Office of the Information Commissioner
Queensland

Decision and Reasons for Decision

Application Number:	**220169**
Applicant:	**Brisbane Central Business District Bicycle User Group - CBD BUG**
Decision Date:	**17 February 2026**
Catchwords:	**ADMINISTRATIVE LAW – RIGHT TO INFORMATION – application to the Information Commissioner for financial hardship status – whether the applicant is a non-profit organisation in financial hardship - section 67 of the *Right to Information Act 2009* (Qld)**

REASONS FOR DECISION

Summary

1. The Brisbane Central Business District Bicycle User Group (**CBD BUG**) is a non-profit organisation which is in financial hardship for the purpose of section 67 of the *Right to Information Act 2009* (**RTI Act**).

2. CBD BUG's financial hardship status has effect for one year from the date of the decision.

Background

3. On 4 February 2026, the Office of the Information Commissioner (**OIC**) received an application from CBD BUG requesting financial hardship status under section 67 of the RTI Act.

4. CBD BUG has previously been granted financial hardship status by the Information Commissioner.[1]

5. In making this decision, I have considered:

- CBD BUG's application for financial hardship status (**Application**)
- CBD BUG's Constitution (**Constitution**)
- CBD BUG's bank statement[2]
- information from CBD BUG's public Facebook profile[3]
- relevant provisions of the RTI Act; and
- relevant administrative decisions and case law as identified in this decision.

[1] Financial hardship application 220060 (25 November 2010), 220064 (13 December 2011), 220074 (4 April 2014), 220077 (8 May 2014), 220085 (9 August 2016), 220089 (12 September 2017), 220104 (17 June 2019), 220120 (15 September 2020), 220152 (31 August 2023) and 220161 (3 February 2025).
[2] Great Southern Bank Prime Access Accounts 30834141. Statement for period 22 July 2025 to 21 January 2026.
[3] At Brisbane CBD BUG | Brisbane QLD | Facebook accessed 4 February 2026.

Relevant law

6. Section 67(1) of the RTI Act provides that:

> ***67 Financial hardship status for non-profit organisation***
>
> *(1) The information commissioner may, on written application by a non-profit organisation, decide whether a non-profit organisation has financial hardship status by considering the nature and size of the organisation's funding base and the amount of the organisation's liquid funds.*
>
> *Example—*
> *The fact an organisation receives significant government funding may indicate its finances are strictly limited.*

7. Therefore, in deciding the Application, I must consider whether CBD BUG is:

   a) a non-profit organisation; and
   b) in financial hardship, by reference to the nature and size of its funding base and the amount of its liquid funds.

8. At common law, the courts have found that the question of whether an organisation is in financial hardship must be determined objectively[4] and will depend upon the particular circumstances of the case.[5]

Findings

Non-profit organisation

9. The RTI Act defines '*non-profit organisation*' as '*an organisation that is not carried on for the profit or gain of its individual members*'.[6]

10. CBD BUG was established in 2005 and has more than 800 members at the time of the Application. CBD BUG is a non-profit unincorporated organisation.[7]

11. CBD BUG's Constitution states that its objective is:

> *To improve conditions for cyclists living in or cycling to, within, and from the Brisbane CBD. To this end the BUG will –*
>
> - *Advocate and promote better cycle routes to, within, and from the CBD.*
> - *Advocate and promote better end-of-trip facilities in the CBD for cyclists.*
> - *Pursue this objective with the relevant instrumentalities of the Brisbane City Council and Queensland Government, as well as any other organisations or individuals who have relevant responsibilities impacting on cycling to, within, and from the CBD, including building owners, managers and tenants.*

12. CBD BUG convened monthly membership meetings between January 2025 and December 2025.[8]

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[4] As discussed in *Van De Wiel and Civil Aviation Safety Authority* (2006) 93 ALD 163, at 170, a decision concerning similar provisions under the *Freedom of Information Act 1982* (Cth).
[5] As discussed in *FG O'Brien Pty Ltd v Elliot* [1965] NSWR 1473, at 1475, and applied in *Re Kabalan* (1993) 40 FCR 560, at 562.
[6] Schedule 5 of the RTI Act.
[7] As detailed in the Application.
[8] As detailed in the Application.

13. In the event of the association being dissolved, the amount that remains after such dissolution and the satisfaction of all debts and liabilities shall be transferred to any association with similar purposes which is not carried on for the profit or gain of its individual members as determined by the meeting at which the association is dissolved.[9]

14. I am satisfied the CBD BUG is a non-profit organisation and is therefore entitled to apply for financial hardship status under section 67 of the RTI Act.

Financial hardship

15. The term 'hardship' implies a level of '*severe toil, trial, oppression or need*'[10] and '*severe circumstances would need to be demonstrated before it became applicable*'.[11]

16. To decide whether a non-profit organisation is in financial hardship, section 67(1) of the RTI Act requires me to consider the:

    - nature and size of the organisations funding base; and
    - amount of liquid funds.

17. The Application outlines that CBD BUG does not conduct any fund raising or seek any grants, no membership fees are levied, and the bank account incurs no fees/charges and generates no interest.[12]

18. Members of CBD BUG's executive meet the organisation's operating costs, such as postage, printing and website hosting, from their personal resources.[13]

19. CBD BUG has a bank balance of $285.74.[14]

20. At the time of this decision, I am satisfied that CBD BUG relies solely on its executives to meet operating costs and does not charge a membership fee, solicit or expect donations from members, fundraise or seek grants/funding from the government or gifts and/or donations as its primary sources of income and, as such, I consider that the nature and size of CBD BUG's funding base is very limited.

21. By considering the nature and size of the entity's funding base and the amount of liquid funds, it ensures all aspects of an organisation's financial position are considered, as opposed to simply the funds available at the time of the application.

22. CBD BUG does not have any identified liabilities or physical assets which means that I cannot make an accurate assessment of the organisation's liabilities and therefore cannot effectively perform liquid analysis.[15] On the information available, I am satisfied that CBD BUG has limited liquid funds.[16]

23. Taking into account the nature and size of the funding base and the limited liquid funds available, I am satisfied that CBD BUG has limited finances to support its activities and that CBD BUG qualifies for financial hardship status under the RTI Act.

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[9] 'Dissolution of organisation' CBD BUG Constitution.
[10] *The Macquarie Dictionary – Sixth Edition (Online)*, available at www.macquariedictionary.com.au.
[11] *Re Hounslow and Department of Immigration and Ethnic Affairs* (1985) 7 ALN N362, at n367.
[12] As detailed in the Application.
[13] As detailed in the Application.
[14] Great Southern Bank Prime Access Account 30834141.
[15] There are a variety of financial analysis tools that can be used to determine the financial condition of a non-profit organisation, the most common of which is liquid analysis. Where liabilities do not exist or are uncertain, these analysis tools are of little assistance.
[16] $285.74 in liquid funds, in the form of cash at bank.

DECISION

24. Under section 67 of the RTI Act, I find that CBD BUG is a non-profit organisation that has financial hardship status.

25. The effect of my decision is that any processing charge or access charge relating to CBD BUG's application under the RTI Act must be waived.[17]

26. This decision has effect for one year from the date of this decision.[18]

S McRorie
Principal Information and Assistance Officer [19]
Date: 17 February 2026

[17] Section 66(2)(b) of the RTI Act.
[18] Section 67(3) of the RTI Act. CBD BUG must give written notice to the OIC if there is any substantial improvement in its financial circumstances during this period, as soon as practicable after the improvement happens: section 67(4) of the RTI Act.
[19] As a delegate of the Information Commissioner under section 145 of the RTI Act.