



Decision and Reasons for Decision

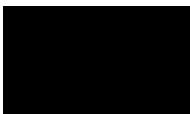
Citation:	T44 and Gold Coast City Council [2026] QICmr 101 (15 June 2026)
Application Number:	318833
Applicant:	T44
Respondent:	Gold Coast City Council
Decision Date:	15 June 2026
Catchwords:	ADMINISTRATIVE LAW - RIGHT TO INFORMATION - application for report findings regarding a complaint - whether to refuse to deal with the application because the documents have been the subject of a previous application - whether the applicant has a reasonable basis for applying again - section 62 of the <i>Information Privacy Act 2009</i> (Qld)

DECISION

I affirm¹ the reviewable decision of Gold Coast City Council (**Council**) and find that Council was entitled to refused to deal with the access application on the ground that the documents sought had been previously requested and dealt with in a previous application.²

This means that no further information is to be released to the applicant.

My reasons for the decision follow.



K Zaidiza
Manager, Right to Information
Date: 15 June 2026

¹ Under section 123(1)(a) of the *Information Privacy Act 2009* (Qld) (**IP Act**).

² I have made this decision as a delegate of the Information Commissioner under section 139 of the IP Act. On 1 July 2025 key parts of the *Information Privacy and Other Legislation Amendment Act 2023* (Qld) (**IPOLA Act**) came into force, effecting changes to the IP Act and *Right to Information Act 2009* (Qld) (**RTI Act**). As the applicant's application was made before this change, the IP Act and RTI Act **as in force prior to 1 July 2025** remain applicable to it. This is in accordance with transitional provisions in chapter 7, part 9 of the RTI Act and chapter 8, part 3 of the IP 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 and IP Act in this decision are to those Acts.

REASONS FOR DECISION

Background

1. The applicant applied under the IP Act³ to the Council for copies of a '*report findings carried out by IESU reference L...4, including a copy of the thorough assessment of the complaint*' (**Report**).
2. Council decided⁴ to refuse to deal with the application to the extent that the applicant had previously applied for the same documents.⁵
3. The applicant applied to the Office of the Information Commissioner (**OIC**) for external review of the Council's decision,⁶ and made submissions emphasising that they are particularly seeking access to the report findings.⁷
4. Therefore, the issue for determination is whether there are grounds to refuse to deal with the application on the basis that the Report has been the subject of a previous application to Council by the applicant.

Evidence considered

5. The evidence, submissions, legislation and other material I have considered in reaching my decision are set out in these reasons (including footnotes).
6. I have also had regard to the Human Rights Act 2019 (Qld) (**HR Act**), particularly the rights to seek and receive information and privacy and reputation.⁸ I consider a decision-maker will be '*respecting, and acting compatibly with*' those rights, and others prescribed in the HR Act, when applying the law prescribed in the RTI Act.⁹ I have acted in this way in making this decision, in accordance with section 58(1) of the HR Act.

Relevant law

7. Under the IP Act, an individual has a right to be given access to government held documents containing their personal information.¹⁰ This right is subject to certain limitations including grounds to refuse to deal with an application.¹¹

³ By application received by Council on 18 June 2025.

⁴ Decision dated 23 July 2025. This is the *reviewable decision* in this matter.

⁵ Under section 62 of the IP Act and 43 of the RTI Act

⁶ External review application received on 12 August 2025.

⁷ With external review application dated 12 August 2025 and dated 20 May 2026.

⁸ Sections 21(2) and 25 of the HR Act

⁹ *XYZ v Victoria Police (General)* [2010] VCAT 255 (16 March 2010) (**XYZ**) at [573]; and *Horrocks v Department of Justice (General)* [2012] VCAT 241 (2 March 2012) at [111]. I also note the following observations made by Bell J in *XYZ* at [573], on the interaction between equivalent pieces of Victorian legislation (namely, the *Freedom of Information Act 1982* (Vic) and the *Charter of Human Rights and Responsibilities Act 2006* (Vic)): '*... 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 FOI Act.* I further note that OIC's approach to the HR Act (as set out in this paragraph) was considered and endorsed by the Queensland Civil and Administrative Tribunal in *Lawrence v Queensland Police Service* [2022] QCATA 134 at [23] (where Judicial Member DJ McGill SC saw '*no reason to differ*' from OIC's position).

