



DECISION NOTICE

Right to Information Act 2009

1. Applicant name and address

Mrs Vivienne Roberts-Thomson
Coochiemudlo Island Coastcare Inc.
94 Victoria Parade East
COOCHIEMUDLO ISLAND QLD 4184

Via e-mail: gvrthomson@gmail.com

2. Application reference

RTI 2017/18-06

3. Scope

“The report/s, including data prepared by EGIS for Redland City Council that cover four water quality monitoring events during 2001-2002 at the Coochiemudlo Island Waste Transfer Facility.”

4. Decision maker

Stephen Kuehnemann

The decision maker has been given delegated authority by the Chief Executive Officer to make decisions on applications¹.

5. Date application received

2 August 2017

6. Access charges

Council may charge access charges if documents are provided in printed format. As documents are being provided to you electronically, no access charges apply to your application.

7. Processing charges

If Council takes less than five hours to process your application, no processing charges are payable. As the time taken to process your application has not exceeded five hours, no processing charges are payable.

¹ *Right to Information Act 2009* - Section 30(2) – ‘The agency’s principal officer may delegate the power to deal with the application to another officer of the agency’.

8. Third party consultation

Council is required to consult a third party where documents are identified which may reasonably be of concern to a third party.²

For your application, no documents were identified which would be of reasonable concern to a third party and therefore no consultation was required.

9. Searching for documents

Council holds documents in many different forms. To process your application, I have looked for documents which meet the scope of your application and have carried out searches of the following:

- electronic document management system
- computer networks

10. Documents identified

As a result of the searches, documents were identified which meet the scope of your application. These documents comprise a total of 82 pages.

11. Considering the documents

To make a decision, I must carefully consider the documents against the RTI Act and decide whether they should be released. The RTI Act encourages Council to release documents unless they contain:

- irrelevant information
- exempt information
- information which is contrary to the public interest

Any information which needs to be removed from the documents is done using redaction software. This means that the information is securely and permanently removed from the document and the reason for the removal is clearly marked in red at the bottom of the relevant page.

12. Irrelevant information

If pages or parts of pages contain information which does not relate to your application, the RTI Act allows the irrelevant information to be deleted from the released document.³

In your released documents, some irrelevant information has been removed and is marked as 'Irrelevant Information'.

13. Exempt information

The RTI Act outlines a number of exemptions which must be considered before documents are released. The exemptions may apply to whole pages or parts of pages and may mean that information is removed.

For your application, No exemptions apply to the documents being considered as part of your application.

² *Right to Information Act 2009* - Section 37– Disclosure of concern to third party

³ *Right to Information Act 2009* - Section 73– Deletion of irrelevant information

14. Balancing public interest factors

Once all irrelevant information and exempt information has been removed from the document, I must next consider the arguments for and against disclosure using the factors outlined in Schedule 4 of the RTI Act⁴.

In considering each document, I must:

- identify irrelevant factors
- identify factors favouring disclosure
- identify factors favouring non-disclosure

To reach a decision, I must disregard any irrelevant factors then balance the factors and decide whether on balance disclosure would be contrary to the public interest. Unless on balance, disclosure would be contrary to the public interest, access should be allowed.

(a) Irrelevant factors

Irrelevant factors are outlined in Part 1 of Schedule 4 of the RTI Act.

For your application, these factors were considered and none were found to apply. No other factors irrelevant to deciding the public interest were identified.

(b) Factors favouring disclosure of documents

For your application, the factors favouring disclosure are:

- **Openness and accountability**⁵ – The documents contain information which would promote open discussion of public affairs and increase Council's accountability. The documents also contain information which will contribute to positive and informed debate on important issues or matters of serious interest

(c) Factors favouring nondisclosure of documents

For your application, no factors favoring nondisclosure have been identified.

15. Decision

65 pages	released in full
9 pages	released in part
8 pages	refused

16. Review rights

If you are not satisfied with this decision (or any part of it) you have the right to request a review of the decision either by Council (internal review) or by the Office of the Information Commissioner (external review).

⁴ *Right to Information Act 2009* - Schedule 4 - Factors for deciding the public interest

⁵ *Right to Information Act 2009* – Schedule 4, Part 2, numbers 1 and 2

(a) Internal Review

Under the RTI Act you have the right to request an internal review of this decision⁶. An application for an internal review must be made in writing to Council within 20 business days of this decision. By **6 October 2017**. Council then has up to 20 business days to complete the review.

Applications for review can be lodged:

- **In person:** Council's Customer Service Centres (Capalaba Place, Noeleen Street, Capalaba) or Administration Building, Corner of Bloomfield and Middle Streets, Cleveland)
- **By post:** Right to Information and Privacy Unit, Redland City Council, PO Box 21, Cleveland Q 4163
- **By fax:** (07) 3829 8765
- **By email:** rti.ip@redland.qld.gov.au

The review will be undertaken by an officer more senior to the original decision maker. The internal review officer is required to make an independent decision on your application and will consider additional evidence or information raised in your review request.

If you are still not satisfied with the internal review decision, you will have the right to request an external review. However, you do not have to request an internal review to be eligible to apply for an external review.

(b) External Review

You may wish to apply for an external review of this decision by the Office of the Information Commissioner⁷. You do not need to complete an internal review before submitting a request for external review. An application for an external review must be made to the Office of the Information Commissioner within 20 business days of this decision. External reviews usually take several months to complete. If you wish to discuss your application with the Office of the Information Commissioner, please telephone (07) 3405 1111.

Applications for external review can be lodged:

- **By post:** Office of the Information Commissioner, PO Box 10143, Adelaide Street, Brisbane Q 4000
- **By fax:** (07) 3405 1122
- **By email:** administration@oic.qld.gov.au
- **Online:** <https://www.oic.qld.gov.au/about/right-to-information/apply-for-external-review-of-an-access-or-amendment-decision>

⁶ Right to Information Act 2009 - Section 80– Internal Review

⁷ Right to Information Act 2009 - Section 85– External Review

17. Disclosure log

Details of your application and any released documents (that do not contain personal information) may be published on Council's website as part of the Disclosure Log, or available to other people on request.⁸

18. Useful links

I am providing some links to websites which you may find helpful.

www.legislation.qld.gov.au (Queensland legislation)

www.oic.qld.gov.au (Office of the Information Commissioner)

19. Further information

To discuss this decision or if you have any queries, please contact me on telephone (07) 38298328 or email Stephen.Kuehnemann@redland.qld.gov.au

Signed:



Decision Maker: Stephen Kuehnemann

Date: 7 September 2017

⁸ *Right to Information Act 2009* - Section 78– Disclosure Logs