



CS ENERGY PROCEDURE FOR RIGHT TO INFORMATION (RTI) CS-LEGAL-05

Responsible Officer: Special Counsel
Responsible Executive: Company Secretary

DOCUMENT HISTORY

Key Changes	Prepared By	Checked By	Approved By	Date
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1 PURPOSE AND BACKGROUND

To ensure that CS Energy complies with its obligations, and releases information in accordance with, the *Right to Information Act (Qld) 2009* (RTI Act) and related guidelines and arrangements. The RTI Act succeeded and repealed the *Freedom of Information Act 1992* (FOI Act). Applications pending under the FOI Act may be continued under the RTI Act¹.

The object of the RTI Act is to proactively make available to the public information in the Government's possession or control unless, on balance, disclosure is contrary to the public interest.²

2 SCOPE

This procedure applies to CS Energy and its subsidiary corporations.

2.1 Application of the RTI Act

The RTI Act applies to CS Energy and its subsidiary corporations³ subject to the exemptions set out in clause 2.2 of this procedure.

CS Energy's shareholding Ministers also expect the Corporation to comply with version 2 of the Government Owned Corporations Release of Information Arrangements ("Arrangements") released by Queensland Treasury in February 2009.⁴

2.2 Exemptions from the RTI Act

The RTI Act **does not apply** to:

- (a) CS Energy in relation to its functions, except in so far as those functions relate to the Corporation's community service obligations.⁵ Accordingly, the RTI Act does not apply to documentation received or brought into existence by CS Energy for purposes other than its community services obligations; and
- (b) documents previously covered by s11A of the FOI Act (ie. documents received or brought into existence, prior to commencement of the RTI Act, for the purposes of carrying out CS Energy's commercial activities).⁶

Notwithstanding the above exemptions, the Arrangements:

- (c) articulate the Queensland Government's expectations in relation to information release by all Government Owned Corporations and their subsidiaries; and
- (d) note that "any documents provided by Government Owned Corporations (including GOCs excluded from the RTI legislation) to Government agencies will be subject to RTI legislation"⁷ in the hands of those agencies.

1 Section 199(1) of the RTI Act

2 Preamble and s3(1) of the RTI Act – for consideration of the public interest balancing test refer to OIC guidelines

3 Section 14(1)(d) of the RTI Act

4 refer letter from the Under Treasurer to the Chair dated 15 December 2008

5 Section 17(b) and Schedule 2 Part 2 (13) of the RTI Act. Note('Community service obligations' are obligations to perform activities that are not in CS Energy's commercial interests and are imposed by the Corporation's shareholding Ministers pursuant to a formal direction, notification or statutory duty made under the GOC Act 1993 (refer s)112)

6 Section 11 and Schedule 1(14) of the RTI Act

7 Page 5 of the Arrangements

2.3 Key Obligations under the RTI Act and the Arrangements

The key obligations imposed on CS Energy and its subsidiaries by the RTI Act and the Arrangements are to:

- (a) publish a publication scheme on CS Energy's website, and thereby make available to the public, significant, appropriate and accurate information in accordance with the Arrangements;
- (b) maintain a disclosure log and provide access to documentation of public interest that has previously been disclosed to applicants pursuant to RTI applications; and
- (c) process written applications, with respect to CS Energy's community service functions, made under and in accordance with the RTI Act.

3 RESPONSIBILITIES AND ACCOUNTABILITIES

3.1 Board

The CS Energy Board is accountable for ensuring an appropriate framework exists governing the proactive and routine release of information by CS Energy in accordance with applicable legislation and Government policy.

3.2 Chief Executive

The Chief Executive is responsible and accountable for:

- "implementing and administering the proactive and routine release of information by CS Energy"⁸;
- designating a senior executive role that will be responsible for CS Energy's release of information process;
- designating a CS Energy employee as the Corporation's RTI Officer; and
- designating a CS Energy employee as the Corporation's RTI Review Officer.

