



Decision and Reasons for Decision

Application Number: 210801

Applicant: Mr J A McKay

Respondent: Department of Justice and Attorney-General

Decision Date: 25 May 2010

Catchwords: **ADMINISTRATIVE LAW – FREEDOM OF INFORMATION – QUEENSLAND – REFUSAL OF ACCESS – EXEMPT MATTER – MATTER RELATING TO LAW ENFORCEMENT OR PUBLIC SAFETY – whether information obtained, used or prepared for an investigation by a prescribed crime body under section 42(3A) of the *Freedom of Information Act 1992 (Qld)* – whether matter excluded under section 42(3B) of the *Freedom of Information Act 1992 (Qld)***

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REASONS FOR DECISION

Summary

1. Having considered the parties' submissions and evidence, relevant legislation, case law and decisions, I am satisfied that the Matter in Issue in this review qualifies for exemption under section 42(3A) of the *Freedom of Information Act 1992* (Qld) (**FOI Act**).

Background

2. By letter dated 21 October 2008, the applicant applied to the Crime and Misconduct Commission (**CMC**) for access under the FOI Act to the Andrew See Report (**See Report**) (**FOI Application**).
3. By letter dated 29 October 2008, the CMC transferred¹ the FOI Application to the Department of Justice and Attorney-General (**Department**).
4. On 26 November 2008, the Department decided to deny the applicant access to Volumes 1, 2 and 3 of the See Report under section 42(3A) of the FOI Act (**Original Decision**).
5. By facsimile dated 23 January 2009, the applicant sought internal review of the Original Decision (**Internal Review Application**).
6. On 20 February 2009 the Department varied the Original Decision by deciding (**Internal Review Decision**) to:
 - grant the applicant partial access to 47 pages claiming exemption over the remaining parts of those pages under sections 43(1), 44(1) and 42(3A) of the FOI Act
 - deny the applicant access to 79 pages under sections 43(1) and 42(3A) of the FOI Act
 - defer access to a number of pages (**the Consultation Folios**) on the basis that the Department of Natural Resources and Water (now known as the Department of Environment and Resource Management) (**DERM**) objected to their release
 - grant the applicant full access to the remainder of the documents.
7. By facsimile dated 10 March 2009 Creevey Russell Lawyers on behalf of the applicant sought external review of the above decision (**External Review Application**).
8. By letters dated 18 March 2009, Acting Assistant Commissioner Jefferies informed the parties in the review that the External Review Application had been accepted by this Office.

Decision under review

9. The decision under review is the Internal Review Decision (referred to at paragraph 6 above).

¹ Pursuant to section 26 of the FOI Act.

Steps taken in the external review process

10. A copy of the See Report was obtained and examined.
11. By letter dated 27 May 2009 the Information Commissioner sought further clarification from the Department relating to its consultation with the DERM.
12. By letter dated 28 March 2009, the Department responded to the letter above.
13. In the course of the review the Department made various concessions as a result of which the claim for exemption over pages 22 – 28 was withdrawn or reduced.
14. Accordingly, during the review the Department has provided the applicant with access to:
 - pages 22, 23, 25 and 28 subject to the deletion of matter that the Department maintained was exempt under section 42(3A) of the FOI Act;
 - pages 24, 26 and 27 in full (as the Department had withdrawn its claim for exemption over these pages); and,
 - the consultation folios or parts of the consultation folios (as the DERM no longer maintained its objection to disclosure of the consultation folios).
15. By letter dated 29 June 2009, I notified the applicant of my preliminary view that:
 - some of the Matter in Issue qualified for exemption under section 43(1) of the FOI act
 - some of the Matter in Issue qualified for exemption under section 44(1) of the FOI Act; and
 - some of the Matter in Issue qualified for exemption under section 42(3A) of the FOI Act.
16. By letter dated 9 July 2009, the applicant indicated that he wished to raise a number of issues before responding to my preliminary view.
17. By letter dated 13 July 2009, I responded to various issues raised by the applicant and invited further submissions.
18. By letter dated 17 July 2009, the applicant indicated that he objected to my preliminary view and provided further submissions.
19. By letter dated 18 August 2009 I responded to the applicant's letter of 17 July 2009, and notified the applicant that I was preparing a decision, and requested final submissions.
20. By letter dated 31 August 2009, the applicant provided further submissions.
21. In making my decision in this matter, I have taken the following into consideration:
 - the FOI Application, Internal Review Application and External Review Application
 - the Original Decision and Internal Review Decision
 - file notes of telephone conversations between staff members of this Office and the applicant
 - file notes of telephone conversations between staff members of this Office and the Department
 - written correspondence received from the applicant during the course of this review

- relevant sections of the FOI Act and the *Crime and Misconduct Act 2001* (Qld) (**CM Act**)
- previous decisions of the Queensland Information Commissioner and decisions and case law from other Australian jurisdictions as identified in this decision.

