



Decision and Reasons for Decision

Application Number: 310192

Applicant: Illing

Respondent: Department of Communities

Decision Date: 1 March 2011

Catchwords: ADMINISTRATIVE LAW – FREEDOM OF INFORMATION – REFUSAL OF ACCESS – applicant seeks access to additional documents – whether documents are outside the scope of the access application – whether the documents are post-application documents under section 25(3) of the *Freedom of Information Act 1992* (Qld)

ADMINISTRATIVE LAW – FREEDOM OF INFORMATION – REFUSAL OF ACCESS – applicant seeks access to additional documents – whether the documents are nonexistent under section 28A(1) of the *Freedom of Information Act 1992* (Qld)

ADMINISTRATIVE LAW – FREEDOM OF INFORMATION – REFUSAL OF ACCESS – EXEMPT MATTER – MATTER CONCERNING PERSONAL AFFAIRS – applicant seeks access to documents relating to records of interview – documents contain personal affairs of persons other than the applicant – whether the personal affairs information of persons other than the applicant is exempt under section 44(1) of the *Freedom of Information Act 1992* (Qld)

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REASONS FOR DECISION

Summary

1. The applicant applied to the Department of Communities (**Department**) for access to *'all "records of interview" relating to DOCS demand for return of monies overpaid to me'* (**the FOI Application**). The application was made under the now repealed *Freedom of Information Act 1992* (**FOI Act**).
2. The Department located one relevant file and decided¹ to release 28 pages in full and parts of 42 pages. It considered that the rest of the information on the 42 pages was exempt from disclosure under section 44(1) of the FOI Act.
3. On external review, the applicant sought access to:
 - the rest of the information on the 42 pages partially released to him (**information on the 42 pages**)
 - records of interview of Departmental officers by the Ombudsman, arising as a result of a complaint made by the applicant to the Ombudsman (**Ombudsman's ROI**) and
 - the minutes of two meetings involving the Department, the applicant and his solicitor (**minutes**).²
4. After carefully considering all the submissions and evidence before me, I am satisfied that:
 - the Ombudsman's ROI do not exist and the Department is entitled to refuse access to these documents under section 28A(1) of the FOI Act
 - given section 25(5) of the FOI Act, the applicant is not entitled to an external review regarding the information on two of the 42 pages, as they comprise post-application documents
 - in relation to information on the remaining 40 of the 42 pages, the applicant and Department impliedly agreed to expansion of the scope of the applicant's application to include the information—however, it is exempt from disclosure under section 44(1) of the FOI Act; and
 - the minutes are outside the scope of both the initial terms of the applicant's application and the expanded form of that application.

Applicable legislation

5. The *Right to Information Act 2009* (**RTI Act**) commenced on 1 July 2009.³ 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.*

6. 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 information in issue.

Reviewable decision

7. The decision under review is the Department's internal review decision dated 8 April 2010.

Background

8. Significant procedural steps relating to the application are set out in the Appendix to this decision.

Evidence considered

9. In making this decision, I have taken into account the following:

- the applicant's access application, application for internal review, application for external review and supporting material
- the Department's decisions
- submissions provided by the applicant
- submissions provided by the Department
- file notes of telephone conversations between OIC staff and the applicant
- file notes of telephone conversations between OIC staff and the Department
- relevant provisions of the FOI Act
- previous decisions of the Information Commissioner of Queensland and other relevant case law as identified in this decision.

Issues in this review

10. As noted at paragraph 3 of this decision, the **information in issue** in this review is the information claimed to be exempt on the 42 pages, the Ombudsman's ROI and the minutes.

11. Four issues arise for determination with respect to this information in issue:

- | | |
|---------|---|
| Issue 1 | Is the information in issue nonexistent? |
| Issue 2 | Does the information in issue comprise post-application documents? |
| Issue 3 | Is the information in issue outside the scope of the applicant's application? |
| Issue 4 | Is the information in issue exempt from disclosure under the FOI Act? |

Issue 1 Is the information in issue nonexistent?

12. Section 28A(1) of the FOI Act provides:

28A Refusal of access—document nonexistent or unlocatable

- (1) *An agency or Minister may refuse access to a document if the agency or Minister is satisfied the document does not exist.*

13. The effect of section 28A(1) of the FOI Act is that a decision maker is required to consider the following question:
- Are there reasonable grounds to be satisfied that the requested document does not exist?
14. An agency may not need to conduct searches to satisfy itself that a document does not exist.

