



Decision and Reasons for Decision

Citation:	<i>TerraCom Limited and Department of Environment and Science; Lock the Gate Alliance Limited (Third Party) (No. 2) [2018] QICmr 53 (19 December 2018)</i>
Application Number:	313857
Applicant:	TerraCom Limited
Respondent:	Department of Environment and Science
Third Party:	Lock the Gate Alliance Limited
Decision Date:	19 December 2018
Catchwords:	<p>ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - EXEMPT INFORMATION - DISCLOSURE PROHIBITED BY AN ACT - documents relating to a financial assurance for mining activities - whether disclosure prohibited by an Act - sections 47(3)(a) and 48 and schedule 3, section 12 of the <i>Right to Information Act 2009</i> (Qld)</p> <p>ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - EXEMPT INFORMATION - BREACH OF CONFIDENCE - documents relating to a financial assurance for mining activities - whether disclosure would found an action for breach of confidence - sections 47(3)(a) and 48 and schedule 3, section 8(1) of the <i>Right to Information Act 2009</i> (Qld)</p> <p>ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO PUBLIC INTEREST INFORMATION - documents relating to a financial assurance for mining activities - accountability, transparency and informed public debate on important issues - impact of disclosure on business affairs, deliberative process and future supply of information - whether disclosure would, on balance, be contrary to the public interest - sections 47(3)(b) and 49 of the <i>Right to Information Act 2009</i> (Qld)</p>

REASONS FOR DECISION

Summary

1. The access applicant (the **third party** in this external review) applied to the then Department of Environment and Heritage Protection¹ under the *Right to Information Act*

¹ The access application was initially processed by the Department of Environment and Heritage Protection. However, before processing of the application was finalised, machinery of government changes realigned the functions and responsibilities of the Department of Environment and Heritage Protection to the Department of Environment and Science, which issued the decision under review. For ease of reference, I will simply refer to 'the Department' as the relevant agency in this decision.

2009 (Qld) (RTI Act) for access to documents relating to 'the cost of rehabilitating the Blair Athol Mine submitted by Orion Mining pertaining to EHP's assessment and approval of the financial assurance for environmental authority EPM008786713 on June 29th, 2017. Excluding: Blair Athol Plan of Operations May 2017 to May 2018'.

2. The applicant in this external review (the **applicant**) was consulted under section 37 of the RTI Act in respect of the Department's proposed disclosure of information in 1016 pages (**documents in issue**) and objected to the disclosure of the documents in issue.
3. The Department decided:²
 - to refuse access to three pages;³ and
 - notwithstanding the applicant's objections, to grant the third party access to the remaining documents in issue, subject to the deletion of signatures, initials, residential addresses, mobile telephone numbers, vehicle licence plates and financial information appearing in 54 pages (**deleted portions**).⁴
4. The applicant sought internal review of that decision and, on internal review, the Department affirmed the original decision.
5. The applicant then applied to the Office of the Information Commissioner (**OIC**) for external review of the Department's decision.
6. During the course of the review, the third party was joined as a participant in the review.⁵
7. For the reasons set out below, I affirm the Department's decision and find that there is no basis under the RTI Act to refuse access to the information in issue in this review.

Background

8. Significant procedural steps relating to the external review are set out in the Appendix.

Reviewable decision

9. The decision under review is the Department's internal review decision dated 8 March 2018.

Evidence considered

10. Evidence, submissions, legislation and other material I have considered in reaching this decision are disclosed in these reasons (including footnotes and the Appendix).

Information in issue

11. Some issues were resolved on external review.⁶ The information remaining for consideration in this review (**Information in Issue**) comprises information in 980 pages,⁷ apart from the deleted portions.

² Decision issued to the third party dated 30 November 2017 and decision issued to the applicant dated 17 January 2018.

³ These refused pages are not the subject of this external review.

⁴ The deleted portions are not the subject of this external review.

⁵ Under section 89(3) of the RTI Act.

⁶ The applicant confirmed that it did not object to disclosure of 33 pages of the documents in issue and these pages were disclosed to the third party.

⁷ Being pages 2-88, 92-287, 295-327, 332-510 and 529-692 in File A and pages 1-80 and 84-324 in File B.

12. The Information in Issue falls into two broad categories:

Category One Documents information forming part of the government's rehabilitation calculator (**financial assurance calculator**)⁸

Category Two Documents correspondence between the applicant and the Department; information the applicant prepared, submitted and/or presented to the Department (including information generated by the applicant's use of the financial assurance calculator); and information generated by the Department during its consideration of information provided by the applicant.

Onus

13. The decision under review is a disclosure decision.⁹ Accordingly, under the RTI Act, the applicant bears the onus of establishing that a decision not to disclose the Information in Issue is justified or that the Information Commissioner should give a decision adverse to the third party (as access applicant).¹⁰

Issues for determination

14. The applicant provided a number of submissions to OIC to support the nondisclosure of the Information in Issue,¹¹ which I have carefully considered. In summary, the applicant submitted that recent Supreme Court decisions support its disclosure objections; it provided confidential information to the Department which was not to be distributed beyond the Department; and disclosure of the Information in Issue would, on balance, be contrary to the public interest.

15. Accordingly, the issues to be determined in this review are whether:

- recent Supreme Court decisions support nondisclosure of the Information in Issue under the RTI Act
- the Information in Issue is exempt information; and
- disclosure of the Information in Issue would, on balance, be contrary to the public interest.

16. I note that external review by the Information Commissioner¹² is merits review, which is an administrative reconsideration of a case.

17. I will now address each of the issues for determination in turn.

Effect of Supreme Court decisions

18. The applicant submitted¹³ that the outcomes of the following Supreme Court decisions (**Court Decisions**) have created '*case law precedence [sic] for withholding information pertaining to both the indicative approval and mining operations activities*':

⁸ Appearing on pages 4-14 and 92-102 in File A and pages 84-94 in File B.

⁹ 'Disclosure decision' is defined in section 87(3) of the RTI Act as 'a decision to disclose a document or information contrary to the view of a relevant third party obtained under section 37' of the RTI Act.

¹⁰ Section 87(2) of the RTI Act.

¹¹ As set out in the Appendix.

¹² Or delegate.

¹³ External review application.

