



Decision and Reasons for Decision

Citation: *Y69 and Department of State Development Infrastructure and Planning* [2026] QICmr 103 (16 June 2026)

Application Number: 318974

Applicant: Y69

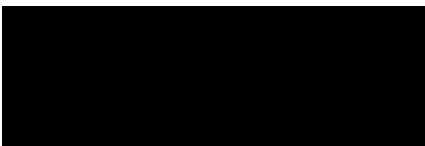
Respondent: Department of State Development, Infrastructure and Planning (Office of Industrial Relations)

Decision Date: 16 June 2026

Catchwords: ADMINISTRATIVE LAW - RIGHT TO INFORMATION - workplace health and safety complaint - accountability of regulator - personal information of other individuals - commercial information - whether disclosure would, on balance, be contrary to the public interest - sections 47(3)(b) and 49 of the *Right to Information Act 2009* (Qld)

DECISION

1. For the below reasons, I affirm¹ the reviewable decision of Department of State Development, Infrastructure and Planning (**Department**) to refuse access to information under section 47(3)(b) of the *Right to Information Act 2009* (Qld) (**RTI Act**).
2. This means that no further information is to be released to the applicant.
3. My reasons for the decision follow.



Joanne Kummrow
Information Commissioner

Date: 16 June 2026

¹ Under section 110(1)(a) of the RTI Act.

REASONS FOR DECISION

Summary

4. The applicant applied under the RTI Act² for access to documents held by Workplace Health and Safety Queensland (**WHSQ**)³ regarding a complaint he had made about unsafe machinery in his workplace.
5. The Department located over 300 pages⁴ and decided to give full access to the majority of the information, refusing access to certain information⁵ on contrary to public interest grounds.⁶
6. During processing of the application, the Department undertook third party consultation with the employer, a private sector company (**Employer**) under section 37 of the RTI Act. The Employer raised objections to disclosure of information regarding its operations, products and training on the basis of commercial sensitivity.
7. The applicant applied to the Office of the Information Commissioner (**OIC**) for external review.⁷ During the review, OIC conveyed a preliminary view to the applicant affirming the decision of the Department.⁸ The applicant provided OIC with submissions in support of his case.⁹
8. The issue for determination in this review is whether access to the remaining information may be refused under section 47(3)(b) of the RTI Act on the basis that its disclosure would, on balance, be contrary to the public interest under section 49 of the RTI Act.
9. In making my decision, I have considered evidence, submissions, legislation and other material set out in these reasons (including footnotes). I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to freedom of expression,¹⁰ which includes the right to seek and receive information. I consider a decision-maker will be acting compatibly with this right when applying the law prescribed in the RTI Act and, therefore, I have acted in accordance with section 58(1) of the HR Act.

² On 1 July 2025 key parts of the *Information Privacy and Other Legislation Amendment Act 2023* (Qld) (**IPOLA Act**) came into force, affecting changes to the RTI Act and *Information Privacy Act 2009* (Qld) (**IP Act**). As the application was made before this change, the RTI Act and IP Act **as in force prior to 1 July 2025** remain applicable in accordance with transitional provisions which require that applications on foot before 1 July 2025 are to be dealt with as if the IPOLA Act had not been enacted; those Acts can be accessed at <<https://www.legislation.qld.gov.au/view/html/inforce/2024-12-31/act-2009-013>> and <<https://www.legislation.qld.gov.au/view/html/inforce/2024-12-31/act-2009-014>> respectively.

³ Access application dated 16 May 2025. The application was directed to WHSQ which is an administrative unit within the Office of Industrial Relations (**OIR**) which itself is an administrative unit within the Department. Under the *Administrative Arrangements Order (No.1) 2025*, the Department is responsible for WHSQ and OIR including processing of RTI Act applications made to those entities. Accordingly, in these reasons, the respondent has been referred to as 'the Department'.

⁴ The decision incorrectly referred to 203 located pages but this was clarified by OIR on external review and confirmed by the documents bundles provided to OIC by OIR which comprised a total of 326 pages.

⁵ In 37 full and 29 part pages. The number of pages to which access was refused was correctly stated in the OIR decision.

⁶ Decision dated 22 August 2025.

⁷ External review application dated 7 October 2025.

⁸ Email to applicant dated 25 February 2026.

⁹ Submissions to OIC dated 13 March 2026.

¹⁰ Section 21 of the HR Act.

Information in issue

10. The information to which the Department refused access appears in 37 full and 29 part pages and comprises:
- information about other individuals including names and contact details (mobile numbers and addresses) (**Third Party Information**); and
 - internal documentation about the Employer's operations, products and training including details from internal databases, engineering designs/machinery specifications and training/assessment for employees (**Commercial Information**).

