



*Right to Information Act 2009*

# **Right to Information Regulation 2009**

**Current as at 13 July 2012**

# Information about this reprint

This regulation is reprinted as at 13 July 2012. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

## Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

## Dates shown on reprints

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

**Replacement reprint date** If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



## Queensland

# Right to Information Regulation 2009

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# Right to Information Regulation 2009

[as amended by all amendments that commenced on or before 13 July 2012]

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Right to Information Regulation 2009*.

### 2 Commencement

This regulation commences on 1 July 2009.

## Part 2 Requirements for evidence of identity

### 3 Evidence of identity—Act, s 24(5), definition *evidence of identity*

- (1) For section 24(5) of the Act, the evidence of identity prescribed for a person is a document verifying the person's identity, including, for example—
- (a) a passport; or
  - (b) a copy of a certificate or extract from a register of births; or
  - (c) a driver licence; or
  - (d) a statutory declaration from an individual who has known the person for at least 1 year; or

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- (e) if the person is a prisoner within the meaning of the *Corrective Services Act 2006*—a copy of the person's identity card from the department administering that Act that is certified by a corrective services officer within the meaning of that Act.
- (2) If a document under this section, other than a document mentioned in subsection (1)(e), is a photocopy of an original document, the document must be certified by a qualified witness as being a correct copy of the original document.
- (3) In this section—  
*qualified witness* means—
  - (a) a lawyer or notary public; or
  - (b) a commissioner for declarations; or
  - (c) a justice of the peace.

## Part 3 Fees and charges

### 4 Amount of application fee—Act, sch 6, definition *application fee*

The application fee in relation to an access application is \$40.50.

### 5 Amount of processing charge—Act, s 56

- (1) The processing charge under section 56 of the Act for an access application for a document is—
  - (a) if the agency or Minister spends no more than 5 hours processing the application—nil; or
  - (b) if the agency or Minister spends more than 5 hours processing the application—\$6.25 for each 15 minutes or part of 15 minutes spent processing the application.

*Example—*

If the agency or Minister spends 3 hours processing an access application for a document there is no processing charge.

If the agency or Minister spends 6 hours processing an access application for a document the processing charge is—6 hours x 60 (to convert to minutes) / 15 (to determine the number of 15 minute blocks) x \$6.25.

- (2) However, if the document is not found in the place where, according to the filing system (the *relevant filing system*) of the agency or of the office of the Minister it ought to be located, any time (other than the time that would have been spent by the agency or Minister in searching for or retrieving the document, if the document had been found in that place) is disregarded in calculating the processing charge.
- (3) Also, if the relevant filing system ought reasonably to have indicated, but does not indicate, the place where the document is located, any time (other than the time that would have been spent by the agency or Minister in searching for or retrieving the document, if the relevant filing system had indicated the place where the document is located and the document had been found in that place) is disregarded in calculating the processing charge.
- (4) In this section—

*processing*, for an access application for a document, means—

  - (a) searching for or retrieving the document; and
  - (b) making, or doing things related to making, a decision on the application.

## **6 Amount of access charge—Act, s 57**

- (1) The access charge under section 57 of the Act in relation to an access application for a document is the total of—
  - (a) the actual cost incurred by the agency or Minister for any of the following—

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- (i) any engagement of another entity to search for and retrieve the document;
- (ii) any relocation of the document necessary to allow access to be given to the document;

*Example—*

A document may be transported from Cairns to Brisbane to give access to an applicant who lives in Brisbane.

- (iii) any written transcription of the words recorded or contained in a document mentioned in section 68(1)(d) of the Act;
- (iv) any creation of a written document mentioned in section 68(1)(e) of the Act;
- (v) otherwise giving access to the document (except by giving the applicant a black-and-white photocopy of the document in A4 size), for example, by the reproduction of the document; and

*Examples—*

- a licensing fee payable for copying an X-ray
- a licensing fee payable for reproducing a duplicate document created using licensed software

- (b) if the applicant is given a black-and-white photocopy of the document in A4 size—\$0.20 for each page.
- (2) The access charge in relation to an application for a document must not include the actual cost of—
    - (a) if access to the document is given by emailing the document to the applicant—the email; or
    - (b) if access to the document is given by giving the document to the applicant on a disc—the disc.



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## **Part 4 Requirements for annual reports**

### **7 Report to Speaker and parliamentary committee on operations of OIC—Act, s 184**

For section 184(3) of the Act, details of the following matters must be included in a report under section 184(2) of the Act in relation to the financial year to which the report relates—

- (a) the number of applications by non-profit organisations for financial hardship status under section 67 of the Act;
- (b) the number of external review applications reviewed by the information commissioner;
- (c) for an application for external review that results in a decision under section 110 of the Act—
  - (i) the decision of the commissioner; and
  - (ii) if the decision results in access to a document being refused—the particular provisions of the Act under which access was refused;
- (d) the number of times and the way in which the commissioner has used the entitlement to full and free access to documents under section 100 of the Act;
- (e) the number of applications made under section 114 of the Act for a declaration that a person is a vexatious applicant and the number of declarations made under that section by the commissioner;
- (f) the number of applications for extension of the 10 year period received by the commissioner under schedule 4, part 4, item 1 of the Act and the commissioner's decision for each application.

