



Decision and Reasons for Decision

Citation:	<i>L14 and Department of State Development and Infrastructure (Office of Industrial Relations) [2024] QICmr 50 (10 October 2024)</i>
Application Number:	318037
Applicant:	L14
Respondent:	Department of State Development and Infrastructure (Office of Industrial Relations)
Decision Date:	10 October 2024
Catchwords:	ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO PUBLIC INTEREST INFORMATION - request to access certain records relating to the investigation of a workplace incident - accountability, transparency, fair treatment and administration of justice - personal information, flow of information to regulatory agency and administration of justice - 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 applied to the Office of Industrial Relations (**OIR**) under the *Right to Information Act 2009* (Qld) (**RTI Act**) to access certain documents relating to a 2022 workplace incident in which the applicant was injured.¹
2. OIR located 192 pages as relevant to the access application, disclosed 26 pages and decided² to refuse access to 155 pages and parts of 11 pages, on the ground that disclosure would, on balance, be contrary to the public interest.
3. The applicant sought³ internal review and, on internal review, OIR affirmed⁴ its original decision.
4. The applicant then applied to the Office of the Information Commissioner (**OIC**) for external review of OIR's decision.⁵

¹ The access application was taken to have been received by OIR on 20 March 2024, as a result of an agreement reached between the applicant and OIR in a prior external review (317784).

² Decision dated 30 April 2024.

³ By email dated 1 May 2024.

⁴ Decision dated 24 May 2024.

⁵ External review application dated 24 May 2024 (**External Review Application**).

5. For the reasons set out below, I affirm OIR's decision and find that access may be refused to the information remaining in issue in this review, on the basis that its disclosure would, on balance, be contrary to the public interest.⁶

Background

6. The applicant was injured while he was at work on 8 June 2022 (**Incident**) and the Incident was notified to OIR pursuant to the *Work Health and Safety Act 2011* (Qld) (**WHS Act**).
7. In investigating the Incident, OIR collected relevant information for the purpose of determining whether an offence under the WHS Act had been committed. OIR then referred the matter to the Office of the Work Health and Safety Prosecutor (**OWHSP**) for determination of whether, or not, to proceed with a prosecution.⁷
8. After the applicant applied for external review, a Complaint and Summons process was commenced by the OWHSP. I notified this change of circumstances to the applicant.⁸ Court processes related to the Complaint and Summons remain ongoing.
9. The significant procedural steps taken during the external review are set out in the Appendix.

Reviewable decision

10. The decision under review is OIR's internal review decision dated 24 May 2024.

Evidence considered

11. The evidence, submissions, legislation and other material I have considered in reaching my decision are set out in these reasons (including footnotes and the Appendix).
12. I have also had regard to the *Human Rights Act 2019* (**HR Act**), including the right to seek and receive information.⁹ I consider a decision-maker will be '*respecting and acting compatibly with*' these rights, and others prescribed in the HR Act, when applying the law prescribed in the RTI Act and *Information Privacy Act 2009* (**IP 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 following observations made by Bell J, on the interaction between equivalent pieces of Victorian legislation,¹¹ that '*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

⁶ Under sections 47(3)(b) and 49 of the RTI Act.

⁷ OWHSP is an independent prosecution office, established under the WHS Act to conduct and defend proceedings for breaches of Queensland's work health and safety and resources safety and health laws (refer to <https://www.owhsp.qld.gov.au>). The WHS Act sets out the timeframes in which the OWHSP is required to bring proceedings.

⁸ By email to the applicant's representative dated 29 August 2024. In that email, I invited the applicant to confirm whether he wished to withdraw the External Review Application and lodge a fresh access application after the Complaint and Summons process had been finalised. No response was received from the applicant in this regard and the external review therefore proceeded.

⁹ Section 21(2) of the HR Act.

¹⁰ *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]. I further note that OIC's approach to the HR Act 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 McGill saw '*no reason to differ*' from our position).

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

¹² In *XYZ* at [573].