3.3 Responsible Senior Executive

The Company Secretary is the senior executive responsible for the operation of CS Energy's RTI process including applicable policies and procedures.

3.4 RTI Officer

The RTI Officer is the primary contact within CS Energy for RTI enquiries and is responsible for processing and deciding RTI applications in accordance with the RTI Act and in consultation, as required, with CS Energy personnel and functional groups.

CS Energy's RTI Officer is CS Energy's Special Counsel.

⁸ Refer part 5 of the Arrangements



3.5 RTI Review Officer

The RTI Review Officer must hold a more senior role within CS Energy than the RTI Officer and is responsible for deciding applications for internal review of the RTI Officer's decisions in accordance with Part 8 of the RTI Act.

CS Energy's RTI Review Officer is the Company Secretary.

3.6 Corporate Communications and Stakeholder Relations

CS Energy's Corporate Communications and Stakeholder Relations function is responsible for assisting the RTI Officer and the RTI Review Officer to discharge their RTI responsibilities, including:

- approval of the administrative release of information;
- the periodic review of information made available under CS Energy's Publication Scheme and Disclosure Log;
- maintaining CS Energy's Disclosure Log; and
- ensuring the regular review, at least quarterly, and updating of CS Energy's Publication Scheme on the Corporation's website to ensure it is current and accurate.

3.7 In House Legal

In House Legal is responsible for:

- maintaining and periodically reviewing this procedure, not less than biennially, in consultation with the Company Secretary and the RTI Officer, to ensure that the procedure remains current;
- assisting the RTI Review Officer process internal review applications provided that the relevant in-house counsel has not made the initial decision on the RTI application.

3.8 Employees

Employees are responsible for:

- referring RTI enquiries from members of the public and government agencies to the RTI Officer; and
- providing information to the RTI Officer upon request.

4 ACTIONS

4.1 Administrative Release

CS Energy may administratively release documentation or information to an applicant, in response to a verbal or written application, without the need for a formal application made under the RTI Act, the Information Privacy Act 2009 (Qld) or other legislation.

Proposed administrative release of information:

- (a) must comply with CS Energy's legal obligations;



- (b) must take account of those factors supporting release or withholding of information under the RTI Act and the Information Privacy Act 2009;
- (c) should otherwise be in accordance with applicable CS Energy procedures; and
- (d) must be approved by the RTI Officer and the Group Manager Corporate Communications and Stakeholder Relations where the proposed release is not in the ordinary course of business or in accordance with an applicable CS Energy procedure.

4.2 Publication Scheme

A publication scheme sets out the kinds of information that an agency should make routinely available. The information should be easy for any member of the public to find and use. The information provided through the publication scheme replaces the Statement of Affairs previously published under the FOI Act.⁹

In accordance with the Arrangements, CS Energy shall:

- (a) establish and maintain a publication scheme on the Corporation's website consistent with the Arrangements and the types of information that private sector public companies, that compete in commercial competitive markets, publish on their websites or make available to shareholders;
- (b) make available to the public, through web links or administrative arrangements, information listed in the publication scheme; and
- (c) periodically review, at least quarterly, the information made available through the publication scheme to ensure that that information is significant, appropriate and accurate.

4.3 Disclosure Log

CS Energy shall:

- (a) establish and maintain a disclosure log on the Corporation's website consistent with the requirements of the Arrangements, the RTI Act and applicable Ministerial Guidelines; recording and identifying information, other than personal information, released to applicants pursuant to RTI applications¹⁰; and
- (b) make available to the public, through web links or administrative arrangements, information listed in the disclosure log.

4.4 Receipt of RTI Applications

CS Energy shall respond promptly to RTI applications in accordance with applicable timeframes under the RTI Act.

