



1 HEAD OF POWER

- The Right to Information Act 2009 (Qld)

2 POLICY PURPOSE

This policy sets out how Council will comply with its obligations under the Right to Information Act 2009 (Qld) (RTI Act) to provide the community with access to information held by Council.

The RTI Act is based on the principle that government information is a public resource and that providing access to information promotes open, accountable and transparent government. The RTI Act establishes a pro-disclosure bias, meaning that access to information should be granted unless, on balance, disclosure would be contrary to the public interest.

Council is committed to maximising the disclosure of information through proactive release, administrative access and formal access applications.

As this is a Statutory Policy, it operates as a combined policy and procedure. It goes beyond what is normally required in a policy as it needs to meet the requirements detailed in the relevant legislation.

3 POLICY SCOPE

This Policy applies to:

- All elected Members, employees, contractors, volunteers, consultants and agents of Council.
- It applies to all documents held by Council, in any form, whether created by Council or received by Council from an external source.

4 POLICY STATEMENT

4.1 COUNCIL'S COMMITMENT

Council is committed to open, accountable and transparent governance. Council will:

- a) Apply the pro-disclosure bias in all decisions about access to information. This means that the starting position is that information should be provided to the person requesting it, and Council may only withhold information where it can demonstrate that, on balance, there is a stronger public interest reason for non-disclosure than for release.
- b) Proactively release as much information as possible without the need for a formal application.
- c) Maintain a publication scheme on Council's website that describes the information routinely available from Council.
- d) Process access and amendment applications in a timely manner, in accordance with the RTI Act.

- e) Assist applicants to make and progress their applications, including by explaining the application process and helping to define the scope of requests.
- f) Minimise the charges payable by applicants and waive charges where appropriate.
- g) Protect the privacy of individuals in accordance with the Information Privacy Act 2009 (Qld) when processing and releasing information.

4.2 ROLES AND RESPONSIBILITIES

Role	Responsibilities
All Personnel	• Read and understand this policy. • Comply with the requirements of this policy and all applicable legislation. • Cooperate with the RTI Officer in responding to access and amendment applications, including by conducting reasonable searches for documents. • Not destroy, conceal or alter documents that may be the subject of an access application. • Proactively identify information suitable for release through the publication scheme or administrative access. • Immediately report any actual or suspected non-compliance to their supervisor, manager or the Responsible Manager. • Cooperate with any investigation or response activity under this policy. • Comply with recordkeeping obligations.
Manager	• Identify and escalate concerns within area of responsibility which may enliven the requirements of this policy. • Ensure Personnel within their area of responsibility are aware of and comply with this policy.
RTI Officer	• Receive and process access and amendment applications in accordance with the RTI Act. • Maintain the publication scheme and disclosure log. • Provide advice and assistance to applicants. • Conduct third party consultations where required. • Report to the Chief Executive Officer on RTI compliance, including application volumes, processing times and outcomes.
Responsible Manager	• Oversee Council's compliance with the RTI Act. • Maintain and update this policy. • Oversee review and remediation processes.
Chief Executive Officer	• Has overall accountability for Council's compliance with the legislative requirements underpinning this policy. • Designate the RTI Officer. • Ensure sufficient resources are allocated to RTI processing and proactive disclosure. • Decide internal review applications or delegate the decision to an appropriate officer.

4.3 PROACTIVE DISCLOSURE

4.3.1 Council recognises that proactive disclosure of information reduces the need for formal access applications and demonstrates Council's commitment to transparency and accountability.

4.3.2 Publication scheme

- a) Council must maintain a publication scheme on its website in accordance with section 21 of the RTI Act.
- b) Under section 21(1) of the RTI Act, the publication scheme must include:
 - i) Council's structure and functions;
 - ii) How Council's functions affect members of the public;
 - iii) Any arrangements that enable members of the public to engage with Council's functions;
 - iv) The types of information Council make publicly available and how that information is made available;
 - v) Procedures for asking for information, including any fee or charge that may be payable;
 - vi) Any additional information required by Regulation.
- c) Information listed in the publication scheme should be accessible through direct website links. Where information is available in hard copy only, the publication scheme must describe how to obtain it.
- d) The publication scheme must be kept current and reviewed at least annually.

4.3.3 Disclosure log

- a) Council may maintain a disclosure log on its website, recording documents that have been released in response to access applications under the RTI Act, where it considers such disclosure would be of public interest.
- b) Council must not include in the disclosure log any information that would be contrary to the public interest to disclose, including personal information of third parties.
- c) Where a document is published to the disclosure log, it should be published no sooner than twenty-four (24) hours after it is accessed by the applicant and no later than five (5) business days after access is given.

