13 November 2013

RTI and Privacy Review
Department of Justice and Attorney-General
GPO Box 149
Brisbane QLD 4001

By email: FeedbackRTIandprivacy@justice.qld.gov.au

energex
positive energy

Office of the
Chief Executive Officer

Dear Sir/Madam

Review of the Right to Information Act and Chapter 3 of the Information Privacy Act – Discussion Paper

I refer to the "Review of the *Right to Information Act 2009* and Chapter 3 of the *Information Privacy Act 2009* Discussion Paper" dated August 2013.

Energex has reviewed the Discussion Paper and the 76 questions raised. Energex's submission, responding to a selection of these questions, is set out in **Attachment 1**.

Energex's position on the review of the *Right to Information Act 2009* ("RTI Act") and the *Information Privacy Act 2009* ("IP Act") (collectively, the "RTI Legislation") can be summarised as follows:

- As a GOC, Energex is required, in accordance with the terms of the *Government Owned Corporations Act 1993*, to operate on a commercial basis and in a competitive environment. The RTI Legislation does not align with the commerciality provisions of the GOC Act in terms of the public's right of access to information and a charging scheme that does not cover the actual cost of processing applications.

- The RTI Legislation, being 2 separate pieces of legislation, creates unnecessary complexity and red tape. Energex's preference would be for all applications for information to be managed under one piece of legislation. The Information Privacy Principles could remain under the IP Act.

- The public interest balancing test, requiring the consideration of 55 factors in the legislation, including irrelevant factors, factors favouring disclosure and factors favouring non-disclosure, is an overly complex regime for assessing whether information should be released to an applicant. In comparison, the section 11A of the repealed *Freedom of Information Act 1992* and section 256 (in Reprint No. 8) of the *Electricity Act 1994* allowed GOCs to simply exclude access to documents received, or brought into existence, in carrying out GOC commercial activities or community service obligations prescribed under the regulations.

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ISO 9001

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- Energex routinely releases information to customers, at no charge, under its Administrative Access scheme. The Administrative Access scheme is a more cost efficient and commercial process than the strict legislative framework of the RTI Legislation. For example, Energex received many thousands of requests for outage reports in the aftermath of the 2011 and 2013 floods and cyclones, which Energex processed quickly and free of charge, enabling customers to use the reports in support of their home and contents insurance claims.

- In the event that the RTI Legislation no longer applied to GOCs, Energex would continue to routinely release information to its customers. Requests for personal information would be handled under the *Privacy Act 1988* (Cth). Requests for other information would be handled through the Administrative Access scheme or formal court proceedings where applicable.

- The RTI Legislation contains an exemption for information concerning the deliberations of Cabinet. If the RTI Legislation is to continue to apply to GOCs, a similar exemption should apply to GOC Board deliberations and Board documentation, to support the independent position of the Directors.

- Similarly, a specific exemption should apply to confidential discussions, negotiations and deliberations in relation to:
  - industrial relations strategy, including the enterprise bargaining agreement process; and
  - the formulation of business strategies and plans.

- Energex supports greater flexibility in the RTI Legislation for applicants to be declared vexatious, or for applications to be refused on the basis of excessive detail requested. Under the current legislation, to be declared vexatious, there must be evidence that a person has repeatedly engaged in access actions before they can apply to have a person declared a vexatious applicant. The only case law available to provide guidance on the definition of "repeatedly engaged" indicates that 65 access applications would need to be lodged with an agency, including 10 in a one year period. The meaning of "vexatious" could be expanded to include single applications for multiple items or categories of items, with each category considered a separate application.

Please contact [redacted], Energex's RTI Decision Maker, on [redacted] if you would like to discuss Energex's submission.

Yours sincerely

[redacted]

Terry Effeney
Chief Executive Officer

ENERGEX'S RESPONSE TO THE REVIEW OF THE *RIGHT TO INFORMATION ACT 2009* AND CHAPTER 3 OF THE *INFORMATION PRIVACY ACT 2009* DISCUSSION PAPER

