



Decision and reasons for decision

Citation: *U60 and Queensland Police Service* [2026] QICmr 146 (14 August 2026)

Application number: 00022260

Applicant: U60

Respondent: Queensland Police Service

Decision date: 14 August 2026

Catchwords: ADMINISTRATIVE LAW – RIGHT TO INFORMATION – REFUSAL TO DEAL – APPLICATION REQUIREMENTS – whether the application gives sufficient information concerning the documents sought – whether the agency is entitled to refuse to deal with the application under section 33 of the *Right to Information Act 2009* (Qld)

ADMINISTRATIVE LAW – RIGHT TO INFORMATION – REFUSAL TO DEAL – RELEVANT DECISION – decision setting aside and directing agency to consider whether access is to be given to subject documents – section 110(1)(d) and 110A of the *Right to Information Act 2009* (Qld)

DECISION AND DIRECTION

I set aside¹ the reviewable decision of the Queensland Police Service (**QPS**).

I give notice under section 110A of the *Right to Information Act 2009* (Qld) (**RTI Act**) directing QPS to decide whether access is to be given to the subject documents as if the ground for making the decision under review did not apply, consistently with the conditions for a notice of this kind prescribed in sections 110A(3)–(4) of the RTI Act.²

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

² I have made this decision as a delegate of the Information Commissioner under section 145 of the RTI Act. In considering this matter, I have had regard to the *Human Rights Act 2019* (Qld) (HR Act), particularly the right to seek and receive information (section 21 of the HR Act). 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 (*XYZ v Victoria Police (General)* [2010] VCAT 255 (16 March 2010) at [573]; *Horrocks v Department of Justice (General)* [2012] VCAT 241 (2 March 2012) at [111], and *Lawrence v Queensland Police Service* [2022] QCATA 134 at [23]).

My reasons for the decision follow.



V Corby
Assistant Information Commissioner
Date: 14 August 2026

REASONS FOR DECISION

Summary

1. The applicant applied³ to Queensland Police Service (**QPS**) under the *Right to Information Act 2009* (Qld) (**RTI Act**) for documents relating to a third party.⁴
2. QPS consulted with the applicant about the requirement⁵ to give sufficient information concerning the requested documents.⁶
3. The applicant responded,⁷ providing further information to QPS. QPS decided⁸ to refuse to deal with the application.⁹
4. The applicant applied to QPS for an internal review of the decision.¹⁰ On internal review, QPS affirmed its original decision.¹¹
5. The applicant applied¹² to the Office of the Information Commissioner (**OIC**) for an external review of QPS's internal review decision.
6. For the reasons set out below, I set aside the decision under review.¹³ The applicant has complied with all requirements of section 24 of the RTI Act, including providing sufficient information about the requested documents.
7. Under section 110A(2) of the RTI Act, I give notice directing QPS to decide whether access is to be given to the documents, as if the ground for making the decision under review did not apply in relation to the documents, consistently with the conditions for a notice of this kind prescribed in sections 110A(3)–(4) of the RTI Act.

Relevant law

8. 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*'.¹⁴
9. The Information Commissioner has previously recognised that where there is ambiguity in the terms of an application, it is rarely appropriate to apply legal

³ On 21 November 2025.

⁴ The 'access application'.

⁵ The requirements of a compliant access application are set out in section 24(2) of the RTI Act, one of which is relevant in this case, that the application 'give sufficient information concerning the document to enable the agency or Minister to identify the document': section 24(2)(b) of the RTI Act.

⁶ Dated 6 January 2026.

⁷ By email dated 7 January 2026.

⁸ Decision dated 26 February 2026.

⁹ Sections 24(2)(b) and 33(6) of the RTI Act.

¹⁰ Dated 27 February 2026.

¹¹ Dated 26 March 2026.

¹² On 7 April 2026.

¹³ Under section 110(1)(d) of the RTI Act.

