



Decision and Reasons for Decision

Citation:	<i>Maurice Blackburn Lawyers and Queensland Treasury; AAI Limited (Third Party); RACQ Insurance Ltd (Fourth Party) [2020] QICmr 66 (4 November 2020)</i>
Application Number:	315425
Applicant:	Maurice Blackburn Lawyers ABN 21 105 657 949
Respondent:	Queensland Treasury
Third Party:	AAI Limited ABN 48 005 297 807
Fourth Party:	RACQ Insurance Ltd ABN 50 009 704 152
Decision Date:	4 November 2020
Catchwords:	ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO PUBLIC INTEREST - actuarial studies of compulsory third party insurance profitability - accountability and transparency - whether disclosure could reasonably be expected to prejudice/adversely affect business affairs - whether disclosure would on balance be contrary to the public interest - sections 47(3)(b) and 49 of the <i>Right to Information Act 2009</i> (Qld)

REASONS FOR DECISION

Summary

1. The applicant applied¹ to Queensland Treasury (**QT**) under the *Right to Information Act 2009* (**RTI Act**) seeking access to documents concerning compulsory third party (**CTP**) profits earned by RACQ Insurance Ltd (**RACQ**) and AAI Limited trading as Suncorp Insurance (**Suncorp**).²
2. QT identified various documents. Relevantly, QT decided to refuse access to eight actuarial studies (**Studies**), on the grounds their disclosure would, on balance, be contrary to the public interest.³
3. The applicant applied⁴ to the Office of the Information Commissioner (**OIC**) for external review of QT's decision to refuse access to the Studies.
4. Having considered the Studies in issue, QT's decision, and the submissions of the applicant and the Insurers, I have decided disclosure of the Studies would, on balance, be contrary to the public interest. I affirm QT's decision.

¹ QT reference ARU0001124.

² I will refer to RACQ and Suncorp as the '**Insurers**.'

³ In its decision dated 1 May 2020, QT also decided to delete as irrelevant a limited amount of personal information appearing across 24 pages other than the Studies; the applicant does not seek of QT's decision in this regard and that information is not in issue.

⁴ Application dated 20 May 2020.

Background

5. Significant procedural steps in the review are set out in the Appendix.

Reviewable decision

6. The decision under review is QT's decision dated 1 May 2020.

Evidence considered

7. Evidence, submissions, legislation and other material considered in reaching this decision are referred to in these reasons (including footnotes and the Appendix).⁵

Information in issue

8. The information in issue comprises the Studies, particulars of which are as follows:⁶

Study no.	RTI pages
1	36-59
2	62-121
3	187-210
4	265-287
5	11-33
6	124-184
7	213-236
8	239-262

Issue for determination

9. The issue for determination is whether disclosure of the Studies would, on balance, be contrary to the public interest.

Relevant law

10. The RTI Act gives people a right to access documents of government agencies such as the Department.⁷ This right is subject to other provisions of the RTI Act, including grounds on which access may be refused.⁸ One of these grounds is where disclosure of information would, on balance, be contrary to the public interest.⁹

⁵ The application in this matter was made on behalf of an entity, and all other participants are also corporations or an agency, such that at face value it may not appear necessary to consider the application of the *Human Rights Act 2019* (Qld) (**HR Act**), which only affords human rights to individuals in Queensland. However, Kingham J in *Waratah Coal Pty Ltd v Youth Verdict Ltd & Ors* [2020] QLC 33 at [90] indicated that where section 58(1) of the HR Act applies, there need be no mover to raise human rights issues because that section requires the relevant public entity to properly consider engaged human rights and to not act or make a decision that is not compatible with human rights. To the extent then that it is necessary to observe relevant rights under section 58(1) of the HR Act, I am satisfied that I have done so. This is because in observing and applying the law prescribed in the RTI Act, as I have done in this case, an RTI decision-maker will be '*respecting and acting compatibly with*' applicable human rights as stated in the HR Act (*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 [111].) In this regard, I note Bell J's observations at [573] of XYZ 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.*'

⁶ Adopting QT's page numbering, as reflected in the column 'RTI pages'. Studies 1-4 relate to RACQ, 5-8 to Suncorp.

⁷ Section 23 of the RTI Act.

⁸ Section 47 of the RTI Act.