Information in issue

13. The information in issue comprises the 155 pages and parts of 11 pages to which OIR decided to refuse access (**Information in Issue**). In OIR's original decision,¹³ the Information in Issue was described as:
- *The name and contact details of the notifier; and*
 - *The identities of duty holders investigated by WHSQ; and*
 - *A summary of the investigation, including factual findings, and summaries of the relevant evidence provided by [the applicant]; and*
 - *A signature; and*
 - *Notes and database entries that [sic] taken by inspectors, which record interactions with persons other than [the applicant]; and*
 - *Notices issued by inspectors.*
14. While the RTI Act prevents me from describing this information in any further detail,¹⁴ I can confirm that the Information in Issue appearing on the pages which OIR partially disclosed to the applicant includes the names of non-public sector individuals; part of an email address and a mobile telephone number of non-public sector individual/s and the signature of a public sector officer.

Issue for determination

15. The issue for determination in this review is whether access to the Information in Issue may be refused on the basis its disclosure would, on balance, be contrary to the public interest.

Relevant law

16. Under the RTI Act, a person has a right to be given access to documents of an agency.¹⁵ However, this right is subject to limitations, including the grounds upon which an agency may refuse access to documents.¹⁶ One refusal ground is where disclosing information would, on balance, be contrary to the public interest.¹⁷
17. 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.¹⁸
18. In assessing whether disclosure of information would, on balance, be contrary to the public interest, a decision maker must:¹⁹
- identify factors irrelevant to the public interest and disregard them
 - identify factors in favour of disclosure of information
 - identify factors in favour of nondisclosure of information; and
 - decide whether, on balance, disclosure of the information would be contrary to the public interest.

¹³ Dated 30 April 2024.

¹⁴ Section 108(3) of the RTI Act.

¹⁵ Section 23 of the RTI Act.

¹⁶ The grounds on which access can be refused are set out in section 47 of the RTI Act.

¹⁷ Sections 47(3)(b) and 49 of the RTI Act.

¹⁸ However, there are some recognised public interest considerations that may apply for the benefit of an individual. See Chris Wheeler, 'The Public Interest: We Know It's Important, But Do We Know What It Means' (2006) 48 AIAL Forum 12, 14.

¹⁹ Section 49(3) of the RTI Act.

19. I have had regard to all the public interest factors listed in Schedule 4 of the RTI Act,²⁰ and to the parties' submissions, in reaching my decision. I have also had regard to the RTI Act's pro-disclosure bias²¹ and considered Parliament's intention that grounds for refusing access to information are to be interpreted narrowly.²²

Findings

20. I have not taken any irrelevant factors into account in reaching my decision.

Factors favouring disclosure

21. The applicant's representative submitted that there is '*significant public interest weight favouring disclosure of [the applicant's] own personal information*'.²³ Some, but not all, of the Information in Issue relates to the applicant and comprises his personal information.²⁴ This gives rise to a factor favouring disclosure of the applicant's personal information,²⁵ to which I attribute significant weight. However, where this information about the applicant appears, most of it is intertwined with the personal information of other individuals to such an extent that it cannot be disclosed without also disclosing the personal information of those other individuals (giving rise to factors favouring nondisclosure discussed below).
22. Public interest factors relating to government accountability and transparency also favour disclosure.²⁶ There is a clear public interest in understanding the way in which OIR undertakes their responsibilities under the WHS Act. However, given the nature of some of the Information in Issue, I am not satisfied its disclosure would advance these accountability and transparency considerations in any meaningful way—more specifically, I do not consider that disclosing the contact details of non-public sector individuals or an officer's signature (where the officer's name has been disclosed) would advance OIR's accountability or transparency. In respect of these types of information, I afford no weight to these accountability and transparency factors. For the remaining Information in Issue, I am satisfied that its disclosure could be expected to provide the applicant with a more complete picture of the actions taken by OIR when investigating the Incident, the information obtained during that investigation and the reasons for OIR's referral of the matter to OWHSP. Although I consider the information which OIR disclosed to the applicant has, to some extent, advanced OIR's accountability and transparency,²⁷ I do not consider that disclosure has significantly discharged these disclosure factors. Accordingly, I afford moderate weight to these accountability and transparency factors favouring disclosure of that remaining Information in Issue.
23. On external review, the applicant's representative submitted:

... our client was injured in a workplace incident and she [sic] has suffered loss and damage. Our client intends to lodge a Notice of Claim for Damages in relation to a personal injury claim. A remedy therefore, is available to our client to which we are

²⁰ Relevant factors are discussed below.

²¹ Section 44 of the RTI Act.

²² Section 47(2)(a) of the RTI Act.

