



Decision and Reasons for Decision

Citation:	<i>Z18 and Queensland Police Service [2020] QICmr 8 (14 February 2020)</i>
Application Number:	314813
Applicant:	Z18
Respondent:	Queensland Police Service
Decision Date:	14 February 2020
Catchwords:	ADMINISTRATIVE LAW - AMENDMENT OF PERSONAL INFORMATION - application to amend letter describing applicant as of “unsound mind” - whether the information sought to be amended is inaccurate, incomplete, out of date or misleading - section 72 of the <i>Information Privacy Act 2009</i> (Qld)

REASONS FOR DECISION

Summary

1. The applicant applied¹ to the Queensland Police Service (**QPS**) under the *Information Privacy Act 2009* (Qld) (**IP Act**) for amendment of a reference to the applicant as being of “unsound mind” in a letter from QPS’s Ethical Standards Command (**ESC**) to the applicant dated 28 March 2019 (**Letter**).
2. QPS decided² to refuse the requested amendment on the basis that the Letter did not form part of a functional record of QPS.³ The applicant applied to the Office of the Information Commissioner (**OIC**) for external review of QPS’s decision.
3. For the reasons set out below, I find that the amendment to the Letter sought by the applicant may be refused.

Background

4. In January 2017, the applicant was charged with using a carriage service to menace, harass or cause offence under section 474.17(1) of the *Criminal Code Act 1995* (Cth). When heard before a Queensland Magistrates Court in August 2017, the charge was dismissed under section 20BQ(1)(c)(iii) of the *Crimes Act 1914* (Cth), on the basis that the applicant had a mental illness. Prior to this outcome, the applicant’s solicitor furnished the Court with two reports from Forensic Consultant Psychiatrist Dr A.⁴

¹ Amendment application dated 25 July 2019.

² Decision dated 30 August 2019.

³ Under section 72(1)(b) of the IP Act.

⁴ This is evident in a partial transcript of proceedings first emailed by the applicant to OIC on 31 August 2019.

5. The applicant then made a complaint to QPS's ESC regarding the conduct of two police officers during the matter. ESC determined that neither officers' conduct amounted to misconduct and finalised the complaint. The Letter advised the applicant of this outcome.
6. The applicant has since raised concerns about the charge against him, the outcome of the Court proceedings, and the Letter itself with various parties, including OIC. In terms of the Letter, the applicant's concerns focus on a reference to him being of "unsound mind", which appears in the following overview of facts in the Letter:

*I am aware you subsequently sought legal representation and in your defence of the charge, a mental health report was furnished by [Forensic Consultant Psychiatrist Dr A]. This report declared you were of **unsound mind** at the time of the alleged offence(s) which was accepted by the Magistrate. The charge was ultimately dismissed under the **Mental Health Act 2016**.*
[emphasis added]

7. It is this reference to the applicant being of "unsound mind" which is the subject of the applicant's amendment application and this external review.
8. Significant procedural steps taken during the external review are set out in the Appendix to this decision.

Reviewable decision

9. The decision under review is QPS's decision dated 30 August 2019.

Evidence considered

10. The applicant has provided voluminous and largely unprompted submissions over the course of the external review. Over a period of approximately five months, OIC has received more than 220 emails from the applicant, most of which included multiple attachments, and many of which were sent to other parties as well as OIC.
11. Most of the issues raised by the applicant with various parties, including OIC, fall outside the scope of OIC's jurisdiction. For example, in emails to OIC, his former law firm, the Queensland Law Society, media organisations and multiple government agencies, including the Crime and Corruption Commission and the Queensland Ombudsman, the applicant has made a number of unsubstantiated allegations of misconduct by numerous government departments, agencies, officers, and a Minister. However, OIC's functions on external review relate to access to and amendment of documents⁵ and do not extend to investigating these allegations of misconduct. Accordingly, I have carefully considered the applicant's emails and addressed his submissions to the extent that they are relevant to the issue for determination.
12. The evidence, submissions, legislation and other material considered in reaching this decision are referred to in these reasons (including footnotes and Appendix).

Issue for determination

13. The issue for determination is whether QPS is entitled to refuse to amend the reference to the applicant as being of "unsound mind" in the Letter.

⁵ Section 137 of the IP Act.

14. During the external review, the applicant has also raised concerns about a reference to the *Mental Health Act 2016* (Qld) (**MH Act**) which, as set out at paragraph 6 above, appears in the overview of facts in the Letter along with the reference to the applicant being of “unsound mind”. The applicant appears to consider that the Letter should have referred to the Commonwealth provision under which his charge was dismissed, rather than Queensland’s MH Act, which provided the meaning of mental illness for the purpose of that provision. It is my understanding that the applicant’s comments regarding the MH Act are directed at supporting his request for amendment of the phrase “unsound mind”. However, to the extent that the applicant intended that these comments be construed as a request for amendment of the Letter’s reference to the MH Act as well, I confirm that, as a review body tasked with conducting merits review, OIC’s jurisdiction is limited to reviewing decisions by agencies regarding access and amendment applications.⁶ The requirements for making an amendment application include ‘*stat[ing] the information the applicant claims is inaccurate, incomplete, out of date or misleading*’.⁷ In this regard, the only information identified by the applicant in his application was the phrase “unsound mind”. In these circumstances, the Information Commissioner has no jurisdiction under the IP Act to consider amendment of the Letter’s reference to the MH Act in this review.
15. Before addressing the issue for determination, it is necessary that I first address a preliminary matter – namely, the applicant’s allegations that the Information Commissioner and certain OIC staff are biased against him.

Alleged bias by the Commissioner

16. The applicant has made submissions alleging that the Information Commissioner and the Review Officer managing his review have displayed bias against him. For example, the applicant’s submissions include allegations that *‘the operational side of the QPS has been in touch with the Office of the Information Commissioner’, ‘it would not be unreasonable to suggest that your office was bribed by the Queensland Police Service’,* and the Review Officer was *‘batting for the Queensland Police Service’*.⁸ These allegations of bias were made after I wrote to the applicant advising him of my preliminary view that the amendment sought by him may be refused.⁹
17. In terms of the applicant’s allegations of bias, I have carefully considered these allegations, alongside the High Court’s test for assessing apprehended bias for a decision maker. The High Court’s test requires consideration of *‘if a fair-minded lay observer might reasonably apprehend that the judge might not bring an impartial and unprejudiced mind to the resolution of the question the judge is required to decide’*.¹⁰ The High Court has also noted that *‘[t]he question of whether a fair-minded lay observer might reasonably apprehend a lack of impartiality with respect to the decision to be made is largely a factual one, albeit one which it is necessary to consider in the legal, statutory and factual contexts in which the decision is made’*.¹¹
18. OIC is an independent statutory body that conducts merits review of government decisions about access to, and amendment of, documents. The procedure to be

⁶ Section 99 and ‘*reviewable decision*’ in schedule 5 of the IP Act.