⁹ Sections 47(3)(b) and 49 of the RTI Act. The term 'public interest' refers to considerations affecting the good order and functioning of the community and government affairs for the well-being of citizens. This means that, in general, a public interest consideration is one which is common to all members of, or a substantial segment of, the community, as distinct from matters that concern purely private or personal interests, although there are some recognised public interest considerations that may apply for the benefit of an individual: Chris Wheeler, 'The Public Interest: We Know It's Important, But Do We Know What It Means' (2006) 48 *AIAL Forum* 12, 14.

11. The RTI Act requires a decision-maker to take the following steps in deciding the public interest:¹⁰
- identify any irrelevant factors and disregard them
 - identify relevant public interest factors favouring disclosure and nondisclosure of relevant information
 - balance the relevant factors favouring disclosure and nondisclosure; and
 - decide whether disclosure of the information would, on balance, be contrary to the public interest.
12. Schedule 4 to the RTI Act contains non-exhaustive lists of irrelevant factors, and factors favouring disclosure and nondisclosure. I have had regard to the entirety of schedule 4 in reaching this decision, considered whether any other public interest considerations may be relevant,¹¹ and disregarded irrelevant factors stated in schedule 4, part 1 of the RTI Act. I have also kept in mind the RTI Act's pro-disclosure bias,¹² and Parliament's intention that grounds for refusing access to information be interpreted narrowly.¹³

Findings

Factors favouring disclosure

13. I agree with both QT's decision and the applicant's submissions that disclosure of the information in issue could reasonably be expected¹⁴ to promote open discussion of public affairs and enhance the Government's accountability.¹⁵
14. I also accept the applicant's submission that disclosure of the Studies could, to some extent, reasonably be expected to contribute to positive and informed debate on important issues or matters of serious interest.¹⁶ Further relevant is the general public interest in promoting access to government held information.¹⁷
15. In submissions accompanying its application for external review, the applicant argued that additional factors also operate to favour disclosure, namely that disclosure of the Studies could reasonably be expected to:
- advance fair treatment of individuals and other entities in accordance with the law in their dealings with agencies,¹⁸
 - reveal environmental or health risks or measures relating to public health and safety;¹⁹ and
 - contribute to the administration of justice generally, including procedural fairness.²⁰

¹⁰ Section 49 of the RTI Act.

¹¹ Ie, considerations beyond the factors expressly prescribed in the lists stated in Schedule 4 of the RTI Act.

¹² Section 44 of the RTI Act.

¹³ Section 47(2)(a) of the RTI Act.

¹⁴ The phrase 'could reasonably be expected to' calls for a decision-maker to discriminate between unreasonable expectations and reasonable expectations, between what is merely possible (eg merely speculative/conjectural 'expectations') and expectations which are reasonably based, ie, expectations for the occurrence of which real and substantial grounds exist: *B and Brisbane North Regional Health Authority* (1994) 1 QAR 279 at [155] to [160] (**B and BNRHA**). A reasonable expectation is one that is reasonably based, and not irrational, absurd or ridiculous: *Sheridan and South Burnett Regional Council and Others* (Unreported, Queensland Information Commissioner, 9 April 2009) at [189]-[193], referring to *Attorney-General v Cockcroft* (1986) 64 ALR 97.

¹⁵ Schedule 4, part 2, item 1 of the RTI Act. For completeness, I note that the Insurers queried the application of certain pro-disclosure factors (see each party's submissions – RACQ's dated 29 July 2020, Suncorp's dated 12 August 2020). I do not consider it unreasonable to expect that the disclosure of Studies describing the operations of two key participants in the CTP market could, to some extent, have outcomes of the kind described in this and the following paragraph.

¹⁶ Schedule 4, part 2, item 2 of the RTI Act.

¹⁷ As reflected, for example, in the object to the RTI Act.

¹⁸ Schedule 4, part 2, item 10 of the RTI Act.

¹⁹ Schedule 4, part 2, item 14 of the RTI Act.

²⁰ Schedule 4, part 2, item 16 of the RTI Act.

16. By letter dated 27 August 2020, I explained to the applicant my view that the above factors do not apply. The applicant has not contested that view. For the sake of completeness, I have briefly re-stated the reasoning for my view below.

Fair treatment in dealings with agencies

17. The Studies concern the financial affairs of private entities, not public agencies. The only potentially relevant agencies in this context appear to comprise QT and the Motor Accident Insurance Commission (**MAIC**), and I can identify no individuals or entities dealing with either, let alone in a manner involving questions of fair treatment that might stand to be advanced by disclosure of financial particulars concerning private corporations.
18. This factor does not apply to favour disclosure.

