

## Mitchell Dickens

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**From:** Transport and Main Roads  
**Sent:** Monday, 13 January 2025 12:17 PM  
**To:** Tony Meredith  
**Cc:** Kav Samaraweera  
**Subject:** FW: External review 317910

FYI



### Mitchell Dickens

Office Manager  
Office of the Hon Brent Mickelberg MP  
Minister for Transport and Main Roads

M 07 3719 7116 E [mitchell.dickens@ministerial.qld.gov.au](mailto:mitchell.dickens@ministerial.qld.gov.au)  
1 William Street, Brisbane QLD 4000

**From:** personal information

**Sent:** Wednesday, January 8, 2025 1:39 PM

**To:** Administration - OIC <[administration@oic.qld.gov.au](mailto:administration@oic.qld.gov.au)>; Maroochydore Electorate Office <[maroochydore@parliament.qld.gov.au](mailto:maroochydore@parliament.qld.gov.au)>; Deputy Premier <[deputy.premier@ministerial.qld.gov.au](mailto:deputy.premier@ministerial.qld.gov.au)>; Transport and Main Roads <[TransportandMainRoads@ministerial.qld.gov.au](mailto:TransportandMainRoads@ministerial.qld.gov.au)>; personal informa@gmail.com

**Subject:** Re: External review 317910

Good afternoon personal

I confirm receipt of your correspondence below.

I have provided numerous submissions to you and the OIC. These have set out the following which is supported by evidence released under RTI 596:

1. Queensland Rail have provided misleading correspondence to the Queensland Ombudsman (09 Dec 2022).
2. Queensland Rail have provided misleading correspondence to the five ministers of the crown (between 21 April 2021 and March 2024).
3. Throughout the OIC 317910 review period Queensland Rail have provided reasons for withholding (historical) RTI 596 material that contradict Queensland RAILS own descriptions of this material in correspondence to the Ombudsman dated 09 Dec 2022.
4. Queensland Rail leadership have concealed serious public safety oversights identified by Queensland Rail engineers and project managers throughout RTI 596.
5. Queensland Rail have made unsubstantial financial demands from 2018 onward which have been based on erroneous, incomplete and unapproved documents.
6. Queensland Rail (project managers, CEO, Chairman) have proposed and attempted to force the property owner of 88 South Pine Rd Alderley to agree to undocumented changes to State Assessment Referral Agency development approval conditions, on an undocumented basis without approval or legislative right to do so, while ignoring high risk public safety issues likely to result in fatalities, while Queensland Senior leaders engaged in years of misrepresenting these known issues to the public, responsible ministers, government agencies and departments while safe alternatives (stated throughout RTI 596 existed).
7. Queensland Rail have attempted to force the project owner to pay for works that Queensland Rail knew did not meet the condition requirements, were deliberately excluded by Queensland Rail to meet the condition requirements demonstrating and intention to deliberately not meet condition requirements for

which they were imposed, while hiding this from five responsible ministers, the public, the property owner and relevant agencies (including SARA) and two government departments.

8. Individuals at Queensland Rail involved in the above misconduct have also been involved in managing the dispute as well as QR RTI 596 application, processing, refusal and managing responses to continue to successfully influence the OIC to refuse disclosure of withheld material.

To this end, I request copies of all submissions made by Queensland Rail to the Office of the Information Commission in relation to OIC external review 317910 and RTI 596.

I look forward to your reply.

Regards

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Merle Canis

E: [personal@merlecanis.com](mailto:personal@merlecanis.com)

M: personal informati

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On Monday, November 18th, 2024 at 12:04 PM, Administration - OIC <[administration@oic.qld.gov.au](mailto:administration@oic.qld.gov.au)> wrote:

Dear personal info

I acknowledge receipt of your email below and your previous email dated 29 October 2024. Your correspondence confirms that you do not accept my preliminary view, which was further explained

in our letter to you dated 19 September 2024. I also confirm that you have requested that a formal, published decision be issued to finalise this external review.

You have again raised public interest arguments in support of your request for the exempt information to be disclosed. In this regard, I can only reiterate that if information falls within one of the categories of exempt information prescribed in schedule 3 of the *Right to Information Act 2009 (RTI Act)*, a presumption exists that its disclosure would be contrary to the public interest and it is then not necessary to proceed to the public interest balancing prescribed in section 49 of the RTI Act.

Having reviewed your further submissions, I have not been persuaded to change my preliminary view that:

- (a) access may be refused to 81 full pages and parts of 9 pages, on that the ground this information is exempt, as it is subject to legal professional privilege; and
- (b) disclosing the remaining refused information (being parts of 36 pages) would, on balance, be contrary to the public interest and access to it may be refused on that basis.

The next step in the external review process will be the issue of a formal, published decision. As noted in our 19 September letter, general information about our formal decisions can be accessed at [Written Decisions - Policy and Procedure | Office of the Information Commissioner Queensland](#).

While our Office is currently experiencing higher levels of demand, we continue to seek finalisation of all external review matters as quickly as we can. I had already flagged that our formal decisions take some time to prepare. Following your 29 October 2024 request for a formal decision, we have commenced preparation of that decision. Taking into account current workloads, I currently anticipate that the formal decision in this matter will issue to the review participants in late December 2024 or early January 2025. In the meantime, I do not require any further information from you.