Relevant law

11. The RTI Act provides individuals with a general right of access to documents held by a Queensland government agency.¹¹ While the legislation is to be administered with a pro-disclosure bias,¹² the right of access is subject to certain limitations, including grounds for refusing access, as set out in the RTI Act.¹³
12. Access to information may be refused where its disclosure would, on balance, be contrary to the public interest.¹⁴ 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.
13. In assessing whether disclosure of information would, on balance, be contrary to the public interest, a decision-maker must take certain steps as set out in section 49(3) of the RTI Act, including, identifying and disregarding irrelevant factors, identifying factors for and against disclosure, and deciding whether, on balance, disclosure of the information would be contrary to the public interest.
14. Schedule 4 of the RTI Act contains factors that may be relevant in determining where the balance of public interest lies in a particular case I have considered these,¹⁵ together with all other relevant information, in reaching my decision. I have also applied the RTI Act's pro-disclosure bias¹⁶ and considered Parliament's intention that grounds for refusing access to information are to be interpreted narrowly.¹⁷

¹¹ Section 23 of the RTI Act.

¹² Section 44 of the RTI Act.

¹³ Section 47 of the RTI Act. Those grounds are however, to be interpreted narrowly: section 47(2)(a) of the RTI Act.

¹⁴ Sections 47(3)(b) and 49 of the RTI Act.

¹⁵ I have considered each of the public interest factors outlined in schedule 4 of the RTI Act, and any relevant factors are discussed below. Some factors have no relevance, for example, the factor concerning innovation and the facilitation of research.

¹⁶ Section 44 of the RTI Act.

¹⁷ Section 47(2)(a) of the RTI Act.

Submissions

15. The applicant provided submissions to OIC in response to the preliminary view to support his case for further disclosure.¹⁸ Parts of those submissions which raise public interest factors, are extracted below:

The community has a legitimate interest in understanding how regulators exercising statutory powers assess and address safety concerns.

Where information concerns safety systems, training practices, risk assessments and compliance with recognised standards, disclosure promotes transparency, strengthens confidence in regulatory oversight and assists in identifying systemic workplace safety issues.

...

Information showing whether equipment complies with statutory safety standards concerns regulatory compliance rather than commercial strategy. Compliance with workplace safety obligations is a legal requirement and does not ordinarily constitute commercially sensitive information.

...

Documents recording regulatory analysis, compliance findings or safety assessments primarily reflect the exercise of statutory oversight rather than internal commercial strategy. Disclosure, therefore, serves the public interest by helping them understand how regulators evaluate safety concerns.

...

I was directly involved in raising the safety concerns that gave rise to the regulatory process. I was injured while interacting with the machine and subsequently required rehabilitation, and I also witnessed a near-miss incident involving the same machine. These circumstances demonstrate that the matter has direct personal and broader workplace safety implications.

...

Information relating to a person's own health and safety circumstances attracts additional public interest weight under the RTI framework and would assist in understanding how these matters were evaluated.

...

Disclosure of this material would advance the public interest in understanding how safety concerns were assessed while preserving legitimate privacy and commercial interests.

...

Given my direct involvement, the injury sustained, the assurances provided by management regarding the safety of the machine, the absence of evidence within the disclosed training records demonstrating how workers were trained to safely access the equipment, and the lack of information provided following requests for internal safety review, disclosure of the relevant compliance findings and safety assessments would assist in clarifying how the safety concerns were evaluated.

16. In the reviewable decision, the Department included the following reasons in relation to relevant public interest factors:

I am satisfied that there is a clear public interest in the Queensland public being able to discuss and understand the way in which regulatory entities, such as Office of Industrial Relations (OIR), fulfil their responsibilities under the Work Health and Safety Act 2011 (Qld). I consider that the open disclosure of safety concerns regarding worksites in

¹⁸ Email to OIC dated 13 March 2026.

Queensland and how OIR responds to those concerns, informs and promotes positive debate about a matter of serious public interest the safety of Queensland workers.

...

Having regard to the nature of the information, I am satisfied that releasing the majority of the documents already provides appropriate transparency and accountability. However, I do not consider that disclosing personal information (such as names, signatures, job titles and mobile phone numbers) or commercially sensitive business information (such as internal databases, engineering designs – specifications of heavy machinery and a training package / employee assessment material) would add anything more meaningfully to the public understanding of the documents. In these circumstances, I am satisfied that the factors favouring non-disclosure outweigh those favouring disclosure. I therefore refuse access to the types of information I have identified.