Discussion Paper Question	Energex Response
Part 1 - Objects of the Act - 'Push Model' strategies	
1.1 Is the Act's primary object still relevant? If not, why not?	The primary object of giving a right of access to information in the government's possession or under the government's control unless, on balance, it is contrary to the public interest to give the access, remains relevant. However, consideration should be given to whether the legislation should apply to government owned corporations (GOCs), given that GOCs are required under the *Government Owned Corporations Act 1993* to operate on a commercial basis and in a competitive environment.
1.2 Is the 'push model' appropriate and effective? If not, why not?	Energex considers the "push model" to be, in a broad sense, appropriate and effective. Where appropriate, Energex routinely releases information to the public under its Administrative Access scheme, without the constraints of the RTI Act. However, it is difficult and impractical to determine the extent of information that might need to be put out to the community under the "push model", particularly considering that Energex is already a large customer facing organisation with responsibilities as a distributer of electricity to the entire community in South East Queensland as its customer base. For example, following the 2011 and 2013 cyclones and floods, Energex received many thousands of requests from the public for "outage reports" on their properties, to assist with insurance claims. Energex routinely releases outage reports and other information under its Administrative Access scheme, at no cost, as a service to our customers.
Part 2 - Interaction between the RTI and IP Acts	
2.1 Should the right of access for both personal and non-personal information be changed to the RTI Act as a single entry point?	The right of access to information under one piece of legislation would remove unnecessary complexity in processing applications involving a mixture of personal and non-personal information, and applications where the applicant has applied under the incorrect legislation, necessitating a transfer of the application to the correct legislation.
Part 3 - Applications not limited to personal information	
3.1 Should the processing period be suspended while the agency is consulting with the applicant about whether the application can be dealt with under the IP Act?	Yes. Energex's preference would be to suspend the processing period. However, in this submission, Energex has also made comments that applications should be processed under a single piece of legislation, thereby removing this complexity.
3.2 Should the requirement for an agency to again consider whether the application can be made under the IP Act be retained?	See comments above for Question 3.1.
3.3 Should the timeframe for section 54(5)(b) be 10 business days instead of calendar days, to be consistent with the timeframes in the rest of the Act?	Yes. This inconsistency should be removed.

Discussion Paper Question	Energex Response
Part 4 - Scope of the Acts	
4. 1 Should the Act specify that agencies may refuse access on the basis that a document is not a document of an agency or a document of a Minister?	The logic of the statement could be improved.eg "access cannot be provided on the basis that the requested document is not a document of the agency".
4.2 Should a decision that a document is not a 'document of the agency' or a 'document of a Minister' be a reviewable decision?	The decision should not be reviewable as it is expected to be a conclusive outcome as per the response to Question 4.1.
4.3 Should the timeframe for making a decision that a document or entity is outside the scope of the Act be extended?	Energex has considered this question but has no comment.
4.4 Should the way the RTI Act and Chapter 3 of the IP Act applies to GOCs be changed? If so, in what way?	It would be preferable for Energex to not be subject to the RTI Act and Chapter 3 of the IP Act. Alternatively, a similar exemption to section 11A of the repealed *Freedom of Information Act 1992* would be a more commercial application of the legislation to GOCs. Under the GOC Act, the objective of a GOC is to be commercially successful in the conduct of its activities and efficient in the delivery of its community service obligations.
4.5 Should corporations established by the Queensland Government under the *Corporations Act 2001* be subject to the RTI Act and Chapter 3 of the IP Act?	See comments above for Question 4.4.
4.6 Should the RTI Act and Chapter 3 of the IP Act apply to the documents of contracted service providers where they are performing functions on behalf of government?	Energex does not support the application of the RTI Act and Chapter 3 of the IP Act to the documents of contracted service providers. Extending the legislation's application in this way would increase the cost of compliance for the contractors (many of whom are small businesses) and result in an increase in the cost of services to agencies. The cost of just understanding any legal obligations for compliance for an event that is unlikely or rare in most cases, should not be underestimated. Further, within the commercial operating environment of GOCs, unfettered access to information on suppliers has the potential to negatively impact the pricing and availability of some goods and services.
Part 5 - Publication schemes	
5.1 Should agencies with websites be required to publish publication schemes on their website?	Energex's position is that the Publication Scheme creates unnecessary bureaucracy, as many of the policies are required to be disclosed under the Corporate Governance Guidelines for GOCs. The disclosure allows Energex's intellectual property to be used broadly. Despite clear copyright attestations, Energex has found that many of the policies that it has released on its Publication Scheme have been used without permission by third parties and published on third party websites.
5.2 Would agencies benefit from further guidance on publication schemes?	No. There is sufficient guidance provided in the GOC Release of Information Arrangements.
5.3 Are there additional new ways that Government can make information available?	Energex has considered this question but has no comment.

