



Decision and Reasons for Decision

Citation: *C64 and Queensland Police Service* [2021] QICmr 43

Application Number: 314874

Applicant: C64

Respondent: Queensland Police Service

Decision Date: 17 August 2021

Catchwords: ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL TO DEAL - application for access to information relating to a child safety notification – whether application expressed to relate to all information of stated kind - whether all of the documents to which the application relates would comprise exempt information - section 59 of the *Information Privacy Act 2009* (Qld)

ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - EXEMPT INFORMATION - DISCLOSURE PROHIBITED BY AN ACT - documents relating to a notification of suspicion of harm or suspected harm to a child - whether disclosure is prohibited by sections 186 to 188 of the *Child Protection Act 1999* (Qld) – whether information is exempt under section 67(1) of the *Information Privacy Act 2009* (Qld) and sections 47(3)(a) and 48 of the *Right to Information Act* (Qld)

ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - DOCUMENTS NONEXISTENT OR UNLOCATABLE - applicant submits agency did not locate all relevant documents - whether agency has conducted all reasonable searches - whether access to further documents may be refused on the basis they are nonexistent or unlocatable – section 67(1) of the *Information Privacy Act 2009* (Qld) and sections 47(3)(e) and 52(1) of the *Right to Information Act 2009* (Qld)

REASONS FOR DECISION

Summary

1. The applicant applied¹ to Queensland Police Service (**QPS**) under the *Information Privacy Act 2009* (Qld) (**IP Act**) for access to documents created between 4 March 2019 and 3 May 2019 relating to a child safety notification.
2. QPS decided² to refuse to deal with the application, as it was '*expressed to relate to all documents, or to all documents of a stated class, that contain information of a stated kind or relate to a stated subject matter*' and '*the documents to which the application relates are comprised of exempt information*'.³
3. The applicant applied⁴ for internal review of QPS's original decision. QPS affirmed its original decision.⁵
4. The applicant applied to the Office of the Information Commissioner (**OIC**) for external review.⁶ I have decided to vary QPS's decision and find that access may be refused to:
 - some information on the ground that it comprises exempt information under section 67(1) of the IP Act and sections 47(3)(a) and 48 and schedule 3, section 12 of the *Right to Information Act 2009* (Qld) (**RTI Act**); and
 - emails between the applicant and a named QPS Officer on the ground the emails are nonexistent or unlocatable under section 67(1) of the IP Act and sections 47(3)(e) and 52 of the RTI Act.

Background

5. Significant procedural steps in the review are set out in the Appendix.
6. In response to the applicant's access application, QPS located a four-page QPrime Occurrence Report (**QPrime Report**) which details a child safety notification made to QPS about the applicant.
7. During the external review, the applicant raised concerns about the sufficiency of QPS's searches to locate documents responsive to the applicant's access application.⁷ Specifically the applicant indicated that he was seeking access to email communications (**Email Correspondence**) between the applicant and a named QPS Officer (**Officer A**) in relation to the child safety notification made to QPS.⁸
8. OIC requested that QPS conduct further searches to locate the Email Correspondence. As a result of those searches, QPS located and released to the applicant a diary entry (**Diary Entry**) made by Officer A, but it was not able to locate any Email Correspondence.

Reviewable decision

9. The decision under review is QPS's decision on internal review, dated 2 September 2019.

¹ Access application dated 3 May 2019.

² Decision dated 29 July 2019.

³ Section 59 of the IP Act.

⁴ Internal review application dated 26 August 2019.

⁵ Internal review decision dated 2 September 2019.

⁶ External review application dated 30 September 2019.

⁷ During a telephone discussion with an OIC Review Officer on 14 January 2020.

⁸ Email to OIC dated 24 January 2020.