4.3.4 Administrative access

- a) Council will make information available through administrative access wherever possible. Administrative access may include providing information in response to verbal or written requests, publishing information on Council's website, and providing information at Council's public office.
- b) Where information can be provided through administrative access, Personnel should assist the requester to obtain the information without the need for a formal application.



4.4 ACCESS APPLICATIONS

4.4.1 Where information is not available through proactive disclosure or administrative access, any person may make a formal access application under the RTI Act.

4.4.2 Making an application

- a) Access applications must be made in writing (using the approved form at Attachment 1) and must provide sufficient information to enable Council to identify the documents sought.
- b) Applications must be accompanied by the prescribed application fee, except where the application is limited to documents containing the applicant's personal information or where the applicant is eligible for a fee waiver.
- c) Applications should be directed to the RTI Officer.
- d) Where an application is for access to documents containing the applicant's personal information, the applicant must provide evidence of their identity within ten (10) business days of making the application. Acceptable evidence includes a current driver licence, passport, birth certificate or statutory declaration from an individual who has known the applicant for at least one year. Where an application is made on the individual's behalf, both parties must provide evidence of identity, and the representative must provide written authorisation to act.
- e) Under sections 25 and 78F of the RTI Act, a parent or guardian may make an access or amendment application on behalf of a child under eighteen (18) years of age. The parent or guardian must provide evidence of their identity and relationship to the child.

4.4.3 Non-compliant and outside scope applications

- a) If an application does not comply with the requirements of the RTI Act (for example, it does not provide sufficient information to identify the documents sought, or is not accompanied by the prescribed fee), Council must advise the applicant within fifteen (15) business days and take reasonable steps to assist the applicant to make a valid application.
- b) If an application, or part of an application, is outside the scope of the RTI Act, Council must advise the applicant within ten (10) business days. Where an access application is limited to documents containing the applicant's personal information, Council must advise the applicant that no application fee is payable.

4.4.4 Processing an application

- a) Council must process access applications within twenty-five (25) business days of receiving a compliant application, unless an extension of time is permitted under the RTI Act.
- b) Where an application relates to documents that contain information about a third party, Council must consult with the third party before deciding whether to release the information.
- c) Council must give the applicant a schedule of relevant documents and a charges estimate notice within the processing period.

4.4.5 Deciding an application

- a) In deciding an access application, Council must apply the pro-disclosure bias. Access must be granted unless, on balance, disclosure of the information would be contrary to the public interest.

- b) The RTI Act sets out factors that must be considered in the public interest balancing test, including factors favouring disclosure (such as accountability and transparency) and factors favouring non-disclosure (such as privacy, legal privilege and law enforcement).
- c) Certain categories of information are exempt from disclosure under the RTI Act, including Cabinet information, Executive Council information, and information where disclosure is prohibited by another Act.
- d) Council's decision must be provided to the applicant in writing, with reasons for any refusal of access.

4.4.6 Charges

- a) No application fee is payable for access applications limited to documents containing the applicant's personal information.
- b) For other applications, fees and charges are prescribed under the Right to Information Regulation 2009 (Qld). No processing charge is payable where the application takes less than five (5) hours to process.
- c) Council must take reasonable steps to minimise the charges payable by applicants. Charges may be waived for concession card holders and for non-profit organisations experiencing financial hardship.

4.4.7 Refusal to deal with an application

- a) Council may refuse to deal with an access application if dealing with the application would substantially and unreasonably divert Council's resources from their use in the performance of Council's functions.
- b) Council may also refuse to deal with an access application if a previous application was made by the same applicant for access to the same documents, unless there is a reasonable basis for the further application.
- c) Other rights of refusal are available under the RTI Act.
- d) Where Council refuses to deal with an application, it must give the applicant written notice of the refusal, including reasons and information about the applicant's review rights.

4.5 AMENDMENT APPLICATIONS

- 4.5.1 Any person may apply to Council to amend personal information contained in a document held by Council, where the information is inaccurate, incomplete, out-of-date or misleading.
- 4.5.2 Amendment applications must be made in writing and directed to the RTI Officer. No application fee is payable.
- 4.5.3 Council must process amendment applications within twenty-five (25) business days of receiving a compliant application.
- 4.5.4 Where Council decides not to amend the information, the applicant is entitled to request that a notation be attached to the document recording that the applicant claims the information is inaccurate, incomplete, out-of-date or misleading.