Matter in issue

22. As noted above, in the course of this review concessions were made by the Department with respect to the amount of matter to which the applicant was refused access. As a consequence the matter in issue in this review was reduced.
23. Therefore, the matter in issue in this review is certain pages or parts of pages of the document entitled the See Report which the Department maintains are either fully or partially exempt under sections 42(3A), 43(1) or 44(1) of the FOI Act (**Matter in Issue**).
24. The following table shows the Matter in Issue and the exemptions claimed by the Department.

Matter in Issue		
Exemption Claim	Over parts of Page no.	Over entirety of Page no.
42(3A) of the FOI Act	22, 23, 25, 28, 51, 53, 56, 68A, 69, 70A, 73, 74, 81, 82, 83, 84, 85, 85A, 85B, 86, 391	1-21, 29-47, 76-80, 144-147, 149-151, 165-168, 170-171
43(1) of the FOI Act	48-51, 53, 55, 57, 60-63, 65, 67, 69, 70, 70A, 71, 312-319, 391-392	252-255, 257-266
44(1) of the FOI Act	297, 298, 300, 301, 303, 307, 317, 357-358,	Nil

Applicable legislation

25. The *Right to Information Act 2009* (**RTI Act**) commenced on 1 July 2009.² Section 194 of the RTI Act repeals the FOI Act. However, section 199 of the RTI Act provides in relation to applications made under the repealed FOI Act:

199 Applications under Freedom of Information Act 1992

- (1) *The repealed Freedom of Information Act 1992 continues to apply in relation to an application under that Act that has not been finalised before the commencement of this section as if this Act had not been enacted.*
- (2) *For subsection (1), an application has not been finalised until -*
- (a) *a decision on the application is made; and*
- (b) *either -*
- (i) *the time for exercising any review rights or appeal rights in relation to the decision has ended without any rights being exercised; or*
- (ii) *any review or appeal in relation to the decision has ended.*

² With the exception of sections 118 and 122 of the RTI Act.

26. Accordingly, because the FOI Application was made under the repealed FOI Act and has not yet been finalised, for the purposes of making a decision in this review, I am required to consider the application of the FOI Act (and not the RTI Act) to the matter in issue.

Findings

27. In the course of this review, pursuant to section 80 of the FOI Act, an attempt was made to effect a settlement between the participants to the review. Those negotiations centred on the application of sections 42(3A), 43(1) and 44(1) of the FOI Act to the Matter in Issue.
28. In reaching a final decision in this review, I find that it is not necessary to consider the application of sections 43(1) and 44(1) to the Matter in Issue because I consider all the matter in issue in this review is exempt under section 42(3A) of the FOI Act. My reasons for this conclusion are set out below.

The law

Section 42(3A) of the FOI Act

29. Section 42(3A) of the FOI Act provides:

42 Matter relating to law enforcement or public safety

...

(3A) *Matter is also exempt matter if it consists of information obtained, used or prepared for an investigation by a prescribed crime body, or another agency, in the performance of the prescribed functions of the prescribed crime body.*

30. However, section 42(3B) of the FOI Act provides that:

42 Matter relating to law enforcement or public safety

...

(3B) *Matter is not exempt under subsection (3A) in relation to a particular applicant if—*

- (a) *it consists of information about the applicant; and*
- (b) *the investigation has been finalised.*

31. Thus, information qualifies for exemption under section 42(3A) of the FOI Act if it comprises information obtained, used or prepared for an investigation by a prescribed crime body, or another agency, in performance of the former's prescribed functions. However, section 42(3B) of the FOI Act will exclude the operation of section 42(3A) in circumstances where the matter in issue consists of information about the freedom of information applicant and the investigation has been finalised.
32. Accordingly, in applying section 42(3A) it is necessary to determine the following:
- a) Is there a relevant investigation?
 - b) Is the investigating body or agency a prescribed crime body or another agency performing a prescribed crime body's prescribed functions?
 - c) Does the matter in issue comprise information that was obtained, used or prepared for the investigation?

d) Does section 42(3B) of the FOI Act apply?

