

Kowanyama Aboriginal Shire Council

Right to Information Policy



Policy Number: KASC-STRAT-037

Responsible Manager: Chief Executive Officer

Legislation: Local Government Act 2009
Local Government Regulation 2012
Right to Information Act 2009
Right to Information Regulation 2009
Information Privacy Act 2009
Information Privacy Regulation 2009

Approval Date: 26 May 2026

1. Purpose

- 1.1. This policy aims to ensure Council remains compliant with the legislative obligations and functions of Right to Information Act 2009 (RTI Act) and the Information Privacy Act 2009 (IP Act).
- 1.2. The Council aims:
 - to maximise the amount of corporate information that is publicly available.
 - to promote proactive release of information and encourages Council officers to actively support activities to make corporate information available to the public in accordance with the RTI Act and IP Act.
 - to remain committed to openness and transparency by way of Council documents being made publicly available and easily accessible unless it is specifically exempt by law, or the release of the document is contrary to public interest.
- 1.3. 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.

2. Scope

- 2.1. This policy refers to the release or sale of any information that is held or controlled by the Council.
- 2.2. This policy and guidelines apply to all Council employees, contracted service providers and Councillors.

3. Terms and Definitions

3.1. In this policy:

Access application:	Refers to an application for access to information under the Right to Information Act.
Administrative release:	Refers to access to information, in full or part, in certain types of administrative or operational records. Such records are generally released as a matter of course, in response to a request, without the need for a formal application under legislative authority.
Amendment application:	A formal application under the RTI Act to amend personal information contained in a document held by Council
Council:	Kowanyama Aboriginal Shire Council
Disclosure log:	Is a list of documents released following a decision about an application for access under the Right to Information Act. Disclosure Log documents may be published on Council's website or made available on request
Document:	<p>The Act defines 'document' as a document in the possession, or under the control of Council whether brought into existence or received in the Council, and includes:</p> <ul style="list-style-type: none"> • a document to which Council is entitled to access; and • a document in the possession, or under the control, of an officer of Council in the officer's official capacity. <p>Documents may be:</p> <ul style="list-style-type: none"> • in hardcopy or electronic form; • any paper or other material on which there is writing; • any paper or other material on which there are marks, figures, symbols or perforations having a meaning for a person qualified to interpret them; and • any disc, tape or other article or any material from which sounds, images, writings, or messages are capable of being produced or reproduced (with or without the aid of another article or device).
External review:	A review of an access or amendment decision conducted by the OIC
Information Commissioner:	The Queensland Information Commissioner
Internal review:	A review of an access or amendment decision conducted by a different, more senior officer within Council.
Public record:	Means, as per the Public Record Act 2002, any documents created, received, or kept by Council in the exercise of its statutory, administrative, or other public responsibilities or for a related purpose. Council public records are the same as corporate record.
Personnel:	Includes Elected Members, employees, contractors, volunteers, and all others who perform work on behalf of the Council.
Personal information:	Means 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 a natural living person whose identity is apparent, or can reasonably be ascertained, from the information or opinion, including a photograph or

other pictorial representation of a person.

Pro-disclosure bias:	The principle under the RTI Act that access to information should be granted unless, on balance, disclosure would be contrary to the public interest
Publication scheme:	Means the kinds of information that Council has available and the terms on which it will make the information available, including any charges that may be necessary.
RTI Act:	Means the Right to Information Act 2009 (and Regulation).
RTI Officer:	The officer designated by the Chief Executive Officer to receive and process access and amendment applications under the RTI Act.

4. Responsibilities

- 4.1. Council's CEO is delegated by Council as the Principal Officer for the purposes of the RTI Act and IP Act and is responsible for Council's obligations under the RTI Act and IP Act.
- 4.2. The CEO has authority to delegate the role of "Decision maker" to nominated officers to make decisions regarding the release of documents. These officers are authorised to view any relevant documentation to assess the content to determine if the documents can be released. These officers for the purpose of this policy will be referred to as Delegated Officer.
- 4.3. These Delegated officers and the responsibilities are outlined in the below table:

Role	Responsible for
All Personnel	<ul style="list-style-type: none"> • 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
Chief Executive Officer	<ul style="list-style-type: none"> • 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
Responsible Manager	<ul style="list-style-type: none"> • Oversee Council's compliance with the RTI Act. • Maintain and update this policy. • Oversee review and remediation processes

RTI Officer	<ul style="list-style-type: none"> • 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.
Manager:	<ul style="list-style-type: none"> • 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

5. Policy

5.1. Council 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

6. Proactive disclosure

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

6.2. Publication Scheme

Council must maintain a publication scheme on its website in accordance with section 21 of the RTI Act.