The Ombudsman's ROI

15. In relation to the Ombudsman's ROI, the Department submitted by correspondence dated 30 August 2010 that:
- during a telephone conversation on 20 April 2009, the applicant stated that he intended to make a complaint to the Ombudsman
 - in an email dated 7 May 2009, the applicant stated that he was taking the matter to the Ombudsman as he was upset that he was not interviewed by the Central Complaints and Review Unit of the Department in relation to his complaint
 - during a telephone conversation on 12 May 2009, the applicant stated that he was waiting on receiving documentation in relation to his complaint that he had requested through the FOI Branch of the Department before contacting the Ombudsman; and
 - accordingly, the Ombudsman's ROI could not have been in existence at the time the Department received the applicant's access application.
16. By correspondence dated 14 February 2011, the Department stated that following consultation with relevant officers of the Department, it had ascertained that no interviews were undertaken with officers of the Department by the Ombudsman's Office in relation to the applicant's complaint and, as such, no documents exist.
17. There is no evidence before me that contradicts the Department's assertion. Therefore, on the basis of the information before me, I am satisfied that no records of interview exist between officers of the Department and the Ombudsman's Office in relation to the applicant's complaint.
18. Accordingly, as there are reasonable grounds to be satisfied the Ombudsman's ROI documents do not exist, access to the documents is refused under section 28A(1) of the FOI Act.

Issue 2 Does the information in issue comprise post-application documents?

19. Section 25 of the FOI Act provides, in part:

25 How applications for access are made

- ...
- (3) *The application is taken only to apply to documents that are, or may be, in existence on the day the application is received.*
- (4) *However, subsection (3) does not prevent an agency or Minister giving access to a document created after the application is received but before notice is given under section 34 (a post-application document).*

- (5) *If an agency or Minister gives a person access to a post-application document—*
- (a) *no processing charge is payable in relation to the document; and*
 - (b) *the person is not entitled to a review under section 52 or part 5 in relation to a decision about the document made in relation to the application concerned. ...*

20. The effect of these subsections of section 25 is that:

- Freedom of information applications are taken to apply to documents of an agency that are, or may be, in existence on the day the application is received.
- However, the agency may choose to give access to a document created after the application is received but before notice of the agency's original decision is given—that is, a **post-application document**.
- If the agency gives access to a post-application document, the applicant is not entitled to an internal review or an external review of a decision made about that document.

21. The applicant's access application was received by the Department on 11 May 2009. This means that any document created after this date and before notice of the Department's original decision is a post-application document and the applicant is not entitled to an external review of a decision made about that document.

Information on the 42 pages

22. I have carefully examined all of the 42 pages that the Department partially released to the applicant. I am satisfied that:

- dates on all but four of the documents indicate when they were created or received by the Department
- information contained in the four undated documents⁴ provides a clear indication of when they were created or received by the department.

23. Given the dates on the dated documents and the information contained in the undated documents, I am satisfied that:

- two of the documents were created by the Department after 11 May 2009 and
- the rest of the documents were created or received by the Department before that date.

24. In relation to the two documents that were created by the Department after 11 May 2009, I am satisfied that:

- the first document is comprised of four pages⁵, two⁶ being pages that the Department partially released to the applicant and the second document is comprised of one page⁷, which the Department released in full to the applicant
- the two pages that the Department partially released to the applicant comprise post-application documents
- given section 25(5) of the FOI Act, the applicant is not entitled to an external review regarding information on those two pages and accordingly they will not be dealt with further in this decision.

25. In relation to the rest of the documents that were created or received by the Department before 11 May 2009, I am satisfied that:

- these documents contain the remaining 40 pages that the Department partially released to the applicant
- section 25(5) of the FOI Act does not preclude the applicant from an external review regarding information claimed to be exempt on the 40 pages.