- *Lock the Gate Alliance Ltd v The Minister for Natural Resources and Mines* [2018] QSC 21; and
 - *Lock the Gate Alliance Ltd v Chief Executive under the Environmental Protection Act 1994* [2018] QSC 22.
19. Further, the applicant submitted¹⁴ that a conclusion can be drawn from the Court Decisions that ‘*all information being requested under this external review should be withheld as a judge dismissing both cases under relevant Acts has the capability to be deemed prohibited by an Act through the Judge’s interpretation of the facts and circumstances presented to them* [sic]’.
20. The applicant made almost identical submissions in support of its disclosure objections in completed external review 313446, which was finalised by my decision¹⁵ dated 2 July 2018 in *TerraCom Limited and Department of Natural Resources, Mines and Energy; Lock the Gate Alliance Limited* [2018] QICmr [31] (**TerraCom No. 1**).
21. As was the case in *TerraCom No. 1*,¹⁶ I am of the view that the applicant’s submissions detailed above raise three nondisclosure arguments, namely that:
- (a) the Information Commissioner, applying the doctrine of precedent, is required to determine that access to the Information in Issue should be refused
 - (b) the Court Decisions have the effect of expanding the definition of exempt information in schedule 3, section 12 of the RTI Act; and
 - (c) the Court Decisions should be taken into account when considering the factor favouring nondisclosure in schedule 4, part 3, item 22 of the RTI Act—I will consider this aspect of the applicant’s submissions in my consideration of whether disclosure of the Information in Issue would, on balance, be contrary to the public interest.
22. The nondisclosure arguments identified in paragraphs 21 (a) and (b) are addressed below.
- (a) Legal precedent**
23. As noted in *TerraCom No. 1*,¹⁷ as a decision-maker, the Information Commissioner applies the doctrine of precedent, which requires a lower court to follow decisions that have been made by higher courts on similar facts and issues.
24. The Court Decisions determined that the third party was not a ‘person aggrieved’ by certain decisions made under the *Mineral Resources Act 1989* (Qld) (**MR Act**) and the *Environmental Protection Act 1994* (Qld) (**EP Act**) and, therefore, the third party was not entitled, under the *Judicial Review Act 1991* (Qld) (**JR Act**), to request the statements of reasons sought in those proceedings.¹⁸
25. Therefore, the Court Decisions involved questions of standing, under the JR Act, in judicial review proceedings concerning statements of reasons requested under section 32 of the JR Act. In contrast, for the purpose of an access application under the

¹⁴ External review application.

¹⁵ As delegate of the Information Commissioner under section 145 of the RTI Act. .

¹⁶ At paragraph 40.

¹⁷ At paragraph 41.

¹⁸ Under section 32 of the JR Act, a person who is aggrieved by a decision to which the JR Act applies may request a written statement in relation to the decision. Where the written statement is not provided within 28 days, the person may apply to the court for an order under section 38 of the JR Act. Sections 4 and 7 of the JR Act define the types of decisions the JR Act applies to and who will be a ‘person aggrieved by a decision’.

RTI Act, a person's standing and right to access documents of an agency is established in the RTI Act¹⁹ and an agency should decide to give access to information unless giving access would, on balance, be contrary to the public interest.²⁰ This right of access under the RTI Act is distinct from the right to seek a statement of reasons under the JR Act that was considered in the Court Decisions.

26. The question of standing is not an issue in the matter before me as the third party has satisfied the requirements of the RTI Act to seek access to the Information in Issue.
27. I have carefully reviewed the Court Decisions and I am satisfied that the facts and issues being considered in this external review are different to the facts and issues that were considered by Justice Bowskill in the Court Decisions. Accordingly, I find that the reasoning in the Court Decisions is not binding authority for either a refusal of access to the Information in Issue under the RTI Act, or refusal to deal with the access application under the RTI Act.

(b) Exempt information

28. The right to be given access to documents of an agency under the RTI Act is subject to certain limitations, including grounds for refusal of access.²¹ It is Parliament's intention that these grounds are to be interpreted narrowly.²²
29. One such ground for refusal of access is where documents include exempt information.²³ Relevant to the applicant's submissions referenced at paragraph 19 above, information will qualify as exempt information if its disclosure is prohibited by one of the legislative provisions listed in schedule 3, section 12 of the RTI Act.
30. The applicant submitted²⁴ that the JR Act is a '*relevant Act*' and the dismissal of the applications under a relevant Act deems disclosure of the Information in Issue to be prohibited by an Act.
31. No provision of the JR Act is listed in schedule 3, section 12 of the RTI Act.²⁵
32. The Court Decisions did not prohibit the disclosure of information to the third party under the JR Act. Further, the provisions of schedule 3, section 12 of the RTI Act (or any other provision of the RTI Act) were not considered or addressed in the Court Decisions. Instead, as noted above, Justice Bowskill determined that the third party was not a person entitled under the JR Act to request the statements of reasons sought in those proceedings.
33. Taking into account these matters, and the requirement to narrowly interpret the grounds on which access may be refused under section 47 of the RTI Act,²⁶ I am satisfied that the Court Decisions have not expanded the definition of exempt information in schedule 3, section 12 of the RTI Act as submitted by the applicant.

¹⁹ Section 23(1) of the RTI Act. The requirements for a valid access application are set out in section 24 of the RTI Act. I also note that a similar right of access exists in the *Information Privacy Act 2009* (Qld).

²⁰ Section 44 of the RTI Act. This is referred to as the '*pro-disclosure bias*'.

²¹ Set out in section 47(3) of the RTI Act.

²² Section 47(2)(a) of the RTI Act.

²³ Section 47(3)(a) of the RTI Act. Schedule 3 of the RTI Act sets out the types of information that comprise exempt information: section 48 of the RTI Act.

²⁴ External review application.

²⁵ I also note that no provision of the JR Act prohibits the disclosure of information, however, even if a provision of the JR Act did prohibit disclosure, the RTI Act overrides such a provision—section 6 of the RTI Act.

²⁶ Section 47(2)(a) of the RTI Act.