Evidence considered

10. Evidence, submissions, legislation and other material considered in reaching this decision are referred to in these reasons (including footnotes and the Appendix).
11. I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information.⁹ I consider a decision-maker will be '*respecting and acting compatibly with*' that right and others prescribed in the HR Act, when applying the law prescribed in the RTI Act.¹⁰ I have acted in this way in making this decision, in accordance with section 58(1) of the HR Act. I also note the observations made by Bell J on the interaction between equivalent pieces of Victorian legislation:¹¹ '*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.*'¹²

Issues for determination

12. The three issues for determination in this external review are:
 - whether QPS could refuse to deal with the access application under section 59 of the IP Act
 - if QPS could not refuse to deal with the access application; should access to the QPrime Report be granted; and
 - whether access to the Email Correspondence may be refused on the ground that it is nonexistent or unlocatable.¹³
13. The applicant raised concerns about the content of the Diary Entry located by QPS during the external review process, in particular the applicant requested QPS provide him with a typed copy of the Diary Entry, as he does not consider the handwriting in the Diary Entry to be legible.¹⁴
14. OIC explained to the applicant that it does not have power under the IP Act to address the quality or readability of documents released by an agency.¹⁵ The applicant's request that the abbreviations in the Diary Entry be explained to him amounts to a request for an answer to a question. The IP Act does not grant a right to obtain answers to questions asked of government agencies, or even to have government agencies extract answers to questions from documents in their possession. The legally enforceable right conferred by section 40 of the IP Act is a right to be given access under the Act, and subject to the Act, to documents of an agency.¹⁶ Accordingly, I cannot in this decision assist the applicant in relation to his queries about the content of the Diary Entry, that query would need to be directed to QPS.

⁹ Section 21 of the HR Act.

¹⁰ *XYZ v Victoria Police (General)* [2010] VCAT 255 (**XYZ**) at [573]; *Horrocks v Department of Justice (General)* [2012] VCAT 241 at [111].

¹¹ *Freedom of Information Act 1982* (Vic) and the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

¹² *XYZ* at [573].

¹³ Section 67(1) of the IP Act and sections 47(3)(e) and 52 of the RTI Act.

¹⁴ Applicant's email to QPS dated 27 June 2020 and the applicant's email to OIC dated 16 April 2021.

¹⁵ OIC's letter dated 30 June 2020. See schedule 5 which provides a definition of a '*reviewable decision*'.

¹⁶ *Hearl and Mulgrave Shire Council* (1994) 1 QAR 557 at [30].

QPS's refusal to deal with the access application

Relevant law

15. If an access application is made to an agency under the IP Act, the agency should deal with the access application unless this would not be in the public interest.¹⁷ One of the few circumstances where it is not in the public interest to deal with an access application is set out at section 59 of the IP Act as follows:

59 Exempt Information

(1) *This section applies if –*

- (a) *an access application is expressed to relate to all documents, or to all documents of a stated class, that contain information of a stated kind or relate to a stated subject matter; and*
- (b) *it appears to the agency or Minister that all of the documents to which the application relates are comprised of exempt information.*

(2) *The agency or Minister may refuse to deal with the application without having identified any or all of the documents.*

16. Exempt information is information, the disclosure of which Parliament has considered would, on balance, be contrary to the public interest.¹⁸ Schedule 3 of the RTI Act lists the various types of information that constitute exempt information, including:

12 Information disclosure of which prohibited by Act

(1) *Information is exempt information if its disclosure is prohibited by 1 of the following provisions—*

...

- *Child Protection Act 1999, sections 186 to 188*

Findings

Class of documents

17. For section 59 of the IP Act to be enlivened, I must firstly consider whether the application is expressed to relate to all documents, or to all documents of a stated class, that contain information of a stated kind, or relate to a stated subject matter. To determine this, it is necessary to examine the terms of the access application.
18. The applicant's application seeks access to specific information, namely '*all document [sic] of whatever nature*¹⁹' in relation to '*child safety notification*'.²⁰
19. I am satisfied that the application is framed as a request to access all documents that contain information of a stated kind or relate to a stated subject matter, that is, information relating to a child safety notification made to QPS during the specified period. Accordingly, I find that the first limb of section 59 of the IP Act is satisfied.