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## **8 Report to Assembly on Act's operation—Act, s 185**

- (1) For section 185(2) of the Act, details of the following matters must be included in a report under section 185(1) of the Act in relation to the financial year to which the report relates—
  - (a) the number of access applications received by each agency or Minister;
  - (b) for each agency or Minister—
    - (i) the number of refusals to deal with an access application under section 40 of the Act; and
    - (ii) the number of refusals to deal with an access application under section 41 of the Act; and
    - (iii) the number of refusals to deal with an access application under section 43 of the Act;
  - (c) for each agency or Minister—the number of refusals of access under each paragraph of section 47(3) of the Act and any other particular provision of the Act relevant to the refusal;
  - (d) for each agency or Minister—the number of documents included in a disclosure log under section 78 of the Act;
  - (e) for each agency or Minister—
    - (i) the number of deemed decisions under section 46 of the Act; and
    - (ii) the number of decisions on internal review taken to have been made under section 83(2) of the Act;
  - (f) for each agency or Minister—
    - (i) the number of internal review applications received; and
    - (ii) for each application, whether the decision on the internal review was different from the decision subject to internal review, and how it was different;
  - (g) for each agency or Minister—

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- (i) the number of external review applications made in relation to a decision of the agency or Minister; and
  - (ii) the number of external review applications where there was no preceding internal review application to the agency or Minister; and
  - (iii) the number of decisions on external review that affirmed the decision of the agency or Minister; and
  - (iv) the number of decisions on external review that varied the decision of the agency or Minister; and
  - (v) the number of decisions on external review that set aside the decision of the agency or Minister and made another decision in substitution for the decision of the agency or Minister;
- (h) any disciplinary action taken against an officer in relation to the administration of the Act;
  - (i) any proceedings brought for an offence against section 175(1) or (3) of the Act;
  - (j) for each agency or Minister—the amount of fees and charges received under the Act;
  - (k) any other relevant fact indicating an effort by an agency or Minister to further the object the Act.
- (2) Also, for section 185(2) of the Act, details for each agency or Minister of the following matters must be included in the report—
- (a) the number of applications under the repealed *Freedom of Information Act 1992* that were not finalised within the meaning of section 199(2) of the Act before—
    - (i) for the first report under section 185(1) of the Act—the commencement of section 199 of the Act; or
    - (ii) otherwise—the commencement of the financial year to which the report relates;

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- (b) the number of applications mentioned in paragraph (a) that were not finalised within the meaning of section 199(2) of the Act by the end of the financial year to which the report relates.

## Part 5 Declarations

### 9 Public authority—Act, s 16(1)(c)

The Bar Association of Queensland ACN 009 717 739 is declared to be a public authority for section 16(1)(c) of the Act.

### 10 Principal office—Act, sch 6, definition *principal officer*, paragraph (e)

For each of the following public authorities, the office of vice-chancellor of the public authority is declared to be the principal office for the Act, schedule 6, definition *principal officer*, paragraph (e)—

- Central Queensland University
- Griffith University
- James Cook University
- Queensland University of Technology
- The University of Queensland
- University of Southern Queensland
- University of the Sunshine Coast.

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## Part 6 **Repeal of Freedom of Information Regulation 2006**

### 11 **Repeal**

The Freedom of Information Regulation 2006, SL No. 201 is repealed.

## Part 7 **Transitional provision**

### 12 **Transitional provision**

- (1) The repealed *Freedom of Information Regulation 2006* continues to apply in relation to an application under the repealed *Freedom of Information Act 1992* that has not been finalised before the commencement of this section as if this regulation had not been made.
- (2) For subsection (1), an application has not been finalised until—
  - (a) a decision on the application is made; and
  - (b) either—
    - (i) the time for exercising any review rights or appeal rights in relation to the decision has ended without any rights being exercised; or
    - (ii) any review or appeal in relation to the decision has ended.

## Endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 13 July 2012. Future amendments of the Right to Information Regulation 2009 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	1 July 2009	
1A	2011 SL No. 115	1 July 2011	
1B	2012 SL No. 102	13 July 2012	

## 5 List of legislation

### *Regulatory impact statements*

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

### *Explanatory notes*

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

### **Right to Information Regulation 2009 SL No. 134**

made by the Governor in Council on 25 June 2009

notfd gaz 26 June 2009 pp 831–7

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2009 (see s 2)

[exp 1 September 2019](#) (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

### **Justice (Fees) Amendment Regulation (No. 1) 2011 SL No. 115**

notfd gaz 1 July 2011 pp 589–96

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2011 (see s 2)

### **Justice Legislation (Fees) Amendment Regulation (No. 1) 2012 SL No. 102**

notfd gaz 13 July 2012 pp 820–5

ss 1–2 commenced on date of notification

remaining provisions commenced 13 July 2012 (see s 2)

## **6 List of annotations**

**Amount of application fee—Act, sch 6, definition “application fee”**

**s 4** amd 2011 SL No. 115 s 3 sch; 2012 SL No. 102 s 3 sch

**Amount of processing charge—Act, s 56**

**s 5** amd 2011 SL No. 115 s 3 sch; 2012 SL No. 102 s 3 sch

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