



Decision and Reasons for Decision

Citation: *Campbell and North Burnett Regional Council; Melior Resources Incorporated (Third Party)* [2016] QICmr 4 (29 January 2016)

Application Number: 312369

Applicant: Campbell

Respondent: North Burnett Regional Council

Third Party: Melior Resources Incorporated

Decision Date: 29 January 2016

Catchwords: **ADMINISTRATIVE LAW – RIGHT TO INFORMATION – DISCLOSURE DECISION – ONUS ON EXTERNAL REVIEW – third party objection to disclosure – whether third party has established that the decision to refuse access was justified – section 87(2) of the *Right to Information Act 2009* (Qld)**

ADMINISTRATIVE LAW – RIGHT TO INFORMATION – SCOPE OF ACCESS APPLICATION – third party contends documents are not within scope of access application – whether a third party can raise scope as an objection to release of information – section 37 of the *Right to Information Act 2009* (Qld)

ADMINISTRATIVE LAW – RIGHT TO INFORMATION – REFUSAL OF ACCESS – EXEMPT INFORMATION – information relating to the construction of a haul road – whether the information comprises exempt information – whether disclosing the information could reasonably be expected to prejudice a person’s fair trial or the impartial adjudication of a case – section 47(3)(a) and schedule 3, section 10(1)(e) of the *Right to Information Act 2009* (Qld)

ADMINISTRATIVE LAW – RIGHT TO INFORMATION – REFUSAL OF ACCESS – CONTRARY TO PUBLIC INTEREST INFORMATION – information relating to the construction of a haul road – whether disclosing the information would, on balance, be contrary to the public interest – sections 47(3)(b) and 49 of the *Right to Information Act 2009* (Qld)

REASONS FOR DECISION

Summary

1. The applicant applied to the North Burnett Regional Council (**Council**) under the *Right to Information Act 2009* (Qld) (**RTI Act**) for access to documents relating to the construction of a haul road which passes through their grazing property. The haul road was constructed by the third party for the use of the Goondicum mine.
2. Council did not make a decision within the timeframe prescribed in the RTI Act and, as a result, was taken to have made a decision refusing access to the requested information. The applicant applied to the Office of the Information Commissioner (**OIC**) for external review of Council's deemed decision.
3. On external review, Council located 224 pages in response to the access application and agreed to release the relevant information to the applicant.
4. OIC consulted with the third party about the likely release of particular information to the applicant under the RTI Act. The third party objected to disclosure of this information on the grounds that:
 - the information was not relevant to the scope of the access application
 - the information was exempt information as its disclosure could reasonably be expected to prejudice a person's fair trial or the impartial adjudication of a case; and
 - disclosing the information would, on balance, be contrary to the public interest.
5. Council's deemed decision is set aside. For the reasons set out below, and despite the third party's objections, I find that the third party has not established that access to the information in issue can be refused under the RTI Act.

Background

6. Significant procedural steps are set out in the appendix to these reasons.

Reviewable decision

7. The decision under review is the decision Council was taken to have made refusing access to the requested information under section 46 of the RTI Act.

Evidence considered

8. Evidence, submissions, legislation and other material I have considered in reaching this decision are disclosed in these reasons (including footnotes and appendix).

Issues for determination

9. Section 87(2) of the RTI Act provides that if the decision under external review is a disclosure decision,¹ the participant in the external review who opposes the disclosure decision has the onus of establishing that a decision not to disclose the information is justified or that the Information Commissioner should give a decision adverse to the person who wishes to be given access to the document.

¹ 'Disclosure decision' is defined in section 87(3)(a) of the RTI Act as a decision to disclose a document or information contrary to the views of a relevant third party obtained under section 37 of the RTI Act.

10. As Council has now agreed to release the information in issue, there is a practical onus on the third party in this review to establish that access to the information in issue can be refused. The issue for determination is whether the third party has discharged the onus under section 87(2) of the RTI Act in establishing that access to the information in issue can be refused.

