



## Decision and Reasons for Decision

---

**Citation:** *D15 and Queensland Corrective Services* [2026] QICmr 84 (27 May 2026)

**Application Number:** 319170

**Applicant:** D15

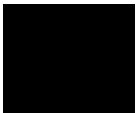
**Respondent:** Queensland Corrective Services

**Decision Date:** 27 May 2026

**Catchwords:** ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL TO DEAL - SUBSTANTIAL AND UNREASONABLE DIVERSION OF RESOURCES - request for recordings in prisoner telephone system, emails involving the applicant, and incident reports about the applicant - whether dealing with the application would substantially and unreasonably divert agency's resources - section 41 of the *Right to Information Act 2009 (Qld)*

### DECISION

1. For the below reasons, I affirm<sup>1</sup> the reviewable decision of the Queensland Corrective Services (**QCS**)<sup>2</sup> and find that the work involved in dealing with the application would, if carried out, be a substantial and unreasonable diversion of QCS's resources.<sup>3</sup>
2. Accordingly, I find that QCS is entitled to refuse to deal with the access application under section 41(1)(a) of the RTI Act.



---

**Brianna Luhrs**  
Manager, Right to Information

**Date: 27 May 2026**

---

<sup>1</sup> Under section 110(1)(a) of the *Right to Information Act 2009 (Qld)*.

<sup>2</sup> I have made this decision as a delegate of the Information Commissioner under section 145 of the RTI Act.

<sup>3</sup> Under section 41(1)(a) of the RTI Act.

## REASONS FOR DECISION

### Background

3. The applicant applied<sup>4</sup> to QCS under the *Right to Information Act 2009* (Qld) (**RTI Act**) for access to all telephone recordings made by the applicant within a correctional centre, emails sent or received by the applicant, and incident reports relating to the applicant held by two correctional centres within a specified period.
4. QCS notified<sup>5</sup> the applicant (**Notice**) that it intended to refuse to deal with the access application under section 41 of the RTI Act and provided an opportunity for the applicant to consult with QCS about the terms of the application, to remove this refusal to deal ground.
5. In response to the Notice, the applicant confirmed the terms of the access application.<sup>6</sup>
6. QCS decided to refuse to deal<sup>7</sup> with the application on the ground that dealing with it would substantially and unreasonably divert the resources of QCS from the performance of its functions.<sup>8</sup>
7. The applicant applied<sup>9</sup> to the Office of the Information Commissioner (**OIC**) for external review of QCS's decision to refuse to deal with the access application.
8. OIC conveyed a preliminary view to the applicant that QCS was entitled to refuse to deal with the access application on the basis that dealing with it would substantially and unreasonably divert QCS's resources.<sup>10</sup> The applicant did not accept the preliminary view<sup>11</sup> and explained why accessing the requested information is of paramount importance to him.

### Relevant law

9. An agency is required to deal with an access application unless doing so would, on balance, be contrary to the public interest.<sup>12</sup> Section 41(1) of the RTI Act permits an agency to refuse to deal with an application if the agency considers the work involved in dealing with the application would, if carried out, substantially and unreasonably divert the resources of the agency from their use by the agency in the performance of its functions.
10. The phrase '*substantially and unreasonably*' is not defined by the RTI Act, nor in the *Acts Interpretation Act 1954* (Qld) (**AI Act**). It is therefore appropriate to consider

---

<sup>4</sup> Undated access application received by QCS on 29 September 2025.

<sup>5</sup> Letter dated 20 October 2025.

<sup>6</sup> Undated letter QCS received from the applicant on 10 November 2025.

<sup>7</sup> Decision dated 11 November 2025.

<sup>8</sup> In accordance with section 41 of the RTI Act.

<sup>9</sup> Undated external review application received by the Office of the Information Commissioner (**OIC**) on 5 December 2025.

<sup>10</sup> Letter dated 17 February 2026.

<sup>11</sup> Letter dated 24 February 2026.