4.6 REVIEW RIGHTS

- 4.6.1 If an applicant is dissatisfied with Council's decision on an access or amendment application, the applicant has the following review rights:
 - a) **Internal review.** The applicant may apply for an internal review of the decision. The internal review must be conducted by a different, more senior officer of Council. The application for internal review must be made within twenty (20) business days of receiving the decision. Internal review is not a prerequisite for external review.
 - b) **External review.** The applicant may apply to the OIC for an external review of the decision. The application for external review must be made within twenty (20) business days of receiving the internal review decision, or the original decision if no internal review was sought.
- 4.6.2 **Council must include information about the applicant's review rights in every decision notice.**

4.7 RECORDKEEPING

- 4.7.1 All records relating to access and amendment applications, including applications, decisions, third party consultations, review outcomes and the disclosure log, must be managed in accordance with the Public Records Act 2023 (Qld) and Council's records management requirements.
- 4.7.2 A single repository of information must be maintained to document each matter and the response, including all key decision-making records.
- 4.7.3 Council must maintain an annual record of the number and type of applications received, the number of applications decided within the statutory processing period, the outcomes of applications, and the fees and charges collected and waived.

4.8 TRAINING AND AWARENESS

All Personnel must receive training on their obligations under the RTI Act as part of induction, and at least annually thereafter.



Training must include: the pro-disclosure bias; how to assist requesters to access information through proactive and administrative channels; the obligation not to destroy, conceal or alter documents; and how to refer formal applications to the RTI Officer.

4.9 PUBLICATION

This policy must be published on Council's website in accordance with section 21 of the RTI Act.

4.10 EVALUATION OF POLICY

The success of this policy will be measured by:

- a) Compliance with the RTI Act, including statutory processing timeframes.
- b) Volume and timeliness of proactive and administrative disclosures.
- c) Percentage of access applications decided within the statutory processing period.
- d) Outcomes of internal and external reviews.
- e) Completion rates for Personnel RTI training.
- f) Audit outcomes relating to information access and recordkeeping.

4.11 BREACHES

Failure to comply with this policy may result in disciplinary action and may also result in decisions being reviewed, suspended, or set aside where required to address risk, probity, or legal compliance.

Suspected misconduct, fraud, improper influence, or serious probity concerns must be reported in accordance with Council's relevant reporting processes and Code of Conduct.

5 HUMAN RIGHTS COMPATIBILITY STATEMENT

This policy has been assessed as compatible with human rights pursuant to the *Human Rights Act 2019* (Qld).

6 DEFINITIONS

Term	Definition
Council	Pormpuraaw Aboriginal Shire Council
Information Commissioner	The Queensland Information Commissioner.
IP Act	The Information Privacy Act 2009 (Qld).
OIC	The Office of the Information Commissioner (Queensland).

Term	Definition
Personal information	Information or an opinion about an identified individual, or an individual who is reasonably identifiable from the information or opinion, whether the information or opinion is true or not and whether recorded in a material form or not (Schedule 5 of the IP Act).
Personnel	All Elected Members, employees, contractors, volunteers, consultants and agents of Council.

7 RELATED POLICIES AND OTHER DOCUMENTS

Legislation:	Information Privacy Act 2009 (Qld) Information Privacy and Other Legislation Amendment Act 2023 (Qld) Local Government Act 2009 (Qld) Local Government Regulation 2012 (Qld) Public Records Act 2023 (Qld) Human Rights Act 2019 (Qld)
Associated Documents:	Data Breach Statutory Policy ICT Information Security Strategic Policy CCTV and Surveillance Strategic Policy Code of Conduct Councillor Code of Conduct Complaint Management Policy

8 MONITORING AND REVIEW

This policy is to be reviewed every one (1) year for relevance and to ensure that its effectiveness is maintained.

9 RESPONSIBILITY

This Policy is to be:

- implemented by the CEO; and
- reviewed and amended in accordance by the Governance and Records Officer.

10 VERSION CONTROL

Version	Details	Resolution No	Date
V1	Developed and adopted	2026/113	27 July 2026

Attachment 1

Right to Information — Access Application Form

Right to Information Act 2009 (Qld) — Section 24

Before you apply

Before making a formal application, check whether the information you need is already available through Council's website, publication scheme or disclosure log, or can be provided through administrative access. A formal RTI application should be a last resort.