34. I therefore find that the Information in Issue is not exempt information under the provisions of schedule 3, section 12 of the RTI Act.
35. Information will also qualify as exempt information under the RTI Act if its disclosure would found an action for breach of confidence (**Breach of Confidence Exemption**).²⁷ Given the applicant's submissions²⁸ that it provided confidential information to the Department which was not to be distributed beyond the Department, I have considered whether the Information in Issue is exempt information under the Breach of Confidence Exemption, although this was not specifically argued by the applicant as a ground supporting nondisclosure.²⁹
36. As noted in *TerraCom No. 1*,³⁰ the following cumulative requirements must be established to give rise to an equitable obligation of confidence:³¹
- (a) the information must be capable of being specifically identifiable as information that is secret, rather than generally available
 - (b) the information must have the necessary quality of confidence
 - (c) the circumstances of the communication must create an equitable obligation of confidence
 - (d) disclosure of the information to the access applicant must constitute an unauthorised use of the confidential information; and
 - (e) disclosure must cause detriment to the confider.
37. In this matter, I do not consider that the five cumulative requirements can be satisfied in relation to the Information in Issue.
38. The following is a summary of the relevant background to the applicant's communication of information to the Department concerning the financial assurance for the Blair Athol mine (**Mine**):
- (a) In May 2017, the Mining Lease for the Mine was transferred to Orion Mining Pty Ltd (**Orion**), a subsidiary of the applicant. As a result of this transfer, Orion also became the holder of the issued Environmental Authority for the Mine. The indicative approval for transfer of the Mining Lease to Orion required that Orion provide a financial assurance of \$13.5 million to the Department, in addition to almost \$80 million provided by the prior owners of the Mine.³² That is, the financial assurance required when Orion completed its acquisition of the Mine was approximately \$93 million.
 - (b) Under the EP Act, an environmental authority holder must not carry out an activity under a mining lease unless a plan of operations for all relevant activities has

²⁷ Schedule 3, section 8 of the RTI Act.

²⁸ External review application.

²⁹ OIC conveyed a preliminary view to the applicant on 18 September 2018 that the Information in Issue was not exempt information under the Breach of Confidence Exemption and invited the applicant to provide submissions addressing that view. The applicant's subsequent submissions to OIC did not address this preliminary view.

³⁰ At [58].

³¹ See *B and Brisbane North Regional Health Authority* [1994] 1 QAR 279 (**B and BNRHA**) at [60] to [118]. *B and BNRHA* is a decision of the Information Commissioner analysing the equivalent exemption in the repealed *Freedom of Information Act 1992* (Qld), however, the criteria stated in *B and BNRHA* have been consistently applied in the context of the RTI Act, see *TSO08G and Department of Health* (unreported, Queensland Information Commissioner, 13 December 2011) at [13] and more recently in *Edmestone and Blackall-Tambo Regional Council* [2016] QICmr 12 (15 April 2016) at [14]; *Australian Workers Union and Queensland Treasury; Ardent Leisure Limited (Third Party)* [2016] QICmr 28 (28 July 2016) at [16]; and *Glass Media Pty Ltd and Department of the Premier and Cabinet; Screen Queensland Pty Ltd (Third Party); The Walt Disney Company (Australia) Pty Ltd (Fourth Party)* [2016] QICmr 30 (18 August 2016) at [38].

³² The applicant's ASX Announcement dated 3 February 2017 notes that the Department, at the time of the Mining Lease transfer, held a financial assurance of approximately \$79.6million and the indicative Mining Lease transfer approval required that Orion provide the Department with the \$13.5million balance of the required financial assurance. The applicant's ASX Announcement dated 2 May 2017 confirmed that Orion had provided the \$13.5million balance of the financial assurance to the Department.

been given to the administering authority.³³ The requirements for plans of operations are specified in section 288 of the EP Act and include:

- a rehabilitation program; and
- a compliance statement for the plan addressing:
 - the extent to which the plan complies with the conditions of the relevant environmental authority; and
 - whether the amount of the financial assurance proposed in the plan has been calculated in accordance with the guideline referenced in section 295(3)(b)—the published guideline³⁴ requires supporting information to be supplied showing how the financial assurance amount has been calculated, such as the *'electronic worked version of the FA calculator and background calculations, or, if applicable, the Schedule of Disturbance'*.

(c) In June 2017, Orion provided a replacement plan of operations to the Department³⁵ which included, inter alia, a proposed financial assurance amount of approximately \$74.5 million. Under section 295 of the EP Act, the Department was required to decide on the amount and form of financial assurance required to be provided by Orion. On 28 June 2017, the Department decided that the amount of the financial assurance to be provided by Orion in respect of the replacement plan of operations was approximately \$74.6 million.³⁶

39. The financial assurance calculator is a Microsoft Excel calculation tool the Department makes available to licensees to facilitate a consistent approach to calculating financial assurances for mining activities.³⁷ The Category One Documents form part of the financial assurance calculator³⁸ and the Department has not objected to disclosure of this information.
40. Given the nature of the Category One Documents and the Department's disclosure position, I am not satisfied that the applicant has established that the Category One Documents were communicated in circumstances which created an equitable obligation of confidence; that their disclosure would constitute an unauthorised use; or that their disclosure would cause a detriment to the Department, as the confider of that information.³⁹ Further, given the nature of this information and the licensing scheme by which the financial assurance calculator is made available, I also consider it is unlikely that requirements (a) or (b) have been met.
41. I therefore find that the Category One Documents cannot comprise exempt information under schedule 3, section 8 of the RTI Act.

³³ Section 287 of the EP Act.

³⁴ Being the guideline titled *'Financial Assurance under Environmental Protection Act 1994'*, which is accessible at <<https://environment.des.qld.gov.au/assets/documents/regulation/era-gl-financial-assurance-ep-act.pdf>>.

³⁵ As the relevant administering authority.

³⁶ As noted in the applicant's ASX Announcement dated 18 July 2017, this decision triggered the release of the \$13.5 million financial assurance previously provided by Orion and part of the \$80 million financial assurance paid by the prior owners of the Mine. This was also confirmed in media reporting—refer, for example, to <<https://www.abc.net.au/news/2018-01-24/blair-athol-company-given-millions-in-surplus-enviro-funding/9353802>>.

³⁷ The Department issued a user guide for the financial assurance calculator titled *'Mining and petroleum and gas financial assurance calculators'*, which is accessible at <<https://environment.des.qld.gov.au/assets/documents/regulation/rs-gl-user-guide-fa-calculator.pdf>>.

³⁸ Being the default values the Department has itself determined for the purpose of the financial assurance calculator. In this regard, I note that the applicant's submissions dated 6 September 2018 refer to this information as a *'Table of values forming basis for specified rates being used in the FA calculator'* and *'Rates guidance for the financial assurance calculation'*. Further, I note that, during the review, the applicant withdrew its objection to disclosure of other information which forms part of the financial assurance calculator.