<sup>12</sup> Section 39(1) of the RTI Act.

the ordinary meaning of those words.<sup>13</sup> The dictionary definitions<sup>14</sup> of those terms relevantly provides:

- ‘substantial’ means ‘of ample or considerable amount, quantity, size, etc.’
- ‘unreasonable’ means ‘exceeding the bounds of reason; immoderate; exorbitant.’

11. In deciding whether dealing with an application would substantially and unreasonably divert an agency’s resources from the performance of its functions, a decision maker must not have regard to any reasons the applicant gives for applying for access or belief they may hold about the applicant’s reasons for applying for access.<sup>15</sup> The decision maker must have regard to the resources that would be used for:<sup>16</sup>

- identifying, locating or collating the documents, or
- deciding whether to give, refuse or defer access to any documents, including examining any documents or conducting third party consultations, or
- making copies or editing copies of any documents, or
- notifying any final decision on the application.

12. Assessing whether the work involved in processing a given application would, if carried out, substantially and unreasonably divert resources is a question of fact to be assessed in each individual case, taking into account the agency’s operations and resources.<sup>17</sup>

13. An agency may only refuse to deal with an application under section 41 of the RTI Act if a procedural prerequisite has been met – that the applicant has been afforded an opportunity to re-frame the application into a form that can be processed.<sup>18</sup> The applicant is to be given the benefit of any information an agency may be able to supply to help with this narrowing process, as far as is reasonably practicable.

14. In reaching my decision in this matter, I have taken into account evidence, submissions, legislation and other material as set out in these reasons (including footnotes).<sup>19</sup> I have also had regard to the *Human Rights Act 2019 (Qld) (HR Act)*, particularly the right to seek and receive information<sup>20</sup> and in doing so, I have acted in accordance with section 58(1) of the HR Act.

---

<sup>13</sup> Section 14B of the AI Act.

<sup>14</sup> Macquarie Dictionary Online accessed at <[www.macquariedictionary.com.au](http://www.macquariedictionary.com.au)> and Collins Dictionary, 3rd Australian Edition respectively on 20 April 2026.

<sup>15</sup> Section 41(3) of the RTI Act.

<sup>16</sup> Section 41(2) of the RTI Act. The word ‘or’ as it appears in this provision indicates that a finding of a substantial and unreasonable diversion of resources can be made on the basis of one or some of the subsections alone rather than having a cumulative effect.

<sup>17</sup> *Davies and Department of Prime Minister and Cabinet* [2013] AICmr 10 (22 February 2013) at [28].

<sup>18</sup> Section 42(1) of the RTI Act.

<sup>19</sup> Including the applicant’s external review application and submissions dated 24 February 2026 and QCS’s submissions dated 30 March 2026 and 23 April 2026.

<sup>20</sup> Section 21 of the HR Act.

## Findings

15. QCS identified 657 telephone recordings and 149 pages<sup>21</sup> as responsive to the application. On external review, QCS advised<sup>22</sup> that the responsive documents were identified through the following search steps:
- the relevant correctional centres searched for emails involving the applicant over the requested date range
  - the intelligence unit searched for relevant telephone recordings; and
  - the QCS Right to Information Unit (**RTI Unit**) searched the Integrated Offender Management System (**IOMS**) for incident reports created at the correctional centres.
16. QCS submitted<sup>23</sup> that the search efforts undertaken to date required a total of 5.55 hours, comprising:
- three hours and 40 minutes for the two correctional centres to locate and download the requested emails
  - 35 minutes for the intelligence unit to locate the telephone recordings involving the applicant, and a further 15 minutes for the RTI Unit to save those recordings; and
  - one hour and 30 minutes for the RTI Unit to access the IOMS to locate and save the incidents reports.