Reveal environmental or health risks or measures relating to public health and safety

19. Nothing in the Studies reveals any environmental or health risk, nor any measure relating to public safety that I can identify.
20. It might be argued that the CTP insurance scheme is a measure relating to public health in a global way. I cannot see, however, that disclosure of the specific analysis in issue before me, relating to the financial affairs of two private insurance companies, could reasonably be expected to 'reveal' that measure (which information would seem to be 'revealed' by way of the *Motor Accident Insurance Act 1994* (Qld) (**MAI Act**) itself, and information published by the MAIC).
21. My view then is that this factor does not apply to favour disclosure. Alternatively, if the factor did apply, I consider it would warrant only minimal weight, given any 'revelation' would, in view of the nature of the information in issue, be indirect at best.

Contribute to the administration of justice generally, including procedural fairness

22. The 'administration of justice' is a broad concept, bearing different meanings depending on the context in which it is used. Given the context in which it appears in this case – information access legislation, adjacent to an express reference to procedural fairness – I consider that it embodies the important public interest in ensuring that all '*relevant and material evidence*'²¹ is available to persons or entities engaged in litigation or other adjudicative or determinative processes (or the courts, tribunals or officeholders entertaining that litigation or other processes).
23. There is nothing before me suggesting the Studies themselves comprise material evidence relevant to specific current or proposed proceedings involving the administration of justice, nor that their disclosure is required to ensure procedural fairness to any person or entity. Accordingly, this factor does not apply to favour disclosure of the Studies.

Factors favouring nondisclosure

24. QT identified two factors favouring nondisclosure – that disclosure of the Studies could reasonably be expected to:
- prejudice the private, business, professional, commercial or financial affairs of entities;²² and

²¹ *Sankey v Whitlam* [1978] HCA 43, Mason J at [40], His Honour in a case concerning release of information noting that the 'administration of justice that requires that the parties be given a fair trial on all the relevant and material evidence'. See also *Eccleston and Department of Family Services and Aboriginal and Islander Affairs* (1993) 1 QAR 60, [116].

²² Schedule 4, part 3, item 2 of the RTI Act.

- cause a public interest harm because it would disclose information concerning business, professional, commercial or financial affairs of an agency or another person and disclosure could reasonably be expected to have an adverse effect on those affairs or to prejudice the future supply of information of this type to government (**Business Affairs Harm Factor**).²³

25. My view is that each applies in this case, as does:

- the closely related nondisclosure factor stated in schedule 4, part 3, item 15 of the RTI Act;²⁴ and
- schedule 4, part 3, item 22, providing for a factor favouring nondisclosure where disclosure of information is prohibited by an Act.

26. I have discussed relevant nondisclosure factors below.²⁵

Business Affairs Harm and Prejudice Factors

27. For the Business Affairs Harm Factor to apply, I must be satisfied that given information:

- concerns the business, professional, commercial or financial affairs of an agency or another person; and, relevantly,
- that its disclosure could reasonably be expected to have an adverse effect on those affairs.²⁶

28. I must then be satisfied that the consequent public interest harm would be of weight sufficient to outweigh applicable public interest factors favouring disclosure of the information.²⁷

29. The adverse effect required by the Business Affairs Harm Factor will almost invariably be financial in nature, whether directly or indirectly. In most instances the question of whether disclosure of information could reasonably be expected to have an adverse effect will turn on whether the information is capable of causing competitive harm to the relevant entity – i.e., the Insurers.²⁸ Although safeguarding against ‘prejudice’²⁹ to’ rather than ‘adverse effect on’, the Information Commissioner has noted that the two Business Affairs Prejudice Factors require a reasonable expectation of similar harm.³⁰

30. I am satisfied that the Studies comprise information concerning the Insurers’ business, commercial or financial affairs (and do not understand the applicant to be arguing to the contrary).

Whose affairs?

31. In submissions accompanying its application for external review, the applicant argued that QT misdirected itself in applying the Business Affairs Harm Factor – that the harm factor operates

²³ Schedule 4, part 4, section 7(1)(c) of the RTI Act.

²⁴ Disclosure could reasonably be expected to prejudice, relevantly, business affairs of a person. I will refer to this and the factor stated in schedule 4, part 3, item 2 together as the ‘**Business Affairs Prejudice Factors**’.

