



Decision and reasons for decision

Citation: S51 and Department of State Development, Infrastructure and Planning (Office of Industrial Relations) [2026] QICmr 128 (23 July 2026)

Application number: 00020283

Applicant: S51

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

Decision date: 23 July 2026

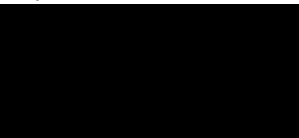
Catchwords: ADMINISTRATIVE LAW – RIGHT TO INFORMATION – noncompliance with application requirement – requirement to provide sufficient information about requested documents – whether agency was entitled to decide an application does not comply with all relevant requirements – sections 24(2)(b) and 33 of the *Right to Information Act 2009* (Qld)

DECISION

I affirm¹ the reviewable decision of the Office of Industrial Relations² (OIR) that the applicant's access application dated 25 March 2026 does not give sufficient information about the requested documents as required under section 24(2)(b) of the *Right to Information Act 2009* (Qld) (RTI Act), and therefore does not comply with all relevant application requirements.³

This means that OIR is not required to deal with the access application.

My reasons for the decision follow.



Jim Forbes
Assistant Information Commissioner

Date: 23 July 2026

¹ Under section 110(1)(a) of the *Right to Information Act 2009* (Qld) (RTI Act).

² The Department of State Development, Infrastructure and Planning.

³ I have made this decision as a delegate of the Information Commissioner under section 145 of the RTI Act.

REASONS FOR DECISION

Background

1. The applicant applied to OIR under the RTI Act⁴ for access to information. Along with the access application form, the applicant enclosed a two page letter setting out the terms of the application, and 148 pages of annexures.
2. OIR consulted with the applicant about the requirement to give sufficient information concerning the requested documents to enable OIR to identify those documents.⁵ The applicant responded by way of various emails.⁶ By email dated 15 May 2026, OIR again consulted with the applicant about the terms of the access application, to which the applicant replied by email dated 18 May 2026. OIR then decided⁷ that the access application did not give sufficient information about the requested documents and did not comply with all relevant application requirements.⁸
3. The applicant applied to the Office of the Information Commissioner (OIC) for external review of OIR's decision.⁹
4. On external review, I conveyed a preliminary view to the applicant that OIR's decision was justified, on the basis that the access application did not meet all application requirements.¹⁰ The applicant disagreed with my preliminary view and requested the review proceed to a formal decision.¹¹

Relevant law

5. The RTI Act requires that an access application must *'give sufficient information concerning the document to enable a responsible officer of the agency or Minister to identify the document'*.¹² While an applicant is not expected to know how agency documents are stored or what kinds of documents agencies produce, the RTI Act requires an applicant to give sufficient information about the documents they are seeking to enable an officer of the agency to identify them.

⁴ Access application dated 25 March 2026.

⁵ Email dated 27 March 2026 sent at 06:34.

⁶ Emails dated 27 March 2026 sent at 18:44 (the bundle of communications between OIR and the applicant, supplied by OIR to OIC for the purposes of this review, includes what appears to be an identical version of this 18:44 email, sent by the applicant to OIR on 27 March 2026 at 15:45), 18:47 and 19:03, and a further email dated 8 May 2026 sent at 07:16, directed to OIC with OIR copied in. In general terms, the applicant's 8 May 2026 email sent at 07:16 sought OIC's 'intervention', in a fashion beyond our limited statutory jurisdiction (as the applicant was advised by way of OIC reply of same date, to which they further replied by emails sent 12:27 and 12:29). The applicant's emails dated 27 March 2026 sent at 18:47 and 19:03 and their 8 May 2026 emails are not, in the main, relevant to the matters I am required to determine in this review – to the extent they may be, they assert the applicant's position that the access application gave sufficient information, and therefore complied with section 24(2)(b) of the RTI Act.

⁷ Decision dated 22 May 2026.

⁸ Sections 24(2)(b) and 33(6) of the RTI Act.

⁹ External review application dated 22 May 2026.

¹⁰ Letter dated 10 June 2026.

¹¹ Email dated 11 June 2026.

¹² Section 24(2)(b) of the RTI Act.