Information in issue

11. The information in issue (**Information in Issue**) comprises 117 pages and can generally be described as correspondence between the third party and Council in relation to the construction of the haul road. This information can be further characterised as:²
 - correspondence between Council and the third party regarding approval for construction of the haul road, a complaint made by the applicant, engineering drawings, weed management and tree clearing
 - information relating to the preliminary concept design and surveys for the construction of the haul road and mine access
 - agreement relating to the use, upgrade and maintenance of roads under the control of Council
 - rehabilitation permit from the Department of Environment and Heritage Protection; and
 - the third party's Vehicle and Mobile Equipment Weed Management procedure.

Is the Information in Issue relevant to the terms of the access application?

12. Yes.
13. Council consulted the third party about the likely release of information to the applicant under section 37 of the RTI Act. This provision permits a third party to object to the release of information under the RTI Act. However, the grounds for objection which a third party may raise under this provision are limited.
14. Section 37 of the RTI Act provides that an agency may give access to a document that contains information the disclosure of which may reasonably be expected to be of concern to a government, agency or person only if the agency has taken the steps that are reasonably practicable to obtain the views of the relevant third party about whether:
 - the document is a document to which the RTI Act does not apply; or
 - the information is exempt information or contrary to the public interest information.
15. The third party objects to disclosure of the Information in Issue³ on the basis that it is outside the scope of the access application.

² Some of the information which Council located is no longer in issue on external review. This information comprises: (a) information to which the applicant does not seek access (b) information the disclosure of which OIC did not consider would be of concern to the third party and which Council agreed to release to the applicant and (c) six pages which the third party does not object to being disclosed, that is, pages 2-7. As this information is no longer in issue on external review, it is not dealt with in these reasons for decision.

³ It is unclear which of the pages in issue the third party considers fall outside the scope of the access application. In submissions to OIC on 9 October 2015, the third party submitted that pages 1 and 8-123 (that is, all of the Information in Issue) fall outside the scope of the access application. However, in further submissions to OIC on 13 November 2015, the third party only identified pages 1, 8, 10, 12, 14, 19, 23, 26, 31-72, 75-100, 104-108 and 112-120 in relation to this issue. The third party did not clarify this further on external review. I have taken the third party's submissions on scope to apply to all of the Information in Issue.

16. The third party's submissions on this issue can be summarised as follows:⁴

- the word '*construction*' has the ordinary and dictionary meaning of an action of building something and the Information in Issue bears no relation to the '*construction of the haul road*'
- the Information in Issue relates to the design and planning approval process, the purpose of the road, the mine's operating procedures, agreements about the maintenance and upgrades of roads under the control of Council, the third party's operational practices, weed control and unsubstantiated allegations about the third party's employees
- much of the information was created before the construction of the haul road started; and
- this information is unrelated to the construction of the haul road and is patently outside the scope of the access application.

17. The access application was for documents covering the period 1 January 2012 to 18 November 2014 and with subject matter relating to:

Construction of haul road at Goondicum Mine. It is the new proposed eastern access road which passes through the property known as Goondicum owned by [the applicant]. It relates to the construction of the road by a company known as such names as Goondicum Resources, Melior Resources, Belridge Enterprises (Mine).

18. I have carefully considered the application of section 37 of the RTI Act and I am satisfied that this provision does not permit the third party to object to the disclosure of the Information in Issue on the grounds that the documents fall outside scope of the access application. I consider that a third party objection under section 37 of the RTI Act must be limited to whether the document is a document to which the RTI Act does not apply or whether the relevant information is exempt information or contrary to the public interest information.

19. In any event, I have carefully considered the terms of the access application and the Information in Issue. I am satisfied that the Information in Issue clearly relates to the construction of the haul road and responds to the terms of the application. The third party approached Council in order to obtain the required permits and approvals for construction of the haul road. The approval process is not separate from or unrelated to the construction of the haul road, and the fact that this information was created prior to the construction having commenced is, in my view, irrelevant to this issue.