Discussion Paper Question	Energex Response
Part 6 - Applying for access or amendment under the Acts	
6.1 Should the access application form be retained? Should it remain compulsory? If not, should the applicant have to specify their application is being made under legislation?	The application form is useful to guide applicants in providing a clear description of the information requested. However, Energex's view is that the form itself is not compulsory. Section 48A of the *Acts Interpretation Act 1954* provides that, if a form is prescribed or approved under an Act, strict compliance with the form is not necessary and substantial compliance is sufficient. If an applicant submits an application, in a form other than the official RTI application form, Energex will assess whether the information provided meets the substantial compliance test in section 48A. Energex's position is that there is no need to change the form requirements. Removing the form would create additional administration in the RTI process, as there is likely to be more contact with applicants to confirm the scope of their applications. In relation to the online form, Energex has not established an online form on its website. However, we have noticed that some applicants incorrectly apply for Energex information via the Department of Energy and Water Supply (DEWS) website, which then requires a formal transfer of the application and DEWS to issue a refund of the fee, creating an administrative burden for both DEWS and Energex.
6.2 Should the amendment form be retained? Should it remain compulsory?	See response above to Question 6.1.
6.3 Should the list of qualified witnesses who may certify copies of identity documents be expanded? If so, who should be able to certify documents for the RTI and IP Acts?	The list of qualified witnesses in the Regulations is appropriate.
6.4 Should agents be required to provide evidence of identity?	The identification requirement for agents is an area which many applicants do not understand and do not comply with in their initial RTI application. Energex's position is that identification should not be required for an agent who is employed in a law firm or insurance firm, if they can provide evidence of their appointment as an agent, as this creates an unnecessary layer of bureaucracy. However, where an individual is acting as an agent for another person, Energex supports the continued requirement that both the agent and the applicant should provide a certified copy of their identification.
6.5 Should agencies be able to refund application fees for additional reasons? If so, what are appropriate criteria for refund of the fee?	Energex has considered this question but has no comment.
6.6 Are the Acts adequate for agencies to deal with applications on behalf of children?	Energex has never received an application on behalf of a child.
6.7 Should a further specified period begin as soon as the agency or Minister asks for it, or should it begin after the end of the processing period?	Energex has considered this question but has no comment.

Discussion Paper Question	Energex Response
6.8 Should an agency be able to continue to process an application outside the processing period and further specified period until they hear that an application for review has been made?	Energex has considered this question but has no comment.
6.9 Is the current system of charges estimate notices beneficial for applicants? Should removing the charges estimate notice system be considered?	Energex has found that the process to compile a Charges Estimate Notice is time consuming and bureaucratic. Energex's preference is to remove the requirement as the charges do not cover the actual cost of processing the RTI application. Note however that some applications have run to nearly 2,000 pages released and the financial cost does contribute to applicants considering the relevance of their application.
6.10 Should applicants be limited to receiving two charges estimate notices?	See comments on Question 6.9 above.
6.11 Should applicants be able to challenge the amount of the charge and the way it was calculated? How should applicant's review rights in this area be dealt with?	This would create an additional layer of bureaucracy and add to the cost of processing RTI applications.
6.12 Should the requirement to provide a schedule of documents be maintained?	Energex's position is that the schedule of documents should be maintained. It serves as a good record for both the agency and the applicant on the documents released.
6.13 Should the threshold for third party consultations be reconsidered?	Section 37 of the RTI Act provides that where the disclosure may reasonably be expected to be of concern to a government, agency or person, the agency must obtain the views of that person prior to the release of the information. Energex's position is that the threshold is appropriate and should remain in place.
6.14 Should the Acts set out the process for determining whether the identity of applicants and third parties should be disclosed?	Yes. Energex has had to consult with the Office of the Information Commissioner on the process to follow in the third party consultation process in the event that a third party requests the name of the applicant. The OIC's advice was to seek the approval of the applicant prior to the release of their name. However, a clear procedure in the legislation may clarify this process for Decision Makers.
6.15 If documents are held by two agencies, should the Act provide for the agency whose functions relate more closely to the documents to process the application?	Yes.
6.16 How could prescribed written notices under the RTI Act and IP Act be made easier to read and understood by applicants?	Energex has considered this question but has no comment.

