



## Decision and Reasons for Decision

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**Citation:** *Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs and Ors and Department of the Premier and Cabinet; Frecklington, MP (Third Party) [2020] QICmr 35 (26 June 2020)*

**Application Number:** 315005

**Applicant:** Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs

**Respondent:** Department of the Premier and Cabinet

**Third Party:** Mrs Deborah Frecklington MP, Leader of the Opposition

**Application Number:** 315009

**Applicant:** Minister for Police and Minister for Corrective Services

**Respondent:** Department of the Premier and Cabinet

**Third Party:** Mrs Deborah Frecklington MP, Leader of the Opposition

**Application Number:** 315010

**Applicant:** Minister for Communities and Minister for Disability Services and Seniors

**Respondent:** Department of the Premier and Cabinet

**Third Party:** Mrs Deborah Frecklington MP, Leader of the Opposition

**Application Number:** 315011

**Applicant:** Minister for Education and Minister for Industrial Relations

**Respondent:** Department of the Premier and Cabinet

**Third Party:** Mrs Deborah Frecklington MP, Leader of the Opposition

**Application Number:** 315025  
**Applicant:** Premier and Minister for Trade  
**Respondent:** Department of the Premier and Cabinet  
**Third Party:** Mrs Deborah Frecklington MP, Leader of the Opposition

**Application Number:** 315027  
**Applicant:** Minister for Child Safety, Youth and Women and Minister for the Prevention of Domestic and Family Violence  
**Respondent:** Department of the Premier and Cabinet  
**Third Party:** Mrs Deborah Frecklington MP, Leader of the Opposition

**Application Number:** 315032  
**Applicant:** Minister for Transport and Main Roads  
**Respondent:** Department of the Premier and Cabinet  
**Third Party:** Mrs Deborah Frecklington MP, Leader of the Opposition

**Application Number:** 315040  
**Applicant:** Minister for Agricultural Industry Development and Fisheries  
**Respondent:** Department of the Premier and Cabinet  
**Third Party:** Mrs Deborah Frecklington MP, Leader of the Opposition

**Application Number:** 315041  
**Applicant:** Minister for Environment and the Great Barrier Reef, Minister for Science and Minister for the Arts  
**Respondent:** Department of the Premier and Cabinet  
**Third Party:** Mrs Deborah Frecklington MP, Leader of the Opposition

**Application Number:** 315042  
**Applicant:** Minister for Natural Resources, Mines and Energy  
**Respondent:** Department of the Premier and Cabinet  
**Third Party:** Mrs Deborah Frecklington MP, Leader of the Opposition

**Application Number:** 315044  
**Applicant:** Minister for Housing and Public Works, Minister for Digital Technology and Minister for Sport  
**Respondent:** Department of the Premier and Cabinet  
**Third Party:** Mrs Deborah Frecklington MP, Leader of the Opposition

**Application Number:** 315045  
**Applicant:** Minister for Fire and Emergency Services and Minister for Aboriginal and Torres Strait Islander Partnerships  
**Respondent:** Department of the Premier and Cabinet  
**Third Party:** Mrs Deborah Frecklington MP, Leader of the Opposition

**Application Number:** 315047  
**Applicant:** Minister for Employment and Small Business and Minister for Training and Skills Development  
**Respondent:** Department of the Premier and Cabinet  
**Third Party:** Mrs Deborah Frecklington MP, Leader of the Opposition

**Application Number:** 315048  
**Applicant:** Attorney-General and Minister for Justice  
**Respondent:** Department of the Premier and Cabinet  
**Third Party:** Mrs Deborah Frecklington MP, Leader of the Opposition

**Decision Date:** 26 June 2020

**Catchwords:** ADMINISTRATIVE LAW – RIGHT TO INFORMATION – DISCLOSURE DECISION – objection to disclosure of information concerning Ministerial staff – whether exempt information – sections 47(3)(a) and 48 of the *Right to Information Act 2009* (Qld) and schedule 3, section 10(1)(d) of the *Right to Information Act 2009* (Qld)

ADMINISTRATIVE LAW – RIGHT TO INFORMATION – DISCLOSURE DECISION – objection to disclosure of documents concerning Ministerial staff – whether disclosure would, on balance, be contrary to the public interest – sections 47(3)(b) and 49 of the *Right to Information Act 2009* (Qld)

## REASONS FOR DECISION

### Summary

1. The third party applied<sup>1</sup> to the Department of the Premier and Cabinet (**DPC**) under the *Right to Information Act 2009* (Qld) (**RTI Act**) for access to information concerning Ministerial staff members.
2. DPC decided to disclose the requested information to the third party, contrary to the views of the applicants (**Initial Disclosure Decisions**).<sup>2</sup>
3. The applicants applied to DPC for internal review of DPC's Initial Disclosure Decisions. DPC's internal review decisions were to the same effect as its Initial Disclosure Decisions; that is, to disclose the requested information (**Internal Review Disclosure Decisions**).
4. The applicants then each applied<sup>3</sup> to the Office of the Information Commissioner (**OIC**) for external review of DPC's Internal Review Disclosure Decisions.
5. For the reasons set out below, I affirm DPC's Internal Review Disclosure Decisions.<sup>4</sup> I find that the applicants have not discharged the onus, imposed by section 87(2) of the RTI Act, of establishing that a decision not to disclose requested information is justified.

### Background

6. As outlined above, this decision arises from a single RTI access application made by the third party to DPC. This fact, together with:
  - the standardised nature of both the information in issue and the Internal Review Disclosure Decisions under review; and
  - the similarity in submissions made by the applicants,

<sup>1</sup> Access application dated 27 June 2019.

<sup>2</sup> Those views being obtained by DPC in accordance with section 37 of the RTI Act.

<sup>3</sup> By variously dated applications detailed in the Appendix to these reasons.

<sup>4</sup> A 'disclosure decision' is a 'decision to disclose a document or information contrary to the views of a relevant third party obtained under section 37' of the RTI Act: section 87(3)(a) of the RTI Act.

makes it convenient to deal with each application for external review in a single decision.<sup>5</sup>

7. Significant procedural steps in each review are set out in the Appendix.

### Reviewable decisions

8. The reviewable decisions are DPC's various Internal Review Disclosure Decisions, as set out in the following table.

Review No	Reviewable Decision Date
315005	25 October 2019
315009	29 October 2019
315010	28 October 2019
315011	30 October 2019
315025	30 October 2019
315027	4 November 2019 <sup>6</sup>
315032	4 November 2019
315040	1 November 2019
315041	5 November 2019
315042	5 November 2019
315044	5 November 2019
315045	5 November 2019
315047	5 November 2019
315048	5 November 2019

### Evidence considered

9. Evidence, submissions, legislation and other material considered in reaching this decision are referred to in these reasons (including footnotes and the Appendix).
10. I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**),<sup>7</sup> particularly the right to seek and receive information as embodied in section 21 of that Act. I consider that, in observing and applying the law prescribed in the RTI Act, an RTI decision-maker will be '*respecting and acting compatibly with*' this right and others prescribed in the HR Act,<sup>8</sup> 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 RTI Act and HR Act: '*it is perfectly compatible with the scope of that positive right in the Charter for it to be observed by reference to the scheme of, and principles in, the Freedom of Information Act*'.<sup>9</sup>

### Information in issue

11. The information in issue comprises a table listing persons employed as members of the applicants' staff, as at the date of the third party's access application, being 27 June 2019. It includes names, dates of service, position titles, and remuneration or salary bands.

<sup>5</sup> Noting the broad procedural discretion conferred on the Information Commissioner by section 95(1)(a) of the RTI Act.

<sup>6</sup> The reviewable decision in review 315027 is a decision taken to have been made under section 83(2) of the RTI Act, affirming DPC's Initial Disclosure Decision dated 9 September 2019. DPC did make an internal review decision, however it was made one business day outside the 20 business day timeframe prescribed in section 83(2).