Does the Information in Issue comprise exempt information?

20. No.

21. The third party contends that some of the Information in Issue⁵ comprises exempt information because its disclosure could reasonably be expected to prejudice a person's fair trial or the impartial adjudication of a case.

⁴ Submissions to OIC dated 9 October 2015 and 13 November 2015.

⁵ It is unclear which of the pages in issue the third party considers comprise exempt information. In submissions to OIC on 9 October 2015, the third party submitted that pages 16, 22, 30, 99, 101-103, 110-111 and 122-123 comprise exempt information. However, in further submissions to OIC on 13 November 2015, the third party only identified page 16 in relation to this issue. The third party did not clarify this further on external review. I have taken the third party's submissions on exempt information to apply to pages 16, 22, 30, 99, 101-103, 110-111 and 122-123.

Relevant law

22. Under the RTI Act, a person has a right to be given access to documents of an agency.⁶ However, this right is subject to other provisions of the RTI Act, including the grounds on which an agency may refuse access to documents.⁷ An agency may refuse access to documents to the extent they comprise exempt information.⁸
23. Schedule 3, section 10(1)(e) of the RTI Act provides that information is exempt if its disclosure could reasonably be expected to⁹ prejudice a person's fair trial or the impartial adjudication of a case.

Findings

24. In summary, the third party submits that:¹⁰
 - the applicant has made allegations about the third party in the past which have been aired publicly
 - some of the Information in Issue contains unsubstantiated allegations about the third party and the third party is concerned that the applicant may also release this information publicly and subject the third party to *'trial by media'*
 - issues surrounding the construction and planning approvals for the haul road have been referred to an investigative agency and this is a precursor to possible litigation; and
 - these allegations would not be admissible in court and their release would prejudice the third party's fair trial.
25. The Information Commissioner has previously made the following observations in relation to this exemption:¹¹
 - the phrase *'a person's fair trial'* does not refer to a civil suit between parties but to the trial of a person charged with a criminal offence; and
 - the phrase *'impartial adjudication of a case'* is broad enough to refer to any kind of case involving a dispute between parties which is to be formally adjudicated by an impartial decision-maker.
26. The third party has not identified a particular criminal proceeding or case to be adjudicated which it considers would be impacted by disclosing this information, nor has it provided any evidence to suggest that the subject matter of the Information in Issue is relevant to ongoing legal proceedings.
27. Even if there were proceedings currently on foot or a case to be adjudicated, I am unable to identify the nature and extent of the anticipated prejudice to those processes. The third party's submissions do not address this issue other than to assert that the

⁶ Section 23(1)(a) of the RTI Act.

⁷ Section 47 of the RTI Act.

⁸ Section 47(3)(a) and section 48 of the RTI Act. The various types of exempt information are set out in schedule 3 of the RTI Act.

⁹ The term *'could reasonably be expected to'* requires that the expectation be reasonably based, that it is neither irrational, absurd or ridiculous, nor merely a possibility. The expectation must arise as a result of disclosure, rather than from other circumstances. Whether the expected consequence is reasonable requires an objective examination of the relevant evidence. It is not necessary for a decision-maker to be satisfied upon a balance of probabilities that disclosing the document will produce the anticipated prejudice. See *Nine Network Australia Pty Ltd and Department of Justice and Attorney-General* (Unreported, Queensland Information Commissioner, 14 February 2012) at paragraph 31.

¹⁰ Submissions to OIC dated 9 October 2015 and 13 November 2015.

¹¹ *Uksi and Redcliffe City Council; Cook (Third Party)* (1995) 2 QAR 629, at paragraphs 34-35. This decision related to the equivalent provision in section 42(1)(d) of the repealed *Freedom of Information Act 1992* (Qld).

third party would be subject to *'trial by media'*. I am not satisfied that this submission gives rise to a reasonable expectation of prejudice to a person's fair trial or the impartial adjudication of a case.