¹⁴ Section 24(2)(b) of the RTI Act.

construction techniques in preference to consulting with the applicant for clarification.¹⁵ The scope of an access application should not be interpreted legalistically or narrowly¹⁶ – 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.¹⁷

10. Where a person purports to make an access application that does not comply with all relevant application requirements,¹⁸ the agency must:¹⁹
- 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.
11. 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.²⁰

Background

12. The access application seeks access to:²¹

Subject/Seeking/Notes: QP2501812240 ... cat burglar suspect known to police with lengthy criminal history at ... All information and documents about this night prowler who carries a knife from ...²² on file 2024/25 at Gladstone Police Station and police actions to stop and disrupt [their] offending. Internal memos, emails and all communications at Gladstone Police Station. Search within: November 2024 – November 2025.

(Underlined by me)

¹⁵ *Robbins and Brisbane North Regional Health Authority* (1994) QAR 30 at [16].

¹⁶ *Fennelly and Redland City Council* (Unreported, Queensland Information Commissioner, 21 August 2012) at [21].

¹⁷ 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].

¹⁸ Section 33(7) of the RTI Act.

¹⁹ Sections 33(2) and (3) of the RTI Act.

²⁰ Section 33(6) of the RTI Act.

²¹ The extract below has been edited slightly for privacy reasons; I have carefully considered the unedited original submission in making my decision.

²² The relevant address has been removed for privacy.

13. Having regard to the process outlined in paragraphs 10–11,²³ QPS advised the applicant that it considered the access application lacked clarity and outlined why the scope in its current form was noncompliant.²⁴ I note the following passage from the notice:

There is no central system, either statewide or at station level, that allows QPS personnel to readily identify “all information” etc. relating to a person without further information to identify the specific incident/s, investigation or court matter to which the requested documents relate and the specific type of documents you are requesting (e.g. statement, notebook entries, etc.

(Underlined by me)

14. Additionally, in its efforts to provide guidance to the applicant, QPS stated:

Please provide sufficient information (such as date, time, place, officer’s name, type of incident – court case, crime report / traffic accident / arrest / traffic ticket etc.) for each requested document/s ...

(Underlined by me)

15. In response to the notice, the applicant revised their scope, as follows:²⁵

Please find enclosed more sufficient information about the documents I am seeking re QP2501812240 as there have been 2 more different police investigations up to now. QP2501812240 wilful damage front broken light ... has been the first investigation by Con Hunter Pincham 4041320 Gladstone Police Station. When I was interviewed by Con Jordan 2 December about my stalking complaint at Gladstone Police Station, he read out from QP2501812240 that on attempting to interview the ... offender, ... obstructed the course of justice by denying any knowledge about ... crimes or whereabouts in QP2501812240. So I am seeking a document from QP2501812240 that gives the reasons why ... has not been charged with obstructing the course of justice which may have prevented the 2 further vandalism attacks to my property QP 2502332482 19 December 2025 and QP2600001185 01 January 2026.

(Underlined by me)

16. The applicant also provided further contextual information with their response. Although that information appeared ambiguous, it was intended to provide background information, as noted by their insertion of the word *Background*.

²³ 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 QPS about the terms of the application – principally, QPS’s email dated 6 January 2026 – I am satisfied that QPS afforded the applicant the reasonable opportunity to consult with QPS about the application required by section 33(3). This prerequisite has therefore been met.

²⁴ In its consultation notice sent on 6 January 2026.

²⁵ The extract below has been edited slightly for privacy reasons; I have carefully considered the unedited original submission in making my decision.

17. QPS maintained its decision to refuse to deal with the access application,²⁶ stating to the applicant that:

[their] ... application referred to occurrence number QP2501812240, however [the] scope did not appear to limit itself to the occurrence but instead sought "all information and documents" relating to an unnamed juvenile and "Internal memos, emails and all communications at Gladstone Police Station" for the period November 2024 to November 2025.

This did not sufficiently identify the documents sought, nor did it sufficiently identify the incidents or persons to which documents may relate.