Findings

17. I have not taken any irrelevant public interest factors into account in making this decision.
18. Based on the submissions made by the applicant, I consider the following public interest factors favouring disclosure arise for consideration:
 - (a) promote open discussion of public affairs and enhance the Government's accountability¹⁹
 - (b) inform the community of the Government's operations including, in particular, the policies, guidelines and codes of conduct followed by the Government in its dealings with members of the community²⁰
 - (c) information is the applicant's personal information²¹
 - (d) allow or assist inquiry into possible deficiencies in the conduct or administration of an agency or official;²² and
 - (e) reveal the reason for a government decision and any background or contextual information that informed the decision.²³
19. I accept there is a public interest in promoting the accountability and transparency of WHSQ in terms of how it handles complaints and performs its regulatory functions in relation to equipment/machinery safety issues. I recognise that the applicant seeks access to further information to gain a more comprehensive understanding of how the WHSQ officers exercised their compliance functions in handling his complaint.
20. Having examined the extent of information that was released to the applicant, including WHSQ inspector notes, communications with the Employer and internal OIR complaint records, I consider the accountability and transparency factors²⁴

¹⁹ Schedule 4, part 2, item 1 of the RTI Act.

²⁰ Schedule 4, part 2, item 3 of the RTI Act.

²¹ Schedule 4, part 2, item 7 of the RTI Act.

²² Schedule 4, part 2, item 5 of the RTI Act.

²³ Schedule 4, part 2, item 11 of the RTI Act.

²⁴ Schedule 4, part 2, items 1, 3 and 11 of the RTI Act.

have been discharged to a significant degree. Taking this existing disclosure into account and given the particular nature of the Third Party Information and Commercial Information, I do not consider disclosure would advance those factors to any further significant degree and accordingly, afford them low weight.

21. I acknowledge that the applicant was involved personally in the subject matter of the complaint and there is an important public interest in an individual having access to their personal information held by a government agency. Again, having examined the located documents, I am satisfied, to the extent the applicant's personal information appears in the records, he has been given access to that information and therefore, I afford no weight to this factor.
22. I have also considered whether disclosure would allow or assist inquiry into possible deficiencies in agency conduct. The threshold to establish this factor is low as it requires only that disclosure could reasonably be expected to *allow* or *assist* inquiry into *possible* deficiencies. I am satisfied disclosure of the Commercial Information would, to a limited degree, enliven this factor as it would more comprehensively inform the applicant of what was available to WHSQ in undertaking its functions. However, for the same reasons as outlined in paragraph 19 with respect to the accountability factors, given the extent of information already disclosed which reveals the actions taken by WHSQ in investigating the complaint, I afford this factor low weight.
23. Turning to non-disclosure factors, the Third Party Information comprises names and contact details of other private individuals, including individuals associated with the Employer. While accessing these details would give the applicant access to a more fulsome version of the documents held by WHSQ, I consider the public interest in protecting the right to privacy of the other individuals²⁵ and associated public interest harm in revealing their personal information²⁶ carries significant and determinative weight.
24. Having considered the content of the Commercial Information and the objections raised by the Employer during the consultation process, I consider the information has commercial value to the Employer and its disclosure could reasonably be expected to prejudice the business affairs of the Employer.²⁷ I have considered the applicant's submissions regarding the importance of disclosing information revealing statutory oversight, however, that is not the nature of the Commercial Information. Rather, it comprises technical product, training and procedural information specific to the Employer's operations. While it was provided to the Department for the purpose of WHSQ assessing the complaint, it does not in any way reveal '*regulatory analysis, compliance findings or safety assessments*' as the applicant submits.
25. As outlined above at paragraphs 19 and 22 of these reasons, I accept that disclosure of the Commercial Information would reveal more of what was available to WHSQ in

²⁵ Schedule 4, part 3, item 3 of the RTI Act.

²⁶ Schedule 4, part 4, item 6 of the RTI Act.

²⁷ Schedule 4, part 3, item 2 and part 4, item 7 of the RTI Act.

making decisions on the applicant's complaint. However, I am satisfied the Commercial Information also has commercial value to the Employer as it pertains to their operations, products and training. I am satisfied that, if released, it could reasonably be expected to impact the commercial value of this information and thereby, prejudice the business and commercial affairs of the Employer. I have also taken into account that where information is disclosed under the RTI Act, there can be no control over its further dissemination²⁸, and therefore, afford significant weight to these nondisclosure factors.

Balancing the public interest

26. In the circumstances of this case, I am satisfied that the pro-disclosure factors are outweighed by the nondisclosure factors and that therefore, the Department was entitled to refuse access to Third Party Information and Commercial Information on the basis that its disclosure would, on balance, be contrary to the public interest, under section 47(3)(b) of the RTI Act.
27. Paragraphs [4] to [26] are the reasons for my decision set out at paragraph [1].

²⁸ FLK and Information Commissioner [2021] QCAT 46 at [17].