²³ Submission received from the applicant's representative dated 24 September 2024. A similar submission was made in the External Review Application.

²⁴ '*Personal information*' is defined in section 12 of the IP Act as '*information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion*'.

²⁵ Schedule 4, part 2, item 7 of the RTI Act.

²⁶ Schedule 4, part 2, items 1, 3 and 11 of the RTI Act.

²⁷ Schedule 4, part 2, items 1, 3 and 11 of the RTI Act.

*pursuing and, in our opinion, our client has a reasonable basis for seeking to pursue the remedy. Some of the documents in scope may contain information of the investigation into the workplace incident. In our view, the disclosure of information on the investigation file would assist our client to pursue his claim. Accordingly, we believe significant weight to this factor should be considered which favours disclosure of information to pursue a remedy for our client.*²⁸

*The documents in scope contain information of the investigation into the workplace incident. In our view, the disclosure of information on the investigation file would assist our client to pursue his claim. Accordingly, we believe significant weight to this factor should be considered which favours disclosure of information to pursue a remedy for [the applicant].*²⁹

24. As referenced in the above submissions, the public interest factor in schedule 4, part 2, item 17 of the RTI Act arises where disclosing information could reasonably be expected to contribute to the administration of justice for a person. In determining whether this factor applies to favour disclosure of the Information in Issue, I must consider whether:³⁰

- the applicant has suffered loss, or damage, or some kind of wrong, in respect of which a remedy is, or may be, available under the law
- the applicant has a reasonable basis for seeking to pursue the remedy; and
- disclosing the information held by an agency would assist the applicant to pursue the remedy or evaluate whether a remedy is available or worth pursuing.

25. I accept that the applicant has been injured. I also note that the applicant's representative has confirmed that the applicant intends to commence a claim for damages in respect of his injury. On this basis, I am satisfied the applicant has demonstrated the first two elements for this public interest factor. The applicant's representative also submitted that access to the Information in Issue '*would assist our client to pursue his claim*'. Having reviewed the Information in Issue, I consider that its disclosure may assist the applicant in evaluating and/or pursuing his foreshadowed personal injury claim, by providing him with further information about the Incident and OIR's investigation. I am therefore satisfied this factor favouring disclosure applies and I turn now to the weight to be afforded to it. It is reasonable to expect, in my view, that as a result of his involvement in the Incident and the information which has been disclosed, the applicant would already be aware of certain information that could assist in his evaluation and/or pursuit of the foreshadowed claim (including information about the other individuals who were present at the Incident and the equipment involved in the Incident).³¹ Taking this into account, I afford moderate weight to this disclosure factor.

26. The RTI Act also recognises that public interest factors favouring disclosure will arise where disclosing information could reasonably be expected to advance the fair treatment of individuals in accordance with the law in their dealings with agencies³² and contribute to the administration of justice generally, including procedural fairness.³³

²⁸ External Review Application.

²⁹ Submission received from the applicant's representative dated 24 September 2024.

³⁰ *Willsford and Brisbane City Council* (1996) 3 QAR 368 at [17] and confirmed in *10S3KF and Department of Community Safety* (Unreported, Queensland Information Commissioner, 16 December 2011) at [16] and *C98 and Cairns and Hinterland Hospital and Health Service* [2021] QICmr 46 (9 September 2021) at [26].

³¹ Although pre-litigation disclosure processes exist under the *Uniform Civil Procedure Rules 1999*, I have not taken this into account as it is unclear whether the processes would be available in the circumstances of this matter.

³² Schedule 4, part 2, item 10 of the RTI Act. This public interest factor does not require a decision maker to ensure that an applicant is provided with sufficient information to enable that applicant to be *subjectively* satisfied that he or she received fair treatment.

³³ Schedule 4, part 2, item 16 of the RTI Act. The fundamental requirements of procedural fairness—that is, an unbiased decision-maker and a fair hearing—should be afforded to a person who is the subject of an investigation or decision. The fair