¹⁷ Section 58(1) of the IP Act.

¹⁸ See sections 47(3)(a) and 48 and schedule 3 of the RTI Act.

¹⁹ For the timeframe to 4 March 2019 to 3 May 2019.

²⁰ Applicant's access application to QPS dated 3 May 2019.

Exempt Information

20. I must also be satisfied that all of the documents to which the application relates are comprised of exempt information. Of relevance to this review, information will be exempt information if its disclosure is prohibited by sections 186 to 188 of the *Child Protection Act 1999* (Qld) (**CP Act**).²¹ In particular, section 186(2) of the CP Act prohibits disclosure of information if the information identifies a person making a notification of a suspicion that a child has been or is likely to be harmed.
21. As noted at paragraph 6 above, in response to the applicant's access application, QPS located the QPrime Report, which details a notification made to QPS about the applicant.²² As noted at paragraph 8 above, during the external review process QPS also located the Diary Entry. The Diary Entry does not comprise exempt information and as noted at paragraph 8 above, QPS disclosed the Diary Entry to the applicant.²³ Consequently, it cannot be said that all of the documents to which the application relates are comprised of exempt information. Accordingly, as I am not satisfied that the second limb of section 59 of the IP Act has been met, I consider that QPS was not entitled to refuse to deal with the application. Therefore, I must now consider whether access can be given to the QPrime Report.

Access to the QPrime Report

Relevant law

22. As noted at paragraph 20 above, information will be exempt information if its disclosure is prohibited by sections 186 to 188 of the CP Act and more particularly, if the information identifies a person making a notification of a suspicion that a child has been or is likely to be harmed.
23. This prohibition on disclosure is subject to the exceptions set out in section 186(2) of the CP Act and schedule 3, section 12(2) of the RTI Act. Schedule 3, section 12(2) of the RTI Act provides that information is not exempt information if it is *only* personal information of the applicant.

Findings

24. I have considered the QPrime Report and I am satisfied that it comprises a notification to QPS of concerns held by the notifier about the safety of the applicant's children. I am also satisfied that disclosure of the QPrime Report would identify the person making the notification.
25. The exceptions to the prohibition set out in section 186 of the CP Act, allow disclosure of this information in particular circumstances. In particular, section 186(2) of the CP Act provides that disclosure of notifier information may be made in the course of performing functions under the CP Act, under the Child Protection (International Measures) Act 2003 (Qld) part 6, to the Ombudsman conducting an investigation under the Ombudsman Act 2001 (Qld), for the chief executive functions under the Adoption Act 2009 (Qld); by way of evidence given in a legal proceeding under section 186(3) and 186(4); or to the litigation director performing a function under the Director of Child Protection Litigation

²¹ Schedule 3, section 12(1) of the RTI Act. This prohibition on disclosure is subject to the exceptions set out in section 186(2) of the CP Act and schedule 3, section 12(2) of the RTI Act

²² The QPrime Report also refers to further documents. While QPS did not provide OIC with a copy of those further documents from the description of those documents within the QPrime Report, I am for the same reasons as I have stated for the QPrime Report satisfied that the further documents comprise exempt information.

²³ Subject to the deletion of irrelevant information under section 88 of the IP Act.

Act 2016 (Qld). I have considered these exceptions and I am satisfied that none of these exceptions apply here.