<sup>7</sup> Which came into force on 1 January 2020.

<sup>8</sup> *XYZ v Victoria Police (General)* [2010] VCAT 255 (16 March 2010) (**XYZ**), at [573]; *Horrocks v Department of Justice (General)* [2012] VCAT 241 (2 March 2012), at [11].

<sup>9</sup> *XYZ*, at [573].

## Issues for determination

12. As noted above,<sup>10</sup> the decisions under review are 'disclosure decisions'. As the applicants oppose these disclosure decisions, they have the onus of establishing that a decision not to disclose the information in issue is justified, or that I should give a decision adverse to the third party.<sup>11</sup> The fundamental issue for determination is therefore whether the applicants have discharged this onus.
13. Resolving this issue requires determining whether the grounds for refusing access to the information in issue relied on by the applicants are established. Relevantly, whether:
  - the information in issue comprises exempt information to which access may be refused, as information the disclosure of which could reasonably be expected to result in a person being subjected to a serious act of harassment or intimidation; and/or
  - disclosure of the information in issue would, on balance, be contrary to the public interest.

## Relevant law

14. The RTI Act's primary object is to give a right of access to information in the government's possession or under the government's control unless, on balance, it is contrary to the public interest to give the access.<sup>12</sup> The Act must be applied and interpreted to further this primary object.<sup>13</sup>
15. Section 23 of the RTI Act gives effect to the Act's primary object, by conferring a fundamental right to be given access to documents. This right is subject to other provisions of the RTI Act,<sup>14</sup> including grounds on which access may be refused.<sup>15</sup> These grounds relevantly allow access to information to be refused, to the extent it comprises exempt information,<sup>16</sup> and/or information the disclosure of which would, on balance, be contrary to the public interest.<sup>17</sup>

## Exempt information

16. Types of exempt information are set out in schedule 3 of the RTI Act. The applicants submit that the information in issue comprises the type stated in schedule 3, section 10(1)(d) of the RTI Act: information the disclosure of which could reasonably be expected to result in a person being subjected to a serious act of harassment or intimidation.
17. The question of whether disclosure of information could reasonably be expected to result in a serious act of harassment or intimidation must be considered objectively, in light of all relevant information.<sup>18</sup> A source of harassment or intimidation must be in contemplation, although it need not be the person applying for access to information.<sup>19</sup>

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<sup>10</sup> Paragraph 3.

<sup>11</sup> Section 87(2) of the RTI Act.

<sup>12</sup> Section 3(1) of the RTI Act.

<sup>13</sup> Section 3(2) of the RTI Act.

<sup>14</sup> Section 23(1) of the RTI Act.

<sup>15</sup> Section 47 of the RTI Act. The grounds are to be interpreted narrowly (section 47(2)(a) of the RTI Act), and the Act is to be interpreted with a pro-disclosure bias (section 44 of the RTI Act).

<sup>16</sup> Sections 47(3)(a) and 48 of the RTI Act.

<sup>17</sup> Sections 47(3)(b) and 49 of the RTI Act.

<sup>18</sup> *Sheridan and South Burnett Regional Council (and Others)* (Unreported, Queensland Information Commissioner, 9 April 2009) (**Sheridan**), at [201]. *Sheridan* concerned section 42(1)(ca) of the former *Freedom of Information Act 1992* (Qld) but is equally applicable to schedule 3, section 10(1)(d) of the RTI Act, which is worded in substantially similar terms: *Richards and Gold Coast City Council* (Unreported, Queensland Information Commissioner, 28 March 2012) (**Richards**), footnote 6.

<sup>19</sup> *Sheridan*, at [202].

18. Further, as the Information Commissioner has previously noted, section 10(1)(d) of the RTI Act refers to a ‘serious’ act of harassment or intimidation: conduct that might be characterised as ‘harassment’ or ‘intimidation’ of itself will be insufficient to enliven the exemption. The exemption ‘contemplates that some degree of inconvenience, annoyance and even a certain level of harassment should be tolerated before a curtailment of access rights is considered.’<sup>20</sup>
19. Factors that may be relevant in assessing whether a serious act of harassment or intimidation<sup>21</sup> could reasonably be expected to occur include:<sup>22</sup>
- past conduct or a pattern of previous conduct
  - the nature of the relevant matter in issue
  - the nature of the relationship between the parties and/or third parties; and/or
  - relevant contextual and/or cultural factors.<sup>23</sup>
20. Importantly, as Justice Thomas, President of the Queensland Civil and Administrative Tribunal, observed, ‘it must be reasonably expected that a person would be subject to a serious act of harassment or intimidation **as a result of the disclosure of the information**, rather than independently or from any other circumstance.’<sup>24</sup>
21. As for the phrase ‘could reasonably be expected’, a decision-maker does not have to be satisfied upon a balance of probabilities that disclosing subject information will produce the apprehended serious act of harassment or intimidation.<sup>25</sup> These words do, however:<sup>26</sup>
- ... call for the decision-maker ... to discriminate between unreasonable expectations and reasonable expectations, between what is merely possible (e.g. merely speculative/conjectural “expectations”) and expectations which are reasonably based, i.e. expectations for the occurrence of which real and substantial grounds exist.
22. Other authorities note that the words ‘could reasonably be expected’:<sup>27</sup>
- ... “require a judgement to be made by the decision-maker as to whether it is reasonable, as distinct from something that is irrational, absurd or ridiculous” to expect a disclosure of the information in issue could have the prescribed consequences relied on.

### **Applicants’ case**

23. The applicants’ case centres on consequences the applicants apprehend may follow disclosure of the names of staff contained in the information in issue.<sup>28</sup> The crux of the applicants’ argument is that staff identified in the information in issue<sup>29</sup> could reasonably be expected to be subjected to future employment discrimination or prejudice, were they

<sup>20</sup> *Sheridan*, at [294].

<sup>21</sup> A serious act of harassment is one that attacks, disturbs or torments a person and that causes concern or apprehension or has undesired consequences, and a serious act of intimidation is an action that induces fear or forces a person into some action by inducing fear or apprehension and that causes concern or apprehension or has undesired consequences: *Sheridan*, at [199]-[200].

<sup>22</sup> *Richards*, at [19], applying *Sheridan*.

<sup>23</sup> *Sheridan*, at [193].

<sup>24</sup> *Watson v Office of Information Commissioner Qld & Ors* [2015] QCATA 95 (*Watson*), at [19] [emphasis added].

<sup>25</sup> *Richards*, at [11].

<sup>26</sup> *B and Brisbane North Regional Health Authority* (1994) 1 QAR 279, at [154]-[160].

<sup>27</sup> *Smolenski v Commissioner of Police, NSW Police* [2015] NSWCATAD 21, at [34], citing *Commissioner of Police, NSW Police Force v Camilleri (GD)* [2012] NSWADTAP 19, at [28], *McKinnon v Secretary, Department of Treasury* [2006] HCA 45, at [61] and *Attorney-General’s Department v Cockcroft* (1986) 10 FCR 180, at [190].

<sup>28</sup> No applicant, as far as I can see, has made any case that disclosure of any other information contained in the information in issue could reasonably be expected to result in any person being subjected to a serious act of harassment or intimidation, or is otherwise exempt information.

<sup>29</sup> Or, possibly, others associated with those staff.

to be identified as having worked for the applicants. The applicants' concern appears to be that this discrimination<sup>30</sup> would be perpetrated by the third party, and/or others politically affiliated with the third party, should the third party succeed in a general election and form government. As stated in the application for external review made on behalf of the applicant in external review 315025:<sup>31</sup>

*The documents the subject of the application are documents which would disclose the identity of all staff employed in the office of a Minister at the relevant date. In my internal review application, I provided [DPC] with a number of newspaper articles which evidenced a number of persons who had been sacked from government positions on a change of government. There was one instance of a person working in the corporate sector who was also targeted for having previously been employed in a Minister's office.*

...

