

3 January 2012

Mr Paul French  
Brisbane CBD BUG  
GPO Box 2104  
Brisbane QLD 4001

Dear Mr French

**Right to Information Access Application – Consultation Notice - 135/00825**

I refer to your Information Access Application to the Department of Transport and Main Roads (the department) requesting access to documents under the *Right to Information Act 2009* (the Act).

Further to correspondence dated 7 December 2011, I confirm the revised scope of the application for access to:

*“Northern Cycleway Planning - March 2007  
Northern Busway Alliance - Northern Veloway Environmental Investigations - July 2009  
Northern Busway Alliance - Northern Veloway Royal Children's Hospital to Windsor North - July 2009  
North Brisbane Cycleway - August 2010  
North East Transport Study - January 2010  
Bicycle and Pedestrian Capacity Model - draft Feb 2010  
Benefits of Active Transport - June 2011  
North Brisbane Cycleway - Concept Design Study - Concept Planning - August 2010  
North Brisbane Cycleway - Concept Design Study - Oct 2010  
North Brisbane Cycleway - Cabinet Submission - submitted  
North Brisbane Cycleway - Bowen Hills to Kedron Brook - Nov 2011  
North Brisbane Cycleway - Concept Design and Property Requirements - Nov 2011  
Submission to the Qld Heritage Council - Oct 2011”*

After examining the documents relevant to your application, I have decided that it is necessary for me to consult under section 37 of the Act (see Attachment 1) with other persons (third parties) who I believe may have concerns about the release of information to you.

Please also note that, under section 37 of the Act, if an objection to release is raised, I must defer giving you access to the documents in issue until after the third party's appeal rights under this Act have been exhausted.

Should you wish to discuss your application in any way, please contact me on 07 3306 6728.

Yours sincerely



Danielle Wills  
**RTI and Privacy Coordinator**

## Right to Information Act 2009

**37 Contact with the relevant third party**

(1) An agency or Minister may give access to a document that contains information the disclosure of which may reasonably be expected to be of a concern to a government, agency or person (the **relevant third party**) only if the agency or Minister has taken the steps that are reasonably practicable -

- (a) to obtain the views of the relevant third party about whether -
- (i) the document is a document to which this Act does not apply; or
  - (ii) the information is exempt information or contrary to the public interest information;

and

- (b) to inform the relevant third party that if access is given to the document because of an access application, access may also be given to the document under a disclosure log.

(2) If disclosure of information may reasonably be expected to be of a concern to a person but for the fact that the person is deceased, subsection (1) applies as if the person's representative were a relevant third party.

(3) If -

(a) the agency or Minister obtains the views of the relevant third party and the relevant third party considers -

- (i) the document is a document to which this Act does not apply; or
  - (ii) the information is exempt information or contrary to the public interest information;
- but

(b) the agency of Minister decides -

- (i) the document is a document to which this Act does apply; or
- (ii) the information is not exempt information or contrary to the public interest

information;

the agency or Minister must -

(c) give prescribed written notice of the decision of the agency or Minister to the applicant and the relevant third party; and

(d) defer giving access to the document until after -

- (i) the agency or Minister is given written notice by the relevant third party that it does not intend to make any application for review under this Act; or
- (ii) if the notice is not given under subparagraph (i) and no application for review under this Act is made by the end of the review period-the end of the review period; or
- (iii) if an application for review under this Act is made by the end of the review period-the review has ended (whether because of an informal resolution or because of a decision of the entity conducting the review).

(4) The agency of Minister must give the applicant written notice when access is no longer deferred under subsection (3)(d).

(5) In this section-

**Representative**, in relation to a deceased person, means the deceased person's eligible family member, or, if 2 or more persons qualify as the deceased person's eligible family member, 1 of those persons.

**Review period** means the period within which any application for review under this Act may be made.