6. The Information Commissioner has previously recognised that where there is ambiguity in the terms of an application, it is rarely appropriate to apply legal construction techniques in preference to consulting with the applicant for clarification.¹³ The scope of an access application should not be interpreted legalistically or narrowly¹⁴ – however, there are sound practical reasons for the documents sought being clearly and unambiguously identified, given the terms of an application set the direction and parameters of an agency’s search efforts.¹⁵
7. Where a person purports to make an access application that does not comply with all relevant application requirements,¹⁶ the agency must:¹⁷
 - make reasonable efforts to contact the person within 15 business days after the purported application is received to inform the person how the application does not comply with the relevant application requirement; and
 - give the applicant a reasonable opportunity to consult with a view to making the application in a form complying with all relevant application requirements.
8. If, after giving the applicant a reasonable opportunity to consult with a view to making the application in a form complying with all relevant application requirements, the agency then decides that the application does not comply with all such requirements, the agency must give the applicant prescribed written notice of the decision.¹⁸
9. In reaching my decision in this review, I have taken into account evidence, submissions, legislation and other material as set out in these reasons (including footnotes). I have had regard to the *Human Rights Act 2019* (Qld) (HR Act), particularly the right to seek and receive information¹⁹ and in doing so, I have acted in accordance with section 58(1) of the HR Act.²⁰

Findings

10. Observing the process outlined in paragraphs 7–8,²¹ OIR advised the applicant that the access application lacked clarity and requested the applicant provide further

¹³ *Robbins and Brisbane North Regional Health Authority* (1994) QAR 30 at [16].

¹⁴ *Fennelly and Redland City Council* (Unreported, Queensland Information Commissioner, 21 August 2012) at [21].

¹⁵ The following observations were made by the Information Commissioner in *Cannon and Australian Quality Egg Farms Ltd* (1994) 1 QAR 491 (**Cannon**) at [8], when addressing similar considerations under the predecessor to the RTI Act, the repealed *Freedom of Information Act 1992* (Qld) (**FOI Act**): ‘The terms in which an FOI access application is framed set the parameters for an agency’s response under Part 3 of the FOI Act, and in particular set the direction of the agency’s search efforts to locate all documents of the agency which fall within the terms of the FOI access request. The search for relevant documents is frequently difficult, and has to be conducted under tight time constraints. Applicants should assist the process by describing with precision the document or documents to which they seek access’. These observations were cited with approval in *Ciric and Queensland Police Service* [2018] QICmr 30 (29 June 2018) at [20].

¹⁶ Section 33(7) of the RTI Act.

¹⁷ Sections 33(2) and (3) of the RTI Act.

¹⁸ Section 33(6) of the RTI Act.

¹⁹ Section 21 of the HR Act.

²⁰ OIC’s approach to the HR Act set out in this paragraph has been considered and endorsed by the Queensland Civil and Administrative Tribunal in *Lawrence v Queensland Police Service* [2022] QCATA 134 at [23].

²¹ An agency may only refuse to deal with an access application under section 33(6) of the RTI Act if the procedural requirement under section 33(3) of the RTI Act is met. Having reviewed the correspondence between the applicant and OIR about the terms of this application – principally, OIR’s emails dated 27 March 2026 sent at 06:34 and 15 May 2026 – I am satisfied that OIR afforded the applicant the reasonable opportunity to consult with OIR about the application required by section 33(3). This prerequisite has therefore been met.

information about the particular documents they were seeking. The access application was comprised of seven items. OIR identified various issues with the terms of those seven items; I have set out some pertinent examples of the application (adopting the original application item numbering), together with OIR's concerns, in the table below.²² It is relevant to note in considering the application and OIR's concerns as summarised below that, at the time of making the access application, the applicant had made various complaints and had multiple dealings, engagements and/or interactions with OIR (including a prior RTI access application). As noted by OIR in the decision under review:²³

...you are a prolific correspondent with many of your emails referring to complaints and adverse comments about OIR conduct, OIR decisions, your workers compensation matter and matters about agencies and entities other than OIR.

Item	Original terms of application	OIR request for clarification ²⁴
2	<i>'Internal OIR Communications' about 'my complaint'</i>	<i>'You have stated that you are seeking all documents relating to your complaint. In order to understand where to search for documents, [OIR] need to understand what complaints you have made to OIR. I also note that OIR has previously been copied in on emails from you discussing complaints about other agencies'</i>
5	<i>'Document Relied Upon in Decision-Making' for 'my case' or 'my claims'</i>	OIR advised that this part was 'very broad' and requested clarification as to 'which decisions you are referring to'
7	<i>'documents referenced in OIR records (including third-party communications and internal notes) that were not included in the previous release'</i>	OIR asked the applicant to specify whether this related to Workers Compensation matters or another information release process.

²² The correspondence between the applicant and OIR also addressed other aspects of the application. For the purposes of this decision and in the interests of brevity, I have focused on three primary issues articulated by OIR. These are not, however, an exhaustive enumeration of the issues identified by OIR as precluding it from identifying documents requested by the applicant in the access application.

²³ Dated 22 May 2026.

²⁴ Email dated 27 March 2026 sent at 06:34. A further email sent by OIR on this day, at 06:54, provided details to the applicant about the handling of a prior RTI access application made by the applicant.