## Telephone recordings

17. QCS submitted that the total duration of the 657 telephone recordings is 42.6 hours.<sup>24</sup> In the submission dated 23 April 2026, QCS further explained that 193 calls are between one and five minutes in duration, 210 calls are between six and ten minutes, and 254 calls are less than one minute in duration. As QCS identified each telephone recording considered responsive to the application, I am satisfied that the estimated listening time of 42.6 hours has been accurately calculated.
18. QCS submitted<sup>25</sup> that additional *processing time* would then be required to assess the contents of each telephone recording against the provisions of the RTI Act and determine the applicant's entitlement to access the information.
19. QCS estimated that each minute of call time would require an officer to spend two to three minutes to consider the contents of the recording and make any necessary edits. QCS explained that this time estimate is based on the need to identify segments that require the redaction of information (such as personal information or security sensitive content), note relevant timestamps that require the application of

---

<sup>21</sup> The Notice stated that 142 pages responded to the application. However, during the external review, QCS confirmed 142 pages of incident reports had been identified, and seven pages of emails.

<sup>22</sup> Submission dated 30 March 2026.

<sup>23</sup> Submission dated 23 April 2026.

<sup>24</sup> In the Notice, QCS estimated that processing the request for the recordings would take 110 hours. On review, QCS clarified this was an estimate of the time required to process the request. QCS clarified the accurate recording length is 42.6 hours.

<sup>25</sup> Submission dated 23 April 2026.

redactions, and replay relevant sections to confirm that the edits to the recording have been effective. Based on the number of telephone recordings identified in this application, QCS submitted that a decision maker would require between 80 to 120 hours to undertake these additional processing tasks. Finally, QCS further estimated that an additional 10 to 20 hours would be required for an internal quality assurance process where a senior officer verifies the edits made to the recordings.

20. In the circumstances in which the telephone calls were made by an offender within a correctional centre, and the anticipated intertwined personal information of other individuals within those calls, I accept QCS's submissions that processing this volume of telephone recordings would be resource intensive. As such, I am satisfied that the time estimate outlined in the preceding paragraphs is reasonable.<sup>26</sup>

### ***Emails and incident reports***

21. QCS submitted that it would take approximately four to six hours to process the 149 identified pages, which contain 142 pages of incident reports and seven pages of emails.<sup>27</sup> QCS explained<sup>28</sup> that this time estimate includes the mark up of written documents with appropriate redactions and a quality assurance check of the redacted material. The higher end of QCS's estimate (six hours) equates to spending less than three minutes on each page to examine and complete the quality assurance check.
22. Generally, QCS incident reports relating to prisoners contain sensitive personal information of the prisoner, as well as occasional references to third parties, or QCS procedures and practices for the management of prisoners within a correctional facility. Due to the general nature of incident reports and, in this case, the anticipated contents of the responsive documents, I consider it reasonable to expect that each incident report would require a thorough examination to identify any information which may not be suitable for disclosure under the RTI Act.
23. I also acknowledge that time would be required for QCS to consider the applicant's entitlement to access the requested emails. While these documents are unlikely to raise the same level of complexity when assessing the applicant's entitlement under the RTI Act, having regard to the applicant's role in either sending or receiving the original emails, a decision maker would nevertheless be required to review and consider the applicant's entitlement to access the information.
24. I accept QCS's submission that four to six hours would be required to assess and check the 149 pages located in response to this application. Noting the anticipated complexities of the incident report documents, I consider QCS's time estimate to be reasonable.

---

<sup>26</sup> Submissions dated 30 March 2026 and 23 April 2026.

<sup>27</sup> Submission dated 23 April 2026.

<sup>28</sup> Submission dated 23 April 2026.

### **Other processing tasks**

25. QCS submitted<sup>29</sup> that prior to writing a decision on the access application, the decision maker would be required to prepare a schedule of documents to categorise the documents. QCS estimated that preparing a schedule for this volume of documents with the anticipated level of complexity, would require approximately five hours. While a schedule of documents is not strictly required when making a considered decision under the RTI Act,<sup>30</sup> I acknowledge that such a schedule is routinely of assistance to applicants, especially where a large volume of documents has been considered (as would be the case here).
26. QCS estimated that it would then take approximately three hours to draft the decision letter and a further two hours to review and check the accuracy of the schedule and decision notice.<sup>31</sup> I am satisfied that in total, these additional processing tasks would require approximately ten hours, and accept QCS's time estimate as reasonable in the circumstances of this matter.