⁷ Section 44(4)(d) of the IP Act.

⁸ In multiple emails sent by the applicant to OIC between 5 December 2019 and 19 December 2019.

⁹ At the same time that the applicant made these submissions alleging bias, he also sent multiple emails with many attachments that he described as *‘a log of complaints’*. These complaints were dealt with separately to this external review, and the Right to Information Commissioner advised the applicant by letter dated 24 January 2020 that she was satisfied that the processes adopted in his review accorded with OIC’s role and legislative power. The applicant then sent multiple further emails with many attachments which complained about the outcome of his complaint. These complaints are also being dealt with separately to this external review. As at the date on which this decision is issued, it is my understanding that consideration of them is ongoing.

¹⁰ *Ebner v Official Trustee in Bankruptcy* (2000) 205 CLR 337 at [6] per Gleeson CJ, McHugh, Gummow and Hayne JJ. See also *Michael Wilson & Partners Limited v Nicholls* (2011) 244 CLR 427 at [31] per Gummow ACJ, Hayne, Crennan and Bell JJ.

¹¹ *Isbester v Knox City Council* (2015) 255 CLR 135 at [20] per Keifel, Bell, Keane and Nettle JJ.

followed on external review is, subject to the IP Act, within the discretion of the Information Commissioner.¹² In order to ensure procedural fairness (as required by both the IP Act¹³ and common law), it is the practice of OIC to convey a preliminary view, based on an assessment of the material before the Information Commissioner or her delegate at that time, to an adversely affected party. This apprises that party of the issues under consideration, and affords them the opportunity to put forward any further information they consider relevant to those issues.

19. During this external review:

- I conveyed a preliminary view to the applicant that amendment of the Letter may be refused. In my letter, I advised the applicant that the purpose of my view was to give him the opportunity to put forward his views, and if he provided additional information supporting his case, this would be considered and may influence the outcome.¹⁴
- On the afternoon that the applicant received my preliminary view, the applicant had two telephone conversations with the Review Officer tasked with managing his review. In the first conversation, the Review Officer confirmed that the applicant could make submissions. Then, after receiving submissions regarding criminal law matters from the applicant, the Review Officer advised the applicant that his submissions should address relevant provisions of the IP Act.¹⁵
- Contrary to the applicant's belief that *'the operational side of QPS has been in touch with [OIC]'*, neither the Review Officer, myself or any other OIC officer has been in contact with any operational area of QPS regarding the applicant during this review.¹⁶

20. For this review, I am the delegate of the Information Commissioner.¹⁷ The Information Commissioner has not been involved, directly or indirectly, in the conduct of this review. Accordingly, there is nothing before me to suggest that the applicant's allegations of bias by the Information Commissioner are possessed of any substance.

21. In terms of the applicant's allegations of bias by the Review Officer, again there is nothing before me to suggest that there is any substance to these allegations. I am satisfied that the Review Officer's two telephone conversations with the applicant following his receipt of my preliminary view were directed at assisting him to make submissions addressing the issues in this external review, rather than broader matters of concern to him. I also confirm that the Review Officer has acted under my supervision and in accordance with my instructions in this review.

22. Given my role as the Information Commissioner's delegate and the Review Officer's supervisor, although the applicant has not made any allegations of bias against me, I will take the opportunity to confirm the following for sake of completeness. I have not to my knowledge dealt with the applicant in any capacity prior to this review, and cannot identify any conflict of interest in my dealing with his application for review of QPS's decision to refuse amendment. Also, I consider that my express advice to the applicant that he could respond to my preliminary view, and provide additional information supporting his case, which would be considered and may influence the outcome, demonstrates that I was not so committed to my preliminary view that my conclusion was already formed and

¹² Section 108 of the IP Act.

¹³ Section 110 of the IP Act.

¹⁴ Footnote 1. of letter from OIC to applicant dated 5 December 2019.

¹⁵ Particularly, section 72 of the IP Act.

¹⁶ Contact between OIC and operational areas of QPS may occur in some reviews – for example, when OIC is considering the sufficiency of QPS's searches for particular documents, so as to clarify when documents would be created and where they would be stored.

¹⁷ Section 139 of the IP Act.

incapable of alteration, whatever evidence or arguments may be presented by the applicant.¹⁸ Further, I do not consider that the fact that the applicant has made complaints about various OIC officers during the course of this review¹⁹ has altered my conduct of the review or consideration of the issues before me in any way. In these circumstances, paraphrasing the High Court's test, I am unable to identify any basis for finding that a fair-minded lay observer might reasonably apprehend that I²⁰ might not bring an impartial and unprejudiced mind to the resolution of this matter.

Amendment of information

Relevant law

23. Under the IP Act²¹ an individual has a right to apply for amendment of documents of an agency containing the individual's personal information where the following requirements are satisfied:
- a. the applicant has previously obtained access to the relevant document
 - b. the information the applicant seeks to amend is their personal information;²² and
 - c. the personal information is inaccurate, incomplete, out of date, or misleading.
24. An agency must consider the application and decide whether amendment of the information is to be permitted.²³
25. Relevantly for this review, an agency may refuse amendment of a document on the basis that it does not form part of a functional record.²⁴ The IP Act defines a *'functional record'* as meaning *'a record available for use in the day-to-day or ordinary performance of the agency's or Minister's functions'*.²⁵
26. An agency may also refuse amendment of a document on the basis that the information sought to be amended is not *'inaccurate'*, *'incomplete'*, *'out of date'* and *'misleading'*. These terms are not defined in the IP Act, nor the *Acts Interpretation Act 1954* (Qld). These terms are therefore used in their ordinary sense and the dictionary definitions²⁶ of them, as set out below, are relevant:
- *'inaccurate'* *not accurate.*
 - *'incomplete'* 1. *not complete; lacking some part.*
 2. *not to the entire extent: incomplete combustion.*
 - *'out of date'* 1. *(of a previous style or fashion) obsolete.*
 2. *(of a ticket, etc.) no longer valid.*
 - *'mislead'* 1. *to lead or guide wrongly; lead astray.*
 2. *to lead into error of conduct, thought or judgement.*
27. Even if it is shown that the information an applicant seeks to amend **is** inaccurate, incomplete, out of date or misleading for the purposes of requirement (c) at paragraph 23 above, the opening words of section 72(1) of the IP Act – *'[w]ithout limiting the grounds on which the agency or Minister may refuse to amend the document'* – confer a discretion

¹⁸ With reference to the test for prejudgment noted in *Minister for Immigration v Jia Le Geng* (2001) 205 CLR 507 at [72] per Gleeson CJ and Gummow J.