11. In response, the applicant contested that the application lacked sufficient information, and provided the following further relevant information (my emphasis):²⁵

Item	Applicant response
2	<i>'I am seeking ALL complaints made by me that were received, copied to, or otherwise held by OIR, including but not limited to:</i> <i>• complaints relating to my Workers Compensation matter;</i> <i>• complaints raised via the Deputy Premier's Office;</i> <i>• complaints referencing OIR conduct or decisions;</i> <i>• any complaints recorded internally, whether formally acknowledged or not.'</i>
5	<i>'...whether these relate to Workers Compensation matters. Yes – primarily, but not exclusively.'</i>
7	<i>'This request... includes:</i> <i>• any documents referenced in OIR records (internal or external);</i> <i>• any communications noted in logs, reports, or file notes;</i> <i>• any material omitted from previous disclosures.</i> <i>If it exists and relates to me, it falls within scope.'</i>

12. OIR again wrote to the applicant by email dated 15 May 2026, in a further attempt to clarify the scope of the access application. This email included proposals for a workable, valid application scope. In their email response dated 18 May 2026, the applicant did not accept those proposals, but maintained that the application as it stood was not 'vague', and sought that it be processed by OIR, with *'immediate production of the key material already identified'*. As noted above,²⁶ OIR then made its 22 May 2026 decision that the access application did not comply with all relevant application requirements. On the same day, the applicant applied for external review.

Items 2 and 5

13. On 10 June 2026, I wrote to the applicant accepting their application for external review and conveying a preliminary view as to the validity of their access application. With respect to items 2 and 5 as canvassed in the tables above, I reasoned as follows:²⁷

The primary issue in this case is your request for information about 'complaints'. In response to OIR's inquiry on this point, you explained that references to complaints are to include:

ALL complaints made by me that were received, copied to, or otherwise held by OIR, including but not limited to:

- complaints relating to my Workers Compensation matter;*

²⁵ Email dated 27 March 2026 sent at 18:44 (with, as noted at footnote 6, an email in identical terms sent earlier on the same day, at 15:45). '2', '5' and '7' in the following table correspond with items 2, 5 and 7 in the preceding table. As noted above (footnote 6), the applicant sent two further emails to OIR on 27 March 2026, at 18:47 and 19:03, which relevantly stated that the application *'is capable of being processed in its current form'*, and requested OIR *'process the application as submitted'*.

²⁶ Paragraphs 2–3.

²⁷ My letter to the applicant considered the requests at items 2 and 5 together, referring to these as *'complaints'*. This was a shorthand reference; for completeness, the reasoning in my preliminary view extends to the applicant's requests for documents relating to *'my case'* or *'my claims'*.

- complaints raised via the Deputy Premier's Office;
- complaints referencing OIR conduct or decisions;
- any complaints recorded internally, whether formally acknowledged or not.

When asked whether the complaints [and 'case' or 'claims' – see footnote 27 above] you [they] refer to are about Workers Compensation matters, you responded 'Yes – **primarily, but not exclusively.**'

The words identified in bold in the preceding paragraphs can be referred to as expansive phrases. As discussed in our guidance material on our website,²⁸ where the subject of the application is not clear (as is the case here), inclusion of expansive phrases result in your application seeking a further class of documents, with an unclear subject.

I consider it is incumbent on you to be express about each complaint process that you are seeking documents about. Where you have set out the dot points of each complaint process or confirmed that you are seeking documents about Workers Compensation complaints, this has improved the clarity of your request. However, the later inclusion of the expansive phrases 'including, but not limited to' and 'primarily, but not exclusively' reintroduced ambiguity.

While I recognise your efforts to engage with OIR about the terms of your application, as it stands, it is my view that your request for complaint documents lacks clarity.

14. In response, the applicant submitted that:²⁹

The preliminary view focuses heavily on the phrases "including but not limited to" and "primarily but not exclusively". However, those phrases did not alter the central subject matter of the request. They were included to avoid an artificially narrow interpretation of known complaint processes and records.

15. While I have carefully considered the above submission, I remain of the view expressed in my letter dated 10 June 2026. Bearing in mind the applicant's prior 'prolific' correspondence with OIR,³⁰ I consider that items 2 and 5 as stated in the access application were framed in impermissibly broad terms. OIR's decision notes, for example, that many prior emails from the applicant referred to 'complaints', yet item 2 simply requests internal communications about 'my complaint'. Similarly, item 5 is, as OIR noted in its email dated 27 March 2026 seeking clarification, 'very broad'. OIR's consultation with the applicant, as reflected in the table in paragraph 10 above, both fairly summarised the difficulties with each item, and, not unreasonably, sought clarification.
16. Unfortunately, rather than clear up matters, the applicant's responses to OIR's queries, in my view only compounded the lack of clarity affecting items 2 and 5. The obligation imposed by section 24(2)(b) of the RTI Act is intended to ensure an application is sufficiently defined, so as to permit meaningful searches by a respondent agency, within the relatively tight timeframe prescribed in the RTI Act. Use of open-ended phrases 'including but not limited to' and 'primarily but not exclusively', in a context where an

²⁸ <<https://www.oic.qld.gov.au/government/right-to-information/assess-new-rti-application#is-the-application-compliant>>.