33. Section 42(5) of the FOI Act defines what constitutes a 'prescribed crime body'. It states:

...
prescribed crime body means—
(a) *The Crime and Misconduct Commission; or*
...

34. The CMC's prescribed functions for the purposes of section 42(3A) of the FOI Act are defined in section 42(5) of the FOI Act as the 'crime function' and the 'misconduct functions' as defined in the CM Act.

35. Section 33 of the CM Act states that the CMC's misconduct functions are:

...
(a) *to raise standards of integrity and conduct in units of public administration;*
(b) *to ensure a complaint about, or information or matter involving, misconduct is dealt with in an appropriate way, having regard to the principles set out in section 34.*

36. Section 34 of the CM Act sets out that it is Parliaments intention that the CMC follow the four principles enunciated in that section when performing its misconduct functions. The effect of the principles is to ensure co-operation between the CMC and units of public administration (where appropriate) in relation to preventing and dealing with misconduct.

37. Paragraph (c) of section 34 of the CM Act provides that if a range of factors are satisfied 'action to prevent and deal with misconduct in a unit of public administration should generally happen within the unit.'

38. Section 35 of the CM Act provides:

35 How commission performs its misconduct functions

(1) *Without limiting how the commission may perform its misconduct functions, it performs its misconduct functions by doing 1 or more of the following—*

...
(b) *referring complaints about misconduct within a unit of public administration to a relevant public official to be dealt with by the public official;*

39. Furthermore, pursuant to section 46(2)(b) of the CM Act the CMC may refer a complaint about official misconduct to a public official to be dealt with by the public official or in cooperation with the CMC.

40. Of relevance to the matter before me is the definition of 'public official' in schedule 2 of the CM Act. Schedule 2 provides that public official means:

...
(b) *the chief executive officer of a unit of public administration, including the commissioner of police; or*
...

41. Section 20 of the CM Act defines a department as a unit of public administration for the purpose of the CM Act.

Applicant's submissions

42. By letter dated 31 August 2009 the applicant submitted:

We accept the preliminary view in relation to the assessment of the relevant facts and law in relation to the applicability of s42(3A)... unless s42(3B) is made out.

43. The applicant went on to argue that the ordinary meaning of the word 'about' should be applied in the interpretation of section 42(3B).
44. The applicant relied upon the definition of 'about' as it appears in the *Little Oxford Dictionary* (6th ed), namely, "pertaining to; in connection with; on subject of; surrounding".
45. The applicant submitted that the material in the See Report is about the applicant because he made a complaint to the CMC and the See Report is a report about the complaints made by the applicant. In particular the applicant argued:
1. *the See Report is about the applicant as the report is in connection with the applicants complaint to the CMC;*
 2. *the See Report is about the applicant as the report is pertaining to the applicants complaint to the CMC;*
 3. *the See Report is about the applicant as the report is on subject of the applicants complaint to the CMC;*
 4. *the See Report is about the applicant as the report is surrounding the applicants complaint to the CMC.*

Therefore it is our submission that the See Report is about the applicant ... by virtue of the ordinary meaning of the word as outlined above.

Department's submissions

46. In its Internal Review Decision the Department stated:

Following a complaint by [the Applicant] to the CMC, the matter was referred to the Department of Justice and Attorney-General pursuant to section 46(2) for investigation. Mr Andrew See was appointed by the Department's Official Solicitor to undertake such investigation and report back on the findings. ... the Report (Volumes 1,2 &3) was prepared for an investigation of the type mentioned in s.42 (3A) of the FOI Act.

47. The Department went on to state in its Internal Review Decision that:

...the investigation is now complete.

48. In relation to the application of section 42(3B) of the FOI Act, the Department argued in the Internal Review Decision that:

...Mr See's questioning of [the legal officers] concerning the allegations in the complaint, and the responses of these two officers may be properly characterised as information primarily "about" the conduct of these officers. Similarly, ...Mr See's conclusions and

recommendations are primarily focussed on the performance of [the legal officers] and, accordingly, are principally about these two officers, rather than about [the Applicant].

