrical equipment incident reports, and relevant correspondence. The Third Party is therefore aware of the extent of the investigation into its product, the issues that were examined, and the findings that were made. This is not supportive of the Third Party's submission that disclosure of the Information in Issue could reasonably be expected to reveal that investigations into its product exceeded relevant statutory functions.
29. I acknowledge the general public interest in enhancing the accountability and transparency of government in its dealings with businesses. I also acknowledge the public safety context in which the Information in Issue was provided and the public interest in assessing how relevant government agencies regulate the approval of smoke alarms. I accept that this is, as the applicant submits, a matter of public importance. However, I consider that the volume of information already disclosed to the Third Party reduces the weight to be afforded to factors a) and e) above, such that I would afford them moderate weight in the public interest balancing test. I am not satisfied that disclosure of the Information in Issue would advance, to any significant extent, the public interest in the accountability of QFES or ESO in their dealings with the Third Party, or reveal or contribute in any significant way to a discussion about, or understanding of, public health and safety measures.
30. In respect of the application of factor c), the Third Party believes that the Information in Issue informed the decision by QBuild to pause the supply of its product. Whether or not that is the case is not something that is open to me to make a finding about. The emails in question involve communications between QFES and OIR. What information was communicated to QBuild and what information it relied upon to make any decisions in connection with the supply of the Third Party's product is not evident from the material before me. Further, while I am prevented from disclosing the contents of the Information in Issue,<sup>29</sup> I would simply observe that I consider it unlikely that some information (namely information dealing with observations about working relationships between agencies) could be considered relevant to any decision made by QBuild. In these circumstances, I am therefore not satisfied that factor c) applies to the Information in Issue. However, if I were to be satisfied that some or all of Information in Issue comprises background or contextual information that informed a decision about the Third Party, I would afford this factor low weight in the public interest balancing test in recognition of the volume of information that has already released to the Third Party concerning its dealings with the relevant agencies and investigations into its product.
31. Lastly, in respect of the application of factor b), I am not satisfied that disclosure could reasonably be expected to advance, to any significant degree, the fair treatment of the Third Party in accordance with the law in its dealings with agencies. As noted above, it cannot be established from the material available to me that the Third Party suffered unfair treatment by QBuild (in terms of a decision made by QBuild to pause supply of its

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<sup>28</sup> *Marshall and Department of Police* (Unreported, Queensland Information Commissioner, 25 February 2011) at [15]-[20]; *Brodsky and Gympie Regional Council* [2014] QICmr 17 (2 May 2014) at [32].

<sup>29</sup> Section 108(3) of the RTI Act.

product) as a result of the Information in Issue. In respect of the Third Party's dealings with QFES and ESO, I have noted the volume of information released to the Third Party. I do not consider that disclosure of the Information in Issue would significantly advance the Third Party's understanding of the way in which the relevant agencies dealt with it or contribute to the Third Party's fair treatment in accordance with the law. I would therefore afford this factor low weight when balancing the public interest.

32. In summary, I afford factors a) and e) moderate weight in balancing the public interest, and factor b) low weight. I am not satisfied on the material before me that factors c) and d) apply to the Information in issue. As explained, even if factor c) were found to apply, I would afford it only low weight.

### **Factors favouring nondisclosure**

33. I consider that the following nondisclosure/harm factors apply to the Information in Issue:

- disclosure could reasonably be expected to prejudice an agency's ability to obtain confidential information (**prejudice factor**);<sup>30</sup> and
- disclosure could reasonably be expected to cause a public interest harm through disclosure of deliberative process information (**harm factor**).<sup>31</sup>

