



Queensland

Right to Information Regulation 2009

Subordinate Legislation 2008 No. ...

made under the

Right to Information Act 2009

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Part 1 Preliminary

1 Short title

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

2 Commencement

This regulation commences on [date].

Part 2 Requirements for proof of identity

3 Proof of identity—Act, s 66(4), definition *proof of identity*

(1) For section 66(4) of the Act, the proof of identity prescribed for an applicant is—

(a) 2 documents verifying the applicant’s identity; and

Examples—

- a copy of a certificate or extract from a register of births
- a credit card
- a medicare card

(b) photographic identification.

Examples—

- a driver licence
- a passport

(2) If a document under this section is a photocopy, the document must be certified by a qualified witness as being a correct copy of the document.

(3) In this section—

qualified witness means—

- (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 application for access to a document is \$38.00.

5 Amount of processing charge—Act, s 53

- (1) There is no processing charge in relation to an access application unless the agency or Minister spends more than 2 hours processing the application.
- (2) After 2 hours, the processing charge is \$5.80 for each 15 minutes, or part of 15 minutes, in excess of 2 hours that the agency or Minister spends processing the application.
- (3) However, if a 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.
- (4) 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

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been found in that place) is disregarded in calculating the processing charge.

(5) 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 54

(1) The access charge in relation to an application for access to a document is the total of—

- (a) the actual cost incurred by the agency or Minister for any of the following—
 - (i) any engagement of another entity to search for and retrieve the document;
 - (ii) any relocation of the document necessary so access may be given to the document;

Example—

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

- (iii) any written transcription of the words recorded or contained in a document mentioned in section 74(1)(d) of the Act;

Editor's note—

Section 74(1)(d) of the Act mentions a document by which words are recorded in a way in which they are capable of being reproduced in the form of sound or in which words are contained in the form of shorthand writing or in codified form.

- (iv) any creation of a written document mentioned in section 74(1)(e) of the Act;

Editor's note—

Section 74(1)(e) of the Act mentions a written document created using equipment usually available for retrieving or collating stored information.

- (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 access to 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.

Part 4 Requirements for annual reports

7 Report to Legislative Assembly on Act's operation—Act, s 182

For section 182(2) of the Act, particulars of the following matters must be included in a report in relation to the financial year to which the report relates—

- (a) the number of valid access applications received by each agency or Minister;

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- (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 43 of the Act;
- (c) for each agency or Minister—the number of refusals of access under each paragraph of section 46 of the Act and the specific provisions of the Act under which access was refused;
- (d) for each agency or Minister—
 - (i) the number of internal review applications; and
 - (ii) whether the decision on the internal review was different from the decision subject to internal review and how;
- (e) for each agency or Minister—
 - (i) the number of external review applications; and
 - (ii) the number of external review applications where there had been no internal review application; 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;
- (f) any disciplinary action taken against an officer in relation to the administration of the Act;
- (g) any proceedings brought for an offence against section 173;
- (h) for each agency or Minister—the amount of fees and charges received under this Act;

- (i) any other relevant facts indicating an effort by each agency or Minister to implement and administer this Act.

Part 5 Declarations

8 **Public authority—Act, s 16(1)(c)(i)(C) and (ii), definition *public authority***

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

9 **Principal office—Act, sch 6, definition *principal officer*, paragraph (d)**

The office of vice-chancellor of each of the following public authorities is declared to be the principal office for paragraph (d) of the definition *principal officer* in schedule 6 of the Act—

- 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

10 Repeal

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

Part 7 Transitional provision

11 Transitional provision

- (1) The repealed *Freedom of Information Regulation 2006* continues to apply in relation to an application under the *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) the time for exercising any review rights or appeal rights in relation to the decision has ended.

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