



Our ref RTI-4013
Your ref
Enquiries Helen Adcock

Department of
Transport and Main Roads

5 January 2024

Ms Leslie Haighway

[Via email: foi+request-10969-2c1254e1@righttoknow.org.au](mailto:foi+request-10969-2c1254e1@righttoknow.org.au)

Dear Ms Haighway

I refer to your email received by the Department of Transport and Main Roads (department) on 29 December 2023 seeking an*internal review of Queensland Department of Transport and Main Roads's handling of my FOI request 'Torrens Creek serious accidents east of Torrens Creek'. I would like to know why this mobile speed camera was in this position, nearly on the edge of town (population 70 +) when there have been no serious accidents in the last 5 years. I would also like the fines and demerit points squashed or reduced.*

Background

I note in your initial email dated 13 December 2023 you requested:

Dear Queensland Department of Transport and Main Roads, I would like to know in the last 5 years the serious accidents east of Torrens Creek to warrant a speed camera on the edge of town. It detected me doing 90kph in a 60kph zone where as a Melbourne ion I thought I was in the 100kph zone.

In Queensland, government agencies operate under the *Right to Information Act 2009* (Qld) (**RTI Act**) which grants an applicant a right to be given access to documents subject to the provisions of the RTI Act. Further, access to information under the RTI Act is intended to be a last resort.

Based on the contents of your email dated 13 December 2023, the department interpreted that you were requesting information on road crash data only and you were therefore provided with links to publicly available road crash data as well as details on how to access administratively road crash data not already published.

Request for Internal Review

Under the RTI Act, an agency has 25 business days to give an applicant a '*reviewable decision*'. In the present case, the department's response to your email of 13 December 2023 was administrative in nature and is therefore not considered as a 'reviewable decision'. Accordingly, there are no review rights applicable at this stage.

For the sake of clarity, the department's handling of your request to date is not capable of an internal review under section 80 of the RTI Act because:

- a) a reviewable decision has not yet been made; and
- b) the processing period in relation to your request has not yet expired (being 25 business days after the department received your request on 13 December 2023).

Right to Information

I note in your email dated 29 December 2023 that in addition to seeking 'an internal review of the handling of your FOI request', you have asked '*why this mobile speed camera was in this position ... when there have been no serious accidents in the last 5 years*'.

The RTI Act does not grant an applicant a right to obtain answers to questions asked of a government agency. This said, an agency may consider providing (if and where practicable) access to documents already in its possession that may contain answers to questions.

Requirements for making a valid application

Based on the contents of your email dated 29 December 2023, I consider that you still wish to continue with your request under the RTI Act.

Section 24 of the RTI Act outlines the requirements for making a valid access application for documents (refer Attachment A).

In order for your request to be considered as a valid application under the RTI Act, you will be required to pay the statutory application fee of \$55.75.

Under section 33(3) of the RTI Act the department must not refuse to deal with your application without providing you a reasonable opportunity to consult with a view to making your application in a way which complies with section 24 of the RTI Act.

Accordingly, in order for your application to continue, you will be required to pay the statutory application fee of \$55.75 which can be paid via one of two methods below:

- | | |
|--------|---|
| Online | You may pay the application fee online through the Queensland Government Right to Information Website at: http://www.qld.gov.au/right-to-information/ |
| EFT | If you wish to utilise the department's Electronic Funds Transfer facility, please contact this office and the department's bank account details and instructions will be forwarded to you via email. |

Please quote reference number RTI-4013 when making payment via any of the above methods.

Until the noncompliance described above has been corrected, the application cannot be progressed as a valid application.

Please note that the due date for a response is 19 January 2024. If a response is not received from you by this date, a decision will be made to refuse to further deal with your request.

Further information about accessing information under the RTI Act is available on the department's website: <http://www.tmr.qld.gov.au/About-us/Right-to-Information.aspx>.

Fines and demerit points

I note in your email dated 29 December 2023 you have also requested that the '*finer and demerit points be squashed or reduced*'.

Unfortunately, the RTI and Privacy team of the department is not able to assist you. The Road Safety team of the department have previously suggested that customers enquiring about infringements relating to transportable road cameras contact the Queensland Revenue Office (QRO) either via qld.gov.au/FineEnquiry or 1300 360 610 quoting the infringement number.

Alternatively, you may wish to contact QRO via the contact details contained within the infringement notice/s for further information about how to dispute a fine/s.

Contact

If you have any queries about this letter, please contact me on 3066 0709.

Yours sincerely



Helen Adcock
Principal Advisor (RTI & Privacy)

Right to Information Act 2009

Chapter 3, Part 2, section 24(2) and (3):

24(2) The application must—

- (a) be in the approved form and be accompanied by the application fee; and*
- (b) give sufficient information concerning the document to enable a responsible officer of the agency or the Minister to identify the document; and*
- (c) state an address to which notices under this Act may be sent to the applicant;*

.....

(3) Also, if the application is for access to a document containing personal information of the applicant, the applicant must provide with the application or within 10 business days after making the application—

- (a) evidence of identity for the applicant; and*
- (b) if an agent is acting for the applicant—evidence of the agent's authorisation and evidence of identity for the agent.*

Examples of an agent's authorisation—

- the will or court order appointing the agent to act as the applicant's guardian*
- the client agreement authorising a legal practitioner to act for an applicant*
- if the application is made in reliance on section 25, evidence the agent is the child's parent*