28. In any event, it is not reasonable to expect that an impartial decision-maker or jurors and judicial officers in a legal proceeding would be swayed in their views by the disclosure of information which merely shows the third party's interactions with Council as part of the approval process for construction of the haul road. If these documents were relevant to the adjudication of a case or legal proceedings, I consider they would have to be disclosed in the interests of a fair hearing of the issues.
29. Based on the information before me, and for the reasons set out above, I am not satisfied that the Information in Issue is exempt under schedule 3, section 10(1)(e) of the RTI Act.

Would disclosing the Information in Issue be contrary to the public interest?

30. No.
31. The third party submits that disclosing some of the Information in Issue¹² would, on balance, be contrary to the public interest on the grounds that its disclosure could reasonably be expected to prejudice its business, commercial and financial affairs.¹³

Relevant law

32. An agency may refuse access to information where its disclosure would, on balance, be contrary to the public interest.¹⁴ The RTI Act identifies many factors that may be relevant to deciding the balance of the public interest¹⁵ and explains the steps that a decision-maker must take¹⁶ in deciding the public interest as follows:
- identify any irrelevant factors and disregard them
 - identify relevant public interest factors favouring disclosure and nondisclosure
 - balance the relevant factors favouring disclosure and nondisclosure; and
 - decide whether disclosing the information would, on balance, be contrary to the public interest.

Findings

33. No irrelevant factors arise in the circumstances of this case. I will now consider the relevant factors favouring disclosure and nondisclosure of the Information in Issue.

¹² It is unclear which of the pages in issue the third party considers comprise contrary to public interest information. In submissions to OIC on 9 October 2015, the third party submitted that pages 10-11, 14, 17-21, 24-25, 27-29, 75-95, 98 and 112-120 comprise contrary to public interest information. However, in further submissions to OIC on 13 November 2015, the third party only identified pages 10 and 75-95 in relation to this issue. The third party did not clarify this further on external review. I have taken the third party's submissions on contrary to public interest information to apply to pages 10-11, 14, 17-21, 24-25, 27-29, 75-95, 98 and 112-120.

¹³ Section 47(3)(b) and schedule 4, part 3, item 2 of the RTI Act.

¹⁴ Section 47(3)(b) and 49 of the RTI Act. The term *'public interest'* refers to considerations affecting the good order and functioning of the community and government affairs, for the wellbeing of citizens generally. This means that, ordinarily, 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. However, there are some recognised public interest considerations that may apply for the benefit of an individual.

¹⁵ Schedule 4 of the RTI Act sets out the factors for deciding whether disclosing information would, on balance, be contrary to the public interest. However, this list of factors is not exhaustive. In other words, factors that are not listed may also be relevant.

¹⁶ Section 49(3) of the RTI Act.

Factors favouring disclosure

34. The third party did not identify any factors favouring disclosure of this information.
35. The relevant information comprises correspondence between the third party and Council in relation to the third party's proposal for the construction of the haul road and Council's conditions of approval. It also includes an agreement between Council and the third party relating to the use, upgrade and maintenance of roads under Council's control and the third party's vehicle and mobile equipment weed management procedure. This information directly relates to Council's approval of the construction of a haul road through the applicant's property and I consider there are a number of strong public interest factors which apply in the circumstances.
36. I am satisfied that disclosing the information could reasonably be expected to:
- promote open discussion of public affairs and enhance Council's accountability¹⁷
 - inform the community of Council's operations, including, in particular, the policies, guidelines and codes of conduct followed by Council in its dealings with members of the community;¹⁸ and
 - reveal the reason for Council's decision and any background or contextual information that informed the decision.¹⁹
37. Council is accountable to the public for the decisions it makes in approving the construction of roads and works in the community. The construction of a road in a rural area, and on private property, where its presence could potentially cause an increase in traffic volume, the clearance of vegetation, an impact on wildlife habitats and weed contamination is an important issue of public interest. Even though the construction of the road is to be undertaken by the third party, Council is responsible for approving its construction and ensuring that the work is carried out in accordance with relevant legislative restrictions and approvals. Private sector businesses working with and seeking approvals from Council must accept an appropriate level of scrutiny in their dealings with Council.
38. Given the nature of the Information in Issue, I consider its disclosure would enhance Council's accountability and transparency in relation to its approval process and I afford each of these three public interest factors significant weight.