18. QPS further submitted that:

There is no central system, either statewide or at station level, that allows QPS personnel to readily identify "all information" etc. relating to a person without further information to identify the specific incident/s, investigation or court matter to which the requested documents relate and the specific type of documents requesting (e.g. statement, notebook entries, etc.

(Underlined by me)

19. The applicant requested an internal review and QPS affirmed its decision.

20. In its internal review decision, QPS stated:

The attachment to your email on 07 January 2026 contained further information about your complaints to police but did not provide further information regarding the specific documents sought under this RTI Act application.

... I have considered all of the information you have provided and have determined that you have not supplied sufficient information in order for me to identify the documents to which you seek access. Your response includes information about complaints you've made to police, but you have not specified that your application was limited to seeking documents about the complaints you had made. But instead seemed to provide evidence of a behaviour of an individual that you are seeking information about. Your response also appeared to seek answers to questions.

Preliminary view

21. On external review, OIC wrote to QPS²⁷ providing a preliminary view that the access application satisfied the requirements under section 24(2)(b) of the RTI Act and that QPS was not entitled to refuse to deal with it.

²⁶ In its letter dated 26 February 2026.

²⁷ On 18 June 2026.

22. In the preliminary view, OIC stated:²⁸

As you know, under the RTI Act, an applicant is not expected to identify a particular document but should provide enough information for a reasonable officer to identify which documents are being sought and undertake searches for them.

In [their] application, the applicant identified the relevant QPRIME number, that the subject person was a ... and categorised as a suspect, and provided a location. I consider that this scope provided enough information to undertake searches for responsive documents, particularly given the applicant's intention for seeking the information, which was worded within the scope.

23. When referring to QPS's consultation notice to the applicant, OIC stated:

*I consider that the applicant **did** provide the specific incident/s and investigation information that QPS referred to in its consultation letter, by including the relevant QPRIME number and contextual information to support [their] request. Further, the applicant provided an approximate date, a specific place, the type of incident, and a relevant QPRIME number within [the] scope wording. Although [their] request sought "all information and documents regarding the night prowler ..." I consider that the inclusion of those identifying particulars sufficiently narrowed the subject matter of the application. Taken together, I consider that the information provided could enable an officer to undertake reasonable searches for responsive documents.*

Nevertheless, in their attempt to provide specificity to the scope of the application, the applicant provided two additional QPRIME numbers, two officer's names, and an additional location, as underlined above. This additional information further reinforced and clarified the context already provided regarding the information sought by the applicant. In my view, the additional details provided sufficient specificity to enable searches to be undertaken: further clarifying the original application, which itself contained enough information to identify and locate the requested documents.

24. When referring to QPS's internal review decision, OIC stated:

I do not consider that the applicant worded their application in a way that rendered it insufficiently specific. While they referred to matters such as the reasons for particular police actions or decisions, those references, reasonably construed, comprise contextual material informing a specific request for information and documents, that, in its original form, was already sufficiently specific: containing identified incidents, individuals, and investigations. Viewed as a whole, the application conveyed a sufficiently clear understanding of the documents sought.

²⁸ The extract below has been edited slightly for privacy reasons; I have carefully considered the unedited original submission in making my decision.

I am not satisfied that the access application is so broad or ambiguous that it fails to satisfy section 24(2)(b) of the RTI Act – noting, again, that applicants are not obliged to have comprehensive knowledge as to where relevant documents may be located. The application contains sufficient information to permit QPS to identify requested documents and undertake searches; should the applicant subsequently consider that QPS has failed to locate all relevant documents, they may then agitate that issue on review – that, however, is a separate, secondary question beyond the threshold question in issue in this decision.