27. The submissions received from the applicant's representative have not addressed these public interest factors. A workplace injury investigation under the WHS Act is generally focussed on determining whether an offence under the WHS Act has been committed—in that context, persons involved in such an investigation may receive notification of its outcome (or any prosecution commenced by the OWHSP), however, they are not usually provided with substantive investigation information.³⁴ Taking these matters and the nature of the Information in Issue into account, there is nothing before me that raises any reasonable expectation that disclosure of the Information in Issue could advance the fair treatment of the applicant (or any other individual) in their dealings with OIR (or other agencies) or contribute to the general administration of justice. On that basis, I do not consider these factors apply to favour disclosure.³⁵
28. I acknowledge that the applicant suffered a workplace injury. However, having carefully reviewed the Information in Issue, I do not consider that its disclosure could reasonably be expected to contribute to positive and informed debate on important issues or matters of serious interest³⁶ or reveal environmental or health risks or measures relating to public health and safety.³⁷ For this reason, I do not consider these factors apply to favour disclosure.
29. Taking into account the particular nature of the Information in Issue, I cannot identify any other public interest considerations favouring its disclosure.³⁸

Factors favouring nondisclosure

30. The RTI Act recognises that there is a public interest harm³⁹ in disclosing an individual's personal information to someone else and that disclosing information which could reasonably be expected to prejudice the protection of an individual's right to privacy gives rise to a public interest factor favouring nondisclosure.⁴⁰
31. As I have noted above, the signature of a public sector officer forms part of the Information in Issue. I am satisfied that this signature is the personal information of the relevant officer. The applicant's representative submitted⁴¹ that '*low weight attached to protecting public service officers right to privacy visa-a-vis [sic] their personal information*'. I disagree. I consider there is a high privacy interest in an individual's signature. I also consider disclosure of this personal information could be expected to cause a high level of harm, particularly as the RTI Act does not restrict the use, dissemination or publication of information which is disclosed in response to an access

hearing aspect of procedural fairness requires that, before a decision that will deprive a person of some right, interest or legitimate expectation is made, the person is entitled to know the case against them and to be given the opportunity of replying to it (*Kioa v West* (1985) 159 CLR 550 at 584 per Mason J).

³⁴ In this regard, I note the general nondisclosure provision in section 271 of the WHS Act and that the applicant has received copies of the statements which he provided to the Incident investigation.

³⁵ Schedule 4, part 2, items 10 and 16 of the RTI Act.

³⁶ Schedule 4, part 2, item 2 of the RTI Act.

³⁷ Schedule 4, part 2, item 14 of the RTI Act.

³⁸ Having carefully considered all factors listed in schedule 4, part 2 of the RTI Act, I cannot see how disclosing the Information in Issue could, for example, ensure oversight of expenditure of public funds (schedule 4, part 2, item 4 of the RTI Act); allow or assist enquiry into, or reveal or substantiate, agency conduct deficiencies (schedule 4, part 2, items 5 and 6 of the RTI Act); and reveal that the information was incorrect, out of date, misleading, gratuitous, unfairly subjective or irrelevant (schedule 4, part 2, item 12 of the RTI Act). In the event that further relevant factors exist in favour of disclosure, I am satisfied that there is no evidence before me to suggest that any would carry sufficient weight to outweigh the weight that I have afforded to the public interest factors that favour the nondisclosure of the Information in Issue.

³⁹ Schedule 4, part 4, section 6 of the RTI Act.

⁴⁰ Schedule 4, part 3, item 3 of the RTI Act. The concept of '*privacy*' is not defined in the IP Act or the RTI Act. It can, however, essentially be viewed as the right of an individual to preserve their '*personal sphere*' free from interference from others (paraphrasing the Australian Law Reform Commission's definition of the concept in '*For your information: Australian Privacy Law and Practice*' Australian Law Reform Commission Report No. 108 released 12 August 2008, at paragraph 1.56).

⁴¹ Submission received from the applicant's representative dated 24 September 2024.

application. For these reasons, I afford these factors moderate weight for this component of the Information in Issue.

32. The Information in Issue also includes information obtained from, or about, individuals other than the applicant. I am satisfied that information of this nature comprises the personal information of those other individuals. As noted above, the applicant's personal information appears intertwined with some of this information.
33. It is reasonable to expect that individuals who participated in the Incident investigation and provided information to OIR would have contemplated that such information would be used in the investigation and any subsequent prosecution processes that may be taken. However, I consider those other individuals would not have contemplated that the information they provided would be disclosed under the RTI Act, where there can be no restriction on its use, dissemination or republication. In circumstances where the Complaint and Summons process has been commenced in respect of the Incident and remains ongoing, I consider disclosure of this personal information of other individuals (which includes the names, contact details, personal circumstances, observations and opinions of, or about, these individuals) would be a significant intrusion into their privacy and the extent of the harm that could be expected to arise from its disclosure would be significant. On this basis, I afford significant weight to the nondisclosure factors which arise in this regard.⁴²
34. The applicant's representative submitted that:⁴³

In relation to various employees who may have had involvement in the workplace investigation and/or provided statements, it is likely that our client would be aware of the names of these employees, which diminishes public interest in protecting their right to privacy vis-a-vis this information. As such, low weight should be placed on the public interest favouring nondisclosure of these factors.