Factors favouring nondisclosure

39. The third party submits that disclosing the information could reasonably be expected to prejudice its private, business, professional, commercial or financial affairs.²⁰
40. In my view, some of the information is general in nature and does not contain sensitive information about the third party's business operations. This information includes, for example, emails between Council and the third party to arrange meeting times, seek progress updates or request further information.²¹ I am unable to identify how disclosing this type of information could reasonably be expected to prejudice the third

¹⁷ Schedule 4, part 2, item 1 of the RTI Act.

¹⁸ Schedule 4, part 2, item 3 of the RTI Act.

¹⁹ Schedule 4, part 2, item 11 of the RTI Act.

²⁰ Submissions to Council dated 16 January 2015 and submissions to OIC dated 9 October 2015 and 13 November 2015. Although the third party's submissions only identify the factor at schedule 4, part 3, item 2 of the RTI Act as relevant, I have also considered the public interest harm factor at schedule 4, part 4, item 7(1)(c) which is similar in nature. The third party does not contend that disclosing the Information in Issue would prejudice the future supply of information of this type to government and I have not considered this aspect of schedule 4, part 4, item 7(1)(c)(ii) of the RTI Act.

²¹ This information appears on pages 8, 9, 12-13, 16, 19, 23, 26, 96 and 121.

party's private, business, professional, commercial or financial affairs and the third party's submissions are not persuasive on this type of information.

41. The third party submits that disclosing the information would impact on the liabilities of the parties to the Road Use Agreement²² but has not provided any further submissions addressing this issue. The basis for this submission is unclear. Council is a party to the agreement. The agreement contains a general confidentiality clause but permits the disclosure of information if required by law. The RTI Act requires that Council disclose information in its possession unless giving access would, on balance, be contrary to the public interest.²³ I am satisfied that the requirement for Council to disclose information under the RTI Act overrides the confidentiality clause in the agreement.
42. The third party submits that it is currently in negotiations regarding the use of particular ports and disclosing the relevant information would jeopardise these negotiations and materially prejudice the third party's business, commercial and financial affairs and investment and business proposals.²⁴ The only information relating to the use of particular ports within the Information in Issue appears on page 10 which is a letter from the third party to Council from June 2014. This information is limited and very general and I am not persuaded that its disclosure would have an adverse impact on any negotiations the applicant is currently involved in relating to the use of particular ports. Furthermore, I am satisfied this information is consistent with other information which is publicly available, including both media articles and publications by the third party which are available online.²⁵
43. The third party submits that:²⁶
 - the information relates to the private business details of its investment to date, expected operational capacity of the mine, proposed future investment, haulage rates, profitability of the mine, proposed transportation plans and proposals about which port facility it may use; and
 - releasing commercially sensitive information about its internal operations including the material to be mined, proposed haulage and production rates and the number and type of haulage trucks to be used would be prejudicial to its business operations and would give competitors a commercial advantage in a challenging economic climate and volatile mining industry.
44. Page 10 identifies the average number of trucks leaving the mine each day. I am unable to identify how disclosing this information under the RTI Act would give the third party's competitors a commercial advantage. In any event, this information has also been made publicly available.²⁷ As a result, I am not satisfied that its disclosure could reasonably be expected to prejudice the third party's private, business, professional, commercial or financial affairs.