Usually, the first point of contact for an RTI enquiry will be the RTI Officer. Other CS Energy employees, who are contacted by an applicant seeking access to information under RTI legislation, should:

- (a) explain that it is not your role to handle RTI enquiries;
- (b) refer the applicant to CS Energy's Publication Scheme and Disclosure Log on the Corporation's website, and to CS Energy's RTI Officer; and

⁹ Ministerial Guidelines pg 2

¹⁰ Note: Disclosure log will be uploaded to website following release of RTI information - draft template in B/D/10/18819



- (c) advise the RTI Officer of the enquiry.

Employees who are contacted by an applicant seeking access to information under RTI legislation, must not:

- (d) advise or disclose the likelihood, or otherwise, of the applicant receiving the information requested; or
- (e) provide the requested information or any commercial information about CS Energy to the applicant;

other than in accordance with existing CS Energy procedures or in the normal course of CS Energy's commercial operations.

4.5 Processing RTI Applications directed to CS Energy

RTI applications shall be managed and processed by the RTI Officer, in accordance with the flowchart in Attachment A, the RTI Act and applicable Guidelines issued by the Office of the Information Commissioner.

The standard processing period is 25 business days from the date a valid application is received by CS Energy, provided that certain activities will not count as part of the processing period and additional time may be allowed for consultation with third parties.¹¹

In order for an RTI application to be valid, it must meet the requirements in section 24 of the RTI Act. It must:

- (a) be made in the approved form¹² (refer Attachment B);
- (b) be accompanied by the application fee;
- (c) give sufficient information about the document to enable the document to be identified;
- (d) state an address to which notices under the RTI Act may be sent; and
- (e) if the application is being made by an agent on behalf of the applicant, provide the name of the applicant and the agent.

Also, if the application is for access to a document containing the applicant's personal information, the applicant must provide, within 10 days of making the application:

- (a) evidence of the applicant's identity; and
- (b) if an agent is acting for the applicant, evidence of the agent's authorisation and evidence of identity for the agent.

If an application does not meet the above requirements, the RTI Officer must make reasonable efforts to contact the applicant within 15 business days of receipt of the purported application and provide the applicant with a reasonable opportunity to make a compliant application.

Applications for access to documents under the RTI Act that could have been brought under the Information Privacy Act 2009 (to the extent that the requested document/s contains the applicant's personal information) may be processed by CS Energy under the Information Privacy Act 2009.¹³

¹¹ Section 18 of the RTI Act
¹² CS Energy TRIM ref B/D/39699
¹³ Section 34 of the RTI Act