35. While the names of others may be ones known to the applicant, I do not consider this negates the right to privacy or the harm disclosure of other individuals' personal information would cause (noting there can be no restriction on the use, dissemination or republication of information disclosed under the RTI Act). I also note that the Information in Issue is not limited to the names of other individuals—it includes information which individuals other than the applicant provided during the Incident investigation.
36. Under the RTI Act, public interest factors also favour nondisclosure where disclosure of information could reasonably be expected to:
- prejudice the private, business, professional, commercial or financial affairs of entities⁴⁴
 - prejudice business affairs of an agency or person;⁴⁵ and
 - cause a public interest harm because it would disclose information concerning the business, professional, commercial or financial affairs of an agency or another person and 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.⁴⁶

⁴² Schedule 4, part 3, item 3 and schedule 4, part 4, section 6(1) of the RTI Act.

⁴³ Submission received from the applicant's representative dated 24 September 2024.

⁴⁴ Schedule 4, part 3, item 2 of the RTI Act.

⁴⁵ Schedule 4, part 3, item 15 of the RTI Act.

⁴⁶ Schedule 4, part 4, section 7(1)(c) of the RTI Act.

37. The applicant's representative submitted⁴⁷ that disclosure of certain business information⁴⁸ was likely to cause '*minimal prejudice*' to the business affairs of the relevant entity.
38. The access application sought information about the investigation of a workplace incident and I can confirm that some of the Information in Issue includes business and commercial information of a private sector entity. Although some of this information may be publicly accessible, most of it does not appear in the public domain. I also note that the WHS Act empowers investigators to require production of information for an investigative process. Given the nature of this business and commercial affairs information, and the regulatory context in which it was obtained, I afford moderate weight to the public interest factors which favour its nondisclosure.⁴⁹
39. Additional public interest factors favouring nondisclosure will arise where disclosing information could reasonably be expected to:
- impede the administration of justice generally, including procedural fairness;⁵⁰ and
 - impede the administration of justice for a person;⁵¹ and
40. The submissions received from the applicant's representative have not addressed these public interest factors. In the current circumstances of this matter, I consider these nondisclosure factors apply to significantly favour nondisclosure of the Information in Issue. The commenced Complaint and Summons process has not yet been finalised. Given this, and the regulatory context of those proceedings, it is reasonable to expect that disclosure of the Information in Issue to the applicant under the RTI Act at this time could directly impact both procedural fairness and the administration of justice for the person/entity who is the subject of those commenced proceedings.⁵² I therefore afford significant weight to these factors favouring nondisclosure.
41. Under the RTI Act, the public interest will also favour nondisclosure where disclosure of information could reasonably be expected to prejudice the flow of information to law enforcement or regulatory agencies.⁵³
42. While OIR does have certain coercive powers when conducting its investigations,⁵⁴ there is a strong public interest in protecting the free flow of information to regulatory agencies and the ability of those agencies to obtain information which is relevant to their investigation, including the opinions and observations of concerned individuals (whether they are complainants, witnesses, informers or the subjects of investigation).⁵⁵ For information within the Information in Issue that was obtained from individuals other than the applicant, I consider its disclosure under the RTI Act, particularly where a Complaint and Summons process has been commenced (and is ongoing) against individuals/entities other than the applicant, could be expected to

⁴⁷ Submission received from the applicant's representative dated 24 September 2024.

⁴⁸ That is, business information which the applicant considered may be included in the Information in Issue. Noting the restrictions placed upon me under section 108 of the RTI Act, I am unable to confirm whether, or not, the Information in Issue includes these types of information.

⁴⁹ Schedule 4, part 3, items 2 and 15 and schedule 4, part 4, section (7)(1) of the RTI Act.

⁵⁰ Schedule 4, part 3, item 8 of the RTI Act.