The minutes

26. The applicant seeks minutes regarding two meetings involving the Department, the applicant and his solicitor.

27. On the information before me, with particular reference to the applicant's submissions and information contained in the file that the Department identified as responsive to the applicant's application, I find that:

- the meetings were both held in 2008
- it follows that the minutes (if they exist) were created by the Department in 2008—that is, before 11 May 2009
- accordingly, section 25(5) of the FOI Act does not preclude the applicant from an external review regarding the minutes.

28. Given that the applicant is entitled to apply for an external review regarding:

- information claimed to be exempt on the remaining 40 pages and
- the minutes,

and given the terms of the applicant's application, I will now consider whether such information is outside the scope of the applicant's application.

Issue 3 Is the information in issue outside the scope of the applicant's application?

29. Section 25(2)(b) of the FOI Act provides a broad indication of how a FOI application must be framed. It provides that an applicant must, at the time of making the FOI application, *'provide sufficient information concerning the document[s] to enable a responsible officer of [an] agency ... to identify the document[s]'*.

30. There are sound practical reasons for the documents sought in a FOI application being clearly and unambiguously identified.⁸ However, because section 25(2)(b) of the FOI Act only provides a broad indication of how a FOI application must be framed, it follows that a FOI application ought not be interpreted narrowly and with the same degree of precision as a piece of legislation.⁹

The terms of the applicant's application

31. The applicant applied for access to *'all "records of interview" relating to DOCS demand for return of monies overpaid to me'* (**Department's ROI**).

32. In his internal and external review applications, and in his submissions, the applicant sought to expand the terms of his access application. In doing so, the applicant sought documents other than records of interview, and documents related to issues other than

the Department's investigation into the overpayment of monies to him by the Department and the Department's demand for the return of the monies.¹⁰

33. The applicant submits that the additional documents requested by him *'are all relative to [his] complaint'*.¹¹

Information on the remaining 40 pages

34. Having carefully examined the information on **the remaining 40 pages**¹², I am satisfied that none of the information comprises the Department's ROI or parts thereof.
35. While an applicant is generally not permitted to unilaterally expand the terms of an application,¹³ expansion of the terms of an application can be done with the consent of the agency. There is no obligation on the agency to do so under the FOI Act. Where an agency is not prepared to expand the terms of the original access application, the agency is within its rights to insist that the applicant lodge a fresh access application for any documents that fall outside the terms of their existing access application.¹⁴
36. In the circumstances that resulted in this review, I note that:
- the Department dealt with information other than the Department's ROI—including the information on the remaining 40 pages that it partially released to the applicant—in its original and internal review decisions; and
 - the applicant sought the balance of the information on the remaining 40 pages that were partially released to him in his applications for internal and external review.

37. I am satisfied that, given these circumstances, the applicant and the Department impliedly accepted expansion of the terms of the access application to include the information on the remaining 40 pages that were partially released to the applicant.
38. On this basis, I am satisfied that the information on the remaining 40 pages is within the expanded scope of the applicant's application. Accordingly, it is necessary to consider whether such information is exempt from disclosure under the FOI Act (see Issue 4 below).

The minutes

39. The minutes were first mentioned by the applicant in his application for external review. I am satisfied that they do not comprise the Department's ROI or parts thereof.
40. While the applicant has unilaterally attempted to extend the scope of the access application to include the minutes, there is no evidence to suggest that this has been accepted by the Department (unlike the information on the remaining 40 pages discussed above).
41. I am satisfied that the minutes are outside the scope of both the initial terms of the applicant's application and the expanded form of that application. Accordingly, those documents do not fall within the scope of this review and will not be dealt with further in this decision.

Issue 4 Is the information exempt from disclosure under the FOI Act?

42. The Department decided¹⁵ that the information on the remaining 40 pages partially released to the applicant is exempt from disclosure under section 44(1) of the FOI Act.

It is therefore necessary to consider whether the information claimed to be exempt on the remaining 40 pages is so exempt.

Section 44(1) of the FOI Act

43. Section 44(1) of the FOI Act provides:

44 Matter affecting personal affairs

- (1) *Matter is exempt matter if its disclosure would disclose information concerning the personal affairs of a person, whether living or dead, unless its disclosure would, on balance, be in the public interest.*

44. Section 44(1) therefore requires consideration of the following two questions:

- **Personal affairs question**—Does the information concern the personal affairs of person/s other than the applicant?
- **Public interest question**—Are there public interest considerations favouring disclosure of the information which outweigh all public interest considerations favouring non-disclosure of the information?