Under section 21(1) of the RTI Act, the publication scheme must include:

- Council's structure and functions;
- How Council's functions affect members of the public;
- Any arrangements that enable members of the public to engage with Council's functions;
- The types of information Council makes publicly available and how that information is made available;
- Procedures for asking for information, including any fee or charge that may be payable;

- Any additional information required by Regulation.

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.

The publication scheme must be kept current and reviewed at least annually.

The Publication Scheme must contain information that is significant and appropriate. Appropriate information means that a document must not be exempt from public release, or the release must not be contrary to the public interest as determined by the RTI Act or the IP Act. Consideration must be given to any relevant legislation and/or Council policy.

Publication Scheme documents may be edited by Council to remove any personal or sensitive information being disclosed.

Where possible, Council documents are to be easily accessible directly from the Publication Scheme.

Council actively promotes the publication of accurate and appropriate information to the Publication Scheme.

Information custodians, such as delegated officers of the Governance team must ensure that all new documents, such as documents with new or revised legislation or policy, a new publication or a significant organisational change document are suitable for the Publication Scheme. Information custodians will also ensure any inaccurate or out of date documents are removed from the Publication Scheme. There is no charge for examining any document and/or information published in the Publication Scheme contained on Council's website. However, there may be a charge if a large volume of printed material is required, or it involves significant Council resources. Any charges will be advised to individuals at the time of their request.

6.3. Disclosure Log

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.

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.

A document is published to the Disclosure Log no sooner than 24 hours after it is accessed by an applicant and no later than five (5) business days after access is given.

7. Administrative Access Applications

Administrative access applications are ad hoc request for a Council document or part of a document.

Where an individual requests access to a Council document, or part of a document, they should initially be referred to the Council's website, Publication Scheme, Disclosure Log, library, or other source where Council documents are routinely made available. If the document is not publicly available, then the individual may apply for administrative access to information.

7.1. Making an application

Access applications must be made in writing, using the prescribed form located on Council's Website and must provide sufficient information to enable Council to identify the documents sought.

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.

Applications should be directed to the RTI Officer.

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.

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

A formal RTI access application must:

- Be in the approved form and accompanied by the prescribed fee (where applicable).
- Give sufficient information to enable the identification of the documents requested.
- State an address where the notice issued under the RTI Act or IP Act are to be sent.

The RTI application applies only to documents that are, or may be, in existence on the day the application is received. Access applications do not apply to documents that are available from an alternative source, such as the Publication Scheme or via administrative access.

7.2. Non-compliant and outside scope applications

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.

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.

7.3. Processing an application

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.

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.

Council must give the applicant a schedule of relevant documents and charges estimate notice within the processing period.

7.4. Deciding an application

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.

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).

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.

Council's decision must be provided to the applicant in writing, with reasons for any refusal of access.

7.5. Charges

No application fee is payable for access applications limited to documents containing the applicant's personal information.

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.

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

7.6. Refusal to deal with application

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.

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.

Other rights of refusal are available under the RTI Act.

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

7.7. Amendment applications

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.

Amendment applications must be made in writing and directed to the RTI Officer. No application fee is payable.

Council must process amendment applications within twenty-five (25) business days of receiving a compliant application.

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.

8. Internal and External Review

Where an individual is not satisfied with the decision made by Council in relation to their access application, they have the following 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.

Council must include information about the applicant's review rights in every decision notice.

9. Record keeping

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.

A single repository of information must be maintained to document each matter and the response, including all key decision-making records.

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.

10. 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.

11. Human rights

Council is a public entity under the Human Rights Act 2019 (Qld) and must act and make decisions in a way that is compatible with human rights.

This policy has been assessed for compatibility with the human rights protected under the Human Rights Act 2019 (Qld). To the extent that this policy may limit human rights, those limitations are considered reasonable and demonstrably justifiable in accordance with section 13 of the Human Rights Act 2019 (Qld).

This policy engages the right to freedom of expression (section 21 of the Human Rights Act 2019 (Qld)), which includes the freedom to seek and receive information. The policy supports and promotes this right by establishing Council's obligations and procedures for providing access to information. To the extent that access to certain information may be refused under the RTI Act, those limitations are prescribed by law, serve legitimate purposes (such as protecting privacy, legal privilege and public safety), and are proportionate. This policy does not limit any human rights protected under the Human Rights Act 2019 (Qld).

12. Publication

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

13. Policy breach

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 Officer Code of Conduct.

14. Policy Review

- 14.1. The policy is to be reviewed in accordance with the Policy Framework.
- 14.2. Kowanyama Aboriginal Shire Council reserves the right to vary, replace, or terminate this policy from time to time.

15. Approval

- 15.1. This policy was duly authorised by Kowanyama Aboriginal Shire Council on 26 May 2026 as Kowanyama Aboriginal Shire Council's Right to Information Policy and shall hereby supersede any previous policies of the same intent.