²² Submissions to Council dated 16 January 2015.

²³ Section 44 of the RTI Act.

²⁴ Submissions to OIC dated 9 October 2015 and 13 November 2015.

²⁵ See, for example, Bundaberg Regional Council's agenda for ordinary meeting on 12 August 2014, available at: www.bundaberg.qld.gov.au/files/agenda/OC_12082014_AGN_AT.pdf; the third party's presentation 'Regional Economic Development Growth Forum Presentation: Restarting the Goondicum Ilmenite Mine', October 2014, available at: www.wbbroc.org.au/Portals/0/3.%20Belridge%20Enterprises.pdf and media reports available at: <http://www.news-mail.com.au/news/bundaberg-port-eyed-monto-mine-group/2349448/> and <http://www.abc.net.au/news/2015-03-10/monto-ilmenite-mine-reopens/6291598>.

²⁶ Submissions to OIC dated 9 October 2015 and 13 November 2015.

²⁷ See, for example, Bundaberg Regional Council's agenda for ordinary meeting on 12 August 2014, available at: www.bundaberg.qld.gov.au/files/agenda/OC_12082014_AGN_AT.pdf.

45. Pages 91-92 are a 'Notice of Notifiable Road Use' which the third party was required to provide to Council under section 318EP of the *Mineral Resources Act 1989* (Qld).²⁸ These pages identify:
- the Council roads the third party proposes to use for its operations
 - the type of products to be transported from the mine
 - the types of vehicles to be used on Council roads; and
 - the estimated yearly haulage rate.
46. This information is from 2009 and I consider the significant passage of time since its creation would reduce the sensitivity of this information to some degree. In any event, I am satisfied that this type of information is consistent with other more detailed information about the third party's operations which is publicly available.²⁹ As a result, I am not satisfied that there is a reasonable expectation of prejudice to the third party's private, business, professional, commercial or financial affairs by disclosing this information under the RTI Act. I am also unable to identify how disclosing this information would give competitors an advantage and the third party's submissions do not address this in any detail.
47. For these reasons, I am not persuaded by the third party's submission and I do not consider these nondisclosure factors apply to the Information in Issue.

Balancing the relevant factors

48. For the reasons set out above, I consider that there are three public interest factors which favour disclosure of the Information in Issue and I afford significant weight to each of them. Having carefully considered the Information in Issue together with the third party's submissions, I am not persuaded that disclosing the Information in Issue could reasonably be expected to prejudice the third party's private, business, professional, commercial or financial affairs as contended and I do not consider these nondisclosure factors apply. As a result, disclosing the Information in Issue would not, on balance, be contrary to the public interest.

Conclusion

49. For the reasons outlined above, I am satisfied that section 37 of the RTI Act does not permit the third party to object to disclosure of the Information in Issue on the grounds that the documents fall outside the scope of the access application. In any event, in this case, I am satisfied that the Information in Issue is relevant to the terms of the access application.
50. The third party has not established that the Information in Issue comprises exempt information or contrary to public interest information. Accordingly, I am not satisfied that access to the Information in Issue can be refused under the RTI Act.

²⁸ Section 318EP of the *Mineral Resources Act 1989* (Qld) relevantly provides that it is a condition of each mining tenement that its holder must not use a road for a notifiable road use unless the holder has given the road authority for the road written notice that the holder proposes to carry out the use. The notice must include certain information such as: the roads proposed to be used; the type of haulage under the use (e.g. vehicle type, mineral hauled and frequency of vehicle movements) and the yearly or other rate at which the haulage is proposed to be carried out.

²⁹ See, for example, Bundaberg Regional Council's agenda for ordinary meeting on 12 August 2014, available at: www.bundaberg.qld.gov.au/files/agenda/OC_12082014_AGN_AT.pdf and the report titled 'Resource Estimation of the Goondicum MLA Ilmenite Deposit, SE Queensland, Australia', 13 February 2015 available at: <http://www.meliorresources.com/presentations>.