³⁹ Being requirements (c), (d) and (e) of the Breach of Confidence Exemption.

42. The majority of the Category Two Documents comprise information the applicant provided to the Department for the purpose of enabling the Department to make a determination about the amount and form of financial assurance required for Orion's replacement plan of operations. For example, the Category Two Documents specifically include:
- information generated by the applicant's use of the financial assurance calculator; and
 - information communicated by the applicant in response to the Department's specific requests for additional information required to enable a decision to be made about the amount of the financial assurance for the Mine.
43. However, the Category Two Documents also include a copy of the Environmental Authority issued to Orion on transfer of the Mining Lease⁴⁰ and information that was generated by the Department, such as the Department's assessment report prepared in connection with its determination about the amount and form of the financial assurance required for the replacement plant of operations (**assessment report**).
44. I note that there is nothing in the EP Act which imposes any obligation of confidentiality on the Department in relation to information which it received and considered in discharging its regulatory functions concerning the amount (and form) of a financial assurance relevant to a plan of operations for mining activities.
45. In respect of the Category Two Documents which comprise information provided by the applicant, most of that information does not, on its face, identify that it is confidential or that it is the applicant's (or any other entity's) confidential or commercial in confidence information, or that the applicant was providing it to the Department in confidence. There is nothing in the material before me, apart from the applicant's submissions, which would have enlivened any expectation that such information provided by the applicant for the purpose of enabling a financial assurance determination for the replacement plan of operations to be made, was being provided on the premise that it would be kept confidential by the Department.
46. A small amount of the information provided by the applicant in the Category Two Documents is marked 'strictly business confidential'.⁴¹ While I have considered this notation, I note that the applicant did not seek any undertaking from the Department that it would receive the information labelled in this manner in confidence. Again, this was information provided by the applicant for the purpose of enabling the Department to make a determination within a regulatory framework—more specifically, this 'business confidential' information was information provided to address the Department's specific requests to enable the determination to be made. In these circumstances, I consider that any unilateral expectation by the applicant that the information it provided to the Department as 'business confidential' is not sufficient to establish a reasonable expectation that such information was submitted in circumstances which created an equitable obligation of confidence and therefore satisfied requirement (c).
47. To the extent that the assessment report comments on information provided by the applicant, it again does not note that the applicant's information was confidential or that

⁴⁰ A copy of Orion's current environmental authority for the Mine is publicly accessible at <<https://apps.des.qld.gov.au/env-authorities/pdf/epml00876713.pdf>> and via the spreadsheet accessible via <<https://apps.des.qld.gov.au/env-authorities/>>. The document appearing in the Information in Issue is a prior version of Orion's environmental authority for the Mine, which was previously accessible via the Department's website, as referenced in *TerraCom No. 1* at paragraph 102 and footnote 92, but can no longer be accessed via that site.

⁴¹ This 'strictly business confidential' label appears on two emails the applicant sent to the Department dated 23 and 27 June 2017. Multiple copies of the 23 June 2017 email appear within the Category Two Documents.

it was provided on a confidential basis. As to the environmental authority in the Category Two Documents, I note that Orion is required to hold such an authority to conduct mining and extractive activities at the Mine. This document is not, on its face, identified as confidential and it was previously publicly accessible.⁴² I also note that Orion's current environmental authority, which supersedes the document in the Category Two Documents, is publicly accessible.

48. Finally, I note that under the Department's original and internal review decisions, the Department decided to disclose the Information in Issue, including the Category Two Documents, to the third party under the RTI Act. I consider that the Department's willingness to disclose the Category Two Documents lends further support to the view that there was no mutual understanding of confidence between the Department and the applicant regarding the Category Two Documents, including to the extent those documents include information the applicant provided to the Department under the regulatory framework.
49. In these circumstances and taking into consideration the regulatory framework in which this information was communicated to, or created and obtained by, the Department, I am not satisfied that requirements (c), (d) or (e) have been made out in respect of the Category Two Documents so as to give rise to an equitable obligation of confidence. Accordingly, I find that the Category Two Documents cannot comprise exempt information under schedule 3, section 8 of the RTI Act.

Conclusion

50. For the reasons set out above, the applicant has not met the onus of establishing that access to the Information in Issue should be refused either under the doctrine of precedent or as exempt information.

Contrary to the public interest information

Relevant law

51. Under the RTI Act, access may also be refused to information if its disclosure would, on balance, be contrary to the public interest.⁴³ In assessing whether disclosure of information would, on balance, be contrary to the public interest, a decision maker must:⁴⁴
- 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.

⁴² See footnote 40 above.

⁴³ Sections 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.

⁴⁴ Section 49(3) of the RTI Act.

Findings

Irrelevant Factors

52. I have not taken any irrelevant factors into account.

Factors favouring disclosure

53. The applicant's submissions do not identify or address public interest factors favouring disclosure.
54. As noted in paragraph 51 above, section 49(3) of the RTI Act requires that I consider factors favouring disclosure and nondisclosure in determining whether disclosure would, on balance, be contrary to the public interest. In accordance with those requirements, I set out below my consideration of the factors I have taken into account, and the weighting I attribute to them, in deciding whether it would be contrary to the public interest to release information.

Accountability and transparency factors

55. The RTI Act recognises that public interest factors favouring disclosure will arise where disclosure of information could reasonably be expected to:
- promote open discussion of public affairs and enhance the Government's accountability⁴⁵
 - contribute to positive and informed debate on important issues or matters of serious interest⁴⁶
 - inform the community of the Government's operations, including, in particular, the policies, guidelines and codes of conduct followed by Government in its dealings with members of the community;⁴⁷ and
 - reveal the reason for a government decision and any background or contextual information that informed the decision.⁴⁸
56. The State obtains financial assurances from the companies that undertake mining and extractive activities in Queensland to mitigate the financial risk that the State will bear the cost of rehabilitating land disturbed by such activities. The Government must be accountable to the public for the decisions it makes under the regulatory framework for determining the amount and form of those financial assurances. Disclosure of the Information in Issue, in particular the assessment report, will reveal the reasons for, and background information relevant to, the Department's determination about the amount of the financial assurance required for Orion's replacement plan of operations. The Information in Issue also records the information upon which the Department based its determination and the process by which the Department sought, and obtained, specific information from the applicant which it considered necessary for making the financial assurance determination.
57. I consider disclosure of the Information in Issue would enable scrutiny of the Department's regulatory determination about the amount of the financial assurance to be provided by Orion in respect of its replacement plan of operations and identify the Department's processes, and the information it considered, in making the financial assurance determination.

