

Right to Information Regulation 2025

Explanatory notes for SL 2025 No. 74

made under the

Right to Information Act 2009

General Outline

Short title

Right to Information Regulation 2025

Authorising law

Section 193 of the *Right to Information Act 2009*

Policy objectives and the reasons for them

The policy objectives of the *Right to Information Regulation 2025* (RTI Regulation 2025) are to remake the *Right to Information Regulation 2009* (RTI Regulation 2009) to support the effective operation of the *Right to Information Act 2009* (RTI Act), to implement the results of a sunset review of the RTI Regulation 2009 and the *Information Privacy Regulation 2009* and to facilitate amendments to the RTI Act under the *Information Privacy and Other Legislation Amendment Act 2023* (IPOLA Act).

The IPOLA Act received Royal Assent on 4 December 2023.

The IPOLA Act, among other things, amends the RTI Act and the *Information Privacy Act 2009* (IP Act). It implements or responds to recommendations for legislative change to Queensland's information privacy and right to information frameworks from a number of reports including:

- the report on the *Review of the Right to Information Act 2009 and Information Privacy Act 2009*, tabled in the Legislative Assembly on 12 October 2017;
- the Crime and Corruption Commission (CCC)'s report, *Operation Impala, A report on misuse of confidential information in the Queensland public sector*, tabled in the Legislative Assembly on 21 February 2020;
- the CCC's report, *Culture and Corruption Risks in Local Government: Lessons from an investigation into Ipswich City Council*, tabled in the Legislative Assembly on 4 August 2018;
- the *Strategic Review of the Office of the Information Commissioner*, tabled in the Legislative Assembly on 11 May 2017; and
- *Let the sunshine in: Review of culture and accountability in the Queensland public sector*, provided to the Premier and Minister for the Olympics and Paralympics on 28 June 2022.

Achievement of policy objectives

The RTI Regulation 2025 facilitates these objectives by remaking the RTI Regulation 2009 to:

- include appropriate evidence of identity requirements for individuals applying to access or amend personal information under the RTI Act;
- prescribe the matters to be included in the report of the Information Commissioner under section 184 of the RTI Act, for both the 2025-2026 and 2026-2027 financial years;
- prescribe the matters to be included in the report on the operation of the Act under section 185 of the RTI Act (for both the 2025-2026 and 2026-2027 financial years);
- declare 'principal offices' for public authorities under schedule 5 of the RTI Act;
- declare the Bar Association of Queensland (BAQ) as a public authority, under section 16A of the RTI Act, in relation to its public functions under an Act; and
- include transitional provisions to clarify the requirements for annual reports.

The RTI Regulation 2025 commences on 1 July 2025 concurrently with amendments made to the RTI Act by the IPOLA Act.

The RTI Regulation 2025 continues existing annual reporting requirements for the 2025-2026 financial year, subject to minor drafting changes and changes required as a result of the IPOLA Act (for example, to report on personal and non-personal applications rather than applications under the RTI Act or the *Information Privacy Act 2009* (IP Act)).

There will be additional annual reporting requirements for the 2026-2027 financial year and thereafter.

Consistency with policy objectives of authorising law

The RTI Regulation 2025 is consistent with the policy objectives of the RTI Act.

Inconsistency with policy objectives of other legislation

The RTI Regulation 2025 is not inconsistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

There are no alternative ways to achieve the policy objectives. The RTI Act requires subordinate legislation to facilitate its effective operation. Provisions in the RTI Act set out matters to be prescribed under regulation. These include, for example, the evidence of identity requirements for access and amendment applications and matters to be included in annual reports under sections 184 and 185 of the RTI Act.

Benefits and costs of implementation

The RTI Regulation 2025 facilitates key changes made by the IPOLA Act to Queensland's information privacy and right to information frameworks.

The Office of the Information Commissioner was allocated \$11.465 million over four years from 2023-24 and \$2.563 million ongoing for operational implementation of the IPOLA Act, development of an ICT solution and training and awareness activities.

Consistency with fundamental legislative principles

The RTI Regulation 2025 is consistent with fundamental legislative principles.

Consultation

In conducting the sunset review of the RTI Regulation 2009 and *Information Privacy Regulation 2009*, the Department of Justice released a consultation paper in September 2024 to agencies subject to the RTI Act and IP Act, including statutory bodies, public universities, local governments, the Queensland Law Society, the BAQ and the Local Government Association of Queensland.

All stakeholders were broadly supportive of the approach taken in the RTI Regulation 2025.

In accordance with the *Queensland Government Better Regulation Policy*, the Office of Best Practice Regulation (OBPR) was notified of the regulatory proposal and a summary Impact Analysis Statement (IAS) prepared which identified that the RTI Regulation 2025 is not subject to regulatory impact assessment as it is a regulatory proposal that is minor and machinery in nature.

The sunset review identified a need for the current RTI Regulation 2009 to be replaced to ensure ongoing support for existing processes, and functions and to improve the overall effective and efficient administration of the amended RTI and IP Acts.