Contact Council's RTI Officer if you need help identifying the documents you are looking for or completing this form.

Section 1 — Type of Application

I am applying for access to: (tick one)

- ☐ Documents that contain my personal information only (no application fee)
- ☐ Documents that do not contain my personal information (application fee of \$57.65 applies)
- ☐ Both personal and non-personal information documents (application fee of \$57.65 applies)

Section 2 — Applicant Details

Title	<i>Mr / Mrs / Ms / Miss / Dr / Other</i>
Family name	
Given name(s)	
Organisation (if applicable)	
Postal address	
Suburb / Town	
State	
Postcode	
Phone (daytime)	
Email	
Preferred contact method	<i>Email / Post / Phone</i>

Section 3 — Agent or Representative (if applicable)

Complete this section only if someone is making this application on the applicant's behalf. The agent must attach written authorisation from the applicant and evidence of the agent's identity.

Agent's name	
Organisation	
Postal address	
Phone	
Email	
Relationship to applicant	<i>e.g. Solicitor, parent/guardian, authorised representative</i>

Evidence of authority attached: ☐ Yes

Section 4 — Documents You Are Seeking

Please provide as much detail as possible to help Council identify the documents. If you need more space, attach a separate page.

What are the documents about?	
Type of documents sought	<i>e.g. emails, reports, memos, minutes, correspondence, file notes</i>
Date range	<i>From: To:</i>
Reference numbers (if known)	<i>e.g. DA number, file reference, complaint number</i>
Where might the documents be located?	<i>e.g. department, business area, officer name</i>
Any other information to help identify the documents	

Section 5 — How Would You Like Access?

If your application is successful, how would you like to receive the documents? (tick one or more)

☐ Electronic copies (by email)	☐ Inspect at Council's office
☐ Paper copies (by post)	☐ Other (specify below)
Other (specify):	

Access charges of \$0.25 per A4 page apply for paper copies. Electronic copies are free of charge.

Section 6 — Evidence of Identity**When is evidence of identity required?**

If your application is for documents containing your personal information, you must provide evidence of your identity with this application or within ten (10) business days.

Acceptable evidence includes a certified copy of one of the following:

- Current driver licence
- Current passport
- Birth certificate
- Statutory declaration from a person who has known you for at least one year

If an agent is acting on your behalf and the documents contain your personal information, the agent must also provide evidence of their identity and written authorisation to act.

Identity evidence provided: (tick one)

☐ Attached with this application	☐ Will be provided within 10 business days
☐ Not required (non-personal documents only)	☐ Presented in person (original sighted)

Section 7 — Application Fee

No fee is payable if your application is limited to documents containing your personal information.

An application fee of \$59.60 is payable for all other applications. This fee cannot be waived. Processing charges of \$9.25 per fifteen (15) minutes may also apply where processing takes more than five (5) hours.

Fees and charges are prescribed under the Right to Information Regulation 2009 (Qld) and are current as at 1 July 2026. Contact Council's RTI Officer for current fee amounts.

Payment method: (tick one)

☐ No fee required (personal info only)	☐ Cheque / money order enclosed
☐ Payment at Council's office	☐ Electronic payment (contact RTI Officer)

Section 8 — Third Party Use or Benefit

Are you seeking access to documents for the use or benefit of another person or organisation?

☐ No		☐ Yes (provide details below)
Name of person / organisation		
Relationship / purpose		

Section 9 — Declaration and Signature

I declare that the information provided in this application is true and correct. I understand that:

- Council will process this application in accordance with the Right to Information Act 2009 (Qld).
- Council must decide the application within twenty-five (25) business days, unless an extension applies.
- Processing charges and access charges may apply in addition to the application fee.
- If I am not satisfied with Council's decision, I may apply for an internal review and, following that, an external review by the Office of the Information Commissioner.
- Non-personal documents released under this application may be published on Council's disclosure log.

Signature	
Print name	
Date	DD / MM / YYYY

Office Use Only

Date received	
Application reference	
Fee received	\$ <i>Receipt No:</i>
Identity evidence sighted	☐ Yes ☐ No ☐ N/A
Application valid	☐ Yes ☐ No (<i>advise applicant within 15 business days</i>)
Decision due date	
Received by (name / position)	

How to lodge this application

By email: admin@pompuraaw.qld.gov.au

By post: 24 Thinraathin Street, Pompuraaw QLD 4892

In person: 24 Thinraathin Street, Pompuraaw Qld 4892

RTI Officer enquiries: *[insert phone number]*