OFFICE OF THE
Information Commissioner
QUEENSLAND

Decision and Reasons for Decision

Citation:	**Northwest Community Group Inc. and Department of Housing and Public Works [2026] QICmr 100 (15 June 2026)**
Application Number:	**319049**
Applicant:	**Northwest Community Group Inc.**
Respondent:	**Department of Housing and Public Works**
Decision Date:	**15 June 2026**
Catchwords:	**ADMINISTRATIVE LAW - RIGHT TO INFORMATION - EXEMPT INFORMATION - CABINET INFORMATION – whether disclosure of information would reveal consideration of Cabinet – whether exempt information – sections 47(3)(a) and 48 and schedule 3, section 2 of the *Right to Information Act 2009* (Qld)**

DECISION

I affirm[1] the reviewable decision of Department of Housing and Public Works (**Department**) and find that the requested document comprises exempt information.

This means that no further information is to be released to the applicant.

My reasons for the decision follow.

[redacted]

T Lake
Principal Review Officer

Date: 15 June 2026

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

REASONS FOR DECISION

Summary

1. The applicant applied to the Department under the RTI Act to access a specific report which concerns homelessness in Queensland.[2]

2. The Department located a 58 page document and decided to refuse access to it on the basis that it comprised exempt information.[3]

3. The applicant then applied to the Office of the Information Commissioner (**OIC**) for external review.[4]

Reviewable decision

4. The decision under review is the Department's decision dated 3 November 2025.

Evidence considered

5. The evidence, submissions, legislation and other material I have considered in reaching my decision are set out in these reasons.

6. I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information.[5] I consider a decision-maker will be '*respecting and acting compatibly with*' that right and others prescribed in the HR Act, when applying the law prescribed in the RTI Act.[6] I have acted in this way in making this decision, in accordance with section 58(1) of the HR Act.[7]

Information in issue

7. The information being considered in this review is the 58 page document located by the Department (**Information in Issue**).

---

[2] Access application dated 25 September 2025.
[3] Decision dated 3 November 2025.
[4] On 3 November 2025 (**External Review Application**).
[5] Section 21 of the HR Act.
[6] *XYZ v Victoria Police (General)* [2010] VCAT 255 (16 March 2010) (**XYZ**) at [573]; *Horrocks v Department of Justice (General)* [2012] VCAT 241 (2 March 2012) at [111].
[7] All participants in this review are registered associations or an agency, such that at face value it may not appear necessary to consider the application of the HR Act, which only affords human rights to individuals in Queensland. However, Kingham J in *Waratah Coal Pty Ltd v Youth Verdict Ltd & Ors* [2020] QLC 33 at [90] indicated that where section 58(1) of the HR Act applies, there need be no mover to raise human rights issues because that section requires the relevant public entity to properly consider engaged human rights and to not act or make a decision that is not compatible with human rights. In any event, in observing and applying the law prescribed in the RTI Act, an RTI decision maker will be *'respecting and acting compatibly with'* applicable human rights as stated in the HR Act (*XYZ v Victoria Police (General)* [2010] VCAT 255 (16 March 2010) at [573]. This approach to the Victorian analogues of the HR Act and RTI Act has been considered and endorsed by the Queensland Civil and Administrative Tribunal in *Lawrence v Qu*eensland Police Service [2022] QCATA 134 at [23]. Having taken this approach in this review, I have observed relevant rights under section 58(1) of the HR Act to the extent then that it is necessary to do so.

Issue for determination

8. The issue for determination is whether the Information in Issue comprises exempt information.

Relevant law

9. The RTI Act gives a right of access to documents of government agencies.[8] However, this access right is subject to other provisions of the RTI Act, including grounds on which access may be refused.

10. One access refusal ground is where information comprises exempt information.[9] Information will comprise exempt information for a period of 10 years if:

    - it was brought into existence for the consideration of Cabinet or in the course of the State's budgetary processes;[10] or
    - its disclosure would reveal any consideration of Cabinet or would otherwise prejudice the confidentiality of Cabinet considerations or operations.[11]

11. 'Consideration' is defined in schedule 3, section 2(5) of the RTI Act to include:

    - discussion, deliberation, noting (without or without discussion) or decision; and
    - consideration for any purpose, including, for example, for information or to make a decision.

12. Schedule 3, section 2(3) of the RTI Act also lists the types of documents which are taken to be comprised exclusively of exempt information, namely, Cabinet submissions, Cabinet briefing notes, Cabinet agendas, notes of discussions in Cabinet, Cabinet minutes, Cabinet decisions, and a draft of any of these documents. However, where any information within a Cabinet submission or a Cabinet decision is officially published by a decision of Cabinet, that information is no longer exempt.[12]

Parties' submissions

13. On external review, the Department maintained that the Information in Issue comprises exempt information. In this regard, the Department submitted that:[13]

    - the Information in Issue formed part of a submission that was provided to Cabinet on 20 January 2025; and

[8] Section 23(1)(a) of the RTI Act.
[9] Sections 47(3)(a) and 48 of the RTI Act. Schedule 3 of the RTI Act identifies the types of information which Parliament has determined will comprise exempt information under the RTI Act.
[10] Schedule 3, sections 2(1)(a) and (c) of the RTI Act.
[11] Schedule 3, section 2(1)(b) of the RTI Act.
[12] Schedule 3, section 2(3A)(a) of the RTI Act.
[13] Submission dated 4 December 2025.