Discussion Paper Question	Energex Response
6.17 How much detail should agencies and Ministers be required to provide to applicants to show that information the existence of which is not being confirmed is prescribed information?	Energex has considered this question but has no comment.
6.18 Should applicants be able to apply for review where a notation has been made to the information but they disagree with what the notation says?	The information released should be final without necessitating further review. Creating an additional avenue for review would create an unnecessary additional layer of bureaucracy. If the notation relates to the applicant's personal information and it is incorrect, the applicant can apply to have their personal information amended.
Part 7 - Refusing access to documents	
7.1 Do the categories of excluded documents and entities satisfactorily reflect the types of documents and entities which should not be subject to the RTI Act?	Energex supports the concept of excluding GOCs from the scope of the Act, in favour of the Administrative Access scheme which is currently in place, as it reduces red tape and creates efficiencies. Also see the comments below in response to Question 7.2.
7.2 Are the exempt information categories satisfactory and appropriate?	Energex supports the concept of expanding the categories of exempt information to include: • GOC Board deliberations and documentation, to support the independence of the Directors; • Confidential discussions, negotiations and deliberations in relation to industrial relations strategy, including the enterprise bargaining agreement process; and • Deliberations in relation to the formulation of business strategies and plans.

Discussion Paper Question	Energex Response
7.3 Does the public interest balancing test work well? Should the factors in Schedule 4 Parts 3 and 4 be combined into a single list of public interest factors favouring non-disclosure?	The public interest balancing test is overly complex, bureaucratic and time consuming for the Decision Maker. Section 49 of the RTI Act provides that access to a document must be given unless disclosure would, on balance, be contrary to the public interest. The section then proceeds to set out the complex steps that Decision Makers must follow in assessing an application. This includes consideration of 55 factors in the legislation, as follows: (a) identifying any factor that is irrelevant to deciding whether, on balance, disclosure of the information would be contrary to the public interest. There are 4 irrelevant factors mentioned in schedule 4, part 1. (b) identifying any factor favouring disclosure that applies in relation to the information, including any of the 19 factors mentioned in schedule 4, part 2; (c) identifying any factor favouring nondisclosure that applies in relation to the information, including any of the 32 factors mentioned in schedule 4, part 3 or 4; (d) disregarding any irrelevant factor; (e) balancing any relevant factor or factors favouring disclosure against any relevant factor or factors favouring nondisclosure; (f) deciding whether, on balance, disclosure of the information would be contrary to the public interest; (g) allowing access to the information unless, on balance, disclosure of the information would be contrary to the public interest. As the Decision Maker's decision is subject to internal or external review, Energex Decision Makers take care to document and justify the complex process applied in reaching their decision. This is a time consuming process. Energex supports the concept of a single, more simplified list of public interest factors favouring non-disclosure, including consideration of the intent of establishing GOCs in the first place to operate on a commercial basis, separated from the operations of Government.
7.4 Should existing public interest factors be revised considering • some public interest factors require a high threshold or several consequences to be met in order to apply • whether a new public interest factor favouring disclosure regarding consumer protection and/or informed consumers should be added • whether any additional factors should be included?	See comments in response to Question 7.2. These items could be included as public interest factors favouring non-disclosure.
7.5 Does there need to be additional protection for information in communications between Ministers and Departments?	Not applicable to Energex.

Discussion Paper Question	Energex Response
7.6 Should incoming government briefs continue to be exempt from the RTI Act?	Not applicable to Energex.
7.7 Are the current provisions in the RTI Act sufficient to deal with access applications for information created by Commissions of Inquiry after the commission ends?	Not applicable to Energex.
7.8 Is it appropriate or necessary to continue the exclusion of Commission documents from the RTI Act beyond the term of the Inquiry?	Not applicable to Energex.
7.9 Are provisions in the RTI Act sufficient to deal with access applications for information relating to mining safety in Queensland?	Not applicable to Energex.
7.10 Are the current provisions in the RTI Act sufficient to deal with access applications for information about successful applicants for public service positions?	Not applicable to Energex.