4.6 Processing RTI Internal Review Applications

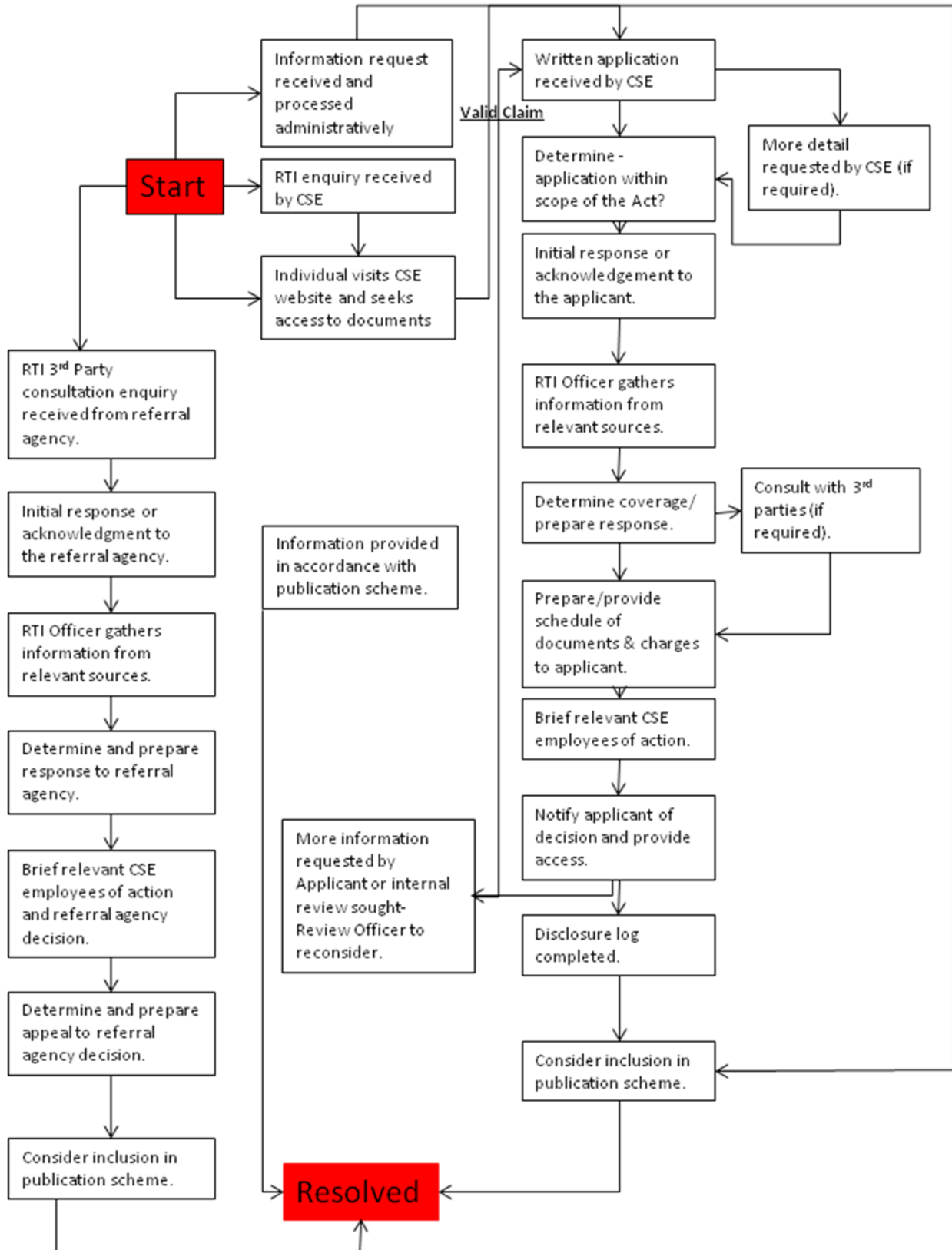
Applications for internal review of a decision made by the RTI Officer shall be determined by the RTI Review Officer within 20 business days¹⁴ of the review application being made and otherwise in accordance with the flowchart in Attachment A, the RTI Act and applicable Guidelines issued by the Office of the Information Commissioner.

4.7 Consultation on Applications directed to other Agencies

CS Energy may be consulted, by another government agency that has received an RTI application or Information Privacy application (Third Party Consultation), seeking CS Energy's views on the release of documentation that could reasonably be expected to be of concern to CS Energy. All Third Party Consultation requests shall be managed and processed by the RTI Officer in accordance with the flowchart in Attachment A, the RTI Act and applicable Guidelines issued by the Office of the Information Commissioner.

¹⁴ Section 83 of the RTI Act

5 RIGHT TO INFORMATION FLOW CHART



6 DEFINITIONS

Term	Definition
RTI	Right to Information

7 REFERENCES

Reference No	Reference Title	Author
	<i>Right to Information Act 2009</i>	Qld Government
	Government Owned Corporations Release of Information Arrangements (version 2 released February 2009)	Qld Government
	Ministerial Guidelines - Operation of Publication Schemes and Disclosure Logs Under section 21(3) and section 78(2) of the <i>Right to Information Act 2009</i>	Qld Government
	RTI Guidelines issued by the Office of the Information Commissioner	Qld Government
"B/D/11/39709"	Policy – Compliance Policy	CS Energy
TBA	Right to Information and Information Privacy Application Form	CS Energy