- Cabinet had decided the submission, its attachments and associated decision were not suitable for proactive release,[14] on the basis disclosure would reveal information about ongoing Cabinet deliberations.

14. It is the applicant's position that the majority of the Information in Issue can be released, as they consider any RTI Act exemption could only apply to a limited portion of it. More specifically, the applicant submitted:

    - the Information in Issue was '*commissioned and conducted for public accountability and policy improvement, not an internal Cabinet deliberation*'[15]
    - '*The independent and consultative nature of this review suggests it was designed to inform broader public policy rather than Cabinet decision-making*'[16]
    - '*A blanket refusal is not justified merely because a document was provided to Cabinet. The Department must show, with proper particularity, how disclosure of the document would actually reveal Cabinet consideration or prejudice the confidentiality of Cabinet considerations or operations*';[17] and
    - '*On the face of the materials, it appears highly likely that at least the majority of the report could be released with only limited redactions, if any*'.[18]

Findings

Cabinet exemption

15. The Information in Issue is, on its face, dated December 2024. On the information before me, I am satisfied that it was created on or around that date.

16. There is nothing before me which indicates that the Information in Issue was brought into existence for the consideration of Cabinet or in the course of the State's budgetary process. For this reason, I find that the Information in Issue does not comprise exempt information under schedule 3, sections 2(1)(a) or 2(1)(c) of the RTI Act.

17. However, having carefully reviewed the information which the Department provided in support of its position, I am satisfied that the Information in Issue formed part of a Cabinet submission, as referenced in paragraph 13 above. That is, the Information in Issue forms part of a document which, under schedule 3, section 2(3) of the RTI Act, is taken to be comprised exclusively of exempt information.

Exceptions

18. As the Information in Issue was brought into existence after 1 July 2009, I am satisfied the exemption exception in schedule 3, section 2(2)(a) does not arise. There is no evidence before me that this Cabinet submission (or any part of it) has

[14] Proactive release of Cabinet material is contemplated by the Queensland Cabinet Handbook, however, some types of information are identified as not appropriate for proactive release.
[15] External Review Application.
[16] External Review Application.
[17] Applicant's email dated 19 April 2026.
[18] Applicant's email dated 19 April 2026.

been published by a decision of Cabinet. Accordingly, I am also satisfied that the exception in schedule 3, section 2(3A)(a) of the RTI Act does not arise.

19. The applicant submitted that components of the Information in Issue '*likely*' contain factual background or statistical material.[19] As the RTI Act restricts the manner in which I can describe the Information in Issue in this decision,[20] I am unable to address the applicant's assumptions about the content of that document. However, given this submission, I have considered the requirements of schedule 3, section 2(4) of the RTI Act, which provide that a report of factual or statistical information attached to a Cabinet submission is exempt information only if its disclosure would reveal any consideration of Cabinet or would otherwise prejudice the confidentiality of Cabinet considerations or operations.

20. In the circumstances of this matter, I consider that disclosure of the Information in Issue would:

- reveal a consideration of Cabinet, by revealing information that was considered by Cabinet (that is, the information in the submission provided to Cabinet on 20 January 2025); and/or
- allow reliable inferences to be drawn about Cabinet considerations, thereby prejudicing the confidentiality of Cabinet considerations or operations.

Conclusion

21. The Information in Issue is within the 10 year time limit governing schedule 3, section 2(1) of the RTI Act. For the reasons outlined above, I am satisfied that the Information in issue is comprised exclusively of exempt information and the exceptions to the exemption do not apply. Accordingly, I find that access may be refused to the Information in Issue.[21]

Applicant's public interest submissions

22. The applicant submitted that:

> *Withholding this information limits public understanding, accountability, and informed advocacy. Section 3 of the RTI Act sets a pro-disclosure bias, meaning information should only be withheld when it is genuinely contrary to the public interest — which is clearly not the case here* [22]
>
> *This request concerns a document about Queensland's homelessness response, a matter of obvious and pressing public importance.*[23]

---

[19] In the applicant's email dated 19 April 2026, they more specifically stated: '*Based on the review materials, the report appears likely to contain large amounts of factual background; statistical material; analysis of homelessness trends; descriptions of consultation processes; summaries of stakeholder views; service system observations; policy context; identified themes; evidence-based findings; and general recommendations*'.

[20] Section 108(3) of the RTI Act requires that the Information Commissioner must not, in a decision on an external review or in reasons for such a decision, include information that is claimed to be exempt information or contrary to the public interest information.

[21] Under sections 47(3)(a) and 48 of the RTI Act.

[22] External Review Application.

[23] Applicant's email dated 19 April 2026.

23. The exemptions set out in schedule 3 of the RTI Act (including the exemptions in schedule 3, section 2 considered above) do not require, or allow, consideration of public interest issues, as Parliament has determined that disclosure of these categories of information would be contrary to the public interest. Accordingly, if information falls within one of the categories of exempt information prescribed in schedule 3, a presumption exists that its disclosure would be contrary to the public interest, and no further consideration is permitted on external review.[24]

24. Therefore, to the extent the applicant has raised public interest matters which they consider favour disclosure of the Information in Issue, I cannot take them into account. As noted above, where information meets the requirements of an exemption (as is the case here), it is not necessary to also determine whether its disclosure would, on balance, be contrary to the public interest.

25. The above are the reasons for my decision.

[24] This was confirmed in *Dawson-Wells v Office of the Information Commissioner & Anor* [2020] QCATA 60 at [10] and [17].