26. Section 12(2) of the RTI Act also provides that an exception to the exemption applies if the information is *only* about the applicant.²⁴ The QPrime Report is about the applicant, however, it is also intertwined with information about the applicant's children and the notifier. Accordingly, I find that the QPrime Report is not *only* about the applicant, and therefore, the exception to the exemption does not apply.
27. The applicant submits that OIC has incorrectly interpreted the application of the CP Act and section 12(2) of the RTI Act. In particular, the applicant submitted:²⁵
 - a vexatious and malicious complaint was made about him. Once the applicant explained the back story to QPS he was exonerated
 - disclosing the QPrime Report would prevent vexatious complaints being made to QPS
 - he has a right to know what he has been accused of and the information in QPS's decision to take no further action in relation to the notification made about him
 - he believes he knows who the notifier is, and on that basis, the applicant considers that he should be provided with access to the information
 - the notification to QPS, will prevent the applicant from obtaining a Blue Card in the future, should he decide to apply for one; and
 - he will be caused '*significant demonstrable prejudice and damage and loss*' in defending such '*false and vindictive accusations*' and can only do so, if he is provided with the QPrime Report.
28. The applicant's submissions raise various public interest factor arguments in favour of disclosure.²⁶ Where I am satisfied that the information in issue meets the requirements for a particular category of exempt information in schedule 3 of the RTI Act, I am unable to take into account any further public interest arguments. This is because Parliament has already decided that it is contrary to the public interest to disclose this type of information.²⁷
29. In addition, the applicant submitted:²⁸

IOC [sic] maintains that legislation prevents ANY documents from being provided to me. This is despite references to legislation stating only that it "may" be refused, and no references to ANY legislation stating that they "should" let alone "must" be refused...
30. I understand the applicant to be submitting that he considers OIC has misinterpreted section 47(3)(a) of the RTI Act, as section 48 of the RTI Act, provides that despite an agency being able to refuse access to all or part of a document, under section 47(3)(a) of the RTI Act, the agency may nevertheless decide to give access. While I acknowledge that section 48(3) of the RTI Act provides an *agency* with a discretion to disclose exempt information, that same discretion does not extend to the Information Commissioner by virtue of the operation of section 118(2) of the IP Act which states:

²⁴ See *Hughes and Department of Communities, Child Safety and Disability Services* (Unreported, Queensland Information Commissioner, 17 July 2012) at [28]-[29].

²⁵ During the applicant's telephone conversations with a Review Officer on 14 January 2020 and 24 April 2020 and the applicant's email to OIC dated 7 September 2020.

²⁶ The applicant has subsequently in emails to OIC dated 24 July 2020 and 16 April 2021, alleged that his submissions as referred to at [27] above, have been misrepresented by OIC. However, the applicant has not provided any explanation as to how OIC has misrepresented his submissions, other than to submit that they were '*clearly based on some examples of various aspects as at that time, some of which were also hypothetical [sic]*'.

²⁷ Section 48(2) of the RTI Act.

²⁸ Email to OIC dated 7 September 2020.

If it is established that a document is an exempt document or a contrary to public interest document, or contains exempt information or contrary to public interest information, the commissioner does not have power to direct that access to the document, or the document to the extent of the information, is to be given.

31. Given the considerations above, I am satisfied that disclosure of the QPrime Report is prohibited by section 186 of the CP Act and therefore the QPrime Report comprises exempt information to which access is refused under sections 47(3)(a) and 48 and schedule 3 section 12(1) of the RTI Act.

Access to the Email Correspondence

32. As noted at paragraph 7 above, during the external review, the applicant raised concerns regarding the sufficiency of QPS's searches, namely that QPS had failed to locate email communications between the applicant and Officer A.²⁹
33. Following consideration of the applicant's submissions, OIC required QPS to undertake further searches and inquiries to locate the Email Correspondence. However, QPS did not locate any Email Correspondence.

Relevant law

34. The IP Act provides citizens with a right to be given access to documents of an agency, to the extent they contain the individual's personal information.³⁰ This right is subject to certain limitations including grounds for refusal of access.³¹ One such ground is where the requested information is nonexistent or unlocatable.³²
35. A document will be nonexistent if there are reasonable grounds to be satisfied it does not exist.³³ To be satisfied that a document does not exist, the Information Commissioner has previously had regard to various key factors including the agency's record keeping practices and procedures (including, but not limited to, its information management approaches).³⁴ By considering the relevant factors, the decision maker may conclude that a particular document was not created because, for example, the agency's processes do not involve creating that specific document. In such instances, it is not necessary for the agency to search for the document. Rather, it is sufficient that the relevant circumstances to account for the nonexistent document are adequately explained by the agency.
36. The Information Commissioner may also take into account the searches and inquiries conducted by an agency, in determining whether a document is nonexistent. The key question then is whether those searches and inquiries amount to '*all reasonable steps*'.³⁵ What constitutes reasonable steps will vary from case to case as the search and inquiry process an agency will be required to undertake will depend on which of the key factors

²⁹ The applicant stated that emails passed between the applicant and Officer A from approximately 23 March 2019 until approximately 1 May 2019.