¹⁹ As noted at footnote 9 above.

²⁰ As a delegate of the Information Commissioner under section 139 of the IP Act.

²¹ Sections 41 and 44 of the IP Act.

²² 'Personal information' is defined in section 12 of the IP Act as *'information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.'*

²³ Section 70 of the IP Act.

²⁴ Section 72(1)(b) of the IP Act.

²⁵ Section 72(2) of the IP Act.

²⁶ Susan Butler (ed), *Macquarie Dictionary* (7th ed, 2017) at pages 765, 768, 1067 and 960 respectively.

on the agency to refuse amendment. The exercise of this discretionary refusal may take into account the fact that the purpose of amending a document is not to:

- re-write history,²⁷ as this destroys the integrity²⁸ of the record-keeping process
- determine disputed questions of opinion (including expert opinion), when that opinion was actually held and accurately entered in the official record²⁹
- re-write a document in words other than the author's³⁰
- review the merits or validity of official action;³¹ or
- correct any perceived deficiencies in the work undertaken by agencies or re-investigate matters.³²

Findings

Is the Letter a functional record?

28. QPS decided to refuse amendment on the basis that the Letter did not form part of a functional record. The definition of functional record is set out at paragraph 25 above.
29. I asked QPS³³ to explain how the Letter was not a functional record – that is, how the Letter was not available for use in the day-to-day or ordinary performance of QPS's functions. In this regard, I asked QPS to identify any limitations that prevented such use.
30. QPS made verbal submissions to OIC in response to this request.³⁴ In terms of physical limitations, QPS stated that the Letter is held in the ESC database and that only ESC officers within QPS have electronic access to the ESC database. Secondly, regarding policy limitations, QPS submitted that the policies within QPS prevent access to records without a specific reason, such as an RTI request or a ministerial complaint. Thirdly, in relation to legislative limitations, QPS submitted that the IP Act and the *Right to Information Act 2009* (Qld) prevent unlawful access; and the *Police Service Administration Act 1990* (Qld) makes it unlawful for an officer to access information that is not directly related to their work.
31. I have carefully considered the submissions by QPS. These submissions tend to address whether the Letter *would* be accessed or used by QPS officers in their day to day work, rather than whether the Letter is *available* for use in the day-to-day or ordinary functions of QPS. While I accept QPS's advice that documents such as the Letter are not generally available to all QPS officers, and not available without specific reason, I do not accept that this demonstrates that the Letter is not a functional record of QPS. QPS's submissions acknowledge that the documents such as the Letter are available to relevant parts of QPS which have a specific reason to access it – for example, QPS's RTI officers, if the Letter were subject to an access application, and QPS's ESC officers, if the Letter was directly related to their work. This, in my view, is sufficient to establish that the Letter is available for use as part of the day-to-day or ordinary performance of QPS's functions.

²⁷ *DenHollander and Department of Defence* [2002] AATA 866 (**DenHollander**) at [96].

²⁸ To ensure that the document, as a public record, is preserved without any alteration.

²⁹ *Crewdson v Central Sydney Area Health Service* [2002] NSWCA 345 (**Crewdson**) at [34].

³⁰ *Re Traynor and Melbourne and Metropolitan Board of Works* (1987) 2 VAR 186 (**Traynor**) at [190], cited in *3DT2GH* at [18]. *Traynor* considered the requirements of the *Freedom of Information Act 1982* (Cth), the terms of which are substantially similar to the amendment provisions in the IP Act.

³¹ *Crewdson* at [24].

³² *Shaw and Medical Board of Queensland* (Unreported, Queensland Information Commissioner, 3 July 2008) (**Shaw**) at [57].

³³ By letter on 25 October 2019.

³⁴ By telephone call from QPS RTI Officer on 12 November 2019.

32. In these circumstances, I consider that the Letter is part of QPS's functional record. Accordingly, I find that amendment of the Letter may not be refused on the basis that it does not form part of QPS's functional record.³⁵

Can QPS refuse amendment of the phrase "unsound mind" in the Letter for other reasons?

33. There is no dispute that the applicant has previously obtained access to the Letter or that it contains the applicant's personal information. Accordingly, I find that requirements a. and b. as set out at paragraph 23 above are satisfied.

34. The applicant disputes the reference by the ESC Officer who wrote the Letter (**Author**) to him being of "unsound mind" and seeks to amend this reference. As noted at paragraph 10 above, the applicant sent more than 220 emails, with multiple attachments on each, in the course of this review. Each email contained multiple attachments. The following comprise the applicant's submissions, insofar as they are relevant to the issue of determination:³⁶

- *The Queensland Police Service have not discharged the onus... of establishing that the decision was justified (what a joke).*
- *The decision is wrong at law.*
- *[The Letter is] cruel, despicable, malicious, manufactured and vile.*
- *This is all about the Queensland Police Service infiltrating as many government department about myself.*
- *There is no evidence that has been produced and I have produced evidence and you have simply ignored that...*
- *The decision should be reversed as...Section 72(1) is not satisfied as [the Letter] is inaccurate and misleading. The Queensland Police Service did not comply with section 3(a) of the IP Act. It is no [sic] contrary to the public interest to allow the information to be amended as outlined in Section 72(1)(a)(I) (ii) supra. It is submitted that the Queensland Police Service have not applied section 72(a)(i)(ii) of the Act supra as section 32A of Acts Interpretation Act 1954 (Qld) is the Law with respect of interpretation in Queensland Acts.*
- *The Act must be applied and interpreted to further the primary object (see Section 32CA(2) in the penultimate paragraph).*
- *I will file a complaint with the Ombudsman of Queensland ... Take note I rely on section 47 of the OA. I trust common sense will prevail and that you will stop protecting [QPS Officer]. I [sic] you people serious?*
- *It must be apparent that I am totally exonerated and the Office of the Information Commissioner have [sic] no alternative to accede to my request.*
- *The Queensland Police Service operational area infiltrated the Hospital.*
- *I have reviewed [Forensic Consultant Psychiatrist Dr A] report of the 22 June 2017. I was not of unsound mind at the material time as I was and am capable of managing my Affairs. I was not insane. I am not an idiot and I am not an imbecile. [Dr A] found tat [sic] I am a person of superior intelligence.*
- *I did not and have not every [sic] had Delusional Order or Bipolar Disorder. Please see the relevant pages of [Forensic Consultant Psychiatrist Dr A] Medico Legal Report of the 20 February 2017.*
- *It must be apparent that with the Mental Health Assessment of a consultant Psychiatrist [Dr B] of the 31 May 2019 that my mental health assessment leaves [the Letter] out of date. Not to mention that it is totally out of date and simply misleading*

³⁵ Section 72(1)(b) of the IP Act.