*... there is a very real potential for those persons to then [following a possible change in government] be denied employment in the public sector. In addition, people who have left a ministerial office and attained a position in the public sector have no protection from dismissal.*

24. In support of this argument, the applicants rely on various accounts, media clippings and other material, which the applicants submit demonstrates similar past conduct by governments (or persons associated with governments) formed by the third party's political party.<sup>32</sup>
25. The applicant in review 315032 also relied on a Question on Notice, in which a Member of Parliament from the third party's political party queried the appointment of an individual to a public service position, as evidence of similar past conduct.

### **Consideration**

26. The fundamental difficulty with the applicants' case, which precludes a finding that schedule 3, section 10(1)(d) of the RTI Act applies to exempt from disclosure the information in issue, is one alluded to in the submission extracted in paragraph 23 above. That is, it would not be disclosure of information under the RTI Act that could reasonably be expected to lead to any serious harassment or intimidation of the kind apprehended by the applicants<sup>33</sup> as required by this exemption criterion, but another event: a change of government. Or, in the case of the Question on Notice relied on in review 315032,<sup>34</sup> the appointment of an individual to a public service position under the *Public Service Act 2008* (Qld) (**PS Act**), rather than disclosure under the RTI Act of information of the kind in issue in these reviews.
27. As emphasised by Justice Thomas in *Watson*,<sup>35</sup> for the schedule 3, section 10(1)(d) exemption to apply, the reasonable expectation of serious harassment or intimidation must follow disclosure of the information under the Act itself, **not** other events or

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<sup>30</sup> Which I accept may comprise 'serious harassment or intimidation' within the meaning of schedule 3, section 10(1)(d) of the RTI Act.

<sup>31</sup> Similar statements appear throughout other applicants' applications for external review.

<sup>32</sup> Much of this material was, generally, annexed to applicants' applications to DPC for internal review. Some applicants also gave additional examples during the external review process (for example, submissions in review 315025 dated 7 April 2020).

<sup>33</sup> I make no finding about the likelihood of this occurring.

<sup>34</sup> Assuming that such action, of itself, can be characterised as a serious act of harassment or intimidation within the meaning of schedule 3, section 10(1)(d) of the RTI Act – as I noted in my letter to this applicant dated 24 March 2020, I question whether the use of core democratic processes such as Parliamentary questions could be said to comprise a serious act of harassment or intimidation (an observation which the applicant did not contest in any subsequent submissions). I also query whether an administrative decision-maker could make such a finding, without contravening section 8 of the *Parliament of Queensland Act 2001* (Qld) ('Assembly proceedings cannot be impeached or questioned').

<sup>35</sup> See paragraph 20 above.



- circumstances. Given this, the table of staffing information in issue cannot qualify for exemption under this provision.
28. The above is sufficient to dispose of most of the applicants' cases for exemption under schedule 3, section 10(1)(d) of the RTI Act, most having advanced no submissions nor put before me evidence suggesting the existence of any other potential source of serious harassment or intimidation.
  29. The applicant in review 315027 did, however, raise more general concerns that named staff may be the subject of harassment and intimidation (such as online harassment), if they are identified as being employed within a given Ministerial office; a submission that may be construed as arguing that harassment or intimidation might stem from a source other than the third party.
  30. I addressed these concerns in my letter to this applicant dated 24 March 2020. Specifically, I observed that certain staff identities contained in the information in issue were already in the public domain (a matter canvassed more generally further below in paragraph 33). Given this, I commented that it would seem reasonable to expect that there may exist evidence of serious<sup>36</sup> acts of harassment or intimidation of such persons (which might serve as the basis for a reasonable conclusion that disclosure of the identities of other staff might result in the latter being subjected to similar conduct). Accordingly, I invited the applicant to provide me with such evidence in any reply to my letter.
  31. No further submissions or evidence were received on this point.<sup>37</sup> In these circumstances, and noting again the onus imposed by section 87(2) of the RTI Act, there is insufficient information before me to allow me to be satisfied that disclosure of the information in issue could reasonably be expected to give rise to serious acts of harassment or intimidation of any person, of a kind sufficient to attract exemption under schedule 3, section 10(1)(d) of the RTI Act.
  32. The reasoning above addresses the applicants' arguments for exemption under schedule 3, section 10(1)(d) of the RTI Act. There are, however, some further considerations worth noting in relation to all cases for refusing access under this provision, prior to considering public interest arguments.
  33. Firstly, the identities of a number of Ministerial staff members listed in the table in issue are already in the public domain, in contexts disclosing their Ministerial employment – stated, for example, in formal government records and publications, or through self-publication on 'networking' websites.<sup>38</sup> Release under the RTI Act would not reveal this information as it is already independently ascertainable, from various public sources. There would thus seem to be sufficient information available to any person who may be inclined to subject relevant individuals to acts of harassment or intimidation of any kind, independently of disclosure under the RTI Act.<sup>39</sup> In the words of Justice Thomas in *Watson*, such individuals may 'be subject to intimidation and harassment, but this possibility remains regardless of whether or not the information in issue is disclosed.'<sup>40</sup>

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<sup>36</sup> Noting again, as I did in my 24 March 2020 letter to this applicant, that schedule 3, section 10(1)(d) of the RTI Act only operates in relation to reasonable expectations of serious acts of harassment or intimidation – behaviour that falls below this, including online publication, is insufficient to give rise to the exemption: *Bowmaker Realty and Department of Justice and Attorney-General; Andrews* [2015] QICmr 19 (17 August 2015) (*Bowmaker Realty*). See also paragraph 18 above.

<sup>37</sup> In reply to my 24 March 2020 letter, by email dated 17 April 2020 this applicant adopted submissions made by the applicant in review 315025, in replying to a substantially similar letter.

<sup>38</sup> Various examples of this prior publication were cited in my letters to the applicants dated 24 March 2020. I have also prepared a version of the information in issue, appending relevant examples.

<sup>39</sup> See *Deputy Premier and Minister for State Development, Infrastructure and Planning and The Premier; Mulherin, MP (Third Party)* [2014] QICmr 41 (23 October 2014) (*Mulherin*), at [21]-[22] and [36].

<sup>40</sup> At [22].

34. Secondly, one of the applicants' key concerns appears to be that any staff entitled to return to a substantive public service position could reasonably expect to find that position prejudiced following a change of government, were their employment within the applicants' offices to be disclosed. Or, alternatively, that individuals currently employed as Ministerial staff may be disadvantaged in seeking future public service employment, if they were to be identified as having been employed within a Ministerial office.<sup>41</sup> This concern is evidenced in the submission extracted at paragraph 23 above. It was also reiterated in submissions made by various applicants during the review:<sup>42</sup>

*[a] concern is that many of those [staff named in the information in issue] were previously employed in public service positions and should they return to those positions there is a very real prospect that they will be discriminated against in employment by subsequent ministers and ministerial staff.*

35. Apart from the issue identified in paragraph 26 (and, insofar as any staff member's name is already publicly accessible, paragraph 33), the chief difficulty with these arguments is that, insofar as they may relate to persons employed under the PS Act, it is not Ministers or executive government who make decisions in relation to individual public servants (including whether individuals should be hired as public servants), but chief executives.<sup>43</sup> Chief executives are subject to an array of duties and responsibilities as regards human resource management and recruitment. These include various ethics values prescribed in the *Public Sector Ethics Act 1994* (Qld) (**PSE Act**),<sup>44</sup> and obligations to:

- make employment decisions on merit alone<sup>45</sup>
- ensure best practice human resource management and the fair and reasonable treatment of employees;<sup>46</sup> and
- respect, protect and promote the human rights of individuals, including rights to freedom of thought and belief, expression, association and taking part in public life.<sup>47</sup>

36. Importantly, public service agencies and chief executives – and, indeed, all employers, public and private – are also bound by the express prohibition against discrimination on the basis of political belief or activity, as contained in section 7(j) of the *Anti-Discrimination Act 1991* (Qld) (**A-D Act**).