⁵¹ Schedule 4, part 3, item 9 of the RTI Act.

⁵² Noting that no restriction is placed upon the use, dissemination or publication of information disclosed under the RTI Act in response to an access application.

⁵³ Schedule 4, part 3, item 13 of the RTI Act.

⁵⁴ The WHS Act confers various powers on inspectors to compel the production of documents and information.

⁵⁵ See for example: *P6Y4SX and Queensland Police Service* [2015] QICmr 25 (11 September 2015), *P6Y4SX and Department of Police* (Unreported, Queensland Information Commissioner, 31 January 2012), and *SW5Z7D and Queensland Police Service* [2016] QICmr 1 (15 January 2016).

discourage individuals from coming forward with relevant information or participating openly in future investigations.⁵⁶ On this basis, I afford significant weight to this factor favouring nondisclosure.

Balancing the relevant public interest factors

43. For the reasons set out above, I am satisfied that the nondisclosure considerations relating to privacy and personal information of other individuals⁵⁷ warrant moderate weight in respect of an officer's signature and significant weight in respect of the remaining Information in Issue. Further, due to the anticipated prejudices disclosure would be expected to have on the administration of justice and the flow of information,⁵⁸ I have afforded significant weight to those nondisclosure factors. For the business and commercial affairs information⁵⁹ within the Information in Issue, I have also afforded moderate weight to factors which concern the prejudice and adverse effect disclosure could be expected to have on those affairs.
44. On the other hand, I have afforded significant weight to the factor favouring disclosure of the applicant's personal information within the Information in Issue.⁶⁰ As I have noted, most of that personal information of the applicant is intertwined with the personal information of other individuals. In addition, and for the reasons outlined above, I have identified additional disclosure factors which favour disclosure of the Information in Issue (such as those relating to accountability and transparency⁶¹ and the administration of justice for the applicant⁶²). Taking into account the nature of the Information in Issue and the circumstances of this matter, I have afforded these factors moderate weight.
45. On balance, I am satisfied that the public interest factors favouring nondisclosure outweigh the factors favouring disclosure. Accordingly, I find that disclosure of the Information in Issue would, on balance, be contrary to the public interest and access may be refused on this basis.⁶³

DECISION

46. For the reasons set out above, I affirm OIR's decision and find that access to the Information in Issue may be refused, as its disclosure would, on balance, be contrary to the public interest.⁶⁴
47. I have made this decision as a delegate of the Information Commissioner, under section 145 of the RTI Act.

T Lake
Principal Review Officer
Date: 10 October 2024

⁵⁶ The submissions received from the applicant's representative have not addressed this public interest factor.

⁵⁷ Schedule 4, part 3, item 3 and schedule 4, part 4, section 6 of the RTI Act.

⁵⁸ Schedule 4, part 3, items 8, 9 and 13 of the RTI Act.

⁵⁹ Schedule 4, part 3, items 2 and 15 and schedule 4, part 4, section 7(1)(c) of the RTI Act.

⁶⁰ Schedule 4, part 2, item 7 of the RTI Act.

⁶¹ Schedule 4, part 2, items 1, 3 and 11 of the RTI Act.

⁶² Schedule 4, part 2, item 17 of the RTI Act.

⁶³ Sections 47(3)(b) and 49 of the RTI Act.

⁶⁴ Sections 47(3)(b) and 49 of the RTI Act.

APPENDIX

Significant procedural steps

Date	Event
24 May 2024	OIC received the external review application.
18 June 2024	OIC notified the applicant and OIR that the application for external review had been accepted and requested information from OIR (including about the status of the OWHSP's consideration of the referred matter).
1 August 2024	OIC received the requested information from OIR, which included confirmation that a Complaint and Summons had been issued.
28 August 2024	OIC requested further information from OIR.
28 August 2024	OIC received the further requested information from OIR.
29 August 2024	OIC notified the applicant of the commenced Complaint and Summons process and asked the applicant to indicate whether, in those circumstances, he wished to continue with the review.
19 September 2024	OIC wrote to the applicant's representative to convey a preliminary view and invite the applicant to provide a submission if he did not accept the preliminary view.
24 September 2024	OIC received a submission from the applicant's representative.
25 September 2024	OIC reiterated the preliminary view to the applicant's representative and confirmed that a formal decision would be issued to finalise the review.