Discussion Paper Question	Energex Response
8.1 Should fees and charges for access applications be more closely aligned with fees, for example, for access to court documents?	Energex has found that many applicants will submit a single RTI application, requesting a list of information across multiple categories. One example was an applicant who submitted a request for 23 categories of documents which comprised approximately 10,000 pages of information. The application was refused on the basis that processing the application would substantially and unreasonably divert the company's resources from their use by the company in the performance of its functions, in accordance with section 41 of the RTI Act. The applicant subsequently agreed to reduce the scope to 5 categories of items. Despite this, just under 2000 pages of documents were released, taking several weeks of processing time. Energex also received an application for personal information under the IP Act and was unable to charge any application fee, nor processing fee for some 1300 pages of information. This required approximately 7 working days of processing time, including that of the administration staff and the Decision Maker, for which Energex was unable to recover any charges. Energex supports some form of processing charges for large IP applications. Energex also supports greater flexibility in the RTI Legislation for applicants to be declared vexatious or for applications to be refused on the basis of excessive detail requested. Under the current legislation, to be declared vexatious, there must be evidence that a person has repeatedly engaged in access actions before they can apply to have a person declared a vexatious applicant. An agency cannot apply to have an applicant declared vexatious if the applicant has only made a single access application. The Office of the Information Commissioner has advised that only one applicant has ever been declared vexatious in Queensland. This relates to the case of the *University of Queensland and Respondent* (27 February 2012), where the applicant had lodged a total of 65 access applications with the agency, including 10 in a one year period. The OIC has advised that it is unlikely that the Commissioner would declare an applicant vexatious if they submitted many applications (for example, 6 per annum) under a lengthy list of categories, despite the impact on the agency in terms of wasted resources and the inability to recover the actual cost of processing time. Schedule 4, Part 1 of the RTI Act specifies that an irrelevant factor is that the "disclosure of the information could reasonably be expected to result in mischievous conduct by the applicant". This factor could be reviewed to provide greater flexibility in dealing with repeat applicants. The current RTI application fee of $41.90 and the processing charges of $6.45 per 15 minutes or part thereof do not cover the actual cost associated with processing RTI applications. The fees in the *Uniform Civil Procedure Rules 1999* would provide a more realistic fee structure, such as: • Supreme Court fees – Schedule 1: Examining a document or comparing documents by an employee: $21.70 for each quarter hour.
8.2 Should fees and charges be imposed equally on all applicants? Or should some applicants pay higher charges?	Energex's position is that fees and charges be imposed equally on all applicants. Any other form of fee structure would create unnecessary complexities and additional reasons for internal or external review of a decision on how charges are imposed.
8.3 Should the processing period be suspended when a non-profit organisation applicant is waiting for a financial hardship status decision from the Information Commissioner?	Yes.

Discussion Paper Question	Energex Response
8.4 Should the RTI Act allow for fee waiver for applicants who apply for information about people treated in multiple HHSs?	Not applicable to Energex.
8.5 If so what should be the limits of this waiver?	Not applicable to Energex.
Part 9 - Reviews and appeals	
9.1 Should internal review remain optional? Is the current system working well?	Yes. Energex's position is that internal review should remain optional. The current system is working well. Energex does not receive a high volume of applications for internal review (4 were received during 2012/13).
9.2 If not, should mandatory internal review be reinstated, or should other options such as a power for the Information Commissioner to remit matters to agencies for internal review be considered?	Energex does not support the reinstatement of mandatory internal review. Rather, applicants should continue to be given the option of applying for external review through the Office of the Information Commissioner.
9.3 Should applicants be entitled to both internal and external review where they believe there are further documents which the agency has not located?	Energex carries out its obligations under the legislation by conducting thorough searches for information and seeks sign offs from responsible staff to ensure that all relevant information has been provided. If an applicant believes that further documents are in existence and have not been provided, it would be useful for the applicant to provide information on where they believe the document is located and who would be holding that document. Unless this information is provided, the internal and external review process may be just an exercise in repeating the fact that no document has been located or that no document is in existence.
9.4 Should there be some flexibility in the RTI and IP Acts to extend the time in which agencies must make internal review decisions? If so, how would this best be achieved?	Energex has received a relatively small number of applications for internal review of decisions and the Review Officer has been able to effectively respond within the existing statutory timeframe. Unless there was some complexity or unforeseen issue that arises, Energex does not see any reason to extend the existing timeframes.
9.5 Should the RTI Act specifically authorise the release of documents by an agency as a result of an informal resolution settlement? If so, how should this be approached?	Energex already manages the release of information through internal administrative arrangements, as would be expected as a public facing commercial service organisation.
9.6 Should applicants have a right to appeal directly to QCAT? If so, should the Commonwealth model be adopted?	The existing internal and external review process is an effective way to resolve any issues raised by the applicant. A right of appeal directly to QCAT would be an expensive and time consuming exercise for both parties involved and may unnecessarily overburden the resources of QCAT.