The See Report

49. As noted earlier the Matter in Issue in this review consists of certain pages or parts of pages of the See Report.
50. I have carefully examined the See Report and the following is evident from that document:
- The applicant made a complaint to the CMC, specifically concerning the conduct of two legal officers of the Department (**the legal officers**), as well as the conduct of various other public service officers, engaged by the DERM, and the Environmental Protection Agency
 - By letter dated 5 February 2007 the complaint concerning the conduct of the legal officers was referred to the Director-General of the Department by the Office of the Assistant Commissioner, Misconduct, CMC, pursuant to section 46(2)(b) of the CM Act.
 - On 9 May 2007, following the referral of the complaint to the Department, the Official Solicitor of the Department appointed Mr Andrew See, Barrister at Law, to investigate the applicant's complaint about the legal officers.
 - The complaint was made at the end of numerous legal proceedings between the applicant and the DERM or its representative/s, including an appeal which was upheld by Wilson DCJ in the District Court of Queensland on 3 May 2005 (**Legal Proceedings**).
 - The investigation process included review and analysis of relevant documents contained on files of the Department; also, court transcripts, exhibits, preparatory documents and decisions as well as personal interviews and meetings with the legal officers and the applicant.
 - Upon completion of the investigation, the See Report was prepared which included detailed findings and recommendations.
 - The See Report is comprised of three volumes, namely;
 - Volume 1 – report
 - Volume 2 – annexures
 - Volume 3 – relevant court decisions.

Findings on material questions of fact

51. On consideration of the parties' submissions, the evidence before me and the relevant law, I make the following findings of fact:
- By operation of the CM Act the CMC may devolve its misconduct function to a relevant department to ensure that a complaint about misconduct is dealt with in an appropriate way (including the investigation of the complaint).

- Section 46(2)(b) of the CM Act sets out that the CMC may refer a complaint about misconduct to a public official to be dealt with by the public official or in cooperation with the Commission, subject to the Commission's monitoring role.
- The applicant made a complaint to the CMC about the conduct of the legal officers (among other things).
- The applicant's complaint concerned possible misconduct by the legal officers.
- The CMC referred the complaint to the Director-General of the Department to investigate, in accordance with section 46(2)(b) of the CM Act.
- The Department engaged Mr Andrew See, Barrister at Law, to investigate the complaint and report his findings.
- The 'See Report' contains a detailed review and analysis of relevant documents such as departmental files, court transcripts, exhibits, preparatory documents and decisions as well as personal interviews and meetings with the legal officers and the applicant, and also annexes much of that material.
- The investigation has been finalised.

Application of section 42(3A) of the FOI Act to the matter in issue

52. I will turn now to a consideration of each of the questions which must be asked when considering whether section 42(3A) of the FOI Act applies to exempt information and whether section 42(3B) operates to exclude that exemption.

a) Is there a relevant investigation?

53. The answer to this question is yes. It is clear from the Matter in Issue and the material before me that the applicant in this review lodged a complaint with the CMC about a number of public service officers including the legal officers. In response, the CMC referred the complaint pursuant to section 46(2)(b) of the CM Act to the Department for investigation of the allegations about the legal officers. Consequently, the Department engaged Mr Andrew See to investigate the applicant's allegations and prepare a report of his findings on behalf of the Department. Accordingly, this part of section 42(3A) of the FOI Act is satisfied.

b) Is the investigating body or agency a prescribed crime body or another agency performing a prescribed crime body's prescribed functions?

54. The answer to this question is yes.

55. Organisations that constitute a 'prescribed crime body' are identified in section 42(5) of the FOI Act and include the CMC.

56. The CMC's prescribed functions for the purposes of section 42(3A) of the FOI Act are defined in section 42(5) of the FOI Act as the 'crime function' and the 'misconduct functions' as defined in the CM Act. As the applicant's complaint to the CMC about the legal officers concerned possible misconduct, only the 'misconduct functions' are relevant in this review.