⁴⁵ Schedule 4, part 2, item 1 of the RTI Act.

⁴⁶ Schedule 4, part 2, item 2 of the RTI Act.

⁴⁷ Schedule 4, part 2, item 3 of the RTI Act.

⁴⁸ Schedule 4, part 2, item 11 of the RTI Act.

58. I note the significance of mining projects to the Queensland and Australian economy and the local community (which is recognised in the applicant's ASX Announcements). I also note that there is an ongoing public debate concerning the level of financial assurances the Government holds for mining activities across the State. In my opinion, this demonstrates that the financial assurance determination in respect of Orion's replacement plan of operations, and the decision-making process that led to that determination, are matters of serious interest.⁴⁹
59. Taking into consideration the nature of the Information in Issue, the ongoing public debate about financial assurances and the public interest in open and accountable decision making within the regulatory framework under which the financial assurance determination was made, I afford significant weight to each of the accountability and transparency factors favouring disclosure.⁵⁰

Factors favouring nondisclosure

60. The applicant's submissions⁵¹ assert that a number of factors favouring nondisclosure are relevant to the Information in Issue, namely, where disclosure of information is prohibited by an Act⁵² or could reasonably be expected to:
- prejudice the private, business, professional, commercial or financial affairs of entities (**business affairs prejudice factor**)⁵³
 - impede the administration of justice generally, including procedural fairness, and the administration of justice for a person⁵⁴
 - impede the protection of the environment⁵⁵
 - prejudice intergovernmental relations (**intergovernmental prejudice factor**)⁵⁶
 - prejudice trade secrets, business affairs or research of an agency or person (**trade secrets prejudice factor**)⁵⁷
 - prejudice an agency's ability to obtain confidential information;⁵⁸ and
 - prejudice a deliberative process of government (**deliberative process prejudice factor**).⁵⁹
61. Noting that the applicant bears the onus under the RTI Act of establishing that a decision not to disclose the Information in Issue is justified, OIC requested specific, detailed submissions from the applicant during the external review⁶⁰ about:

⁴⁹ In this regard, I also note that in the period proximate to the Department's determination of the financial assurance, the applicant publicly released its Annual Financial Report for the year ended 30 June 2017 (ASX Announcement dated 29 September 2017 and the Supplemental Release dated 27 October 2017) and an ASX Announcement dated 28 February 2018 titled '*December 2017 Half Year Financial Results*'. These documents include an Independent Auditor's report, which include a statement about conditions and events which, in the opinion of the independent auditor, raise doubt about the ability of the applicant's group of companies '*to continue as a going concern*'. This has also been the subject of media reporting about the applicant's financial capability, such as <<http://www.abc.net.au/news/2018-01-24/blair-athol-company-given-millions-in-surplus-environment-funding/9353802>>.

⁵⁰ Schedule 4, part 2, items 1, 2, 3 and 11 of the RTI Act.

⁵¹ Including submissions made on internal review which the applicant incorporated by reference.

⁵² Schedule 4, part 3, item 22 of the RTI Act.

⁵³ Schedule 4, part 3, item 2 of the RTI Act.

⁵⁴ Schedule 4, part 3, items 8 and 9 of the RTI Act.

⁵⁵ Schedule 4, part 3, item 11 of the RTI Act.

⁵⁶ Schedule 4, part 3, item 14 of the RTI Act.

⁵⁷ Schedule 4, part 3, item 15 of the RTI Act.

⁵⁸ Schedule 4, part 3, item 16 of the RTI Act.

⁵⁹ Schedule 4, part 3, item 20 of the RTI Act.

⁶⁰ By letters dated 13 August, 18 September and 31 October 2018.

- the prejudice the applicant considered would be caused to its business and financial affairs, the Department's ability to obtain confidential information, intergovernmental relations and a deliberative process; and
- how disclosure of the Information in Issue would cause such prejudice or impede protection of the environment or the administration of justice.

62. I have referenced below the information the applicant provided in support of its assertions that the nondisclosure factors identified in paragraph 60 above are relevant to the Information in Issue.

Business and financial affairs

63. In addition to the *business affairs prejudice factor*, the RTI Act recognises that disclosure of information concerning the business, professional, commercial or financial affairs of an agency or another person could reasonably be expected to cause a public interest harm where the disclosure could reasonably be expected to have an adverse effect on those affairs or to prejudice the future supply of information of this type to government (**business affairs harm factor**).⁶¹

64. The applicant submitted that the business affairs prejudice factor is relevant to the Information in Issue because:

- as a result of being a public company listed on the Australian Stock Exchange (**ASX**), the applicant is subject to '*stringent continuous disclosure obligations*' under the ASX Listing Rules and '*providing any information not in the public domain contradicts the equitable market philosophy and has the potential to provide one or more parties with an unfair advantage (i.e. no longer an equitable market)*'⁶²
- the Information in Issue contains '*market sensitive information*' including forecast financial and production performance information '*which has not been released on the ASX*'⁶³
- the Information in Issue includes information that outlines the manner in which Orion would manage its obligations under its environmental authority and undertake specified activities on the Mining Lease;⁶⁴ and
- the Information in Issue includes information which is confidential and is not publicly available.⁶⁵

65. Beyond this, however, the applicant has not elaborated on:

- what information within the Information in Issue it considers to be 'market sensitive information'
- what prejudice, adverse effect or '*unfair advantage*' could reasonably be expected to occur as a result of disclosing the Information in Issue; and
- how disclosure of any part of the Information in Issue could contradict the referenced '*equitable market philosophy*',

notwithstanding its onus in this review.

66. I do not consider the fact the Information in Issue (or any parts of it) is not required to be disclosed under the ASX Listing Rules supports the applicant's contention that it should

⁶¹ Schedule 4, part 4, section 7(1)(c) of the RTI Act.

⁶² Submissions dated 11 October 2018.

⁶³ External review application.

⁶⁴ Submissions dated 6 September 2018.