³⁶ Emails from the applicant received by OIC between 5 December 2019 and 23 December 2019.

as that would appear to any reasonable thinking person like myself... Don't worry about my mental health as I know exactly what I am doing.

- *It's all over red rover.... You are fully aware the documents are a total fraud. As a Lawyer it would not be unreasonable to suggest that your office was bribed by the Queensland Police Service.*³⁷ [sic]

35. Given the applicant's submissions, the questions I must now consider are:

- whether, in terms of requirement c. as set out at paragraph 23 above, the applicant has demonstrated that the information sought to be amended within the Letter is inaccurate, incomplete, out of date or misleading; and
- if so, whether amendment of the information may, in any event, be refused under the discretion afforded by section 72(1) of the IP Act.

Question 1 - Is the phrase "unsound mind" in the Letter inaccurate, incomplete, out of date or misleading?

Evidence

36. QPS provided OIC with the following documents relating to the charge against the applicant and the Magistrates Court proceedings referred to at paragraph 4:

- **Form 44** – a form 44 (verdict and judgement record) of the Magistrates Court dated 15 August 2017; and
- **June Report** – a 4 page letter by Forensic Consultant Psychiatrist Dr A to the applicant's solicitors dated 22 June 2017.³⁸

37. The applicant also provided OIC with some documents relating to the abovementioned charge and proceedings – namely:

- **Partial Transcript** – a partial transcript of the proceedings before a Magistrates Court on 15 August 2017; and
- **Appendix One** – a partial appendix of 21 pages titled 'Appendix One'.

38. Further, the applicant provided OIC with the following documents relating to other mental health assessments of the applicant:

- **April 2019 Assessment Request** – hospital records from 26 April 2019 showing that QPS requested an assessment of the applicant's mental health, due to concerns (which arose following 250 contacts from the applicant) that the applicant may be fixated on the charge and Magistrates Court proceedings referred to at paragraph 4
- **May 2019 Assessment** – a 4 page extract of an assessment by a Hospital Psychiatrist Dr B dated 31 May 2019
- **October 2019 Assessment** – an incomplete record showing part of an involuntary assessment by Hospital Psychiatrist Dr C; and
- **2015/2016 Assessments** – two reports by Staff Psychiatrist Dr D and two letters by Psychiatrist Dr E considered in proceedings before the Queensland Civil and Administrative Tribunal.³⁹

³⁷ Allegations of bias, including this allegation, are addressed at paragraphs [16] to [22] above.

³⁸ Emails from the applicant dated 9 December 2019 at confirm that the applicant obtained a copy of the June Report from his former law firm on 9 December 2019.

³⁹ The applicant provided the 2015/2016 Assessments to OIC by email on 21 November 2019, along with part of a 2016 QCAT decision, which considered these Assessments in the course of determining a non-publication order regarding proceedings in which the applicant agreed he had engaged in several counts of professional misconduct and unsatisfactory professional conduct.

39. The Form 44 records that, on 15 August 2017, pursuant to section 20BQ(1)(c)(iii) of the *Crimes Act 1914* (Cth), a Magistrate dismissed the charge against the applicant referred to at paragraph 4 above.⁴⁰
40. The provision under which the charge was dismissed – section 20BQ(1)(c)(iii) of the *Crimes Act 1914* (Cth) – provides:

Person suffering from mental illness or intellectual disability

- (1) *Where, in proceedings in a State or Territory before a court of summary jurisdiction in respect of a federal offence, it appears to the court:*
- (a) *that the **person charged is suffering from a mental illness within the meaning of the civil law of the State or Territory** or is suffering from an intellectual disability; and*
- (b) *that, on an outline of the facts alleged in the proceedings, or such other evidence as the court considers relevant, it would be more appropriate to deal with the person under this Division than otherwise in accordance with law;*
- the court may, by order:*
- (c) *dismiss the charge and discharge the person:*
-
- (iii) *unconditionally.* [emphasis added]

41. In Queensland, ‘*mental illness*’ is defined in section 10(1) of the MH Act as ‘*a condition characterised by a clinically significant disturbance of thought, mood, perception or memory.*’ Relevantly, given the applicant seeks amendment of the phrase “unsound mind”, section 109(1)(a) of the MH Act defines ‘*unsound mind*’, as ‘*a state of mental disease or natural mental infirmity described in the Criminal Code, section 27(1).*’⁴¹ The phrases of ‘*mental disease*’ and ‘*natural mental infirmity*’ as appearing in this definition of ‘*unsound mind*’ are also used in the definition of ‘*insanity*’ in section 27(1) of the *Criminal Code Act 1899* (Qld).
42. The Partial Transcript of the proceedings on 15 August 2017, at which the charge against the applicant was dismissed, records Mr F, the legal representative for the applicant, as commenting:

... It’s a hearing of sorts. We’re here under the mental health provisions for your Honour to make a determination of ruling. It’s not contested but it’s a little more complex in the sense that they are Commonwealth charges.

...

*... There’s **two medical reports under the hand of [Forensic Consultant Psychiatrist Dr A]** and a further report under the hand of [Dr Z] ... [the letter from Dr Z] is just evidence that [the applicant] is currently under care.... My instructions are that [the applicant] does attend the doctor every three weeks and is maintaining that regime of medication.*

...

Your Honour’s empowered in this case by section 20BQ of the Commonwealth Crimes Act and for the reasons that I’ve outlined in there, the summary, I’d urge your Honour to order a complete discharge. [emphasis added]

43. In terms of the two medical reports by Dr A referred to by Mr F in the Partial Transcript:
- The applicant provided OIC with the document titled Appendix One, which appears to be part of an appendix that was appended to an April Report. The part

⁴⁰ That is, the charge under section 474.17(1) of the *Criminal Code Act 1995* (Cth) of using a carriage service to menace, harass or cause offence. A penalty of up to 3 years imprisonment applies to this offence.

