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RTI and Privacy Review

Department of Justice and Attorney-General

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Dear Review Committee,

My name is Nathan Laurent, I am a sessional academic with an MA in research (journalism), and I teach first year journalism students at a public university in Brisbane. I have been a financial member of the Media, Entertainment and Arts Alliance since 2011. My concerns regarding the RTI Act reflect an interest in journalistic and public access to Government information. Please accept this letter as a submission from an individual to the RTI and Privacy Review, particularly in relation to the question: "(34) Are there other ways in which the RTI Act or the IP Act should be amended?"

My most recent experience with the RTI Act 2009 began before Christmas 2016, when I set out to find some information which I believed to be in the public interest, and which I assumed would be easy for the relevant Government department to locate. I had local information from a source that I believed warranted journalistic reporting. But I knew that without state-wide statistics, the relevant issue of government policy would only be of interest to local readers. I was familiar with the spatial data published by various Queensland Government departments, but the information I wanted was not included in any publicly available dataset. So I decided to approach the media unit in the relevant department in the first instance, to obtain state-wide information in order to provide some policy context for a local story.

The staff in the media unit in the relevant department who fielded my enquiry evidently made no attempt whatsoever to locate the information I requested. Instead, they used three emails to determine my credentials as a journalist, insisting on a copy of a contract from an editor or chief-of-staff as confirmation of my assignment. I was told that the unit gave day-to-day priority to commercial media who had pressing deadline demands, that it would take time to provide me with a response given the extensive nature of my enquiry, and that I should file a RTI request.

To my mind, the information I wanted access to should have been easily obtainable in the twenty-first century. It was not personal information, just basic departmental data. I had read the relevant department's annual report, which included a general statement of policy in relation to state land assets: "properties retained by the department for existing and future infrastructure projects are

leased, where possible, to derive an income for the state.” What I wanted to know was: the amount of annual revenue derived by the department from such leases of land to non-government entities over a six-year period; the number of properties leased out; and their total area in hectares. I also asked whether any Material Changes of Use applications by lessees on land leased out by the relevant department had been approved in the same six-year period. To reduce the amount of information, I asked about vacant land only.

The Section 42 Notice response from the relevant RTI Officer labelled my request as “voluminous”. I was told that preliminary estimates from the relevant departmental division detailing the type and number of documents (files) which might contain information responsive to the scope of my application, along with the estimated time to search, retrieve and collate the information, indicated that approximately 1,300 files for all department vacant land and the Government Land Register would need to be examined, taking approximately 1,200 hours to undertake.

Evidently, the relevant team would need to manually examine the files and various electronic databases to collate the requested information. I was told that, based on the estimates, allowing for a 7.25 hour working day, it would take 172 whole days for one person to process the application. I was told that the RTI Act allowed for an application to be processed within 25 business days with an additional 10 business days allowed if consultation with any third parties was required, giving a total of 35 business days to process the request (the “processing period” as set out in Section 18 of the RTI Act). I was told that it would take the equivalent of five persons working full time to retrieve and collate the information relevant to the scope of my application (excluding the time required for the decision-maker to process the application) and that this would still greatly exceed the statutory timeframes.

I was facing a refusal. So on advice from the RTI Officer, I reduced the spatial area of my request from the whole State down to one regional council area. On advice, I also limited the request to commercial properties only, and limited the scope of my request in relation to the number of properties, area, and revenue derived down to data for a single year. So I requested access to: the number of vacant commercial properties one Government department leases out in a single council area; the area of those properties in total; and the revenue derived from those leases, in one year. As well: whether any Material Changes of Use applications by lessees on land leased out by the department in that single council area had been approved in a six-year period.

To my surprise, I received a second email notifying me of the RTI Officer’s inclination to refuse my request, based on a preliminary estimate from the relevant region in response to the amended scope of my request. This time, the email did not include an estimate of the number of files involved or the required human resources hours. In order to remove the grounds for refusal, I was simply advised to further reduce the spatial area of my request to a single street within the council area, and to reduce the number of years of my request in relation to Material Changes of Use.

Where is a journalist to turn for information? When a department’s annual report includes a statement that “properties retained by the department for existing and future infrastructure projects are leased, where possible, to derive an income for the state”, and a simple request to quantify that income, to quantify the number and total area of relevant vacant commercial properties *even in one council area for one year* is refused on the basis of estimated human resources involved? When the department’s relevant public spatial data repository does not include

such details? Does a journalist just go straight to the relevant Minister's office for an answer? What is the limit on human resources involved in answering Questions on Notice from Members of Parliament? When journalists would have better chances of obtaining modest amounts of public interest information from government departments by passing their questions on to politicians who are not in government, it is arguable that there is room for improvement in the RTI Act.

Thankyou for considering my submission to the Inquiry.

Sincerely,

Nathan Laurent.

B.Gen.St.; B.A. Hons; MA (Research).