⁶⁵ Submissions dated 6 September 2018.

not be disclosed under the information access scheme embodied in the RTI Act. I note that parts of the Information in Issue comprise general corporate information about the applicant and its group of companies, some of which is in the public domain, including via the applicant's ASX Announcements.

67. The Category One Documents form part of the financial assurance calculator—that is, they are the government's business information appearing in a calculation tool made available to licensees. This information is not the business and financial information of the applicant or its group of companies. I consider any prejudice or public interest harm that could reasonably be expected to occur from disclosure of the Category One Information would be very minimal given the nature of this information, the licensing scheme by which the financial assurance calculator is made available and taking into account that the Department did not raise concerns regarding its disclosure. Accordingly, I afford the business and financial affairs prejudice and harm factors no weight in respect of the Category One Documents.
68. The Category Two Documents include information of the nature specified in section 288 of the EP Act that was considered by the Department in making the financial assurance determination. As previously noted, the Category Two Documents also include the assessment report and a copy of Orion's superseded environmental authority.
69. I am satisfied that most of the Category Two Documents contain information about the business and financial affairs of the applicant and its group of companies. However, I note that such business and financial affairs information is the type required to be submitted under a regulatory framework for the purpose of enabling Orion to undertake relevant activities on the Mining Lease. In these circumstances, I am not satisfied that disclosure of the applicant's business and financial information within the Category Two Documents could reasonably be expected to prejudice the future supply of such information to government.
70. I consider the disclosure of the applicant's business and financial affairs information within Category Two Documents could reasonably be expected to cause some level of prejudice or adverse effect on those affairs of the applicant and its group of companies and, therefore, the prejudice and harm factors favouring nondisclosure are relevant. In considering the weight to be afforded to these factors, I have taken into consideration the publicly accessible information about the business and financial affairs of the applicant's group of companies,⁶⁶ in particular about the '*full service mining contract*' Orion entered with Link Mining Services Pty Ltd,⁶⁷ the financial assurance required for the Mine and Orion's completed and ongoing rehabilitation activities at the Mine. Again, I note that there is no evidence before me which indicates the precise nature of the prejudice and/or adverse effect the applicant claims would flow from disclosure nor how the applicant's competitors would be in a position to use such business and financial affairs information to their own advantage (or of any corresponding disadvantage it would cause to the applicant's group of companies). In particular, I note that the applicant has not enunciated how information which relates specifically to the manner in which Orion plans to undertake its proposed activities at the Mine in compliance with its obligations under the Mining Lease and environmental authority for the Mine could be used by any of the applicant's competitors in their own activities at other mine sites. In these circumstances, I consider that the prejudice or adverse effect on the business and financial affairs of the applicant and its group of companies would not be significant and, accordingly, I afford moderate weight to the prejudice and harm factors⁶⁸ in respect of

⁶⁶ Specifically including the applicant's ASX Announcements, media reporting about the level of the financial assurance required for the Mine and the publicly accessible answer provided to Question on Notice No. 52 in the Queensland Parliament.

⁶⁷ As announced by the applicant on 14 October 2016.

⁶⁸ Schedule 4, part 3, item 2 and part 4, item 7(1)(c) of the RTI Act.

the applicant's business and financial affairs information within the Category Two Documents.

71. The Category Two Documents⁶⁹ also include waste management guidelines and a contaminated sites register which are, on their face, documents prepared by one of the prior owners of the Mine. The applicant has not identified how these documents are the applicant's business and financial affairs information or how their disclosure would cause any prejudice to, or have an adverse effect on, the applicant's, or any other entity's, business and financial affairs. Nor can I discern any impact to the applicant, or the former owners of the Mine, of disclosing these documents. I therefore consider that the business affairs prejudice and harm factors⁷⁰ do not apply to these documents.

Trade secrets and commercial value

72. The applicant submitted⁷¹ that the trade secrets prejudice factor is relevant to:
- certain Category Two Documents which identify the applicant's strategies for various activities at the Mine
 - the guidelines and register prepared by one of the previous owners of the Mine; and
 - a copy of the Environmental Authority issued to Orion on transfer of the Mining Lease.⁷²
73. In addition to the trade secrets prejudice factor, the RTI Act also recognises that disclosure of information could reasonably be expected to cause a public interest harm because it would disclose trade secrets of an agency or another person or information or other information that has a commercial value to an agency or another person, and could reasonably be expected to destroy or diminish the commercial value of the information (**trade secrets and commercial value harm factor**).⁷³
74. In the context of this review, a trade secret refers to a method, process, knowledge or technology used by a company which it intends to keep confidential.⁷⁴ The documents identified in paragraph 72 above are not, on their face, identified as confidential or commercial in confidence and the applicant has not enunciated how, or if, it considers these documents, or any other parts of the Information in Issue, comprise the trade secrets of the applicant or any other entity. Nor has the applicant enunciated the prejudice to trade secrets that it considers could occur or how disclosure of the Information in Issue would cause such prejudice. In the absence of such information, I cannot be satisfied that disclosure of the Information in Issue would disclose or prejudice trade secrets.
75. As noted in paragraph 67 above, the Category One Documents comprise business and financial information of the government, not the applicant or its group of companies. While the Category One Documents may have some commercial value to the government, I consider the prejudice disclosure of the Category One Documents may cause to the government's business and financial affairs and the impact disclosure may have on the commercial value of the Category One Documents would be minimal, taking into account the licensing scheme by which the financial assurance calculator is made

⁶⁹ Pages 136-167 in File A.

⁷⁰ Schedule 4, part 3, item 2 and part 4, item 7(1)(c) of the RTI Act.

⁷¹ Submissions dated 6 September 2018.

⁷² Which as previously noted was, but no longer is, publicly accessible.

⁷³ Schedule 4, part 4, sections 7(1)(a) and (b) of the RTI Act.

⁷⁴ In *Cannon and Australian Quality Egg Farms Ltd* (1994) QAR 491 at [43], the Information Commissioner cited a statement in the decision of *Ansell Rubber Co Pty Ltd v Allied Rubber Industries Pty Ltd* (1967) VR 37 which referred to a trade secret as 'any formula, pattern or device or compilation of information which gives an advantage over competitors who do not know or use it'.

available and that the Department did not raise concerns regarding disclosure of this information. Accordingly, I afford no weight to these prejudice and harm factors in respect of the Category One Documents.