⁴¹ Or ‘*a state of mind described in the Criminal Code section 28(1) for which the Criminal Code, section 27(1) applies to a person*’ (section 109(1)(b)).

of this appendix before OIC comprises a transcript of an interview⁴² with the applicant dated 20 February 2017, which cuts off at the point following the interview where Dr A starts to write his analysis.

- Neither the applicant nor QPS were able to produce the April Report to OIC. Nor has either party produced any further appendices to the April Report.⁴³
- The June Report (provided to OIC by QPS, but also in the possession of the applicant⁴⁴) indicates that the April Report was a medicolegal report dated 27 April 2017 that Dr A prepared in response to a letter of instruction from the applicant's solicitors dated 17 February 2017.
- Based on the content of the June Report, and the timing of the April Report and June Report relative to the proceedings at which the charge against the applicant was dismissed, I am satisfied that the two reports by Dr A furnished to the Court on 15 August 2017 were the April Report and the June Report.
- Further, based on QPS's advice that the June Report was held on its prosecution file from the hearing on 15 August 2017, and that the June Report is the only report from Dr A that it could locate,⁴⁵ I consider it reasonable to assume that the June Report was viewed by the Author before she wrote the Letter.
- Given the June Report is closest in time to the Magistrates Court proceedings on 15 August 2017, given it includes a statement by Dr A that '*I affirm the opinions expressed in the [April Report]*', and given it was, most likely, viewed by the Author of the Letter, I am satisfied that viewing the June Report is sufficient for the purpose of this decision.

44. In the June Report, Dr A made the following comments which I consider to be relevant to the issue for determination:

There is no doubt [the applicant] suffers from a mental illness.

There is incontrovertible evidence of this fact from multiple different sources, psychiatrists and psychiatric services, including inpatient mental health services.

...

The mental illness from which he suffers is complicated by the fact that he does not believe he has the mental illness... and does not believe he needs treatment from a mental illness. Given the opinions of various independent assessors and treating medical specialists he has had contact with in 2014, 2015 and 2016, this is quite a remarkable fact, and one of serious concern in terms of how health authorities might monitor, assess and care for [the applicant].

...

The history is clearly one in which the delusional paranoid system of mental state dysfunction becomes complicated by his frustration that 'no one will listen' as he harangues various authorities, repeatedly.

The content of the emails which brought the charges is based on his state of emotional and psychological disturbance at that time, given the impact of the underlying psychiatric illness from which he has suffered for some years and which is a persistent constant state of Delusional Disorder or paranoid type.

This means there is no possibility that at the relevant time this sort of disorder was in remission, or quiescent or absent.

...

... It is my opinion that your client is not criminally responsible for the acts for which the charges have been laid as ... your client was in such a state of mental disease as to be deprived of the capacity to understand what he was doing, and he lacked the capacity to control his actions.'

⁴² As stated on page 1 of Appendix One.

⁴³ Which may possibly exist, given the title 'Appendix One' suggests that there may have been subsequent appendices.

⁴⁴ As noted at footnote 38 above.

⁴⁵ By telephone to OIC on 19 November 2019.

Analysis

45. I have considered the above information and the applicant's submissions in support of his contentions that the phrase "unsound mind" is inaccurate, misleading, incomplete and out of date.
46. The applicant contends that amendment should occur because the IP Act, including section 72 of the IP Act, must be applied and interpreted in furtherance of the object of the IP Act set out in section 3(a) [sic] of that Act. Section 3(2) of the IP Act provides that '[t]he [IP] Act must be applied and interpreted to further the primary object'.⁴⁶ Section 3(1)(b) of the IP Act⁴⁷ provides that the primary object of the IP Act includes 'a right of access to, and amendment of, personal information in the government's possession or under the government's control'. However, this right is not absolute. Section 3(1)(b) itself specifies that the right to amendment applies 'unless, on balance, it is contrary to the public interest to give the access or allow the information to be amended'. That is, the provision in the IP Act which sets out IP Act's object specifies that the right to amend is subject to qualifications and exceptions. In this regard, section 41(1) of the IP Act provides that **[s]ubject to this Act, an individual has a right under this Act to amend, if inaccurate, incomplete, out of date or misleading ... documents of an agency to the extent they contain the individual's personal information'** [emphasis added]. Accordingly, the right to amend personal information under the IP Act only applies **if** the information in question is inaccurate, incomplete, out of date or misleading **and** is subject to the discretion of the agency or Minister, in accordance with Parliament's express intention. Given this position, I am satisfied that relying on section 72 of the IP Act as a basis for refusing to amend information that is **not** inaccurate, incomplete, out of date or misleading is consistent with the primary object of the IP Act.
47. The applicant also contends that QPS has failed to discharge its onus. In this external review, QPS has the onus of establishing that its decision was justified or that the Information Commissioner should give a decision adverse to the applicant.⁴⁸ However, the Information Commissioner has previously held⁴⁹ that the requirements of section 44 of the IP Act are such that a practical or evidentiary onus shifts to an applicant to provide evidence to support their entitlement to relief under the IP Act on the basis that the documents comprise information that is inaccurate, incomplete, out of date or misleading.
48. Where disputed information comprises an individual's interpretation of events or issues, an applicant seeking amendment must establish not only that the relevant information inaccurately recounts or represents the underlying events or issues, but that the authoring individual had not actually held and accurately entered into the official record their particular understanding of those events.⁵⁰ Further, in considering whether information is misleading, the Information Commissioner has previously observed⁵¹ that amendment provisions are aimed at:

...ensuring that personal information concerning an applicant and read by third persons, does not unfairly harm the applicant or misrepresent personal facts about the applicant. It is

⁴⁶ Also, section 14A(1) of the *Acts Interpretation Act 1954* (Qld) provides that '[i]n the interpretation of a provision of an Act, the interpretation that will best achieve the purpose of the Act is to be preferred to any other interpretation'

⁴⁷ Not section 3(a) as submitted by the applicant.

⁴⁸ Section 100(1) of the IP Act.

⁴⁹ *Doelle and Legal Aid Office (Qld)* (1993) 1 QAR 207 at [18]; see also *A4STL6K and Queensland Health* (Unreported, Queensland Information Commissioner, 6 September 2013) (**A4STL6K**) at [12].