DECISION

51. I set aside Council's deemed decision and find that the third party has not discharged the onus under section 87(2) of the RTI Act and there is no basis to refuse access to the Information in Issue under the RTI Act.
52. I have made this decision as a delegate of the Information Commissioner, under section 145 of the RTI Act.

Tara Mainwaring
A/Assistant Information Commissioner

Date: 29 January 2016

APPENDIX

Significant procedural steps

Date	Event
20 November 2014	Council received the access application.
12 January 2015	Council consulted the third party on the likely release of information under section 37 of the RTI Act.
16 January 2015	The third party notified Council that it objected to the release of the information.
23 January 2015	Council did not issue a decision within the timeframe prescribed by the RTI Act. Council was therefore taken to have made a decision under section 46 of the RTI Act refusing access to the requested information.
5 February 2015	OIC received the external review application from the applicant.
9 February 2015	OIC notified Council that the external review application had been received and asked Council to provide relevant procedural documents by 13 February 2015.
11 February 2015	OIC received the requested procedural documents from Council.
12 February 2015	OIC notified the applicant and Council that the external review application had been accepted. OIC asked Council to provide additional procedural documents and a copy of the documents located in response to the application by 26 February 2015.
19 February 2015	OIC received the requested documents from Council.
30 April 2015	OIC spoke with the applicant by phone and the applicant agreed to exclude certain information from consideration on external review.
5 June 2015	OIC asked Council to provide a number of additional pages which appeared to be missing from the located documents by 19 June 2015.
19 June 2015	OIC received the requested information from Council.
5 August 2015	OIC spoke with the applicant by phone and the applicant agreed to exclude further information from consideration on external review.
28 August 2015	OIC conveyed its preliminary view on the located documents to Council and invited Council to provide submissions supporting its case by 10 September 2015 if it did not accept the preliminary view.
10 September 2015	Council notified OIC that it accepted the preliminary view, subject to consultation with the third party in relation to the Information in Issue.
23 September 2015	OIC asked Council to release the relevant information to the applicant by 2 October 2015, with the exception of the Information in Issue. OIC notified the third party about the likely release of the Information in Issue under the RTI Act and invited the third party to provide submissions supporting its case by 9 October 2015 if it objected to release of the Information in Issue.
25 September 2015	Council notified OIC that it had released the relevant information to the applicant.
29 September 2015	The third party asked OIC to provide details about the terms of the access application.
1 October 2015	OIC notified the third party that the terms of the access application were the same as the terms which Council had conveyed to it during the consultation process.
9 October 2015	OIC received the third party's submissions objecting to the release of the Information in Issue.

Date	Event
20 October 2015	OIC received supporting information from the third party.
22 October 2015	OIC received supporting information from the third party.
27 October 2015	The third party notified OIC that it did not object to the release of pages 2-7 under the RTI Act.
29 October 2015	OIC conveyed its preliminary view to the third party that there was no basis to refuse access to the Information in Issue and invited the third party to provide submissions supporting its case by 13 November 2015 if it continued to object to disclosure.
13 November 2015	The third party notified OIC that it did not accept the preliminary view and provided further submissions supporting its objection to release of the Information in Issue.
16 November 2015	OIC received supporting information from the third party.
18 November 2015	OIC reiterated its preliminary view to the third party and invited it to provide any final submissions supporting its case by 26 November 2015. OIC did not receive any further submissions from the third party.
19 November 2015	OIC notified Council that the third party maintained its objection to the disclosure of the Information in Issue. Council did not wish to make any submissions on the Information in Issue. OIC asked Council to release pages 2-7 to the applicant by 27 November 2015.
25 November 2015	Council notified OIC that it had released pages 2-7 to the applicant.