57. Paragraph (c) of section 34 of the CM Act provides that if a range of factors are satisfied 'action to prevent and deal with misconduct in a unit of public administration should generally happen within the unit.' Accordingly, in such circumstances, the CMC generally devolves its function to ensure that a complaint about misconduct is dealt with in an appropriate way to the relevant department.
58. In this case the CMC, in referring the applicant's complaint to the Department in accordance with section 46(2)(b) of the CM Act, devolved its misconduct functions to the Department.
59. The Department engaged Mr See to conduct the investigation into the applicant's complaint and report his findings.
60. Thus, the Department was investigating a complaint in performance of the misconduct functions of the CMC, and therefore, was an agency performing a prescribed function of a prescribed crime body for the purposes of section 42(3A) of the FOI Act.

c) Does the matter in issue comprise information that was obtained, used or prepared for the investigation?

61. This question is also answered in the affirmative.
62. The Department claims the matter in issue was 'prepared' for the purposes of the investigation because it:
 - comprises the report written by the investigator engaged by the Department
 - was prepared for the purpose of the investigation and reporting back to the CMC.
63. In the matter of *Springborg and Crime and Misconduct Commission; RZ (Third Party), BX (Fourth Party, Director-General of the Department of Justice and Attorney General (Fifth Party)*³ the information Commissioner noted that the terms 'obtained', 'used' and 'prepared' are not defined in the FOI Act and as such the ordinary meanings of these terms should be used in the application of section 42(3A) of the FOI Act.
64. Having carefully reviewed the matter in issue and any submissions of the parties on this point, I am satisfied that the matter in issue consists of both information prepared for the investigation, (that is, the report itself as a record of the process of the investigation, the consideration of the information gathered and the conclusions reached) and information used for the investigation (material annexed to the report or relied upon as evidence).

Conclusion regarding the application of section 42(3A) of the FOI Act

65. I consider that the matter in issue:
 - comprises information used and/or prepared for an investigation by the Department in performance of the misconduct functions of the CMC
 - qualifies for exemption from disclosure under section 42(3A) of the FOI Act.

d) Does section 42(3B) of the FOI Act apply?

66. To exclude the operation of section 42(3A) of the FOI Act in this external review, the matter in issue must comprise information about the applicant and the investigation must be finalised.

³ (2006) 7 QAR 77.

67. In satisfaction of 42(3B)(b) of the FOI Act, the Department states that the investigation to which the Matter in Issue relates, has been finalised.
68. Therefore, the only issue left for determination is whether the Matter in Issue consists of information *about* the applicant.

Does the matter in issue consist of information *about* the applicant?

69. The FOI Act does not define the term 'about'.
70. Sections 42(3A) and 42(3B) of the FOI Act are relatively new exemption provisions inserted into the FOI Act by the *Freedom of Information and Other Legislation Amendment Act 2005* (Qld) which commenced on 31 May 2005. I note that there is no equivalent provision in other Australian jurisdiction.
71. Section 4 of the FOI Act relevantly provides:

4 Object of Act and its achievement

- (1) *The object of this Act is to extend as far as possible the right of the community to have access to information held by Queensland government.*
- (2) *Parliament recognises that, in a free and democratic society—*
- (a) *the public interest is served by promoting open discussion of public affairs and enhancing government's accountability; and*
- (b) *the community should be kept informed of government's operations, including, in particular, the rules and practices followed by government in its dealings with members of the community; and*
- ...
- (3) *Parliament also recognises there are competing interests in that the disclosure of particular information could be contrary to the public interest because its disclosure in some instances would have a prejudicial effect on—*
- (a) *essential public interests; or*
- (b) *the private or business affairs of members of the community about whom information is collected and held by government.*
- (4) *This Act is intended to strike a balance between those competing interests.*
- (5) *The object of this Act is achieved by—*
- (a) *giving members of the community a right of access to information held by government to the greatest extent possible with limited exceptions for the purpose of preventing a prejudicial effect on the public interest of a kind mentioned in subsection (3); and*
- ...
- (6) *It is Parliament's intention that this Act be interpreted to further the object stated in subsection (1) in the context of the matters stated in subsections (2) to (5).*

72. Consistent with Parliament's intention expressed in section 4(6) of the FOI Act, section 42(3B) of the FOI Act must be interpreted in a way that best achieves the purpose of the FOI Act⁴:

*the primary objective of statutory construction is to construe the relevant provision so that it is consistent with the language and purpose of all the provisions of the statute.*⁵

73. In the explanatory notes to the Freedom of Information and Other Legislation Amendment Bill, ⁶ sections 42(3A) and 42(3B) of the FOI Act were described in the following manner:

Clause 24 ...