⁵⁰ *A4STL6K* at [25]-[27], paraphrasing the relevant principle as stated in *Crewdson* at [34]. See *G78QTW and Department of Education* [2019] QICmr 5 (20 February 2019) at [30]-[39]; and *Y86 and Sunshine Coast Hospital and Health Service* [2019] QICmr 45 (25 October 2019) at [19]-[20].

⁵¹ *3DT2GH* at [15] citing *Re Buhagiar and Victoria Police* (1989) 2 VAR 530, per Jones J. See also *Cowan and Queensland Building and Construction Commission* [2016] QICmr 43 (14 October 2016).

concerned that the third persons reading the personal information do not get the wrong impression...

49. It is relevant to note that, in the overview of facts in which the phrase “unsound mind” appears (as set out at paragraph 6 above), the Author of the Letter did not express the view that *she* considered the applicant was of unsound mind. Rather, the Author stated her understanding that *Dr A* considered that the applicant was of unsound mind and that, based on *Dr A*’s view, the *Magistrate* also considered that the applicant was of unsound mind – and dismissed the charge on this basis. However, the applicant’s submissions do not expressly contend that Author was not actually of this understanding. Nor do the applicant’s submissions suggest that the Author failed to accurately record her understanding of these facts in the Letter or has unfairly misrepresented them.
50. Rather, the applicant has attempted to litigate the status of his mental health and his perceived ‘guilt’ or ‘innocence’ regarding being mentally unwell at the time the charge was dismissed, as evidenced by his comments⁵² and his provision of the May 2019 Assessment and October 2019 Assessment to OIC. In this regard, the applicant emailed a copy of the June Report to OIC and said ‘*I have reviewed [Forensic Consultant Psychiatrist Dr A] report of the 22 June 2017. I was not of unsound mind at the material time as I was and am capable of managing my Affairs. I was not insane. I am not an idiot and I am not an imbecile. [Dr A] found tat I am a person of superior intelligence*’ [sic].⁵³ Also, the applicant provided the 2016 QCAT Documents and submitted that these documents proved that ‘*the Officer in Charge of Southport Police Station, knew and mean knew, that there was nothing I mean nothing wrong with my mental health*’ [sic].⁵⁴ It is my understanding that these submissions contend that neither *Dr A* nor QPS held the view that the applicant was of unsound mind; and therefore the *Magistrate* could not, or should not, have considered that the applicant was of unsound mind and dismissed the charge on this basis; and therefore the Letter was **inaccurate** insofar as it recorded this outcome. However, the contents of the June Report, as quoted at paragraph 42 above, clearly indicate that *Dr A* considered that the applicant suffered from a mental illness within the meaning of the MH Act, and the Form 44 clearly confirms that the *Magistrate* dismissed the charge on this basis. Even if this were not the case, it is not a function of Information Commissioner to reconsider or overturn the *Magistrate*’s decision to dismiss the charge.
51. The applicant has also contended that the Letter is **inaccurate** or **misleading** because *Dr A* did not use the specific phrase “unsound mind” in his June Report and because the Letter references the MH Act instead of the *Crimes Act 1914* (Cth). In making this submission, the applicant appears to acknowledge that the June Report was accepted by the *Magistrate* when the charge was dismissed, and considered by the Author when she prepared the Letter.
52. Noting the variety of descriptions of the applicant’s mental health set out by *Dr A* in the June Report,⁵⁵ alongside the terms used in the civil law of Queensland outlined above at paragraph 41, I am satisfied the Author’s use of the phrase “unsound mind” is generally consistent with, and a reasonable summary of, the June Report. Further, insofar as the applicant’s submission about the Author’s reference to the MH Act is directed at

⁵² Including ‘*Please see the enclosed that will totally and I mean totally exonerate myself and this is once and for all*’ in an email received by OIC on 7 December 2019.

⁵³ Email received by the applicant on 9 December 2019.

⁵⁴ Email from the applicant on 21 November 2019.

⁵⁵ *Dr A* uses a variety of terms in the June Report to describe the applicant’s mental health at the time of committing the offence, and historically over several years, including ‘*mental illness*’, ‘*mental state*’, ‘*a disturbed mind*’, ‘*delusional paranoid system of mental state dysfunction*’, ‘*emotional and psychological disturbance*’, ‘*persistent constant state of Delusional Disorder or paranoid type*’, and ‘*mental disease*’.

supporting his request for amendment of the phrase “unsound mind”,⁵⁶ I note that the Commonwealth provision under which the applicant’s criminal charge was dismissed requires that *‘the person charged is suffering from a mental illness within the meaning of the civil law of the State or Territory’*.⁵⁷ Given this, I do not consider the Author’s reference to the MH Act demonstrates that the phrase “unsound mind” was based on erroneous facts.

53. Taking these matters into account, I am satisfied that the phrase “unsound mind” accurately records the actual understanding held by the Author of the Letter.⁵⁸ I am also satisfied that the phrase “unsound mind” and the reference to the MH Act are generally consistent with the actual facts of the matter and, accordingly, do not unfairly harm the applicant or misrepresent personal facts about the applicant. In this regard, I have noted the consistency between the overview of facts set out by the Author in the Letter and the factual evidence before me, particularly the Partial Transcript and Form 44, as well as the June Report.
54. The applicant has also made submissions that the May 2019 Assessment demonstrates that he is not of “unsound mind”. The May 2019 Assessment is a 4 page extract of an assessment by way of an Examination Authority⁵⁹ by a Dr B on 31 May 2019, in which Dr B notes that *‘past psychiatric history [included] consideration of possible early onset dementia symptoms – neuropsychological assessment indicated executive dysfunction with impulsivity, cognitive rigidity, and poor reasoning/problem solving’* and the applicant *‘continued to dispute his past diagnosis of Delusional Disorder and Bipolar Affective Disorder, and that on assessment today the applicant showed nil evidence of an underlying relapse of a psychotic illness.’*⁶⁰
55. The applicant has also provided an April 2019 Assessment Request by QPS (which I note may possibly have resulted in the May 2019 Assessment). Further, he has provided part of an October 2019 Assessment by Dr C.⁶¹ Also, he has provided 2015/2016 Assessments by Drs D and E, which were considered in proceedings before QCAT in 2016.⁶² The applicant has not made any submissions about how these documents pertain to his request for amendment. Nonetheless, for sake of completeness, I have considered these documents alongside the May 2019 Assessment.
56. The applicant appears to consider that the reference to him being of “unsound mind” is **incomplete or out of date** because of Dr B’s May 2019 Assessment. He may also intend to make the same argument regarding Dr C’s October 2019 Assessment and Dr D and E’s 2015/2016 Assessments. However, I do not accept that the Author’s reference to the applicant being of “unsound mind” is incomplete.⁶³ As noted at paragraph 53, I am satisfied that the overview of facts set out by the Author in the Letter is consistent with, and constitutes a reasonable summary of, the factual evidence before me, particularly the Partial Transcript, Form 44 and June Report. Further, I consider it relevant to note that the Letter records the Author’s understanding that Dr A considered that the applicant was *‘of unsound mind at the time of the alleged offence(s)’* (my emphasis) and the Magistrate accepted Dr A’s assessment.