³⁰ Section 40 of the IP Act.

³¹ Section 67(1) of the IP Act states that an agency may refuse access to a document of an agency in the same way and to the same extent the agency could refuse access to the document under section 47 of the RTI Act, were the document to be the subject of an access application under the RTI Act.

³² Sections 47(3)(e) and 52(1) of the RTI Act.

³³ Section 52(1)(a) of the RTI Act. For example, a document has never been created.

³⁴ *Isles and Queensland Police Service* [2018] QICmr 27 (7 June 2018) at [15] which adopted the Information Commissioner's comments in *PDE and University of Queensland* (Unreported, Queensland Information Commissioner, 9 February 2009) (*PDE*) at [37]-[38]. *PDE* addresses the application of section 28A of the now repealed FOI Act. Section 52 of the RTI Act is drafted in substantially the same terms as the provision considered in *PDE* and, therefore, the Information Commissioner's findings in *PDE* are relevant.

³⁵ As set out in *PDE* at [49]. See also section 137(2) of the IP Act.

are most relevant in the particular circumstances. Such steps may include inquiries and searches of all relevant locations identified after consideration of relevant key factors.³⁶

37. A document is *unlocatable* if it has been or should be in the agency's possession and all reasonable steps have been taken to find it, but it cannot be found. In determining whether a document is unlocatable, it is necessary to consider the specific circumstances of each case,³⁷ and in particular whether:
- there are reasonable grounds for the agency to be satisfied that the requested documents have been or should be in the agency's possession; and
 - the agency has taken all reasonable steps to find the document.³⁸
38. The agency that made the decision under review has the onus of establishing that the decision was justified or that the Information Commissioner should give a decision adverse to the applicant.³⁹ Where the issue of missing documents is raised on external review, the agency must demonstrate that reasonable steps have been taken to identify and locate relevant documents.⁴⁰ If the applicant maintains further documents exist, the applicant bears a practical onus of demonstrating that the agency has not discharged its obligation. Suspicion and mere assertion will not satisfy this onus.⁴¹

Findings

39. In response to OIC's request that it undertake searches to locate the Email Correspondence, QPS submitted:⁴²
- Officer A conducted searches of his Outlook email account
 - Officer A stated that he only recalled contacting the applicant by telephone and arranging for the applicant to attend the office to discuss the notification
 - Officer A did not recall any email correspondence between himself and the applicant, but if there was any email correspondence it would have been to request the applicant attend the office. No emails would have been exchanged that formed part of the investigation. The emails would simply have been used as a means of communication for contact; and
 - QPS had conducted searches of its QPrime system and there were no comments regarding email correspondence with the applicant.
40. OIC required QPS to provide records of the searches conducted. I have considered these records and I am satisfied that QPS searched all locations where any existing Email Correspondence would logically be found.
41. OIC sought further submissions from the applicant including any specific evidence he was able to present as to the existence of the Email Correspondence sought⁴³ and explained to the applicant that this could consist of simply providing OIC with copies of the Email Correspondence.⁴⁴

³⁶ As set out in *PDE* at [38].

³⁷ *Pryor and Logan City Council* (Unreported, Queensland Information Commissioner, 8 July 2010) at [21]. See also, *F60XCX and Office of the Queensland Parliamentary Counsel* [2016] QICmr 42 (13 October 2016) at [84] and [87], and *Underwood and Minister for Housing and Public Works* [2015] QICmr 27 (29 September 2015) at [33]-[34] and [49].

³⁸ Section 52(1)(b) of the RTI Act.