²⁵ In its 12 August 2020 submissions, Suncorp also argued that disclosure could reasonably be expected to prejudice the flow of information to a regulatory agency, ie MAIC (schedule 4, part 3, item 13 of the RTI Act). In view of my findings as to the balance of the public interest, it is not necessary make a finding on the application of this provision, although a submission as to its application would likely have to overcome reservations of the kind stated by the Information Commissioner in *B and BNRHA*, at [161].

²⁶ I have limited my consideration to the question of adverse effect, rather than prejudice to future supply of information; as I am satisfied the former could reasonably be expected to follow disclosure, it is unnecessary to consider the possibility of the latter.

²⁷ In accordance with the public interest balancing exercise prescribed in section 49 of the RTI Act.

²⁸ *Cannon and Australian Quality Egg Farms Ltd* (1994) 1 QAR 491 (**Cannon**), at [82]-[84]. Relevant passages concern section 45(1)(c) of the repealed *Freedom of Information Act 1992* (Qld) (FOI Act), but provide useful guidance on the interpretation of schedule 4, part 4, item 7(1)(c) of the RTI Act, drafted in substantially similar form. I have discussed this issue in further detail below.

²⁹ Adopting the ordinary meaning of the word ‘prejudice’: *Daw and Queensland Rail* (Unreported, Queensland Information Commissioner, 24 November 2010) at [16].

³⁰ *Kalinga Woolloowin Residents Association Inc and Brisbane City Council; City North Infrastructure Pty Ltd* (Third Party); Treasury Department (Fourth Party) (Unreported, Queensland Information Commissioner, 9 May 2012).

not by reference to adverse effect on the Insurers' commercial, business or financial affairs, but those of the CTP insurance scheme:

The correct question is whether any adverse effect would occur to the CTP Scheme due to the release of the requested information.

This cannot be the case. Transparency regarding profitability of the scheme for the approved insurers can only lead to better consumer outcomes. Queensland Treasury agrees with the proposition in their own reasons for decision.

32. As noted above, the Business Affairs Harm Factor safeguards the commercial or business affairs of the entity to whose affairs that information relates. As the Information Commissioner, analysing the near-identical predecessor provision in the former FOI Act, explained in *Cannon*:

[27] *Section 45(1) is the primary vehicle for reconciling the main objects of the FOI Act (i.e. promoting open and accountable government administration, and fostering informed public participation in the processes of government) with legitimate concerns for the protection from disclosure of commercially sensitive information.*

...

[30] *...the Queensland Parliament has explicitly recognised that the disclosure of particular information could be contrary to the public interest because its disclosure in some instances would have a prejudicial effect on the business affairs of members of the community in respect of whom information is collected and held by government.*

...

[34] *At the risk of over-simplification, the basic object of s.45(1) of the Queensland FOI Act is to provide a means by which the general right of access to documents in the possession or control of government agencies can be prevented from causing unwarranted commercial disadvantage to:*

(a) persons carrying on commercial activity who supply information to government, or about whom government collects information ...

33. In this case, the Business Affairs Harm Factor will, as noted above, be enlivened if I am satisfied that the Studies concern the Insurers' business, commercial or financial affairs, and the Studies' disclosure could reasonably be expected to have an adverse effect on those affairs.
34. I am satisfied the Studies concern relevant affairs of each Insurer. Contrary to the applicant's alternative submissions on the point,³¹ I also find that disclosure of the Studies could reasonably be expected to adversely affect and/or prejudice those affairs.

Adverse effect/prejudice

35. The applicant's general position is that the regulated nature of the compulsory third party insurance market, the fact each Insurer apparently sets premiums at maximum permissible levels and the volume of other information already in the public domain, together operate so as to make it unreasonable to expect that disclosure of the Studies could adversely affect or prejudice the Insurers' business, professional, commercial or financial affairs.
36. I acknowledge the points made by the applicant. As, however, Suncorp has submitted:³²

³¹ Submissions accompanying application for external review, arguing that if the Harm Factor is taken to relate to the Insurers' business etc affairs, disclosure of the Studies could not reasonably be expected to adversely affect those affairs.

³² Submissions dated 12 August 2020.