⁵⁶ As noted at paragraph 14 above.

⁵⁷ Section 20BQ(1)(a) of the *Crimes Act 1914* (Cth).

⁵⁸ *A4STL6K* at [23]-[29]. This decision was upheld on appeal to QCAT – see *Minogue v Information Commissioner & Queensland Health (No 2)* [2014] QCATA 101.

⁵⁹ By order of the Mental Health Review Tribunal.

⁶⁰ May 2019 Assessment first emailed by applicant in this review on 7 December 2019.

⁶¹ October 2019 Assessment first emailed by the applicant in this review on 8 December 2019.

⁶² As noted at footnote 39 above, the applicant provided the 2015/2016 Assessments to OIC by email on 21 November 2019, along with part of a 2016 QCAT decision, which considered these Assessments in the course of determining a non-publication order regarding proceedings in which the applicant agreed he had engaged in several counts of professional misconduct and unsatisfactory professional conduct.

⁶³ *Shaw* at [58].

57. Noting the Author's use of the words '*at the time of the alleged offence(s)*', I do not accept that the Author's reference to the applicant being of "unsound mind" is **incomplete** because it failed to take into account assessments by psychiatrists other than Dr A which occurred *before* the alleged offence – specifically, the assessments by Drs D and E considered in 2015 and 2016 (before the applicant was charged with the offence).⁶⁴ Further, I do not accept that the Author's reference to the applicant being of unsound mind is incomplete because it did not refer to the May 2019 Assessment by Dr B or the October 2019 Assessment by Dr C. These assessments both occurred more than two years *after* the alleged offence and nearly two years after the Magistrate dismissed the charge. Also, in practical terms, the May and October 2019 Assessments both occurred *after* the Author had sent the Letter to the applicant (on 28 March 2019). It is difficult to envisage how the Author's reference to Dr A's view that the applicant was '*of unsound mind at the time of the alleged offence(s)*', and the Magistrate's acceptance of that view, could be considered incomplete because it did not refer to psychiatric assessments that had not yet occurred.
58. Similarly, in terms of whether the reference to the applicant being of "unsound mind" is **out of date** because of the May 2019 Assessment and the October 2019 Assessment, I note that information is not out of date simply because it is old or refers to past events. It is only out of date where newer information causes it to be obsolete or no longer valid. The May and October 2019 Assessments are by psychiatrists other than Dr A over two years after the alleged offence. Therefore, regardless of Dr B's and Dr C's conclusions regarding the status of the applicant's mental health as at May and October 2019 respectively, their Assessments cannot, in my opinion, render the Author's reference to the applicant being '*of unsound mind at the time of the alleged offence(s)*' (my emphasis) obsolete or no longer valid.
59. In reaching these conclusions, I have had regard to the *Human Rights Act 2019* (Qld),⁶⁵ particularly the rights in sections 21 and 25 of that Act regarding freedom of expression and reputation respectively. I consider that in observing and applying the law prescribed in the IP Act, a decision-maker will be '*respecting and acting compatibly with*' these rights and others prescribed in the HR Act,⁶⁶ and that I have done so in making this decision, as required under section 58(1) of the HR Act. In this regard, I note Bell J's observations on the interaction between the Victorian analogues of Queensland's IP 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.*'⁶⁷
60. I acknowledge that the applicant has genuinely held concerns about the charge against him, the outcome of the Court proceedings, and the Letter's use of the phrase "unsound mind" regarding him. However, for the reasons outlined above, I am satisfied that:
- the reference to the applicant being of "unsound mind" that the applicant seeks to amend in the Letter is not inaccurate, incomplete, out of date or misleading; and
 - this amendment may therefore be refused under section 72(1)(a)(i) of the IP Act.

⁶⁴ I note that the applicant does not appear to agree with the 2015/2016 Assessments in any event. In this regard, I note that at the same time that the applicant provided OIC with the 2015/2016 Assessments and part of a 2016 QCAT decision (by email dated 21 November 2019), the applicant also provided OIC with an affidavit by him dated 17 May 2017, in which he claims that Dr D and E's 2015/2016 Assessments amounted to criminal defamation, regarding which he sought relief that they '*be committed to Her Majesties prison for contempt of the tribunal pursuant to Section 219 (3) of the QCAT Act*' [sic].

Question 2 - Should the discretion to refuse to amend the phrase “unsound mind” be exercised in any event?

61. Given my above finding, it is not necessary for me to consider whether the discretion to refuse amendment afforded by specific wording of section 72 of the IP Act (which does not limit the grounds on which an agency or Minister can refuse to amend the document) applies in the circumstances of this review. However, for sake of completeness, I will now address this issue.
62. As noted in paragraph 27 above, it is not the purpose of the amendment provisions to permit the ‘re-writing of history’,⁶⁸ particularly where to do so would violate the integrity of the original record.
63. In his emails to OIC, QPS and other agencies, the applicant has spoken of redressing the injustice he feels occurred regarding the charge against him and the outcome of the court proceedings. In seeking to delete the phrase “unsound mind” from the Letter, the applicant is attempting to rewrite the history of the charge, its dismissal on the basis of mental illness, and the matters considered by QPS when responding to his subsequent complaint about the two officers involved in the proceedings. In my view, deleting the phrase “unsound mind” would result in the Letter being an incomplete representation of the Author’s understanding of the facts surrounding his court matter and his subsequent complaint, thereby detracting from the accuracy and integrity of the Letter. It would also be an attempt to rewrite the history of the actual events, which are substantiated by the Form 44 and the Partial Transcript. The amended Letter would, in my opinion, be a *‘contrived document containing invented contents, essentially putting words into the mouth of the [A]uthor in a manner that would distort the official historical record’*.⁶⁹
64. For these reasons, I consider that – even if the phrase “unsound mind” in the Letter could properly be regarded as inaccurate, incomplete, out of date or misleading – I would nevertheless be justified in exercising my discretion under section 72(1) of the IP Act to refuse amendment.
65. In conclusion, I do not consider the phrase “unsound mind” to be inaccurate, incomplete, out of date or misleading, and in any event, I consider that, in the circumstances of this case, the applicant’s amendment request can be refused.