### **Prejudice factor**

34. QFES dismissed the application of this factor in its internal review decision because it took the view that both it and OIR are subject to statutory and regulatory duties that they must discharge in relation to smoke alarm safety, and that it is therefore not reasonable to expect that disclosure of the Information in Issue would result in prejudice to its future supply.
35. While it may be correct that both agencies have relevant statutory and regulatory duties, I am not satisfied that the discharge of these duties extends to an obligation to provide the Information in Issue. The information is sensitive in nature and is not of a type that I consider an agency would be under a statutory obligation to provide. It was provided by ESO to QFES as background information to assist QFES in managing a particular issue. I consider it was reasonable for the supplier to regard this information, in the form in which it was presented, as confidential. I have noted above the fact that some of the Information in Issue comprises the author's opinions and observations, and anecdotal evidence about certain matters including relationships between agencies. While I am prevented from disclosing the Information in Issue, it is clear from the surrounding emails that the recipient recognised the sensitivity of the information and the need to treat it confidentially.
36. The Third Party takes issue with the description of the Information in Issue as 'sensitive' and submits that sensitivity is a subjective term that is not mentioned in the RTI Act. It argues that the only basis on which it would be asserted that information is 'sensitive' is where release would cause embarrassment to the agency, which is not a proper ground for refusing to release information.<sup>32</sup>
37. I do not accept the Third Party's submission. The sensitive nature or otherwise of information may be relevant in considering the content and substance<sup>33</sup> of the

<sup>30</sup> Schedule 4, part 3, item 16 of the RTI Act.

<sup>31</sup> Schedule 4, part 4, section 4 of the RTI Act.

<sup>32</sup> Letter dated 15 March 2022.

<sup>33</sup> *B and BNRHA* at [71].

information and in assessing whether it has the necessary quality of confidence.<sup>34</sup> Furthermore, in assessing whether the information has been communicated in confidence, the nature and sensitivity of the information (as well as the relationship between the parties), will be a relevant factor to consider in assessing the circumstances surrounding the supply of the information and whether those circumstances, as a whole, imparted an obligation of confidence.<sup>35</sup>

38. The Third Party also submits that:

*ESO's ability to obtain confidential information would not be prejudiced by reason of the specificity of the scope of our client's request because our client seeks access to the information for a specific purpose: that is, why, despite their best efforts and full cooperation with the ESO and due diligence with regard to their product, our client continues to suffer reputational damage by reason of the protracted and unjustified "pause" on their product.*<sup>36</sup>

39. This submission evidences a misunderstanding as to the operation of the prejudice factor. The fact that the Third Party may be seeking access to information for a specific purpose is not relevant. The issue to consider is whether it is reasonable to expect that disclosure of the Information in Issue will prejudice an agency's future ability to obtain confidential information of this type from sources generally. Given the nature of the Information in Issue and the circumstances under which it was supplied, I am satisfied that disclosure will have the requisite prejudicial effect. I consider that disclosure under the RTI Act could reasonably be expected to result in prejudice to QFES's ability to obtain such confidential information in the future.

40. In response to my observation that the Information in Issue is not of a routine nature and is not information which the relevant agency was obligated to supply (and therefore that disclosure could reasonably be expected to prejudice future supply), the Third Party submitted that *'it cannot be reasonable to conclude that disclosure would prejudice the future supply of such information because "non-routine" provision, by definition, cannot typically fall within the remit of an agency's decision-making capacity'*.<sup>37</sup>

41. The point that the Third Party is attempting to make is unclear to me. I cannot see the relevance to the application of the prejudice factor as to whether the supplied information falls within the *'remit of an agency's decision-making capacity'*. The relevant consideration for the application of the prejudice factor is simply whether disclosure of the Information in Issue could reasonably be expected to prejudice an agency's ability to obtain confidential information.

42. The Third Party went on to submit that *'the fact that the information in Issue is unverified, anecdotal and provided in a non-routine context is a logical negation of your argument that future supply would be prejudiced'*.

43. Again, I do not accept the Third Party's submission. In my view, the fact that the Information in Issue is not of a routine nature, contains anecdotal information and the opinions of the author about certain events and relationships, and is not information that an agency is obligated to supply as part of its statutory functions but is supplying in order to assist another agency in the management of an issue, supports rather than negates a finding that its disclosure could reasonably be expected to prejudice the future supply of information of a similar nature.