As the Information Commissioner has recently noted (**my bold**):

17. Section 3(2) of the RTI Act states that the Act ‘must be applied and interpreted to further the primary object’.

18. Consistent with the object of the RTI Act, the obligation under section 24(2)(b) of the RTI Act requires an applicant to provide ‘sufficient information’ concerning a requested document so as to enable an agency or Minister to identify the document. Similarly, an agency or Minister should not expect an applicant will generally have detailed knowledge of the types of documents an agency or Minister holds or where a requested document may be held. **An access application should be interpreted fairly by an agency or Minister, with an eye to what the applicant is trying to describe, regardless of the words or terms used. Taking an overly technical or legalistic approach to the terms of an access application should be avoided. As such, if an agency or Minister can fairly and reasonably understand what document an applicant is seeking and can search for that document, it should not insist on the precise or possible description of the document or its location before accepting the access application as complying with section 24(2) of the RTI Act.**

The above observations are relevant here. An application for documents:

- concerning defined subject matter
- for a specific time period; and which
- nominates both a particular QPS station, and specific QP reference numbers,

is one which, reasonably construed, more than adequately gives sufficient information to allow QPS to ‘fairly and reasonably understand what document’ the ‘applicant is seeking,’ as required under section 24(2)(b) of the RTI Act.

QPS’s submissions

25. In response to OIC’s preliminary view,²⁹ QPS agreed that details provided by the applicant, including a specific date, place, type of incident, and QPRIME number, sufficiently narrowed the *subject matter* of their application. However, QPS argued that the remainder of the scope had been expanded, particularly in the applicant’s wording, “... and police actions to stop and disrupt his offending.”

²⁹ In an email dated 10 July 2026.

26. QPS maintained that this wording rendered the access application a request for *all* information and documents regarding a person (the suspect), and that the specific details assisted with identifying *that person* but not limiting the scope:

... that the most natural reading of the original scope is not narrowed by the provision of a QPRIME number and associated details, but that those provided details rather informed a starting point for a broader more general request for all information and documents regarding an individual. Further, the scope goes on, not to narrow but to add to the scope of all documents ...

27. Nevertheless, QPS did consider that information provided by the applicant in their response to the consultation notice sufficiently narrowed the scope, and proposed an amended scope³⁰ based on that information:³¹

So I am seeking a document from QP2501812240 that gives the reasons why ... has not been charged with obstructing the course of justice which may have prevented the 2 further vandalism attacks to my property QP 2502332482 19 December 2025 and QP2600001185 01 January 2026.

28. Our office wrote to the applicant,³² seeking agreement for QPS to process the application in the terms noted above.
29. That proposal was refused by the applicant.³³ As no informal resolution was achieved, the application has progressed to a decision.

Discussion and findings

30. Section 3(2) of the RTI Act states that the Act ‘must be applied and interpreted to further the primary object’.
31. Consistent with the object of the RTI Act, the obligation under section 24(2)(b) of the RTI Act requires an applicant to provide ‘sufficient information’ concerning a requested document so as to enable an agency or Minister to identify the document. Similarly, an agency or Minister should not expect an applicant will generally have detailed knowledge of the types of documents an agency or Minister holds or where a requested document may be held. An access application should be interpreted fairly by an agency or Minister, with an eye to what the applicant is trying to describe, regardless of the words or terms used. Taking an overly technical or legalistic approach to the terms of an access application should be avoided. As such, if an agency or Minister can fairly and reasonably understand what document an applicant is seeking and can search for that document, it should not insist on the precise or possible description of the document or its location before accepting the access application as complying with section 24(2) of the RTI Act.

³⁰ QPS advised it was willing to make a decision on access as per the amended scope.

³¹ The extract below has been edited slightly for privacy reasons; I have carefully considered the unedited original submission in making my decision.

³² On 14 July 2026.

³³ On 15 July 2026.

32. Having reviewed the terms of the applicant's request and further correspondence between the agency, and OIC with the applicant, I am satisfied the access application meets the requirements of section 24(2)(b) of the RTI Act.
33. The access application, along with the applicant's response to the consultation notice, sets out with sufficient specificity the subject matter of the requested documents and relevant QPRIME numbers. I do not accept that the access application and subsequent response introduces ambiguity or scope such as to render the access application noncompliant.
34. I also note that the access application contains sufficient information to provide QPS with a general starting point to undertake searches for documents, as acknowledged by its email to OIC (noted in paragraph 27 above).
35. QPS bears the onus of justifying the decision under review.³⁴ For the reasons explained above, I do not consider QPS has discharged that onus in this case. In these circumstances, I have decided to set aside the reviewable decision.