Personal affairs question

45. The information to which the applicant has been refused access in the remaining 40 pages concerns:

- (a) dates of birth of other persons
- (b) details of other persons health concerns
- (c) living and care arrangements of other persons
- (d) allegations of wrongdoing by other persons
- (e) details of other persons dealings with the Department
- (f) names of other persons and
- (g) the relationship between the applicant and other persons.

46. I am satisfied that the five types of information mentioned above at (a) to (e) of paragraph 45 clearly fall within the core meaning of personal affairs¹⁶ and therefore comprise personal affairs information of persons other than the applicant for the purpose of section 44(1) of the FOI Act and are therefore *prima facie* exempt.
47. The Information Commissioner noted in an earlier decision of this Office (*Re Stewart*¹⁷), that a person's name, address and telephone number were matters falling into the 'grey area' rather than within the core meaning of the phrase "personal affairs of a person". However, he stated that such matter must be characterised according to the context in which it appears.
48. I am satisfied that the type of information mentioned above at item (f) in paragraph 45 comprises personal affairs information of persons other than the applicant for the purposes of section 44(1) of the FOI Act because the context in which the information appears would disclose the personal affairs of the persons named (those persons being persons other than the applicant).

49. The Information Commissioner discussed the concept of "shared personal affairs" information, and the application to it of section 44(1) of the FOI Act, in the matter of *Re "B" and Brisbane North Regional Health Authority*¹⁸. At paragraph 176, he said:

Where... the segment of matter in issue is comprised of information concerning the personal affairs of the applicant which is inextricably interwoven with information concerning the personal affairs of another person, then:

- (a) severance in accordance with s.32 is not practicable;*
- (b) the s.44(2) exception does not apply; and*
- (c) the matter in issue is prima facie exempt from disclosure to the applicant according to the terms of s.44(1), subject to the application of the countervailing public interest test contained within s.44(1).*

50. I am satisfied that the type of information mentioned above at item (g) in paragraph 45 comprises shared personal affairs information of the applicant and persons other than the applicant for the purpose of section 44(1) of the FOI Act. The information is so inextricably interwoven that severance is not possible, with the result that the information is *prima facie* exempt from disclosure to the applicant, subject to the application of the public interest balancing test.
51. Because I consider that the information claimed to be exempt on the remaining 40 pages concerns the personal affairs of persons other than the applicant, I must also consider the public interest question.

Public interest question

52. Because of the way in which section 44(1) of the FOI Act is worded,¹⁹ the finding that information concerns the personal affairs of persons other than the applicant must always tip the scales against disclosing that information. The scales are tipped due to the public interest in protecting personal privacy that is inherent when the information concerns the personal affairs of a person other than the applicant. The extent to which the scales are tipped varies from case to case according to the relative weight of the privacy interests attaching to the information in issue.
53. I am satisfied that the weight to be given to the public interest in protecting privacy with respect to the personal affairs information on the remaining 40 pages is significant, given that the information was obtained by the Department in circumstances involving, or related to, child protection investigations.
54. I have identified two public interest factors which favour disclosure of the information on the remaining 40 pages. These factors are:
- enhancing government's accountability; and
 - obtaining information about how complaints made are addressed by the Department is of particular relevance and concern to the applicant giving rise to a justifiable 'need to know'.²⁰
55. Having reviewed the documents that the Department has already released to the applicant in part or in full, I note that the applicant has been provided with details of the actions taken by Departmental officers following receipt of his complaint to the Department. I am satisfied that this information is sufficient to substantially address the public interest considerations of accountability and the applicant's justifiable 'need to know'.

56. Given these circumstances, while accountability and a justifiable 'need to know' are important public interest considerations favouring disclosure, in the circumstances of this review, the weight to be given to them is somewhat reduced, and is less than the significant weight that should be afforded to the public interest in protecting privacy. Therefore, on balance, the public interest does not favour disclosure of the information in issue.
57. Accordingly, I find that the information in issue on the remaining 40 pages is exempt from disclosure under section 44(1) of the FOI Act.