76. The applicant has not, as noted in paragraph 65 above, enunciated what prejudice to business and financial affairs could reasonably be expected to occur from disclosure of the Category Two Documents, including the specific documents identified in paragraph 72 above.
77. On the material before me, including the content of the Category Two Documents and the applicant's extensive ASX Announcements about its arrangements with Link Mining Services Pty Ltd, the financial assurances provided for the Mine and Orion's activities (including rehabilitation activities) at the Mine since its acquisition, I am not satisfied that disclosing the Category Two Documents (and more specifically the types of documents referenced in paragraph 72 above) would cause any substantial prejudice to the business affairs of the applicant or any other entity; or significantly destroy or diminish the commercial value of the applicant's (or any other entity's) information. Accordingly, I afford low weight to these factors favouring nondisclosure⁷⁵ of the Category Two Documents.

Administration of justice

78. In its internal review submissions,⁷⁶ the applicant asserted that these factors favouring nondisclosure apply because disclosure of the Information in Issue could impede the outcome of the proceedings which were the subject of the Court Decisions.
79. Given the referenced proceedings have been finalised by the Court Decisions, there is nothing before me which indicates that disclosure of the Information in Issue could be expected to impede the administration of justice or procedural fairness for the applicant or any other individual or entity. I therefore find that these factors favouring nondisclosure⁷⁷ do not apply.

Protection of the environment

80. The applicant submitted⁷⁸ this factor favouring nondisclosure applies because it has completed a substantial amount of rehabilitation at the Mine (being reflected in the reduction of the financial assurance that has occurred since the Mine was acquired) and '*any adverse matters which are brought about by the requestor of this information has the ability to adversely impact the environment ...from the perspective that [the applicant] is completing rehabilitation at an accelerated rate*'.
81. The applicant's submissions do not identify what it considers to be the referenced 'adverse matters' or precisely how disclosure of information relating to the financial assurance determination could be expected to impede the protection of the environment. I also note that the applicant has publicly announced that certain of its rehabilitation activities at the Mine are ahead of schedule.⁷⁹

⁷⁵ Schedule 4, part 3, item 15 and schedule 4, part 4, sections 7(1)(a) and (b) of the RTI Act.

⁷⁶ Dated 12 February 2018, which are incorporated by reference in the external review application.

⁷⁷ Schedule 4, part 3, items 8 and 9 of the RTI Act.

⁷⁸ Submissions dated 6 September 2018.

⁷⁹ For example, the applicant's 2018 Financial Year Results Presentation, available at <<http://terraacomresources.com/wp-content/uploads/2018/08/1838866.pdf>> and its June 2018 Quarterly Report, available at <<http://terraacomresources.com/wp-content/uploads/2018/07/1825195.pdf>>, which are referenced in the applicant's submissions dated 11 October 2018.

82. I am not satisfied, on the material available to me, that disclosing the Information in Issue could reasonably be expected to impede the protection of the environment and, accordingly, I do not consider this factor favouring nondisclosure⁸⁰ applies.

Intergovernmental relations

83. The applicant has stated that in this case the intergovernmental prejudice factor arises. I note that in addition to this prejudice factor, the RTI Act also recognises that disclosure of information could reasonably be expected to cause a public interest harm where disclosure could cause damage to relations between Queensland and another government or divulge confidential information communicated by or for another government (**harm factor**).⁸¹
84. Notwithstanding its onus in the review, the applicant did not identify the nature of the expected prejudice or enunciate how such prejudice could be expected to arise from disclosure of the Information in Issue.
85. As I have previously noted, the final assurance determination has been made in respect of Orion's replacement plan of operations and therefore the relevant government action in this case has been finalised. The Information in Issue does not relate to intergovernmental relations and does not contain confidential information communicated by or for another government. Instead, the Information in Issue records agency assessments, within a regulatory framework, of information relevant to its determination about a financial assurance to be provided by a non-government entity. In these circumstances, I am satisfied no prejudice or harm to intergovernmental relations could be anticipated from disclosing the Information in Issue and I find that the prejudice and harm factors favouring nondisclosure⁸² do not apply.

Confidential information

86. Again, beyond asserting that this factor applies, the applicant did not identify the nature of the expected prejudice or enunciate how such prejudice could be expected to arise from disclosure of the Information in Issue.
87. The Category One Documents form part of the financial assurance calculator. They cannot be characterised as the confidential information of the applicant or its group of companies. I do not consider that disclosure of the Category One Documents could reasonably be expected to prejudice the Department's ability to obtain confidential information and, accordingly, I am satisfied that this factor does not apply to the Category One Documents.
88. I also consider that it is unlikely that disclosure of the Category Two Documents, which were provided to or created by the Department under a regulatory framework, would have any noticeable impact on the Department's ability to obtain similar information in the future. In the circumstances, I afford low weight to this factor⁸³ favouring nondisclosure of the Category Two Documents.

Deliberative process

89. The RTI Act contains two public interest factors concerning the deliberative processes of government which favour nondisclosure of information. Firstly, the deliberative

⁸⁰ Schedule 4, part 3, item 11 of the RTI Act.

⁸¹ Schedule 4, part 4, section 1 of the RTI Act.

⁸² Schedule 4, part 3, item 14 and schedule 4, part 4, section 1 of the RTI Act.

⁸³ Schedule 4, part 3, item 16 of the RTI Act.

process prejudice factor⁸⁴ and secondly, the **deliberative process harm factor**. The deliberative process harm factor will arise where disclosure of information could reasonably be expected to cause a public interest harm through disclosure of an opinion, advice or recommendation that has been obtained, prepared or recorded or a consultation or deliberation that has taken place in the course of, or for, the deliberative processes involved in the functions of government.⁸⁵