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<sup>34</sup> The second element in establishing the existence of an equitable obligation of confidence.

<sup>35</sup> The third element in establishing the existence of an equitable obligation of confidence: see *B and BNRHA* at [82] and *Ramsay Health Care Ltd v Information Commissioner & Anor* [2019] QCATA 66 at [78] – [79].

<sup>36</sup> Letter dated 15 March 2022.

<sup>37</sup> Letter dated 15 March 2022.

44. In summary, I consider it is reasonable to expect that disclosure of information of the type that is in issue would prejudice QFES's future ability to obtain confidential information. This would, in turn, have a negative impact on the ability of QFES to collect information that may assist in effective management of relevant issues. Given that the issue in this case concerned the safety of smoke alarms and the consequent protection of public safety, I would afford significant weight to the prejudice factor.

### **Harm factor**

45. I am satisfied that the Information in Issue comprises deliberative process information: information that concerns a consultation that has taken place in the course of QFES's deliberative processes, namely, its deliberations regarding how to manage/respond to an issue falling within its area of legislative responsibility. Its disclosure therefore gives rise to a public interest harm.
46. The Third Party submits that information which comprises an author's opinions and unverified anecdotal evidence cannot form part of ESO's decision-making process because it falls outside the statutory scope of the *Electrical Safety Act 2002* (Qld) and '*ESO's functions could only reasonably be performed by reference to objective and measurable indicia (such as industry and community benchmarks) rather than unverified opinion*'.<sup>38</sup>
47. The deliberations in question are those of QFES, rather than ESO. It is clear from the released information that QFES consulted with ESO in response to a query made to QFES by DEPW about a house fire. The consultation was for the purpose of ESO providing QFES with relevant background information about matters including working relationships between agencies that might assist QFES in deciding how to manage/respond to the query from DEPW. The fact that the consultation involved the provision of opinions and anecdotal evidence to QFES does not prevent it from being characterised as deliberative process information.
48. In terms of whether the relevant deliberations are concluded or ongoing, the material before me suggests that the deliberations may remain apposite, and therefore that the elapse of time does not justify a lessening of the weight to be attributed to the harm factor.
49. Accordingly, I afford significant weight to the harm factor in recognition of the ongoing relevance and sensitivity of the information, and the public safety context in which it was provided.

### **Finding**

50. After balancing the public interest factors favouring disclosure and nondisclosure of the Information in Issue, I find that the factors favouring nondisclosure outweigh those favouring disclosure, such that disclosure would, on balance, be contrary to the public interest and access may be refused on that basis.

### **DECISION**

51. For the reasons set out above I set aside the decision under review. In substitution for it, I find that disclosure of the Information in Issue would, on balance, be contrary to the public interest, and that access may be refused on that basis.

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<sup>38</sup> Letter dated 15 March 2022.

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

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A Rickard  
**Acting Right to Information Commissioner**

**Date: 14 April 2022**

## APPENDIX

### Significant procedural steps

Date	Event
26 October 2021	OIC received the application for external review
27 October 2021	OIC requested that QFES provide the initial documents
3 November 2021	OIC received the initial documents
11 November 2021	OIC consulted with the Third Party
18 November 2021	OIC advised the parties that the application for external review had been accepted OIC requested that QFES provide copies of the Information in Issue
10 December 2021	OIC received copies of the Information in Issue
21 December 2021	OIC expressed a preliminary view to QFES OIC updated the Third Party
14 January 2022	QFES advised that it accepted OIC's preliminary view
19 January 2022	OIC expressed a preliminary view to the Third Party
14 February 2022	OIC received submissions from the Third Party
23 February 2022	OIC expressed a further preliminary view to the Third Party
15 March 2022	OIC received submissions from the Third Party