²⁹ Email dated 11 June 2026.

³⁰ See paragraph 10.

applicant has, as here, been a '*prolific correspondent*' about multiple matters, renders the application too vague, indirect and ambiguous to meet the requirements of section 24(2)(b) of the RTI Act. As the Information Commissioner noted in *Cannon*³¹ with respect to an access application under the former *Freedom of Information Act 1992* (Qld), agency decision-makers '*cannot ordinarily be expected to perceive the nature of an indirect connection between the subject matter specifically nominated in an FOI access request and another subject matter... which the applicant has not... expressly describe[d]*' in the FOI access application itself'.

17. In the circumstances, I am not satisfied that the applicant gave sufficient information about documents requested at items 2 and 5, so as to comply with the requirements for a valid application. On this basis, I find that the access application did not provide sufficient information to enable OIR to identify the responsive documents.³²

Item 7

18. Another issue with the access application concerns item 7 in the tables above: the applicant's request for documents that were not included in the '*previous release*'. Again, it is relevant here to note the applicant's prior multiple dealings with OIR, which apparently included release of and/or requests for information by various means. As can be seen from the summary in the table at paragraph 10 above, OIR requested the applicant clarify whether the reference to a '*previous release*' related to an administrative access release concerning the applicant's workers compensation matter³³ or other processes including an earlier RTI access application.³⁴
19. In response,³⁵ the applicant described the types of documents sought at item 7 in general terms, but did not directly respond to OIR's query as to what the '*previous release*' to which item 7 referred. Instead, the applicant stated only that they sought '*...material omitted from previous disclosures*'.³⁶
20. Compounding the lack of clarity (or '*sufficient information*') of this item of the applicant's access application is the fact that OIR had refused access to all documents requested under an earlier RTI access application by the applicant,³⁷ such that that particular access application had not resulted in the release of any information – an application, as I noted in my letter dated 10 June 2026:

³¹ At [12].

³² In their 11 June 2026 email reply to my 10 June 2026 preliminary view letter, the applicant contended that the 148 pages of annexures accompanying the access application were provided to assist OIR in understanding the background and relevant complaint processes connected to the request. However, I do not consider it reasonable to require an agency officer to review this volume of supporting material in an attempt to distil what documents an applicant may be seeking. In any event, having scanned that material, I do not consider it assists in clarifying their request – in this regard, I agree with OIR's observation in its 15 May 2026 email to the applicant that this material '*...does not clarify, it creates confusion*'.

³³ Noting that OIR administers an administrative access scheme, under section 572A(2) of the *Workers' Compensation and Rehabilitation Act 2003* (Qld).

³⁴ As noted in footnote 24, OIR provided information about the management of an earlier RTI access application to the applicant by way of an email dated 27 March 2026 sent at 06:54.

³⁵ Emails dated 27 March 2026 sent at 18:44 (this email, as noted previously, having also apparently been sent to OIR earlier on that day, at 15:45), 18:47 and 19:03: canvassed, insofar as relevant to reviewable issues, above.

³⁶ Applicant email to OIR dated 27 March 2026, sent at 18:44 (again, as noted, also apparently at 15:45 on that day).

³⁷ Under 47(3)(f) of the RTI Act, which permits an agency such as OIR to refuse access to documents where other access is available.

...you made in July 2024 with reference 250047... [in which] no documents were released to you. It is therefore unclear whether access application 250047 is 'the previous release' you refer to, and how OIR should interpret this request for documents that were not included. For this reason, this request lacks clarity.

21. The applicant did not engage with this aspect of my preliminary view. As such, there is nothing to dissuade me from my view that the request at item 7 lacked sufficient information to enable a reasonable officer to identify the requested documents. The applicant has, as noted, had multiple interactions with OIR and in circumstances where various information access avenues have been pursued, I do not, as a matter of fact, consider that a bare request for documents not included in '*the previous release*' or '*previous disclosures*' meets the requirements of section 24(2)(b) of the RTI Act.
22. Finally, the applicant submitted that OIR should have processed the access application to the extent the request provided sufficient information about the requested documents. The RTI Act does not provide for an agency to split an access application this way. As such, where the issue of noncompliance affects multiple parts of the application (as is the case here), it is appropriate for an agency to refuse to deal with the entire application.
23. The above are the reasons for my decision set out at page 1.