90. The applicant submitted⁸⁶ that the deliberative process prejudice factor is relevant to the Information in Issue, however, it has not enunciated what prejudice to a deliberative process could be expected, in the circumstances of this review, to arise from disclosure of the Information in Issue.
91. For the deliberative process prejudice factor to apply, a reasonable expectation of prejudice to the relevant deliberative process must be established. As noted in paragraph 38(c) above, the Department determined the amount of the financial assurance required in respect of Orion's replacement plan of operations on 28 June 2017 and the applicant's ASX announcements also confirm that, following this determination, part of the previously provided financial assurance was released to Orion. In this case, the relevant deliberative process is the process relating to the determination of the financial assurance for the replacement plan of operations or, more broadly, the approval of that replacement plan of operations. That relevant deliberative process has concluded and there is no outstanding government decision to be made. I am therefore satisfied that no reasonable expectation of prejudice to the deliberative process arises from disclosure of the Information in Issue. Accordingly, I do not consider that the deliberative process prejudice factor applies to the Information in Issue.
92. As to the deliberative process harm factor, the Information in Issue:
- does contain '*opinions, advice and recommendations*' that were obtained, prepared and documented, and consultations that took place, in the course of the deliberative processes associated with approving the replacement plan of operations and determining the relevant financial assurance for that plan; and
 - is not information of the type referred to in schedule 4, part 4, sections 4(3) and 4(4) of the RTI Act.
93. However, I consider any public interest harm that could reasonably be expected to occur from disclosure of the Information in Issue would be minimal because the Department has made its determination about the financial assurance relevant to the replacement plan of operations. I also note that the Department did not raise any concern that disclosure of the opinions, advice and recommendations within the Information in Issue, which were obtained, prepared and considered within the regulatory framework, could cause a public interest harm. I consider this lends further weight to any reasonably expected harm being very minimal. Accordingly, I afford the deliberative process harm factor low weight.

Prohibited by an Act

94. As noted in paragraphs 31 and 32 above:
- the Court Decisions did not consider or address any provision of the RTI Act or prohibit the disclosure of information to the third party; and

⁸⁴ Schedule 4, part 3, item 20 of the RTI Act.

⁸⁵ Schedule 4, part 4, section 4(1) of the RTI Act. The deliberative process harm factor does not apply in the circumstances specified in Schedule 4, part 4, sections 4(2)-(4) of the RTI Act.

⁸⁶ Internal review submissions dated 12 February 2018, which the external review application incorporated by reference.

- no provision of the JR Act, being the Act under which the applications considered in the Court Decisions were made, prohibits disclosure of information of the nature of the Information in Issue.

95. Taking this and the requirement to narrowly interpret the grounds on which access may be refused under section 47 of the RTI Act, I am satisfied that this factor favouring nondisclosure⁸⁷ does not apply to the Information in Issue.

Other factors favouring nondisclosure

96. I have carefully considered all factors listed in schedule 4, parts 3 and 4 of the RTI Act, and can identify no other public interest considerations in favour of nondisclosure of the Information in Issue. Taking into consideration the nature of the Information in Issue and the publicly accessible information about the financial assurances required from time to time for the Mine, I cannot see how disclosure of the Information in Issue could, for example, prejudice the fair treatment of individuals,⁸⁸ prejudice security, law enforcement or public safety⁸⁹ or prejudice the economy of the State.⁹⁰

Balancing the public interest

97. I have taken into account the general pro-disclosure bias of the RTI Act⁹¹ and identified a number of public interest factors favouring disclosure of the Information in Issue (that is, both the Category One and Category Two Documents). I am satisfied that the government's accountability and transparency will be enhanced by informing the public about the decision-making process for financial assurance determination, the information obtained and considered in that process and the reasons for the Department's determination of the amount of the financial assurance required in respect of Orion's replacement plan of operations for the Mine. The accountability and transparency factors carry significant weight in respect of the Information in Issue.

98. In relation to the Category One Documents, I consider these comprise the government's business information, which would have some commercial value to the government. However, in circumstances where this information is made available via a licensing scheme and that the Department has not raised concerns regarding its disclosure, I consider the prejudice and harm factors which relate to business and financial affairs, trade secrets and commercial value carry no weight. I also consider that the deliberative process harm factor applies to the Information in Issue (which includes the Category One Documents) and it deserves only low weight.

99. The Category Two Documents include the applicant's business and financial affairs information. I also consider that the Category Two Documents contain information which may be of a commercial value to the applicant and its group of companies. In respect of that information, I consider that certain factors favouring nondisclosure apply. I consider the prejudice and harm factors which relate to business and financial affairs carry moderate weight and I afford low weight to the prejudice and harm factors which concern trade secrets and commercial value. I also consider that the nondisclosure factor relating to the Department's ability to obtain confidential information deserves only low weight in respect of the applicant's information within the Category Two Documents. As noted above, I also consider the deliberative process harm factor carries low weight.

⁸⁷ Schedule 4, part 3, item 22 of the RTI Act.

⁸⁸ Schedule 4, part 3, item 6 of the RTI Act.

⁸⁹ Schedule 4, part 3, item 7 of the RTI Act.

⁹⁰ Schedule 4, part 3, item 12 and schedule 4, part 4, section 9 of the RTI Act.

⁹¹ Section 44 of the RTI Act.

100. On balance, I find that the factors favouring disclosure of the Information in Issue outweigh the factors favouring nondisclosure. Accordingly, I find that disclosure of the Information in Issue would not, on balance, be contrary to the public interest.

Conclusion

101. For the reasons set out above, the applicant has not met the onus of establishing that access to the Information in Issue should be refused on the ground that its disclosure would, on balance, be contrary to the public interest.

DECISION

102. I affirm the Department's internal review decision to grant access to the Information in Issue as the Information in Issue is neither exempt information under the RTI Act, nor would its disclosure, on balance, be contrary to the public interest.

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

Assistant Information Commissioner Corby

Date: 19 December 2018

APPENDIX

Significant procedural steps

Date	Event
6 April 2018	OIC received the external review application.
2 May 2018	The third party confirmed that it continued to seek access to the documents in issue and wished to participate in the review. The applicant agreed that the review would be progressed following the issue of a decision in the applicant's prior external review (being <i>TerraCom No. 1</i>).
13 August 2018	OIC conveyed a preliminary view to the applicant concerning aspects of the applicant's disclosure objections and requested submissions from the applicant, including submissions to confirm what information its disclosure objections related to.
6 September 2018	OIC received the applicant's submissions.
18 September 2018	OIC conveyed a further preliminary view to the applicant concerning aspects of the applicant's disclosure objections and requested submissions from the applicant.
11 October 2018	OIC received the applicant's further submissions.
31 October 2018	OIC conveyed a further preliminary view to the applicant concerning aspects of the applicant's disclosure objections.
14 November 2018	OIC received the applicant's further submissions.
16 November 2018	OIC requested that the Department release information to the third party which was no longer the subject of the applicant's disclosure objections. OIC also confirmed to the third party that it was a participant in the external review.