³⁹ Section 100(1) of the IP Act.

⁴⁰ Section 137(2) of the IP Act.

⁴¹ *Dubois and Rockhampton Regional Council* [2017] QICmr 49 (6 October 2017) at [36].

⁴² Email to OIC dated 4 June 2020.

⁴³ Letters to the applicant dated 30 June 2020, 7 August 2020 and 21 August 2020 and an email dated 10 September 2020.

⁴⁴ Letter to applicant dated 7 August 2020.

42. The applicant did not provide further specific evidence as to the existence of the Email Correspondence sought. However, the applicant advised OIC that he was unable to provide any submissions in regard to the Email Correspondence until OIC had obtained a sworn statutory declaration from Officer A, in which Officer A confirmed that he had destroyed the Email Correspondence.⁴⁵
43. OIC had previously addressed the applicant's request for a sworn statutory declaration from Officer A in a letter to the applicant.⁴⁶ The procedure to be followed on external review is within the discretion of the Information Commissioner or her delegate⁴⁷ where procedural fairness requirements have been met, it is not open to an applicant to require that particular matters be addressed before they will make submissions. I am satisfied that the applicant has been afforded procedural fairness throughout the course of the review and chose not to provide a submission to address the specific issue of the sufficiency of the searches undertaken by QPS.
44. In the absence of any evidence pointing to the existence of the Email Correspondence, and in light of the inquiries made, the locations identified and searches undertaken by QPS informed by QPS's knowledge of its internal recordkeeping practices and processes, I am satisfied that QPS has undertaken the searches it could reasonably be expected to undertake.
45. For these reasons, I find that QPS has taken all reasonable steps to locate the Email Correspondence and that access to the Email Correspondence may be refused on the basis they are nonexistent or unlocatable.⁴⁸

DECISION

46. For the reasons outlined above, I consider that QPS was not entitled to refuse to deal with the application under section 59 of the IP Act. Accordingly, I vary the internal review decision of QPS and find that access is refused to the:
- QPrime Report on the ground that it comprises exempt information under section 67(1) of the IP Act and sections 47(3)(a) and 48 and schedule 3, section 12 of the RTI Act; and
 - Email Correspondence between the applicant and Officer A on the ground the emails are nonexistent or unlocatable under section 67(1) of the IP Act and sections 47(3)(e) and 52 of the RTI Act.
47. I have made this decision under section 123 of the IP Act as a delegate of the Information Commissioner, under section 139 of the IP Act.

Assistant Information Commissioner Corby

Date: 17 August 2021

APPENDIX

Significant procedural steps

⁴⁵ Email to OIC dated 16 April 2021.

⁴⁶ OIC's letter 7 August 2020.

⁴⁷ Section 108(1)(a) of the IP Act.

⁴⁸ Section 67(1) of the IP Act and sections 47(3)(e) and 52 of the RTI Act.

Date	Event
30 September 2019	OIC received the external review application.
2 October 2019	OIC notified the applicant and QPS that the external review application had been received and requested procedural documents from QPS.
8 October 2019	QPS provided the procedural documents to OIC.
17 October 2019	OIC notified the applicant and QPS that the external review application had been accepted and requested the information in issue from QPS.
18 October 2019	QPS provided the information in issue to OIC.
6 December 2019	OIC received an email from the applicant requesting an update.
10 December 2019	OIC provided the applicant with a progress update. In response, OIC received an email from the applicant requesting that the external review be expedited.
11 December 2019	OIC advised the applicant by telephone that his request for the matter to be expedited would be taken into consideration.
17 December 2019	OIC wrote to the applicant, conveying the preliminary view that the information in issue was exempt from disclosure on the basis it was prohibited under the CP Act.
14 January 2020	The applicant provided oral submissions rejecting OIC's preliminary view, raising sufficiency of search concerns and requested an extension in which to provide further submissions.
15 January 2020	OIC wrote to the applicant, granting the extension of time to provide submissions, addressing issues raised in the telephone discussion and requesting further information in relation to the applicant's sufficiency of search concerns.
24 January 2020	The applicant wrote to OIC providing further information in relation to his sufficiency of search concerns.
28 January 2020	OIC wrote to the applicant advising that OIC would request QPS carry out additional searches.
29 January 2020	OIC wrote to QPS requesting that it undertake additional searches for the Email Correspondence.
31 January 2020	The applicant raised queries with OIC about the Email Correspondence.
28 February 2020	QPS wrote to OIC about its additional searches and provided its search record.
24 April 2020	OIC contacted the applicant to provide an update.
22 May 2020	OIC wrote to QPS requesting further information about the additional searches undertaken by QPS.
4 June 2020	QPS provided written submissions to OIC.
16 June 2020	OIC wrote to QPS requesting that it disclose the Diary Entry to the applicant.