- (a) *the CTP premium charged by Suncorp does not reveal the profitability of Suncorp's CTP business; and*
- (b) *it is precisely the granularity and specificity of the commercial undertakings of Suncorp contained in the Documents which are commercially sensitive.*

3.3 *The Documents [ie, the information in issue] contain detailed commercially sensitive material about the drivers of Suncorp profitability, including claim frequency, average claim size, vehicle class mix, and expenses. ...*

3.4 *Suncorp submits that, contrary to the assertions made by Maurice Blackburn Lawyers, CTP is a competitive market. While premiums are set within a range, which restricts competition on the basis of price, there is competition in the market on other important elements, such as new customer acquisition, claims management, costs and risk selection. The customer and risk profile of Suncorp's CTP business describes its core commercially sensitive features. It is this information that is analysed in the Documents.*

3.5 *Although CTP insurance is compulsory when registering a vehicle, this does not detract from the competition as between CTP insurance providers in Queensland.*

...

3.9 *In the hands of a competitor to Suncorp, even one that does not offer CTP insurance, the information in the Documents would provide insights into the operation of Suncorp's Queensland CTP business that are not publicly available. This could enable a competitor to:*

- (a) *identify and specifically target motorists in the CTP market held by Suncorp;*
- (b) *change its pricing on other insurance products (e.g. home, contents, vehicle) to undercut anticipated price increases from Suncorp in these markets, based on an understanding of Suncorp's commercial circumstances in the CTP market; and*
- (c) *where the competitor does not currently offer CTP insurance in Queensland, form conclusions and make decisions about market entry from a position of greater competitive advantage than would otherwise be the case if the Documents are not disclosed.*

3.10 *Having regard to the specific content of the Documents, Suncorp submits that disclosure would ...plainly provide its competitors with an unfair competitive advantage.*

...

The information contained in the Documents would provide a clear competitive advantage to a competitor of Suncorp – they do not replicate information in the public domain nor record Suncorp's views in relation to the CTP scheme. The Documents contain specific and commercially sensitive information about Suncorp's profitability, risk profile and customer base which is not public knowledge. The content goes to the bases upon which CTP insurers compete. It would enable a competitor to target Suncorp's customers and to price its own insurance products to undercut Suncorp. In a competitive market, insurers use all available information to improve their own profitability, as is the expectation of their owners. This would lead to a loss of customers and income for Suncorp, ie. an 'adverse effect'.

37. Similarly, RACQ submits:³³

... the CTP Insurance market is a competitive one and each approved CTP insurer determines the premiums within the range between the minimum and maximum rates set by MAIC. RACQI does not consult with the other approved CTP Insurers when setting its yearly premium and as is evident from the Applicant's own submission, insurers historically have set different premiums at different points in time. Further, insurers compete by offering different incentives that may appeal to different consumers.

³³ Submissions dated 29 July 2020.

In a competitive market where RACQI is one of four approved CTP insurers and the overwhelming majority of consumers are advised of their ability to switch CTP insurers, it necessarily follows, that information regarding RACQI's profit margins per policy (and other financial information) which is contained in the Documents is commercially sensitive in nature. Such commercially sensitive information could be used by competitors of RACQI to increase their market share to the detriment of RACQI as well as ultimately leading to a decrease in competition in the market for CTP Insurance.

... Whilst RACQI acknowledges that it discloses some financial information through its annual reports (in compliance with its obligations to do so) that information does not include details regarding its vehicle class mix, profit margins associated with its CTP product, the drivers of profitability, (frequency, claim size, severity mix and average claim size by severity), insurer expenses and comparisons of performance at a granular level compared to market.

38. I accept the above submissions, which concisely and cogently explain the nature of what is detailed commercial information, and the consequences that might reasonably be expected to follow that information's disclosure.
39. As the Insurers submit, the Studies contain extremely specific or 'granular' detail about their commercial, business and financial affairs. I do not think it irrational, absurd or ridiculous to expect that disclosure of such information could reasonably be expected to advantage competitors and cause a corresponding disadvantage to the Insurers in the manner each submits, resulting in an adverse effect and/or prejudice within the meaning of the relevant nondisclosure factors. I am therefore satisfied that the Business Affairs Harm Factor and each of the Business Affairs Prejudice Factors apply to favour nondisclosure.

Disclosure prohibited by an Act

40. Section 92(1) of the MAI Act provides for a general prohibition against the divulging of confidential or private information acquired by a person engaged in work related to the administration of the CTP scheme.
41. From my examination, it appears to me that the Studies are comprised of information falling within the scope of this general prohibition. This gives rise to the factor favouring nondisclosure stated in schedule 4, part 3, item 22 of the RTI Act.

