



Our Ref: 316012

18 May 2021

Ms Melva Hobson  
President  
Organisation of Sunshine Coast Association of Residents (OSCAR)

**By email: [mail@oscar.org.au](mailto:mail@oscar.org.au)**

Dear Ms Hobson

**External review of decision under the *Right to Information Act 2009* (Qld)  
Applicant: Organisation Sunshine Coast Association of Residents (OSCAR)**

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We have accepted your application for external review of Sunshine Coast Regional Council's decision dated 15 March 2021.<sup>1</sup> Please read the **enclosed** information sheet, as it contains important information about external review processes, time taken to complete reviews and review rights.

In this review, we will consider whether access to those documents Council decided are exempt from disclosure on the basis of legal professional privilege, may be refused under the *Right to Information Act 2009* (Qld).

We already hold a copy of the relevant documents, and we will contact you again to confirm the next steps in this review once we have completed a preliminary assessment. I anticipate this will be within the next 6 weeks. If you have any questions in the meantime, you can contact us by emailing [administration@oic.qld.gov.au](mailto:administration@oic.qld.gov.au) or telephoning 07 3234 7373.

Yours sincerely

Shiv Martin  
**Assistant Information Commissioner**

**Encl.** Information sheet for applicants

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<sup>1</sup> I note that your external review application was not made within 20 business days from the date of the written notice of the decision. However, given that you are only seeking external review of Council's decision in relation to legal professional privilege, I have decided, as a delegate of the Information Commissioner, to allow a longer period within which the applicant may apply for external review (section 88(1)(d) of the *Right to Information Act 2009* (Qld) and accept the application for external review.

## Information for applicants

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### Your external review application has been accepted – what happens next?

The Office of the Information Commissioner is an independent body established by legislation—it is not part of a government department or agency, nor are OIC Commissioners subject to government direction. OIC's external review function involves conducting merit-based reviews of specific government decisions on access to, and amendment of, documents. What this means is that we independently assess whether or not the agency/Minister's decision is correct, or whether the matter could be decided differently.

The *Information Privacy Act 2009* (Qld) (**IP Act**) and *Right to Information Act 2009* (Qld) (**RTI Act**) require us to identify opportunities for early resolution and to promote settlement of external review applications. This assists timely resolution of reviews. In practice this means that once we have considered your application and information we request from the agency/Minister, we may contact you either by telephone or in writing to discuss an option for resolution, and/or to provide our view on the merits of your application, that is, how likely you are to succeed if the review is formally decided. You can elect to resolve the review at this stage, or you may have more information you want us to consider. If so, you have the opportunity to provide a submission. In the 2019-20 financial year, 87 percent of external review applications were resolved informally.

If your review is not resolved informally, we will issue a formal written decision finalising the review. The IP and RTI Acts requires us to publish our decisions. OIC decisions are published on our website: <https://www.oic.qld.gov.au/>. You can access additional information about the information included in OIC decisions at <https://www.oic.qld.gov.au/publications/policies/written-decisions-policy-and-procedure>. OIC decisions can be appealed **on a question of law only** to the Queensland Civil and Administrative Tribunal. An appeal must be made within 20 business days of the date of the Information Commissioner's decision. If you agree to resolve your review informally, you cannot lodge an appeal.

### Who will deal with my external review?

OIC's Early Assessment and Resolution Team assesses all external review applications in the first instance and resolves many applications. If not resolved at an early stage, or for other operational reasons, your review may be transferred to another OIC review team. Sometimes reviews are transferred to different review officers or decision-makers during the review. Decisions to transfer files are based on a range of factors, all of which are directed at ensuring the review is progressed as efficiently and expeditiously as possible.

All external review staff have specialised knowledge of legislation relevant to our functions. Reviews are progressed by a Review Officer, with oversight by an Assistant Commissioner and/or the Right to Information Commissioner. We are committed to providing a high quality, fair and efficient external review service. We will communicate with you with courtesy and respect at all times. In turn, we require you to do the same. We acknowledge that the circumstances leading to you requesting information may be particularly difficult or frustrating for you. However, in our experience, maintaining good communication expedites the review process. OIC must also act in accordance with the *Human Rights Act 2019* (Qld) and must not act or make a decision in a way that is not compatible with human rights, or fail to give proper consideration to human rights relevant to a decision (section 58). By observing and applying the law prescribed in the RTI Act and IP Act, we will be respecting and acting compatibly with rights prescribed in the *Human Rights Act 2019*.

### What will be considered in the review?

The issues considered in the review will depend on a number of things including what you requested in your application to the agency/Minister and what you seek review of by OIC. We will confirm the scope of the review at an early stage. An external review involves a *review* of the access or amendment decision. Our external review function does not extend to:

- answering questions about the content of released documents
- investigating complaints about an agency's recordkeeping practices; or
- investigating complaints about other agencies' functions.

### How long will the review take?

Timeliness is important to us and we try to finalise all reviews as quickly as possible. OIC's External Review unit has a small but dedicated staff led by the Right to Information Commissioner. For the past four years there has been significant and increasing demand for our services and this is impacting our timeframes. In the 2019-20 financial year, we received a record 787 applications and finalised 692 applications for review. Usually we are progressing more than 300 reviews at any one time. This means that in fairness to applicants who applied ahead of you, your application may take some time to finalise because we are working on earlier reviews. The time required to complete an external review varies depending on a range of factors including the willingness of the participants to negotiate and resolve issues by agreement, the volume and type of information in issue, the complexity of the issues, whether further searches are required, the workload of external review staff and the time taken by agencies to respond to our requests for submissions or information. Currently, some agencies' response times are significantly impacted by Covid-19 measures, including staff redeployment. While we cannot predict when your review will be concluded, as a general guide, approximately 35% of applications are finalised within three months, 70% within six months and 90% within nine months. Reviews which proceed to a formal decision may take up to one year to finalise.