37. In this context, I do not consider that real and substantial grounds exist for expecting relevant persons would suffer discrimination or other prejudice, or other acts of serious harassment or intimidation, as a result of disclosure under the RTI Act of the information

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<sup>41</sup> In my letters to applicants dated 24 March 2020, I did also query whether the applicants were submitting that loss of current Ministerial employment might comprise the serious act of harassment or intimidation they were concerned could reasonably be expected to follow disclosure of the information in issue. Applicants replying to this letter generally emphasised that this was not an argument they were seeking to make (which loss of employment would, in any event, be an event resulting from a change of government, not disclosure under the RTI Act of the information in issue).

<sup>42</sup> See submissions in reviews 315005, 315011 and 315025 dated 7 April 2020, submissions in review 315042 dated 9 April 2020, submissions in review 315009 received 20 April 2020, submissions in review 315041 dated 27 April 2020, submissions in review 315047 received 28 April 2020, submissions in review 315032 received 1 May 2020, submissions in review 315045 dated 5 May 2020, and submissions in review 315040 received 7 May 2020. Some of these submissions also refer to my characterisation of this aspect of the applicants' case for refusing access as being based on 'misunderstanding'. The same submissions, however, also re-state and/or refer back to and rely on earlier submissions, the subject of detailed consideration by me in my 24 March 2020 letter. I consider that I have fairly characterised and analysed the case the applicants have put before me, to the best of my understanding.

<sup>43</sup> Only chief executives can make decisions in relation to individual public servants; chief executives are not subject to Ministerial direction in this regard: section 100(2) of the PS Act. See also section 15(1) of the *Ministerial and Other Office Holder Staff Act 2010* (Qld) (**MOOHS Act**), which provides that a 'public service employee is not subject to the direction of a [Ministerial] staff member.'

<sup>44</sup> Which include a commitment to the 'highest ethical standards', 'show respect towards all persons', and 'uphold the system of government and the laws of the state' (sections 6(a), 6(c) and 8(1) of the PSE Act respectively).

<sup>45</sup> Section 27 of the PS Act.

<sup>46</sup> Section 25 of the PS Act.

<sup>47</sup> Sections 20-23 of the HR Act.

- in issue. Such discrimination would, for the reasons explained above, have to be perpetrated by an agency chief executive, which, given the ethical and legal constraints and obligations noted above is, in my view, too speculative and conjectural a possibility to form the basis of a reasonable expectation.<sup>48</sup>
38. Lastly, a document relied on by the applicants in support of their case for exemption comprises what was described as a 'hit list',<sup>49</sup> questioning the suitability of various persons for continuing public service employment, and apparently prepared for use by an incoming government more than 20 years ago.
39. As I noted in my letters to the applicants dated 24 March 2020, I consider that this document is of questionable probative value in the present review (noting, for example, its age, and the fact that it is not clear that various persons named in it were actually subjected to any prejudicial treatment).
40. Nevertheless, I have also considered whether the publication or dissemination<sup>50</sup> of a person's name on such a list (or in a similar media article) might comprise an act of harassment or intimidation.
41. It is arguable that this may be so. However, I am not persuaded:
- that the evidence before me is sufficient to allow a conclusion that publication of such a list could reasonably be expected to result from disclosure of the information in issue in this review; and, even if it could,
  - that dissemination on such a list<sup>51</sup> would, of itself, amount to a *serious* act of harassment or intimidation, as required by schedule 3, section 10(1)(d) of the RTI Act.
42. On the first point, a very dated and anonymous document,<sup>52</sup> does not, objectively assessed, permit the conclusion that disclosure of the information in issue to the third party in these reviews could reasonably be expected to lead to the publication or distribution of a similar list as regards current members of the applicants' staff.
43. On the second point, while publication or dissemination of a person's name in such a document may be harassing or intimidating, without more, I do not think it amounts to a *serious* act of harassment or intimidation of the kind necessary to enliven the exemption. As the Information Commissioner has previously decided, the mere prospect that disclosure of information could lead to disparaging, distressing or unpleasant outcomes or consequences is insufficient to establish the exemption under schedule 3, section 10(1)(d) of the RTI Act.<sup>53</sup>

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<sup>48</sup> Similarly, I do not consider the material before me supports a reasonably based expectation that disclosure of the information in issue would result in any person being subjected to private sector employment discrimination. The material relied on by the applicants does not, in my view, rise to the level of definitively establishing patterns of prior conduct that might support such a claim. In view of the A-D Act's prohibition against political discrimination, I would have difficulty in accepting that disclosure of the information in issue could result in individuals being subjected to such discrimination.

<sup>49</sup> See, for example, the application for internal review dated 19 October 2019, relevant to review 315025.

<sup>50</sup> I stress *publication or dissemination* in this context. It is difficult to see that mere preparation of such a list, without its being published or disseminated and thus coming to the attention of an individual named in the list, could cause the individual torment, distress or the like so as to harass or intimidate that person.

<sup>51</sup> Or in a similar article.

<sup>52</sup> And press articles concerning the employment prospects of senior public officers with high-profile roles in a past government and/or a past government's choice of legal representation, such as relied on by the applicants.

<sup>53</sup> *Bowmaker Realty; 6ZJ3HG and Department of Environment and Heritage Protection; OY76VY (Third Party)* [2016] QICmr 8 (24 February 2016). For completeness, I note that should the asking of a Question on Notice amount to harassment or intimidation (see paragraph 26), I do not, in view of the important role of such questions in the Parliamentary democratic process, consider that the prospect of such occurring would amount to serious harassment or intimidation within the meaning of schedule 3, section 10(1)(d) of the RTI Act.

## Conclusion

44. For the reasons explained above, my view is that disclosure under the RTI Act of routine State employment information of the kind in issue in this review could not reasonably be expected to result in any person being subjected to a serious act of harassment or intimidation. Accordingly, I am not satisfied that the requirements for exemption under schedule 3, section 10(1)(d) of the RTI Act have been established.

## Contrary to the public interest

45. As noted, the applicants also submit that disclosure of the information in issue would, on balance, be contrary to the public interest: a separate ground for refusing access to information.
46. The RTI Act requires a decision-maker to take the following steps in deciding the public interest:<sup>54</sup>
- identify any irrelevant factors and disregard them
  - identify relevant public interest factors favouring disclosure and nondisclosure of the Information in Issue
  - balance the relevant factors favouring disclosure and nondisclosure; and
  - decide whether disclosure of the Information in Issue would, on balance, be contrary to the public interest.
47. Schedule 4 to the RTI Act contains non-exhaustive lists of irrelevant factors, and factors favouring disclosure and nondisclosure. I have had regard to schedule 4 in reaching this decision,<sup>55</sup> and disregarded irrelevant factors as set out in schedule 4, part 1 of the RTI Act.<sup>56</sup>

## Factors favouring disclosure

48. As for factors favouring disclosure, each of the individuals named in the information in issue is (or was) an employee of the State,<sup>57</sup> remunerated with public monies. In *Mulherin*, the Right to Information Commissioner found that disclosure of equivalent information – that is, Ministerial staff names and salary information – could reasonably be expected to enhance:<sup>58</sup>
- *the transparency of Ministerial staff member appointments and the appointment process; and*
  - *the accountability of government for such appointments, and monies spent on remuneration.*
49. Many of the applicants accept the relevance of the above considerations,<sup>59</sup> which are essentially restatements of the pro-disclosure public interest factors stated in schedule 4, part 2, items 1 and 4 of the RTI Act: to promote open discussion of public affairs and enhance the Government's accountability, and to ensure effective oversight of

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<sup>54</sup> Section 49 of the RTI Act.

<sup>55</sup> I have also had regard to the totality of the submissions made by the applicants, including in their communications with DPC and during these reviews.

