

Our ref RTI-4053  
Your ref  
Enquiries Helen Adcock

Department of  
**Transport and Main Roads**

22 January 2024

Ms Leslie Haighway

[Via email: foi+request-11043-c7c24e17@righttoknow.org.au](mailto:foi+request-11043-c7c24e17@righttoknow.org.au)

Dear Ms Haighway

### **Right to Information Access Application - Notice of noncompliance - RTI-4053**

I refer to your email received on 22 January 2024 by the Department of Transport and Main Roads (department) which has been considered as an Information Access Application requesting access to information under the *Right to Information Act 2009* (Qld) (the RTI Act).

Please use the allocated reference number of RTI-4053 in all future communications.

Based on the scope of your application I consider that you have requested access to:

*The number of complaints the department has received about the speed camera deployed at Torrens Creek in August 2023.*

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

I have sought advice from the relevant business unit and have been advised that a document does exist that may contain information responsive to your request.

### **Requirements for making a valid application**

Section 24(2) and (3) of the RTI Act outlines the requirements for making a valid access application for documents

I have formed the view that your application is not valid because of the following reasons:

- you have not paid the statutory application fee of \$55.75; and
- you have not identified in writing if you are seeking access for the use or benefit of another person, company or body.

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>.

### **Notice under section 33(3) of the RTI Act**

Under section 33(3) of the RTI Act, I 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(2) of the RTI Act.

Accordingly, I request that you provide the abovementioned information and pay the statutory application fee of \$55.75 in order for your application to continue.

### **Payment methods**

Payment of the application fee can be made 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-4053 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.

### **Due date for response**

Please note that the due date for response is 6 February 2024. If a response is not received from you by this date, a decision may be made to refuse to further deal with your application.

### **Processing charges**

Once your application is considered valid, there may be additional processing charges applicable.

Section 60(1) of the RTI Act provides that before access may be given to a document, the applicant must pay the applicable processing and access charges. Should the processing of the application exceed five hours, processing and access charges are payable as follows:

- \$8.35 per fifteen minutes; and
- 25 cents per black and white A4 photocopied page.

If it becomes apparent that the time required to process your application will exceed five hours, I will notify you by issuing a "Charges Estimate Notice" outlining any anticipated charges.

### **Publication of information on the Disclosure Log**

In order to comply with the RTI Act, the department is required to publish the date and the details of valid applications online on the department's Disclosure Log. The name of the applicant is not published at this time.

When the department makes a decision to grant access to document/s, the document/s will also be published online on the department's Disclosure Log. The name of the applicant and the details of any entity or body that will use or benefit from the document/s will also be published at this time. Any documents that contain the applicant's personal information will not be published on the Disclosure Log.

Please note that the department may also remove information from the documents before they are placed on the Disclosure Log. For example, the department may remove information the publication of which is prevented by law, may be defamatory, would unreasonably invade an individual's privacy, or would cause substantial harm to an entity.

Further information about the Disclosure Log can be found on the department's website <http://www.tmr.qld.gov.au/About-us/Right-to-Information/Disclosure-log.aspx>.

Should you wish to discuss your application in any way, please contact me on 07 3066 0709.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Helen Adcock', with a long, sweeping underline.

Helen Adcock  
**Principal Advisor (RTI and 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;*
- (d) state whether access to the document is sought for the benefit of, or use of the document by—*

- (i) the applicant; or*
- (ii) another entity; and*

*Example for paragraph (d)(ii) —*

*A journalist makes an access application for a document for use of the document by an electronic or print media organisation*

- (e) if access to the document is sought for the benefit of, or use of the document by, an entity other than the applicant—the name of the other entity.*

*(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*