Date	Event
17 June 2020	QPS notified OIC that it had disclosed the Diary Entry to the applicant.
29 June 2020	The applicant copied OIC into an email to QPS.
30 June 2020	OIC provided a second preliminary view to the applicant, reiterating OIC's first preliminary view, and further addressing the sufficiency of search issues.
22 July 2020	OIC advised the applicant and QPS that, given a lack of response from the applicant to OIC's second preliminary view dated 30 June 2020, the matter would be finalised and the file closed. On receipt of OIC's closure letter, the applicant requested an extension of time in which to provide submissions.
23 July 2020	OIC reaffirmed the file closure to the applicant.
24 July 2020	The applicant provided written submissions to OIC and requested an extension of time in which to provide submissions.
30 July 2020	OIC emailed the applicant advising that OIC agreed to an extension of time to provide submissions.
31 July 2020	The applicant wrote to OIC about the timeframe provided by OIC for the applicant to make submissions, raised queries as to whether any of OIC's previous decisions relating to the interpretation of the CP Act had been considered by the Queensland Civil and Administrative Tribunal (QCAT) or the courts and also advised that he required OIC to make a formal decision.
7 August 2020	OIC wrote to the applicant, responding to the applicant's emails dated 24 July 2020 and 31 July 2020.
13 August 2020	OIC notified QPS that the matter had been reopened.
14 August 2020	The applicant contacted OIC raising concerns about OIC's process, requesting that OIC refer a question of law on his matter to QCAT and requested an extension of time to provide submissions.
21 August 2020	OIC wrote to the applicant, responding to his email dated 14 August 2020.
7 September 2020	The applicant emailed OIC, raising further concerns and queries and requested an extension of time to provide submissions.
10 September 2020	OIC wrote to the applicant, in response to his email dated 7 September 2020.
29 September 2020	The applicant contacted OIC requesting an extension of time to provide submissions.
9 October 2020	OIC wrote to the applicant asking the applicant to provide OIC with an update as to when he would be in a position to provide submissions.
27 November 2020	OIC wrote to the applicant asking the applicant to advise when he would be in a position to provide submissions.
4 December 2020	The applicant provided OIC with a medical certificate.

Date	Event
4 December 2020	OIC wrote to the applicant and requested that he provide OIC with an update by 29 January 2021, as to when he would be in a position to provide OIC with submissions.
12 March 2021	OIC wrote to the applicant advising that if OIC did not receive submissions from the applicant by 9 April 2021, OIC would proceed to issue a formal decision.
12 April 2021	The applicant provided OIC with a medical certificate and requested an extension of time to provide submissions.
15 April 2021	OIC wrote to the applicant in response to his email dated 12 April 2021.
16 April 2021	The applicant wrote to OIC in response to OIC's advice that we would proceed to issue a formal decision.
29 April 2021	OIC wrote to the applicant in response to his email dated 16 April 2021.
10 May 2021	The applicant contacted OIC to advise that he had made a formal complaint about OIC to the Australian Human Rights Commission.
11 May 2021	OIC emailed the applicant to advise that no formal decision would be issued within one month from OIC's email to await correspondence from the relevant authority in relation to the applicant's complaint about OIC.