DECISION

66. I vary QPS’s decision to refuse to amend the phrase “unsound mind” in the Letter under section 72(1)(b) of the IP Act, and find that the amendment application may be refused under section 72(1)(a)(i) of the IP Act.
67. I have made this decision as a delegate of the Information Commissioner, under section 139 of the IP Act.

A Rickard
Assistant Information Commissioner

Date: 14 February 2020

⁶⁸ 3DT2GH at [16]-[18], and [50]-[51]. See also *DenHollander* at [96].

⁶⁹ 3DT2GH at [51].

APPENDIX

Significant procedural steps

Date	Event
31 August 2019	OIC received the application for external review.
2 September 2019	OIC received four emailed submissions from the applicant.
4 September 2019	OIC notified the applicant and QPS that the application had been received, and requested procedural documents from QPS.
7 September 2019	OIC received two emailed submissions from the applicant.
9 September 2019	OIC received one emailed submission from the applicant.
15 September 2019	OIC received one emailed submission from the applicant.
16 September 2019	OIC received one emailed submission from the applicant.
4 October 2019	OIC wrote to QPS, reiterating its request for procedural documents.
7 October 2019	OIC received the requested documents from QPS.
15 October 2019	OIC received one emailed submission from the applicant.
16 October 2019	OIC wrote to both QPS and the applicant advising that the external review application had been accepted. OIC received two emailed submissions from the applicant.
25 October 2019	OIC conveyed a preliminary view to QPS, and requested that it provide a copy of Dr A's April Report. ⁷⁰ OIC wrote to the applicant, updating him on the progress of the review and advising we did not require any submissions from him at the present time. The applicant responded with one emailed submission.
27 October 2019	OIC received four emailed submissions from the applicant.
28 October 2019	OIC received one emailed submission from the applicant.
10 November 2019	OIC received three emailed submissions from the applicant.
11 November 2019	OIC received oral submissions from QPS by telephone discussion.
12 November 2019	OIC wrote to QPS, reiterating its request for Dr A's April Report. OIC received Dr A's June Report from QPS. OIC received oral submissions from QPS regarding whether the Letter formed part of a functional record.
13 November 2019	OIC notified QPS by telephone that it had not sent Dr A's April Report, and reiterated its request.
14 November 2019	QPS wrote back to OIC, enquiring about the existence of Dr A's April Report.
15 November 2019	OIC wrote to QPS, clarifying details surrounding Dr A's April Report.

⁷⁰ That is, the Medicolegal Report dated 27 April 2017 prepared by Dr A following request by applicant's legal representative.

Date	Event
19 November 2019	<p>OIC wrote to the applicant, updating him on the progress of the review.</p> <p>OIC received one emailed submission from the applicant.</p> <p>QPS provided oral submissions to OIC by telephone discussion as to the existence of Dr A's April Report.</p>
20 November 2019	<p>OIC wrote to the applicant and requested that he provide the full transcript of his court matter.</p> <p>The applicant advised OIC that he had already provided the full transcript, and that there was no hearing. He then sent OIC two copies of one transcript and Appendix One.</p> <p>The applicant then provided OIC with oral submissions by telephone discussion.</p> <p>The applicant then provided OIC with four emailed submissions.</p>
21 November 2019	OIC received three emailed submissions from the applicant.
22 November 2019	OIC received two emailed submissions from the applicant.
5 December 2019	<p>OIC conveyed a written preliminary view to the applicant, advising that QPS was entitled to refuse to make the requested amendment and offering a notation.</p> <p>The applicant responded advising that he rejected the preliminary view and provided two oral submissions and nine written submissions.</p>
6 December 2019	<p>OIC wrote to the applicant, confirming Appendix One and the June Report (both by Dr A) were considered in our preliminary view, and he could obtain a copy of the June Report from his legal representative, whom he copied into his correspondence with OIC.</p> <p>OIC received five emailed submissions from the applicant.</p>
7 December 2019	OIC received six emailed submissions from the applicant.
8 December 2019	OIC received one emailed submission from the applicant.
9 December 2019	OIC received thirteen emailed submissions from the applicant.
10 December 2019	<p>OIC wrote to the applicant, advising that a decision would be issued and OIC would be accepting further submissions on the matter up until 19 December 2019.</p> <p>OIC received one emailed submission from the applicant.</p>
13 December 2019	OIC received three emailed submissions from the applicant.
14 December 2019	OIC received three emailed submissions from the applicant.
17 December 2019	OIC received one emailed submission from the applicant.
19 December 2019	OIC received five emailed submissions from the applicant.
21 December 2019	OIC received one emailed submission from the applicant.
22 December 2019	OIC received four emailed submissions from the applicant.
25 December 2019 to 2 January 2020	While OIC was closed over the Christmas / New Year period, OIC received six emailed submissions from the applicant.
3 January 2020	OIC received sixteen emailed submissions from the applicant.

Date	Event
17 January 2020	OIC received two emailed submissions from the applicant.
18 January 2020	OIC received two emailed submissions from the applicant.
19 January 2020	OIC received eight emailed submissions from the applicant.
21 January 2020	OIC received three emailed submissions from the applicant.
22 January 2020	OIC received one emailed submission from the applicant.
24 January 2020	OIC received three emailed submissions from the applicant.
25 January 2020	OIC received three emailed submissions from the applicant.
26 January 2020	OIC received fourteen emailed submissions from the applicant.
27 January 2020	OIC received twenty-two emailed submissions from the applicant.
28 January 2020	OIC received two emailed submissions from the applicant.
29 January 2020	OIC received fifteen emailed submissions from the applicant.
31 January 2020	OIC received nineteen emailed submissions from the applicant.
1 February 2020	OIC received two emailed submissions from the applicant.
2 February 2020	OIC received four emailed submissions from the applicant.
3 February 2020	OIC received two emailed submissions from the applicant.
5 February 2020	OIC received one emailed submission from the applicant.
6 February 2020	OIC received one emailed submissions from the applicant.
7 February 2020	OIC received two emailed submissions from the applicant.
8 February 2020	OIC received six emailed submissions from the applicant.
9 February 2020	OIC received four emailed submissions from the applicant.
10 February 2020	OIC received five emailed submissions from the applicant.
11 February 2020	OIC received two emailed submissions from the applicant.