<sup>56</sup> Noting, in this regard, that some of the submissions received during these reviews raised concerns as to possible 'misuse' of the information in issue (see, for example, submissions dated 20 April 2020 in review 315009); concerns that, in view of schedule 4, part 1 of the RTI Act, I understand to be proscribed considerations for the purposes of balancing the public interest.

<sup>57</sup> Section 11(c) of the MOOHS Act.

<sup>58</sup> At [33].

<sup>59</sup> See, for example, the applicant in review 315005's application for external review dated 22 November 2019. My letters to relevant applicants dated 24 March 2020 acknowledges this acceptance.

expenditure of public funds, respectively. I am satisfied each applies to favour disclosure of the information in issue. These are important public interests, and each merits substantial weight.

### **Factors favouring nondisclosure**

50. As noted earlier, the thrust of most of the applicants' submissions focus on adverse consequences they apprehend would follow disclosure of names as contained in the information in issue, rather than other information.<sup>60</sup> The applicants point to this information being the personal information of identified individuals, and submit that its disclosure could reasonably be expected to prejudice protection of those individuals' right to privacy.

51. These submissions raise very similar issues to those considered in *Mulherin*. Accordingly, it is again appropriate to have reference to the Right to Information Commissioner's consideration of substantially comparable matters in that decision:<sup>61</sup>

35. *The Information in Issue discloses both that named individuals work (or have worked) as Ministerial staff members, and the salary range paid to each. I accept that this information comprises the personal information of relevant individuals. The RTI Act presumes the existence of a public interest harm where disclosure of information would disclose personal information, and recognises a public interest in avoiding prejudice to protection of an individual's right to privacy, factors each which arise for consideration in this case.*

36. *In assessing the weight to be given to these factors, it is pertinent to recall that various staff names already appear in the public domain, in circumstances connecting individuals with their Ministerial employment. This significantly diminishes, if not eliminates, the privacy interest attaching to this information. To the extent the public interest factors favouring nondisclosure could be said to continue to apply to these names, I consider they warrant negligible weight. (For the sake of completeness, I note that even if there was no evidence of prior publication of relevant names, I am nevertheless satisfied that the balance of the public interest in this case favours their disclosure, for the reasons explained below.)*

37. *As for salary information, relevant information only discloses the range of individual remuneration, and not a precise salary figure, thus diminishing the privacy sensitivity attaching to this information. I have therefore afforded relevant nondisclosure considerations moderate weight as they apply to this information.*

52. While the applicants have contested the relevance of *Mulherin*,<sup>62</sup> given the similarity of both the information in issue and background circumstances — opposition members seeking to obtain information about Ministerial staffing arrangements — and the general principle that like cases be treated alike,<sup>63</sup> I consider that the Right to Information Commissioner's analysis can be fairly applied in this case. I accept that the information

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<sup>60</sup> Indeed, as noted below, many of the applicants accepted the public interest in disclosing salary range information. I also note that the information in issue in this review includes dates of service, position titles, and Ministerial office in which each is employed — this seems to be innocuous information of limited consequence, and about which the applicants have not, as far as I can see, made any submission. I can see no basis on which access to this information may be refused.

<sup>61</sup> Footnotes omitted.

<sup>62</sup> The applicant in review 315041, for example, acknowledging that while '*there is a precedent for the release of staffing information of this nature, the context of the use of that information in the era of social media, and more personal attacks, may mean that such a precedent should not be relied upon*' (application for external review dated 2 December 2019). As I noted in my letter dated 24 March 2020, social media use was common at the time *Mulherin* was decided (as it was in other cases involving refusal of access claims under schedule 3, section 10(1)(d) of the RTI Act — see, for example, *Bowmaker Realty*).

<sup>63</sup> *Searle v Commonwealth* (2019) 376 ALR 512, at [250], citing *Plaintiff M64/2015 v Minister for Immigration and Border Protection* (2015) [2015] HCA 50, at [54] per French CJ, Bell, Keane and Gordon JJ, at [68]–[69] per Gageler J; *Rendell v Release on Licence Board* (1987) 10 NSWLR 499, at [504A–B]; per Kirby P, Priestley and Clarke JJA.

in issue comprises personal information,<sup>64</sup> and that its disclosure may, to some extent, prejudice protection of named individuals' right to privacy.<sup>65</sup> As fairly routine information setting out basic public employment particulars,<sup>66</sup> however, it does not strike me as being especially sensitive or private in nature. In the circumstances, I afford these two considerations moderate weight for the purposes of balancing the public interest.

### **Additional nondisclosure submissions**

53. Some applicants made public interest submissions which could be construed as contending that disclosure of the information in issue could reasonably be expected to have adverse or prejudicial effects on the financial or professional affairs of relevant staff. In the context of arguing for the application of the privacy and personal information nondisclosure considerations addressed above, for example, the applicant in review 315005 submitted that *'the right to privacy should be given greater weight when there is a threat of retaliation which could, and has in the past, resulted in a loss of job, with the usual financial effects, but also loss to reputation and advancement of career'*.<sup>67</sup>
54. The RTI Act recognises that a public interest harm will arise where disclosure of information would disclose information concerning a person's business, professional, commercial or financial affairs, and disclosure could reasonably be expected to have an adverse effect on those affairs.<sup>68</sup> Additionally, public interest factors favouring nondisclosure of information will apply to be considered in balancing the public interest where disclosure of information could reasonably be expected to prejudice the *'private, business, professional, commercial or financial affairs of entities'*,<sup>69</sup> and/or, relevantly, the *'business affairs'* of a person.<sup>70</sup>
55. I have explained at paragraphs 35-37 above that I do not consider that disclosure under the RTI Act of information concerning State employment could reasonably be expected to prejudice potential future employment or income in the manner as argued in the submission extracted in paragraph 53. Accordingly, I do not consider that any of the factors canvassed in the preceding paragraph apply to favour nondisclosure of the information in issue.
56. In a related vein, while many of the applicants acknowledge the public interest in disclosing salary range information,<sup>71</sup> a small number submitted that disclosure of this information, too, could reasonably be expected to cause the public interest harm and prejudices noted in paragraph 54. As stated in the application for internal review made

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<sup>64</sup> Personal information is information 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: Section 12 of the *Information Privacy Act 2009* (Qld) and section 10 and schedule 5 of the RTI Act. The RTI Act presumes the existence of a public interest harm favouring nondisclosure, where disclosure of information would disclose personal information: schedule 4, part 4, section 6 of the RTI Act. It is, however, still necessary to have regard to the extent of public interest harm that could reasonably be expected to follow disclosure: section 49(4) of the RTI Act, which states that *'...the fact that 1 or more of the relevant factors favouring nondisclosure is a harm factor does not of itself mean that, on balance, disclosure of the information would be contrary to the public interest'*.

<sup>65</sup> Schedule 4, part 3, item 3 of the RTI Act.

<sup>66</sup> Some of which, as noted, is already publicly available.

<sup>67</sup> Application for external review dated 22 November 2019. Similar submissions are contained, for example, in the internal review applications relevant to reviews 315011 (application made 1 October 2019), 315025 (application dated 1 October 2019), 315047 (application made 8 October 2019), and 315048 (application dated 8 October 2019).

<sup>68</sup> Schedule 4, part 4, section 7(1)(c) of the RTI Act. This factor will also be enlivened where disclosure of relevant information could reasonably be expected to prejudice the future supply of similar information to government. No applicant submits, and there is nothing else before me, to suggest that persons seeking State employment in the future would refuse to supply information of the kind in issue.

<sup>69</sup> Schedule 4, part 3, item 2 of the RTI Act. 'Entity' includes a person: section 36 and schedule 1 of the *Acts Interpretation Act 1954* (Qld).

<sup>70</sup> Schedule 4, part 3, item 15 of RTI Act. There is no suggestion the other interests specified in this factor, 'trade secrets' and 'research', are in any way relevant in this case. Indeed, it is not clear that employment concerns of the type raised by the Applicants amount to 'business affairs'; in the interests of completeness, I will proceed on the basis that they do.

