

15 April 2011

Brisbane CBD Bicycle User Group  
Mr Paul French  
GPO Box 2104  
BRISBANE QLD 4001

Department of  
**Transport and Main Roads**

Dear Mr French

**Department of Transport and Main Roads Right to Information Access Application – Consultation Notice**

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).

Your application was received by the Department on 29 March 2011 and has been allocated the reference number of 135/00337. Please use this reference number in all future communications.

In your application you requested access to:

*“All correspondence between the Department of Transport and Main Roads, the Centre for Accident Research and Road Safety? Queensland (CARRS-Q) and/or the Queensland University of Technology relating to a Department of Transport and Main Roads commissioned investigation by CARRS-Q of national and international evidence on helmet wearing by cyclists.”*

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.

Section 18(2)(d) of the Act (processing period) sets out that if consultation of this type is required, the Department is allowed an additional 10 business days to process the application. As a result of this consultation, the due date for notifying you of my decision is **23/05/2011**.

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 do not hesitate to contact me on (07) 3306 7105.

Yours sincerely



Louise Vasta  
**Senior RTI and Privacy Co-ordinator**

**RTI & Privacy**  
Legal and Prosecution Services Branch  
Corporate Governance Division  
**GPO Box 1549, BRISBANE QLD 4001**

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**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 or 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 or 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.