¹⁰ Section 40 of the IP Act.

¹¹ Section 58(2) of the IP Act.

8. Relevantly, where an applicant has made an access application under the IP Act, and then makes a later application under the IP Act to the same agency seeking access to one or more of the same documents, section 62 of the IP Act enables the agency to refuse to deal with the later access application if:
- the agency's decision in respect of the earlier application was to refuse access to the documents sought under section 67 of the IP Act (**criteria A**)¹²
 - the applicant then makes a later access application to the same agency seeking access to the same document (**criteria B**);¹³ and
 - the later access application does not, on its face, disclose any reasonable basis for again seeking access to the document (**criteria C**).¹⁴

Findings

9. In considering whether to refuse to deal with this application, I have not considered, nor am I required to consider, the reasons as to why Council previously refused access to the Report and whether that decision is correct.

The previous application and decision

10. By application received by Council on 8 June 2024, the applicant applied under the IP Act for the '*report findings carried out by IESU reference L...4*,' (**First Application**). In its decision dated 2 August 2024, Council refused access to the Report under section 67 of the IP Act (**First Decision**). This satisfies criteria A.
11. The applicant made a later application received by Council on 18 June 2025 (which is the subject of this review) for '*report findings carried out by IESU reference L...4*,' (**Later Application**). The applicant has confirmed this is the document they seek in this review and accepts that they previously applied for this document.¹⁵ This satisfies criteria B.

A reasonable basis for again applying

12. Turning to criteria C – whether the Later Application discloses, on its face, a reasonable basis for again applying – I note that the Later Application does refer to the First Application and states '*I have the report. I would like all the pages non redacted*.'¹⁶
13. During external review, and in support of the Later Application, the applicant further submitted:¹⁷

¹² Section 62 (3)(b)(iii) of the IP Act.

¹³ Section 62(1)(b) of the IP Act.

¹⁴ Section 62(1)(b) of the IP Act.

¹⁵ Submissions received with external review application on 12 August 2025, and 20 May 2026.

¹⁶ External review application dated 24 February 2024.

¹⁷ Submissions received with external review application on 12 August 2025 and 20 May 2026.

While both applications reference the L...4 report, the 2024 application resulted only in a heavily redacted version being released. My current application seeks access to the undisclosed findings and assessment material that were withheld. I do not consider a heavily redacted document to be substantively the same as access to the complete report.

The importance of transparency regarding potential noncompliance and ensuring council decisions adhere to the law significantly outweighs the reasons for withholding this report. Releasing this document will allow for proper scrutiny of the council's actions. Therefore, I request that the OIC release this report.

14. I acknowledge the applicant's submissions and note that the applicant disagrees with the First Decision to refuse access to the Report. The IP Act provides that a person affected by a reviewable decision may apply to have the decision reviewed by the agency (internal review)¹⁸ or the Information Commissioner (external review).¹⁹ These review rights were conveyed to the applicant in the First Decision. To my knowledge, the applicant has taken neither of the review options available to them. Instead, the applicant lodged the Later Application seeking to again access the Report.
15. Seeking to challenge the First Decision is not a reasonable basis for again applying for the Report. If the applicant disagreed with the outcome of the First Application, the correct course of action was to seek review of the First Decision.
16. The applicant also raised a number of concerns about the conduct of Council officers which are outside the Information Commissioner's external review jurisdiction.²⁰ In making this decision, I have considered the applicant's submissions to the extent they are relevant to the issues for determination in the context of this review. It is evident from the applicant's submissions that the applicant holds a number of concerns about the actions of specific government agencies and persons, including Council officers. However, the applicant has provided no evidence or cogent reasoning in support of their assertions in that regard. In those circumstances, I am not satisfied that the information relied upon by the applicant evidences a reasonable basis for making the Later Application.
17. In the circumstances of this case, nothing in the Later Application or the applicant's submissions on external review persuades me that they have raised a reasonable basis to again seek access to the Report. On that basis, criteria C is satisfied.

CONCLUSION

18. The above are the reasons for my decision set out at page 1.

¹⁸ Section 94(1) of the IP Act.

¹⁹ Section 99 of the IP Act.

²⁰ Submissions received with external review application on 12 August 2025 and 20 May 2026.