Discussion Paper Question	Energex Response
Part 10 - Office of the Information Commissioner (OIC)	
10.1 Are current provisions sufficient to deal with the excessive use of OIC resources by repeat applicants?	Energex has considered this question but has no comment.
10.2 Are current provisions sufficient for agencies?	Energex has considered this question but has no comment.
10.3 Should the Acts provide additional powers for the OIC to obtain documents in performance of its performance monitoring, auditing and reporting functions?	Energex has considered this question but has no comment.
10.4 Should legislative time frames for external review be reconsidered? Is it appropriate to impose timeframes in relation to a quasi-judicial function?	Energex has considered this question but has no comment.
10.5 If so, what should the timeframes be?	Energex has considered this question but has no comment.
Part 11 - Annual Reporting Requirements	
11.1 What information should agencies provide for inclusion in the Annual Report?	Energex has found that the provision of information to the OIC for its Annual Report is time consuming and inefficient. The templates provided by the OIC require agencies to provide an excessive amount of detail in a short time period (one week). Energex would prefer that only high level data, if any, be required for the Annual Report.
Part 12 - Other issues?	
12.1 Are there any other relevant issues concerning the operation of the RTI Act or Chapter 3 of the IP Act that need to be changed?	In the event that legally privileged documents are subject to external review, there should be provisions in the legislation to confirm that privilege is not lost due to the release of the documents to the Information Commissioner for review.

Discussion Paper Question	Energex Response
Review of the *Information Privacy Act 2009*: Privacy Provisions	
1.0 What would be the advantages and disadvantages of aligning the IPPs with the APPs, or adopting the APPs in Queensland?	Energex has considered this question but has no comment.
2.0 Does the IP Act inappropriately restrict the sharing of information? If so, in what ways? Do the exceptions need to be modified?	Energex has considered this question but has no comment.
3.0 Should the definition of personal information in the IP Act be amended to bring it into line with the definition in the Commonwealth Privacy Amendment Act 2012?	The *Commonwealth Privacy Amendment Act 2012* defines personal information as: "information or an opinion about an identified individual, or an individual who is reasonably identifiable: (a) whether the information or opinion is true or not; and (b) whether the information or opinion is recorded in a material form or not." Section 12 of the IP Act defines personal information as: "information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion." Energex supports the adoption of the definition in the Commonwealth legislation as it is a more user friendly definition and removes any inconsistency between the definitions. The main difference with the Queensland definition is that the definition includes "information or an opinion forming part of a database" which is superfluous.
4.0 Should government owned corporations in Queensland be subject to the Queensland's IP Act, or should they continue to be bound by the Commonwealth Privacy Act?	The IP legislation should be clarified by expressly stating that the IPPs do not apply to GOCs, to remove any confusion. The Privacy Act (Cth) should continue to apply to GOCs.
5.0 Should section 33 be revised to ensure it accommodates the realities of working with personal information in the online environment?	Section 33 deals with the consent requirements for transferring an individual's personal information to an entity outside Australia. This does not apply to Energex.
6.0 Does section 33 present problems for agencies in placing personal information online?	Energex has considered this question but has no comment.
7.0 Should an 'accountability' approach be considered for Queensland?	Energex has considered this question but has no comment.
8.0 Should the IP Act provide more detail about how complaints should be dealt with?	Energex has considered this question but has no comment.

Discussion Paper Question	Energex Response
9.0 Should the IP Act provide more flexibility about the timeframe for complaints to the OIC to be lodged?	Energex has considered this question but has no comment.
10.0 Are additional powers for the Information Commissioner to investigate matters potentially subject to a compliance notice necessary?	Energex has considered this question but has no comment.
11.0 Should a parent's ability to do things on behalf of a child be limited to Chapter 3 access and amendment applications?	Energex has considered this question but has no comment.
12.0 Should the definition of 'generally available publication' be clarified? Is the Commonwealth provision a useful model?	Energex has considered this question but has no comment.
13.0 Should the reference to 'documents' in the IPPs be removed; and if so how would this be regulated?	Energex has considered this question but has no comment.
14.0 Should IPP 4 be amended to provide, in line with other IPPs, that an agency must take reasonable steps to ensure information is protected against loss and misuse?	Energex has considered this question but has no comment.
15.0 Should the words 'ask for' be replaced with 'collect' for the purposes of IPPs 2 and 3?	Energex has considered this question but has no comment.