Section 110A of the RTI Act

36. The next issue to be resolved is whether to set aside the reviewable decision under section 110(1)(c) or section 110(1)(d) of the RTI Act. The Right to Information Commissioner recently explained the distinction between each of these provisions, in the first OIC decision exercising the power conferred by the latter:³⁵

9. Section 110(1)(c) of the RTI Act relevantly empowers the Information Commissioner (or delegate) to set aside the decision under review, and make a decision in substitution.

10. Section 110(1)(d) also permits the Information Commissioner to set aside a reviewable decision, but rather than making a decision in substitution, to instead give a direction under, relevantly, section 110A of the RTI Act. Section 110A of the RTI Act, in turn, essentially comprises a remittal power.

11. Section 110A authorises the Information Commissioner to give a notice to an agency, stating that a 'relevant decision' is set aside and directing the agency to decide whether access is to be given to the 'Subject Documents', i.e the documents the subject of – requested in – the relevant access application.

37. In accordance with section 110A(1) of the RTI Act, the remittal or referral power discussed above may be exercised where:

(a) the information commissioner would, other than for this section, have decided to set aside the relevant decision and make a decision in substitution for the relevant decision under section 110(1)(c); and

³⁴ Under section 87 of the RTI Act.

³⁵ B52 and Queensland Police Service [2025] QICmr 86 (18 November 2025) (Footnote omitted).

- (b) the commissioner believes it would be more efficient and effective for the agency or Minister to consider whether access is to be given to the subject documents than for the commissioner to make a decision in substitution for the relevant decision under section 110(1)(c); and
- (c) the commissioner believes that if the agency or Minister were to consider whether access is to be given to the subject documents, it is reasonably likely the agency or Minister would be able to make a decision that is consistent with the primary object of this Act.

38. Prior to giving a notice under section 110A(2) of the RTI Act, that provision requires the Information Commissioner to consult with the agency concerned about the matters prescribed in section 110A(1)(a)–(c) of the RTI Act (set out in the preceding paragraph).

Consideration

39. The reviewable decision is a ‘relevant decision’ for the purposes of section 110A of the RTI Act.

40. In the circumstances, I consider that the appropriate course of action is to make a decision under section 110(1)(d) of the RTI Act to set aside the reviewable decision,³⁶ and give notice to QPS directing it to decide whether access is to be given to the documents requested in the access application (the ‘Subject Documents’).³⁷

41. In making this decision I am satisfied that each of the matters in section 110A(1)(a)–(c) of the RTI Act (see paragraph 37 above) are met³⁸. If not for section 110A of the RTI Act, I would³⁹ have made a decision under section 110(1)(c) setting aside QPS’s decision and substituting a decision that it was not entitled to refuse to deal with the access application.

42. I am also persuaded that the most efficient and effective course of action is for QPS to consider whether access is to be given to the documents requested in the access application. In this regard, I note that sections 110A(3) and (4) of the RTI Act set out the manner in which that consideration should proceed.

43. Finally, there is nothing before me to suggest that QPS would not be able to make a decision in relation to the requested documents consistent with the primary object of the RTI Act.⁴⁰

44. The above are the reasons for my decision set out at page 1.

--End--

³⁶ Which is, as noted, a ‘relevant decision’ for the purposes of section 110A: section 110A(5) of the RTI Act.

³⁷ Defined in section 110A(5) of the RTI Act.

³⁸ Noting that consultation for the purpose of section 110A(2) of the RTI Act was incorporated into OIC’s preliminary view letter to QPS dated 18 June 2026.

³⁹ For the reasons explained at paragraphs 30–35.

⁴⁰ Relevantly, section 3(1)(a) of the RTI Act.