### **Analysis**

27. In addition to the 5.55 hours already required for QCS to search for and save the requested documents, QCS estimated that it would take a further 104 hours to process the application (using the lower end of QCS's time estimates outlined above). As such, the total processing time is estimated to be 109.5 hours. I am satisfied that the time required to process this application supports a finding that dealing with the application would *substantially* divert QCS's resources.
28. Various factors have been identified as potentially relevant in assessing whether an application would unreasonably divert an agency's resources.<sup>32</sup> While not mandatory considerations, such matters can be of potential assistance when considering the question of reasonableness.
29. In the circumstances of this case, beyond noting that assessing the issue of unreasonableness requires weighing relevant considerations,<sup>33</sup> including having regard to the size of the respondent agency and the resources usually available for dealing with information access applications,<sup>34</sup> I do not think it necessary to descend into a detailed assessment of such factors.<sup>35</sup>
30. QCS explained that the RTI Unit is resourced by nine full-time equivalent officers responsible for managing RTI access applications, in addition to other administrative

---

<sup>29</sup> Submission dated 23 April 2026.

<sup>30</sup> Sections 54 and 191 of the RTI Act.

<sup>31</sup> Submission dated 23 April 2026.

<sup>32</sup> See *Marigliano and Tablelands Regional Council* [2018] QICmr 11 (15 March 2018) at [30], for examples of these factors.

<sup>33</sup> *Re Langer and Telstra Corporation Ltd* [2002] AATA 341.

<sup>34</sup> *Cainfrano v Director General, Premier's Department* [2006] NSWADT 137.

<sup>35</sup> *Duhs and Queensland Police Service* [2019] QICmr 26 (18 July 2019) [58] and the cases cited within.

functions.<sup>36</sup> QCS further explained that it is currently dealing with 230 access applications.<sup>37</sup>

31. The time for QCS to process this application (109.5 hours) equates to more than 15 days of one full-time employee working solely on this application. I note that such a timeframe would equate to more than half of the 25 business day processing period available to QCS for dealing with the access application, and would prevent that officer from progressing any other access applications or undertaking other administrative duties during that time.
32. In light of the resourcing outlined by QCS, I am satisfied that the work involved in dealing with this application would have an excessive impact on QCS RTI Unit's finite resources and its ability to perform its functions. On this basis, I consider that it would not be reasonable for QCS to process the 657 telephone recordings and 149 pages identified as responsive to the application. I am therefore satisfied that processing this application would also be an *unreasonable* diversion of QCS's resources.
33. Finally, I am satisfied that the applicant has been afforded an opportunity to consult with QCS about the terms of the application to remove the refusal to deal ground, satisfying the procedural element of section 42 of the RTI Act.
34. In any event, in response to OIC's preliminary view, the applicant clearly explained that they did not accept OIC's view and required a formal decision on this issue. However, the applicant did not meaningfully engage with the issue in this review, to explain why processing this application would not be a substantial or unreasonable diversion of QCS's resources, nor did the applicant take this opportunity to reduce the terms of the application.<sup>38</sup> While I acknowledge the applicant has explained the importance of accessing this information to them, I am unable to take this into account when considering whether this refusal to deal ground applies.<sup>39</sup>
35. On this basis, I am satisfied that processing this application would be both a substantial and unreasonable diversion of QCS's resources. As such, QCS is not required to process this access application, as to do so would, on balance, be contrary to the public interest.<sup>40</sup>
36. The above are the reasons for my decision set out at paragraph 1.

---

<sup>36</sup> As at the time QCS made its submission on 30 March 2026.

<sup>37</sup> QCS submitted at the time it received this application in October 2025 it was processing approximately 236 matters relating to RTI functions.

<sup>38</sup> The applicant confirmed that they require all information.

<sup>39</sup> Section 41(3) of the RTI Act.

<sup>40</sup> Section 39(1) of the RTI Act.