<sup>71</sup> As acknowledged in my letters to relevant applicants dated 24 March 2020.

by the applicant in review 315027, disclosure of this information may ‘impair [named staffers’] *future earning capacity*’, by causing prospective employers to offer salary at a rate comparable to a staff member’s current Ministerial rate, which may be lower than pre-Ministerial employment.<sup>72</sup>

57. I addressed this argument in my letters to relevant applicants dated 24 March 2020, and it was not pursued in subsequent submissions. For the sake of completeness, I note that there is nothing before me to suggest that grounds exist for expecting that disclosure of relatively straightforward employment information of the kind in issue could reasonably be expected to have the consequences summarised in paragraph 56.
58. Public interest factors favouring nondisclosure of information will, as I have noted, apply where disclosure of information could reasonably be expected to adversely affect and/or prejudice financial and related affairs.<sup>73</sup>
59. In the absence, however, of any cogent supporting material – such as, for example, evidence establishing the number of staff who are on lower salaries as compared to previous employment, and/or that persons have suffered salary impairment in the manner submitted – I am not persuaded that the requirements of any of these factors are met. This is particularly so, given that it is not exact ‘pay point’ or specific salary amounts that are in issue, but general salary range.<sup>74</sup> The business affairs harm and prejudice factors do not, therefore, arise to be considered in balancing the public interest.

### ***Balancing the public interest***

60. Once again, given the substantial similarities between *Mulherin* and these reviews, it is worth setting out the Right to Information Commissioner’s reasoning in the former in some detail.<sup>75</sup>

40. *I am satisfied that the balance of the public interest in this case favours release of the identities of individuals whose salaries are ultimately being met by the public, and of information revealing the range within which those salaries fall. As OIC has previously noted:*

Governments fund their operations by imposts on the public of one kind or another. In a representative democracy, elected representatives are accountable to the electors for decisions made in respect of raising and spending public funds. The public has a strong, legitimate and abiding interest in having access to sufficient information to enable scrutiny of whether funds raised by government are expended efficiently and effectively in furtherance of the wider public interest. This extends to scrutiny of whether the public is obtaining value for money from performance of the duties of particular positions for which a government has decided to allocate funding ...

41. *The above observations are directly applicable to the salary range information appearing on all three pages. Additionally, while the comments excerpted above were directed toward information revealing gross salary levels, it is my view that they are equally applicable to information revealing the identities of individuals in receipt of those salaries. Disclosure of this information will advance the public interest in ensuring taxpayer monies are ‘expended efficiently and effectively’.*

<sup>72</sup> A similar submission was made by the applicant in review 315041.

<sup>73</sup> Schedule 4, part 4, section 7(1)(c) of the RTI Act.

<sup>74</sup> I also note that, as I observed in my letter to the applicant dated 24 March 2020 in review 315027, it would seem equally arguable that the very matters cited in their submissions on this point – essentially, taking reduced pay to perform public service – would reflect favourably on staffers in future employment negotiations, or at the least adequately explain why those staffers may be wishing to negotiate a higher rate of pay in any future role.

<sup>75</sup> Footnotes omitted, noting that while the ‘Code of Conduct – Ministerial Staff Members’ quoted in the following extract is now dated 23 February 2015, relevant passages remain the same.

42. *In making these comments, I acknowledge that Ministerial staff members are appointed on contract, rather than under the tenure enjoyed by permanent public servants. I am not, however, persuaded that this is a matter of particular significance in determining where the balance of the public interest lies.*
43. *This is because it remains the fact that Ministerial staff members are State employees remunerated by way of public monies, engaged to provide 'advice and assistance to Ministers in the performance of their functions' – functions that are carried out on behalf of the public. As I have noted above, that public is, in turn, entitled to know who is assisting with functions performed on its behalf – to know who is occupying roles with 'closeness to the most significant decisions of government' – and an indication of how much they are receiving to do so.*
- ...
45. *... There is a substantial public interest in ensuring community access to information sufficient to enable it to scrutinise public recruitment and expenditure decisions; a public interest that is in my view of a weight sufficient to displace any considerations favouring nondisclosure.*

### **Conclusion**

46. *A degree of public scrutiny – including disclosure of the fact of appointment, and level of remuneration – is something that must reasonably be expected to 'come with the territory' of State employment, and those serving in government roles should anticipate they will cede a degree of personal privacy in exchange for receipt of public monies. In this case, I consider disclosure of the Information in Issue will:*
- *enhance the accountability of Government for its expenditure and recruitment decisions; and*
  - *foster public confidence in the making of these decisions.*
47. *These are significant public interest outcomes, and should be preferred to the factors favouring nondisclosure identified above.*
61. I agree and adopt the above reasoning for the purposes of this decision.<sup>76</sup> As the Right to Information Commissioner noted, it is true that Ministerial staff are appointed on a different basis to permanent public servants. This does not, however, diminish the public interest in making information about those appointments available to the community, which under the MOOHS Act, are appointments made based on recommendation<sup>77</sup> (rather than merit selection, as is the case with appointments under the PS Act).
62. Disclosure of the information in issue will allow for scrutiny of State employee appointments, thereby increasing the transparency of Ministerial staff recruitment. As the Right to Information Commissioner noted, this will in turn enhance Government accountability for, and foster public confidence in, those appointments. In my view, these

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<sup>76</sup> This aspect of the Right to Information Commissioner's reasoning also included reference to a statement made by a former UK Cabinet Secretary, explaining why that government was committing to the routine publication of 'special advisor' or Ministerial staff member names, at [44]-[45]. Most applicants took issue with the relevance of this statement. As a general comment on the public interest in disclosing information concerning Ministerial staff members in a comparable Westminster system of government, the Cabinet Minister's statement would seem to have some relevance. In any event, the Right to Information Commissioner's analysis in *Mulherin* does not, on my reading of those reasons, turn on this statement. Certainly, I have not relied on it in making my findings in this decision.

<sup>77</sup> Section 6. I note that section 34 of the MOOHS Act requires DPC to prepare a report on the Act's operations for tabling, which '*...report must include details of the staff members employed under this Act for all or part of the financial year*': section 34(2). DPC's most recent annual report notes that '[a] total of 320 staff were employed under the Act for the financial year ending 30 June 2019, with 236 staff employed as at 30 June 2019': DPC 2018/19 Annual Report, page 94, available at <<https://www.premiers.qld.gov.au/publications/categories/reports/annual-reports/2018-2019/assets/dpc-annual-report-2018-2019.pdf>> (accessed 1 June 2020). Disclosure of the additional details contained in the information in issue will complement this published information, advancing the transparency and accountability public interests identified above.



public interest considerations outweigh those favouring nondisclosure,<sup>78</sup> such that disclosure of the information in issue would not, on balance, be contrary to the public interest.

63. In reaching the above conclusion, I have taken into account the submissions made by some applicants<sup>79</sup> who contested the disclosure of 'lower level' staff member particulars, on the understanding that only senior personnel names are released in the Commonwealth Freedom of Information (FOI) jurisdiction.
64. The general position in Queensland is that the names of public servants are ordinarily disclosed regardless of seniority, where, in circumstances such as these, relevant information appears in a routine employment context.<sup>80</sup> The position at the appeal or review level in the Commonwealth FOI jurisdiction appears to be substantially similar, if not identical: it being consistently determined that redaction or withholding of public servant identities in the context of the performance by those public servants of their official duties is not, generally speaking, justified under equivalent exemption provisions in the *Freedom of Information Act 1982* (Cth).<sup>81</sup>
65. In this case, it is, as noted above, my view that the public interests in transparency, accountability, and helping to foster public confidence in the integrity of State employment decisions are sufficiently strong to tip the balance of the public interest in favour of disclosure of all staff member particulars in issue. While applicable public interest considerations may attract even greater weight in respect of senior staff, they possess enough weight to displace factors favouring nondisclosure in respect of all staff members.

