



Decision and Reasons for Decision

Citation:	<i>D69 and Logan City Council [2025] QICmr 55 (26 August 2025)</i>
Application Number:	318703
Applicant:	D69
Respondent:	Logan City Council
Decision Date:	26 August 2025
Catchwords:	ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL TO DEAL WITH ACCESS APPLICATION - PREVIOUS APPLICATION FOR SAME DOCUMENTS - whether the applicant has previously applied to the same agency for the same documents - section 43 of the <i>Right to Information Act 2009</i> (Qld)

REASONS FOR DECISION

Summary

1. The applicant applied¹ to the respondent Council (**Council**) under the *Right to Information Act 2009* (Qld)² for access to various documents (**Access Application**).
2. By decision dated 5 June 2025,³ Council refused to deal with the Access Application under section 43 of the RTI Act, on the basis the applicant had previously made an application for the same documents.⁴
3. The applicant applied⁵ to the Office of the Information Commissioner (**OIC**) for external review of Council's decision.
4. Council accepted during the external review process that the requirements for refusing to deal with the Access Application under section 43 of the RTI Act were not established,⁶ with the consequence that it would therefore need to continue dealing with that application. The issue in this review – whether Council was entitled to refuse to deal with the Access Application – has therefore been resolved in the applicant's favour.
5. The applicant has not, however, agreed to informally resolve the external review⁷ on this basis, requesting OIC finalise the review by way of decision under section 110 of the RTI Act.⁸

¹ Access application dated 23 April 2025. The application fee was received on 1 May 2025 and the application became compliant on 30 May 2025 following provision of evidence of identity.

² On 1 July 2025 key parts of the *Information Privacy and Other Legislation Act 2023* (Qld) (**IPOLA Act**) came into force, effecting changes to, relevantly, the RTI Act. As the applicant's access application was made before this change, the RTI Act **as in force prior to 1 July 2025** remains applicable to that application. This is in accordance with transitional provisions in Chapter 7, Part 9 of the RTI Act, which require that applications on foot before 1 July 2025 are to be dealt with as if the IPOLA Act had not been enacted. Accordingly, references to the RTI Act in this decision are to the RTI Act **as in force prior to 1 July 2025**. This may be accessed at <https://www.legislation.qld.gov.au/view/html/inforce/2024-12-31/act-2009-013>.

³ The **decision under review**.

⁴ As requested in the Access Application.

⁵ External review application dated 11 June 2025.

⁶ Which acceptance OIC confirmed with Council by email dated 20 August 2025.

⁷ Under section 90(4) of the RTI Act.

⁸ Email to OIC dated 21 August 2025.

6. Council bears the onus of justifying the decision under review.⁹ As noted, however, it has accepted that that decision cannot be sustained. In these circumstances, it is necessary only to set the decision under review aside. That is my decision.

DECISION

7. I set aside the decision under review. In substitution for that decision, I decide¹⁰ that there is no basis to refuse to deal with the Access Application under section 43 of the RTI Act. Council must therefore continue dealing with the Access Application, in accordance with the RTI Act.
8. I have made this decision under section 110 of the RTI Act as a delegate of the Information Commissioner, under section 145 of the RTI Act.



Jim Forbes
Assistant Information Commissioner

Date: 26 August 2025

⁹ Section 87 of the RTI Act.

¹⁰ Under section 110(1)(c) of the RTI Act, and consistently with OIC decisions made in analogous circumstances (the setting aside of an agency decision refusing to deal with an information access application) in, for example, *Law Abiding Firearms Owners Inc and Queensland Police Service* [2019] QICmr 46 (25 October 2019), *P60 and Department of Education* [2021] QICmr 35 (1 July 2021), and *G46 and Queensland Police Service* [2020] QICmr 11 (24 February 2020). See also the same approach in comparable jurisdictions: eg., *Seven Network (Operations) Limited and Public Transport Authority, Re* [2018] WAICmr 1; *Jamieson and City of South Perth, Re* [2013] WAICmr 22; *Fletcher and Prime Minister of Australia* [2013] AICmr 11.