Yours sincerely

personal

Principal Review Officer

Office of the Information Commissioner

PO Box 10143, Adelaide Street, Brisbane Q 4000

P: 07 3234 7373

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*Our vision: Building trust through transparency*

**From:** [personal.information@merlecanis.com](mailto:personal.information@merlecanis.com)

**Sent:** Saturday, November 16, 2024 11:35 AM

**To:** Maroochydore Electorate Office <[Maroochydore@parliament.qld.gov.au](mailto:Maroochydore@parliament.qld.gov.au)>; Administration - OIC <[administration@oic.qld.gov.au](mailto:administration@oic.qld.gov.au)>; Premier <[premier@ministerial.qld.gov.au](mailto:premier@ministerial.qld.gov.au)>; [dpc@premiers.qld.gov.au](mailto:dpc@premiers.qld.gov.au); [deputy.premier@ministerial.qld.gov.au](mailto:deputy.premier@ministerial.qld.gov.au); 'transportandmainroads@ministerial.qld.gov.au' <[transportandmainroads@ministerial.qld.gov.au](mailto:transportandmainroads@ministerial.qld.gov.au)>; Chatsworth Electorate Office <[chatsworth@parliament.qld.gov.au](mailto:chatsworth@parliament.qld.gov.au)>

**Subject:** Re: Office of Information Commissioner External review 317910

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Subject: Urgent Follow-Up on Unanswered Response -- Reference 317910

Dear [personal.information@merlecanis.com](mailto:personal.information@merlecanis.com)

I am writing to follow up on my response dated 29 October 2024, submitted in relation to the external review, by your office of Queensland Rail's decision under the Right to Information Act 2009 (Qld) (RTI Act). Despite the critical nature of the issues raised and the significant public interest involved, I have yet to receive an acknowledgment or substantive reply to my correspondence.

The matters outlined in my response are of paramount importance, not only regarding Queensland Rail's (QR) transparency but also concerning broader governance and safety issues that directly affect public interest and safety. As highlighted in my letter these include:

**QR's Misuse and OIC's acceptance of exemptions:** QR's claims of commercial-in-confidence and legal professional privilege lack substantiation and appear to be applied selectively to obscure governance failures.

**Critical Safety Risks:** QR omissions and OIC acceptance of QR withholding information about known safety hazards at the Alderley Level Crossing, endangering public lives.

**Inconsistent Representations:** There are clear contradictions in QR's communications with different agencies, including your office and the Ombudsman, raising concerns about deliberate misinformation.

**Potential Criminal Conduct:** QR's actions potentially involve breaches of the Criminal Code Act 1899 (Qld) and the Public Sector Ethics Act 1994 (Qld), including providing false or misleading information

(to the Ombudsman and potentially your office) and obstructing justice. These issues have been acknowledged by the OIC, however the information that is highly likely to be held by the OIC confirming this is still withheld by the OIC.

These issues demand a thorough review and immediate action. The delays in addressing my concerns not only hinder transparency but also undermine public trust in the OIC's oversight role and bring into question if the OIC itself is acting in the public interest or if the OIC is acting independently?

I request an urgent update on the status of my response and a timeline for when I can expect a decision on these matters. If no action is taken, I will have no choice but to escalate this issue further, as the systemic failures and potential misconduct outlined in my correspondence cannot go unchecked.

I look forward to your prompt response and a resolution that upholds transparency, accountability, and the principles of public interest.

Yours sincerely,

personal informat

E: [pe@merlecanis.com](mailto:pe@merlecanis.com)

M: (personal info)

Sent from [Proton Mail](#) for iOS

Good evening (personal) (and addressed recipients),

I wrote to you on the 4th of October 2024 advising I would reply to your correspondence dated 19 September 2024, following the Queensland State election. This was in the hope that there would be a change of Government and fortunately this has been the case.

I therefore attach my reply to your letter dated 19 September 2024 in which you refused RTI disclosures withheld by Queensland Rail under RTI 596. I have also attached all other correspondence between myself and your office for the records of those Ministers who have been granted leave to form Government in Queensland and for the addressed soon to be Ministers who have been kept up to date with substantial integrity issues relating to Queensland Rail, that has been the subject of multiple referrals to the Crime and Corruption Commission

(by former premier Palaszczuk and Miles), the Queensland Ombudsman and other authorities in Queensland.

Regards

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Merle Canis

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M: [personal information](tel:personal information)

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On Friday, October 4th, 2024 at 1:54 PM, personal information  
pej@merlecanis.com> wrote:

Thank you for your email,

I am writing to advise that I will be replying to your correspondence dated 19 September 2024 regarding OIC external review 317910, which in itself relates to Queensland Rail RTI-596.

I expect to have my correspondence to you before 30 October 2024, and this will more than likely be on 28 October 2024, which is the Monday following the 2024 Queensland State Election.

I look forward to continuing this matter in the tenure of the next parliament.

Regards

personal information

personal

**Merle Canis**

E: pej@merlecanis.com

M: personal inform

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On Thursday, September 19th, 2024 at 8:28 AM, Administration - OIC <[administration@oic.qld.gov.au](mailto:administration@oic.qld.gov.au)> wrote:

Dear personal inf

Please see **attached** correspondence from the Office of the Information Commissioner regarding the above external review.

Yours sincerely

personal info

Principal Review Officer

Office of the Information Commissioner

PO Box 10143, Adelaide Street, Brisbane Q 4000

P: 07 3234 7373

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