### **Public interest – conclusion**

66. The information in issue identifies Ministerial staff members, the position or capacity in which those staff serve and assist their Minister – and therefore the public – and the general amounts of public monies they receive in return for that service.
67. Disclosure of such information will, as I have noted, permit scrutiny of State employee appointments, increasing the transparency of Ministerial staff recruitment and enhancing Government accountability for those appointments and associated expenditure.
68. Balancing competing public interest factors and considerations against one another, my view is that disclosure of the information in issue would not, on balance, be contrary to the public interest.

### **DECISION**

69. The applicants have not established that a decision not to disclose the information in issue is justified, or that I should give a decision adverse to the third party. Accordingly, I affirm DPC's Internal Review Disclosure Decisions.

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<sup>78</sup> Including, in view of the relatively routine nature of the information in issue, any I have found do not apply, in the event I am incorrect as to their non-application.

<sup>79</sup> For example, applicant in review 315041.

<sup>80</sup> Public servant identities may, from time to time, be redacted, but generally in circumstances where those identities appear in a sensitive context, so as to give rise to broader public interest considerations – such as, for example, where identifying an officer as having made or been the subject of complaints, or disclosing the nature or reasons for personal leave. See OIC's guideline, 'Routine personal work information of public sector employees', explaining applicable principles: <<https://www.oic.qld.gov.au/guidelines/for-government/access-and-amendment/processing-applications/routine-personal-work-information-of-public-sector-employees>> (accessed 4 June 2020).

<sup>81</sup> See the summary of relevant case law at Attachment A to the Australian Information Commissioner's recent discussion paper on this subject: <<https://www.oaic.gov.au/engage-with-us/consultations/disclosure-of-public-servants-names-and-contact-details/discussion-paper/>> (accessed 24 February 2020; 25 June 2020).

70. The third party is therefore entitled to access the information in issue, in accordance with the right of access conferred by section 23 of the RTI Act.
71. I have made this decision under section 110(1) of the RTI Act, as a delegate of the Information Commissioner under section 145 of the RTI Act.

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**Louisa Lynch**  
**Right to Information Commissioner**

**Date: 26 June 2020**

## APPENDIX

### SIGNIFICANT PROCEDURAL STEPS

#### 315005

Date	Event
22 November 2019	OIC received the application for external review. OIC advised DPC an application for external review had been received.
26 November 2019	OIC requested that DPC provide initial procedural documents.
3 December 2019	DPC provided OIC with the initial procedural documents.
8 January 2020	OIC wrote to DPC advising the application for external review had been accepted.
10 January 2020	OIC wrote to the applicant advising the application for external review had been accepted. OIC requested the information in issue from DPC.
20 January 2020	DPC provided OIC with the information in issue.
24 March 2020	OIC conveyed a preliminary view to the applicant and invited submissions.
7 April 2020	OIC received submissions from the applicant.
19 May 2020	OIC wrote to the applicant reiterating OIC's preliminary view and outlining the next steps in the review.
22 May 2020	OIC wrote to the third party inviting the third party to participate in the external review under section 89 of the RTI Act. The third party applied to participate in the external review.
15 June 2020	OIC notified the third party that the third party's application to participate in the review had been accepted.

#### 315009

Date	Event
25 November 2019	OIC received the application for external review.
27 November 2019	OIC advised DPC an application for external review had been received and requested that DPC provide initial procedural documents.
3 December 2019	DPC provided OIC with the initial procedural documents.
8 January 2020	OIC wrote to DPC advising the application for external review had been accepted.
10 January 2020	OIC wrote to the applicant advising the application for external review had been accepted. OIC requested the information in issue from DPC.
20 January 2020	DPC provided OIC with the information in issue.

Date	Event
24 March 2020	OIC conveyed a preliminary view to the applicant and invited submissions.
17 April 2020	OIC wrote to the applicant inviting submissions.
20 April 2020	OIC received submissions from the applicant.
19 May 2020	OIC wrote to the applicant reiterating OIC's preliminary view and outlining the next steps in the review.
22 May 2020	OIC wrote to the third party inviting the third party to participate in the external review under section 89 of the RTI Act. The third party applied to participate in the external review.
15 June 2020	OIC notified the third party that the third party's application to participate in the review had been accepted.

### 315010

Date	Event
25 November 2019	OIC received the application for external review.
26 November 2019	OIC advised DPC an application for external review had been received.
27 November 2019	OIC requested that DPC provide initial procedural documents.
3 December 2019	DPC provided OIC with the initial procedural documents.
8 January 2020	OIC wrote to DPC advising the application for external review had been accepted.
10 January 2020	OIC wrote to the applicant advising the application for external review had been accepted. OIC requested the information in issue from DPC.
20 January 2020	DPC provided OIC with the information in issue.
24 March 2020	OIC conveyed a preliminary view to the applicant and invited submissions.
23 April 2020	OIC received submissions from the applicant.
19 May 2020	OIC wrote to the applicant reiterating OIC's preliminary view and outlining the next steps in the review.
22 May 2020	OIC wrote to the third party inviting the third party to participate in the external review under section 89 of the RTI Act. The third party applied to participate in the external review.
15 June 2020	OIC notified the third party that the third party's application to participate in the review had been accepted.

**315011**

<b>Date</b>	<b>Event</b>
25 November 2019	OIC received the application for external review. OIC advised DPC an application for external review had been received.
28 November 2019	OIC requested that DPC provide initial procedural documents.
3 December 2019	DPC provided OIC with the initial procedural documents.
8 January 2020	OIC wrote to DPC advising the application for external review had been accepted.
10 January 2020	OIC wrote to the applicant advising the application for external review had been accepted. OIC requested the information in issue from DPC.
20 January 2020	DPC provided OIC with the information in issue.
24 March 2020	OIC conveyed a preliminary view to the applicant and invited submissions.
7 April 2020	OIC received submissions from the applicant.
19 May 2020	OIC wrote to the applicant reiterating OIC's preliminary view and outlining the next steps in the review.
22 May 2020	OIC wrote to the third party inviting the third party to participate in the external review under section 89 of the RTI Act. The third party applied to participate in the external review.
15 June 2020	OIC notified the third party that the third party's application to participate in the review had been accepted.

**315025**

<b>Date</b>	<b>Event</b>
27 November 2019	OIC received the application for external review.
28 November 2019	OIC advised DPC an application for external review had been received.
3 December 2019	OIC requested that DPC provide initial procedural documents. DPC provided OIC with the initial procedural documents.
8 January 2020	OIC wrote to DPC advising the application for external review had been accepted.
10 January 2020	OIC wrote to the applicant advising the application for external review had been accepted. OIC requested the information in issue from DPC.
20 January 2020	DPC provided OIC with the information in issue.
24 March 2020	OIC conveyed a preliminary view to the applicant and invited submissions.
7 April 2020	OIC received submissions from the applicant.

Date	Event
19 May 2020	OIC wrote to the applicant reiterating OIC's preliminary view and outlining the next steps in the review.
22 May 2020	OIC wrote to the third party inviting the third party to participate in the external review under section 89 of the RTI Act. The third party applied to participate in the external review.
15 June 2020	OIC notified the third party that the third party's application to participate in the review had been accepted.

### 315027

Date	Event
27 November 2019	OIC received the application for external review.
28 November 2019	OIC advised DPC an application for external review had been received.
3 December 2019	OIC requested that DPC provide initial procedural documents. DPC provided OIC with the initial procedural documents.
8 January 2020	OIC wrote to DPC advising the application for external review had been accepted.
10 January 2020	OIC wrote to the applicant advising the application for external review had been accepted. OIC requested the information in issue from DPC.
20 January 2020	DPC provided OIC with the information in issue.
24 March 2020	OIC conveyed a preliminary view to the applicant and invited submissions.
17 April 2020	OIC received submissions from the applicant.
19 May 2020	OIC wrote to the applicant reiterating OIC's preliminary view and outlining the next steps in the review.
22 May 2020	OIC wrote to the third party inviting the third party to participate in the external review under section 89 of the RTI Act. The third party applied to participate in the external review.
15 June 2020	OIC notified the third party that the third party's application to participate in the review had been accepted.