Other exemptions

58. Given that the information on the remaining 40 pages is exempt from disclosure under section 44(1) of the FOI Act, it is not necessary for me to consider any further exemption provisions contained within the FOI Act with respect to that information.
59. However, for completeness, I note that disclosure of some of the remaining 40 pages is likely to be prohibited by section 187 of the *Child Protection Act* 1999 and would therefore be exempt from disclosure under section 48(1) of the FOI Act as well.

DECISION

60. I vary the decision under review and find that:
- in relation to the Ombudsman's ROI:
 - the documents do not exist
 - access is refused under section 28A(1) of the FOI Act
 - in relation to the information on two of the 42 pages:
 - such information is post-application information
 - given section 25(5) of the FOI Act, the applicant is not entitled to a review regarding this information
 - in relation to information in issue on the remaining 40 of the 42 pages:
 - such information is outside the terms of the applicant's access application—however, the applicant and the Department accepted expansion of the scope of the application to include that information
 - the information is exempt from disclosure under section 44(1) of the FOI Act
 - the minutes are outside the scope of both the initial terms of the applicant's application and the expanded form of that application.
61. I have made this decision as a delegate of the Information Commissioner, under section 90 of the FOI Act.

Victoria Corby
Assistant Information Commissioner

Date: 1 March 2011

Appendix

1. By application dated 6 May 2009 and received by the Department on 11 May 2009, the applicant requested access to:

All "records of interview" relating to DOCS demand for return of monies overpaid to me a full investigation was not carried as I was not interviewed the names above all officers would have had to be interviewed.

The overpayment was justified I need to know who was telling lies.

2. By letter dated 8 March 2010, the Department advised the applicant that it had located one relevant file and decided to:

- omit 19 pages *'which are not relevant to the scope of your application'*
- omit 3 pages *'which are copies of documents on files'*
- partially disclose 44 pages *'pursuant to the provisions of section 44(1) of FOI Act'*
- disclose 20 pages in their entirety.

3. Some of the pages that the Department decided to disclose, or partially disclose, comprise documents other than "records of interview".

4. By letter dated 19 March 2010, the applicant applied for an internal review. He stated that the reasons for his request were as follows:

- the pages that the Department partially released to the applicant had been *'censored to the point that all the vital information has been obliterated'*
- he required copies of the following documents:
 - *'a copy of the orders presented to the magistrate on 16 May 2008 which spells out the conditions on which the children could be returned to he [sic] parent'*
 - *'a copy of the court transcript to ascertain the magistrate's response to these conditions, and his instructions'*
 - *'a copy of all of the "records of interview" between DOC's officers and the Ombudsman's investigator Saskia Broekhuizen'.*

5. He also stated *'[o]ur own investigations into this matter suggests that officers at North Toowoomba are strangers to the truth and all of the comments and statements made by Toowoomba officers are critical to achieve our objective'.*

6. By letter dated 8 April 2010, the Department informed the applicant that *'[g]iven the range of issues about which you expressed concern, I have reviewed the entire decision'* and advised that it had decided to:

- omit 14 pages *'which are not relevant to the scope of your application'*
- omit 2 pages *'which are copies of documents on files'*
- partially release 42 pages *'pursuant to the provisions of section 44(1) of FOI Act'*
- release 28 pages in their entirety.

7. By letter dated 21 April 2010, the applicant applied for an external review. He stated that the reasons for his request were as follows:

- the pages that the Department partially released to the applicant were *'still being censored to the point that all the vital information has been obliterated'*