Applicant's submissions

42. I conveyed the reasoning at paragraphs 13-41 to the applicant in my 27 August 2020 letter. In brief submissions in reply, the applicant:³⁴
- questioned the existence or extent of any prejudice or adverse effect, given the age of the information in issue contained in the Studies;³⁵ and
 - contested the application of schedule 4, part 3, item 22 of the RTI Act, on the basis that the prohibition stated in section 92(1) of the MAI Act is subject to an exception where disclosure is '*...authorised or required...by law*' (ie, the RTI Act).
43. On the first point, the information in issue is not particularly dated – spanning the last four years prior to the current year – and even the oldest of those studies is not, in my view, especially aged. The Insurers – the entities to who the Studies relate – have stated that their disclosure could reasonably be expected to adversely affect and/or prejudice their affairs: submissions which, as noted, I accept. I do not think it unreasonable to expect that disclosure of sensitive commercial information, for each and/or any of the four most recent calendar years, could arm

³⁴ Submissions dated 8 September 2020.

³⁵ The applicant submitting that '*...any decision on the information access application needs to consider the data for each of these years [2016-2019] separately, rather than a holistic dispensation of the application. In that regard, historical data cannot have the adverse effects or prejudice suggested by [the Insurers] ...*'.

competitors (including, presumably, each of the Insurers, vis a vis one another) with a comprehensive insight into the particulars and pattern of the Insurers' CTP operations, so as to prejudice and/or adversely affect those operations in the manner discussed above.

44. As for the relevance of schedule 4, part 3, item 22, I consider that this nondisclosure factor is applicable. The RTI Act does not 'require' disclosure of the Studies, and in the absence of a decision under the RTI Act to disclose that information (or a proper exercise of the discretion to release information, a discretion denied OIC on external review),³⁶ any disclosure would not be 'authorised' under that Act.

Balancing the public interest

45. I have identified three factors or considerations favouring disclosure of the Studies, and four favouring nondisclosure. While I acknowledge the importance of those factors favouring disclosure, relevant public interests are substantially met by the relatively significant amount of information concerning the operation of the CTP scheme published by the MAIC.³⁷ I therefore afford these considerations modest weight.
46. As against this, I recognise the public interest in avoiding prejudice to legitimate business, commercial and financial affairs, and in ensuring public interest harm does not result from the disclosure of information concerning those affairs. These are significant public interests, which I consider warrant substantial weight.
47. There is also a strong public interest in respecting Parliamentary proscriptions against disclosure. I afford this consideration, too, substantial weight.
48. Balancing competing public interest considerations against one another, I consider that the Business Affairs Harm and Prejudice factors discussed above are, in the context of this case, of themselves sufficient to displace any considerations telling in favour of release of the Studies,³⁸ with the result that disclosure of the Studies would, on balance, be contrary to the public interest. Taking the schedule 4, part 3, item 22 nondisclosure factor into account further tips the balance of the public interest in favour of nondisclosure.
49. I am satisfied that disclosure of the Studies would, on balance, be contrary to the public interest. Access to the Studies may therefore be refused, under section 47(3)(b) of the RTI Act.

DECISION

50. I affirm the decision under review, to the extent it refused access to the Studies.
51. I have made this decision under section 110(1)(a) of the RTI Act, as a delegate of the Information Commissioner, under section 145 of the RTI Act.

Louisa Lynch
Right to Information Commissioner

Date: 4 November 2020

³⁶ Section 105(2) of the RTI Act.

³⁷ See <https://maic.qld.gov.au/ctp-scheme/>.

³⁸ Including any of those contended for by the applicant and discussed at paragraphs 15-23, in the event I am incorrect as to their non-application.

APPENDIX

Significant procedural steps

Date	Event
20 May 2020	OIC received the application for external review.
27 May 2020	QT provided the initial documents to OIC.
10 June 2020	OIC notified the applicant and QT that the external review application had been accepted, and requested the information in issue from QT.
11 June 2020	QT provided the information in issue to OIC.
15 July 2020	OIC sent consultation letters to the Insurers.
29 July 2020	RACQ provided written submissions to OIC.
12 August 2020	Suncorp provided written submissions to OIC.
27 August 2020	OIC conveyed a preliminary view to the applicant.
8 September 2020	The applicant provided OIC with written submissions.
10 September 2020	OIC reiterated its preliminary view to the applicant, and queried whether it wished to proceed to a written decision. The applicant requested a written decision.
16 September 2020	OIC invited the Insurers to apply to participate in the external review.
22 September 2020	Suncorp applied to participate in the external review.
25 September 2020	RACQ applied to participate in the external review.
2 October 2020	OIC notified the Insurers their applications to participate in the external review had been accepted.