This clause also amends section 42 to insert a new exemption which exempts information obtained, used or prepared for investigations by the Crime and Misconduct Commission (CMC) or another agency. The exemption is only to apply where the investigation is in performance of the CMC's crime function and misconduct functions. The exemption also applies to such information obtained, used or prepared by its predecessors, the Criminal Justice Commission and the Queensland Crime Commission in the performance of the equivalent functions.

This exemption is to apply to the information obtained, used or prepared in the course of the investigation and the consideration of, and reporting of the investigation.

*This exemption does not apply if a person seeks information about themselves, including personal, professional, business and work-related information. However, a person can only receive such information once the investigation has been finalised. **For example, and subject to the other exemptions in the FOI Act, a person could receive information about allegations made against them, information given about them in the course of an interview and conclusions made about them in a report.***

[my emphasis]

74. Section 4(1) of the FOI Act recognises that the community has a right to access information held by the Queensland government. However, sections 4(2)-(5) of the FOI Act provide that the right of access to documents under the FOI Act is subject to a balancing of competing public interests. Accordingly, section 42(3B) of the FOI Act should be interpreted in a way that extends as far as possible the right of the community to access information held by agencies whilst recognising that section 42(3B) of the FOI Act operates in limited circumstances.
75. Accordingly, in interpreting section 42(3B) of the FOI Act it is necessary to consider any 'essential public interests' and 'private or business affairs' that may be prejudiced by disclosure of documents through the right of access under section 21 of the FOI Act.
76. Though the term 'personal affairs' appears throughout the FOI Act, the term 'private affairs' does not otherwise appear.
77. In *ABC v Lenah Game Meats Pty Ltd*⁷ Gleeson CJ noted that:

There is no bright line which can be drawn between what is private and what is not. Use of the term "public" is often a convenient method of contrast, but there is a large area in between what is necessarily public and what is necessarily private. An activity is not

⁴ Subsection 14A(1) of the AI Act.

⁵ *Project Blue Sky v Australian Broadcasting Authority* (1998) 194 CLR 355 at 381.

⁶ Freedom of Information and Other Legislation Amendment Bill 2005 (Qld).

⁷ (2001) 208 CLR 199 at 226.

private simply because it is not done in public. It does not suffice to make an act private that, because it occurs on private property, it has such measure of protection from the public gaze as the characteristics of the property, the nature of the activity, the locality, and the disposition of the property owner combine to afford. Certain kinds of information about a person, such as information relating to health, personal relationships, or finances, may be easy to identify as private; as may certain kinds of activity, which a reasonable person, applying contemporary standards of morals and behaviour, would understand to be meant to be unobserved. The requirement that disclosure or observation of information or conduct would be highly offensive to a reasonable person of ordinary sensibilities is in many circumstances a useful practical test of what is private.

78. In accordance with section 4(6) of the FOI Act, and in light of the explanatory notes, section 42(3B) of the FOI Act may be interpreted as a provision protecting the private affairs of individuals who are the subject of relevant investigations, unless the documents:
- are *about* the applicant; and
 - relate to a finalised investigation by the relevant crime body.

79. The plain meaning of the word '*about*', as defined in the Macquarie Dictionary⁸ includes:

of; concerning; in regard to

...

connected with

80. I understand the applicant's argument to be that because he made a complaint to the CMC and the matter in issue is matter contained in the resulting report of the investigation of that complaint, it is therefore *about* him.
81. In this case, while it can be said that the matter in issue came into existence as the result of the applicant's actions (making the complaint), that does not in and of itself make that matter in issue *about* the applicant. The matter in issue is about persons other than the applicant. It is about the conduct of the legal officers the subject of the investigation and report.
82. Accordingly, I am satisfied that:
- section 42(3B) of the FOI Act does not apply to exclude the operation of section 42(3A) of the FOI Act in the current circumstances
 - the Matter in Issue qualifies for exemption under section 42(3A) of the FOI Act.

DECISION

83. I vary the decision under review by finding that the Matter in Issue is exempt under section 42(3A) of the FOI Act.

⁸ *Macquarie Dictionary Online* (Fourth Edition) www.macquariedictionary.com.au.

84. I have made this decision as a delegate of the Information Commissioner, under section 90 of the *Freedom of Information Act 1992* (Qld).

V Corby
Assistant Commissioner

Date: 25 May 2010