- he required copies of the following documents:
 - *'a copy of the minutes of the first meeting held in DOC's office which I attended along with my Son his Wife and solicitor Richard Mahler' and 'the minutes of the meeting to which the attached document from Richard Mahler refers'*
 - *'a copy of all of the "records of interview" between DOC's officers and the Ombudsman's investigator Saskia Broekhuizen which are relative to my complaint'.*
- 8. By letters dated 13 July and 21 September 2010, this Office advised the applicant of its preliminary view that information sought by him was outside the scope of the terms of his application.
- 9. The applicant responded by letters dated 18 July and 5 October 2010, stating:
 - *'all of the information I requested is relevant to my complaint'*
 - *'[i]t is alleged that I refused to give my bank details at some time prior to the 16th May and that being the reason for an "administrative oversight"'*
 - *'[t]he minutes of the meetings I requested must contain references to when I was asked for these details and by whom'*
 - *'[t]he additional records of interview requested are those of Broekhuizen and persons interviewed in relation to my complaint; therefore they are all totally relevant to my complaint'*
 - *'some person or persons have made false allegations which are being used as the cause of an "administrative oversight"'*
 - *'[t]he documents which I requested ... are all relative to my complaint'.*
- 10. By email dated 30 August 2010, this Office requested that the Department provide submissions in relation to the Ombudsman's ROI.
- 11. By email dated 30 August 2010, the Department advised:
 - during a telephone conversation on 20 April 2009, the applicant stated that he intended to lodge an external review with the Ombudsman in relation to his complaint
 - in an email dated 7 May 2009, the applicant stated that he was taking the matter to the Ombudsman as he was upset that he was not interviewed by the Central Complaints and Review Unit of the Department in relation to his complaint
 - during a telephone conversation on 12 May 2009, the applicant stated that he was waiting on receiving documentation in relation to his complaint that he had requested through the FOI Branch of the Department before contacting the Ombudsman.
- 12. The Department concluded that at the time of the applicant submitting his access application (dated 6 May 2009 and received on 11 May 2009), the additional documents requested by the applicant in relation to interviews between officers of the Department and the Ombudsman's investigator would not have been in existence as the applicant had not yet sought review by the Ombudsman.
- 13. By email dated 7 February 2011, this Office requested that the Department advise:
 - whether the Ombudsman's ROI exist; and
 - if they do exist, the date they came into existence.

14. By email dated 14 February 2011, an officer of the Department advised the OIC that after consultation with relevant officers of the Department, the only contact in relation to the applicant's complaint with the Ombudsman's Office was a phone call. No interviews were undertaken with officers of the Department and, as such, no such documents exist.

¹ In its internal review decision dated 8 April 2010.

² Referred to as 'all documents uncensored'; 'all of the "records of interview" between DOC's Officers and the Ombudsman's investigator Saskia Broekhuizen which are relative to my complaint' and 'a copy of the minutes of the first meeting held in DOCs office which I attended along with my Son his Wife and solicitor Richard Mahler'; 'the minutes of the meeting to which the attached document from Richard Mahler refers' in the applicant's application for external review dated 21 April 2010.

³ With the exception of sections 118 and 122 of the RTI Act.

⁴ Comprised of pages 29-35, 58, 59-60 and 69.

⁵ Comprised of pages 13 to 16.

⁶ Comprised of pages 14 and 15.

⁷ Comprised of page 17.

⁸ See *Cannon and Australian Quality Egg Farms Ltd* (1994) 1 QAR 491 at paragraph 8.

⁹ *Russell Island Development Association Inc and Department of Primary Industries and Energy* (1994) 33 ALD 683 at 692.

¹⁰ That is, documents related to the Ombudsman's investigation of his complaint regarding the Department, and documents related to the Department's actions regarding children who were, for a time, placed in the care of the applicant and his wife.

¹¹ By correspondence dated 18 July and 5 October 2010.

¹² The remaining 40 pages are comprised of pages 2-7, 19, 21-25, 29-34, 37-40, 42, 44, 46-51, 53-54, 56-61, 69 and 83 and excludes pages 14 and 15 as they are post-application documents as discussed at paragraph 24 above.

¹³ *Robbins and Brisbane North Regional Health Authority* (1994) 2 QAR 30 at paragraph 17.

¹⁴ *Moon and Gold Coast City Council* (unreported, Office of the Information Commissioner, 13 February 2009) at paragraph 54 and *Palmer and Gold Coast City Council* (unreported, Office of the Information Commissioner, 21 December 2009) at paragraph 88.

¹⁵ In its internal review decision dated 8 April 2010.

¹⁶ As per paragraphs 18 and 79 of *Re Stewart and Department of Transport* (1993) 1 QAR 227 (**Re Stewart**).

¹⁷ At paragraphs 86-90.

¹⁸ (1994) 1 QAR 279 at pp.343-345 (paragraphs 172-178).

¹⁹ Providing that personal affairs information is exempt 'unless its disclosure would, on balance, be in the public interest'.

²⁰ See *Pemberton and The University of Queensland* (1994) 2 QAR 293, paragraphs 164 – 193.