### 315032

Date	Event
30 November 2019	OIC received the application for external review.
4 December 2019	OIC advised DPC an application for external review had been received and requested that DPC provide initial procedural documents.

Date	Event
9 December 2019	DPC provided OIC with the initial procedural documents.
8 January 2020	OIC wrote to DPC advising the application for external review had been accepted.
10 January 2020	OIC wrote to the applicant advising the application for external review had been accepted. OIC requested the information in issue from DPC.
20 January 2020	DPC provided OIC with the information in issue.
24 March 2020	OIC conveyed a preliminary view to the applicant and invited submissions.
1 May 2020	OIC received submissions from the applicant.
19 May 2020	OIC wrote to the applicant reiterating OIC's preliminary view and outlining the next steps in the review.
22 May 2020	OIC wrote to the third party inviting the third party to participate in the external review under section 89 of the RTI Act. The third party applied to participate in the external review.
15 June 2020	OIC notified the third party that the third party's application to participate in the review had been accepted.

### 315040

Date	Event
29 November 2019	OIC received the application for external review.
2 November 2019	OIC advised DPC an application for external review had been received.
5 December 2019	OIC requested that DPC provide initial procedural documents.
9 December 2019	DPC provided OIC with the initial procedural documents.
8 January 2020	OIC wrote to DPC advising the application for external review had been accepted.
10 January 2020	OIC wrote to the applicant advising the application for external review had been accepted. OIC requested the information in issue from DPC.
20 January 2020	DPC provided OIC with the information in issue.
24 March 2020	OIC conveyed a preliminary view to the applicant and invited submissions.
7 May 2020	OIC received submissions from the applicant.
19 May 2020	OIC wrote to the applicant reiterating OIC's preliminary view and outlining the next steps in the review.
22 May 2020	OIC wrote to the third party inviting the third party to participate in the external review under section 89 of the RTI Act. The third party applied to participate in the external review.

Date	Event
15 June 2020	OIC notified the third party that the third party's application to participate in the review had been accepted.

### 315041

Date	Event
2 December 2019	OIC received the application for external review. OIC advised DPC an application for external review had been received.
5 December 2019	OIC requested that DPC provide initial procedural documents.
9 December 2019	DPC provided OIC with the initial procedural documents.
8 January 2020	OIC wrote to DPC advising the application for external review had been accepted.
10 January 2020	OIC wrote to the applicant advising the application for external review had been accepted. OIC requested the information in issue from DPC.
20 January 2020	DPC provided OIC with the information in issue.
24 March 2020	OIC conveyed a preliminary view to the applicant and invited submissions.
27 April 2020	OIC received submissions from the applicant.
19 May 2020	OIC wrote to the applicant reiterating OIC's preliminary view and outlining the next steps in the review.
22 May 2020	OIC wrote to the third party inviting the third party to participate in the external review under section 89 of the RTI Act. The third party applied to participate in the external review.
15 June 2020	OIC notified the third party that the third party's application to participate in the review had been accepted.

### 315042

Date	Event
2 December 2019	OIC received the application for external review.
5 December 2019	OIC advised DPC an application for external review had been received and requested that DPC provide initial procedural documents.
9 December 2019	DPC provided OIC with the initial procedural documents.
8 January 2020	OIC wrote to DPC advising the application for external review had been accepted.



Date	Event
10 January 2020	OIC wrote to the applicant advising the application for external review had been accepted. OIC requested the information in issue from DPC.
20 January 2020	DPC provided OIC with the information in issue.
24 March 2020	OIC conveyed a preliminary view to the applicant and invited submissions.
9 April 2020	OIC received submissions from the applicant.
19 May 2020	OIC wrote to the applicant reiterating OIC's preliminary view and outlining the next steps in the review.
22 May 2020	OIC wrote to the third party inviting the third party to participate in the external review under section 89 of the RTI Act. The third party applied to participate in the external review.
15 June 2020	OIC notified the third party that the third party's application to participate in the review had been accepted.

### 315044

Date	Event
2 December 2019	OIC received the application for external review. OIC advised DPC an application for external review had been received.
5 December 2019	OIC requested that DPC provide initial procedural documents.
9 December 2019	DPC provided OIC with the initial procedural documents.
8 January 2020	OIC wrote to DPC advising the application for external review had been accepted.
10 January 2020	OIC wrote to the applicant advising the application for external review had been accepted. OIC requested the information in issue from DPC.
20 January 2020	DPC provided OIC with the information in issue.
24 March 2020	OIC conveyed a preliminary view to the applicant and invited submissions.
19 May 2020	OIC wrote to the applicant reiterating OIC's preliminary view and outlining the next steps in the review.
22 May 2020	OIC wrote to the third party inviting the third party to participate in the external review under section 89 of the RTI Act. The third party applied to participate in the external review.
15 June 2020	OIC notified the third party that the third party's application to participate in the review had been accepted.

### 315045

Date	Event
2 December 2019	OIC received the application for external review.
5 December 2019	OIC advised DPC an application for external review had been received and requested that DPC provide initial procedural documents.
9 December 2019	DPC provided OIC with the initial procedural documents.
8 January 2020	OIC wrote to DPC advising the application for external review had been accepted.
10 January 2020	OIC wrote to the applicant advising the application for external review had been accepted. OIC requested the information in issue from DPC.
20 January 2020	DPC provided OIC with the information in issue.
24 March 2020	OIC conveyed a preliminary view to the applicant and invited submissions.
5 May 2020	OIC received submissions from the applicant.
19 May 2020	OIC wrote to the applicant reiterating OIC's preliminary view and outlining the next steps in the review.
22 May 2020	OIC wrote to the third party inviting the third party to participate in the external review under section 89 of the RTI Act. The third party applied to participate in the external review.
15 June 2020	OIC notified the third party that the third party's application to participate in the review had been accepted.

### 315047

Date	Event
3 December 2019	OIC received the application for external review.
5 December 2019	OIC advised DPC an application for external review had been received and requested that DPC provide initial procedural documents.
10 December 2019	DPC provided OIC with the initial procedural documents.
8 January 2020	OIC wrote to DPC advising the application for external review had been accepted.
10 January 2020	OIC wrote to the applicant advising the application for external review had been accepted. OIC requested the information in issue from DPC.
20 January 2020	DPC provided OIC with the information in issue.

Date	Event
24 March 2020	OIC conveyed a preliminary view to the applicant and invited submissions.
28 April 2020	OIC received submissions from the applicant.
19 May 2020	OIC wrote to the applicant reiterating OIC's preliminary view and outlining the next steps in the review.
22 May 2020	OIC wrote to the third party inviting the third party to participate in the external review under section 89 of the RTI Act. The third party applied to participate in the external review.
15 June 2020	OIC notified the third party that the third party's application to participate in the review had been accepted.

### 315048

Date	Event
3 December 2019	OIC received the application for external review.
6 December 2019	OIC advised DPC an application for external review had been received and requested that DPC provide initial procedural documents.
9 December 2019	DPC provided OIC with the initial procedural documents.
8 January 2020	OIC wrote to DPC advising the application for external review had been accepted.
10 January 2020	OIC wrote to the applicant advising the application for external review had been accepted. OIC requested the information in issue from DPC.
20 January 2020	DPC provided OIC with the information in issue.
24 March 2020	OIC conveyed a preliminary view to the applicant and invited submissions.
22 April 2020	OIC received submissions from the applicant.
19 May 2020	OIC wrote to the applicant reiterating OIC's preliminary view and outlining the next steps in the review.
22 May 2020	OIC wrote to the third party inviting the third party to participate in the external review under section 89 of the RTI Act. The third party applied to participate in the external review.
15 June 2020	OIC notified the third party that the third party's application to participate in the review had been accepted.