Impact Analysis Statement

Summary IAS

Details

Lead department	Department of Justice
Name of the proposal	A proclamation fixing the commencement dates for the remaining provisions of the *Information Privacy and Other Legislation Amendment Act* 2023 not in force; and Sunset review of the *Right to Information Regulation 2009* Sunset review of the *Information Privacy Regulation 2009*.
Submission type	Summary IAS
Title of related legislative or regulatory instrument	*Proclamation No. 3 – Information Privacy and Other Legislation Amendment Act 2023* *Right to Information Regulation 2025* *Information Privacy Regulation 2025*
Date of issue	June 2025

Proposal type	Details
Minor and machinery in nature	Proclamation The proposal for the proclamation is machinery in nature, to fix the day for the commencement of provisions of an Act and does not result in a substantive change to regulatory policy or new impacts on business, government or the community. Consequential amendments The IP Regulation also includes transitional and consequential amendments arising from the *Information Privacy and Other Legislation Amendment Act 2023* (IPOLA Act). These amendments are considered minor and machinery in nature.

For all other proposals

What is the nature, size and scope of the problem? What are the objectives of government action?

Sunset Review of the *Right to Information Regulation 2009* and *Information Privacy Regulation 2009*

1.0 Summary

The *Right to Information Regulation 2009* (RTI Regulation 2009) and *Information Privacy Regulation 2009* (IP Regulation 2009) (collectively referred to as the 2009 Regulations) expire on 1 September 2025 in accordance with sections 54 and 56A of the *Statutory Instruments Act 1992*.

A sunset review of the 2009 Regulations was undertaken to assess the efficiency, effectiveness of, and ongoing need for the 2009 Regulations, including whether they should be remade and if so, what amendments to the existing regulations should be proposed. The objective of the review was to ensure that any replacement regulations continue to support the effective operations of the *Right to Information Act 2009* (RTI Act) and the *Information Privacy Act 2009* (IP Act), including amendments made to those Acts by the IPOLA Act, and remains contemporary and fit for purpose.

As part of the sunset review, a regulatory impact analysis was undertaken and is summarised below.

2.0 Background

The 2009 Regulations support the RTI Act and IP Act, which are a fundamental part of Queensland's integrity framework.

On 1 July 2025, significant amendments will be made to the RTI Act and IP Act by the IPOLA Act, including by:

- amending the RTI Act and IP Act to simplify and provide greater efficiency of processes for applying for access to Queensland Government documents. These reforms make it easier to apply for government information, ensure the right to information process accommodates the Queensland population, and reduce red tape by combining two regulatory processes into the one Act (a 'single right of access') and provide a consistent approach for all agencies for their disclosure logs;
- amending the IP Act to introduce a new scheme for the mandatory reporting of data breaches of personal information held by Queensland Government agencies, the Mandatory Notification of Data Breach Scheme (MNDB Scheme). Under the MNDB Scheme, Queensland Government agencies must notify individuals and the Office of the Information Commissioner (OIC) of certain data breaches involving personal information they hold, so that individuals can take steps to reduce the risk of harm arising from the breach. OIC's functions and powers are expanded to administer and enforce the MNDB scheme;
- amending the IP Act to uplift the protection of personal information (including biometric information) held by Queensland Government agencies by adopting a new set of privacy principles, the Queensland Privacy Principles (QPPs), to more closely align with the protections afforded under the *Privacy Act 1988* (Cth); and
- transferring responsibility for preparing the whole of Government annual report on the operation of the RTI Act and IP Act from the Minister to the Information Commissioner.

Other key amendments relevant to the matters which may be prescribed by the Regulations are:

- providing enhanced powers and functions for the Information Commissioner; and
- enhancing arrangements for privacy complaints under the IP Act.

The preamble to the RTI Act provides that Parliament's reasons for enacting the RTI Act are:

(1) Parliament recognises that in a free and democratic society—
(a) there should be open discussion of public affairs; and
(b) information in the government's possession or under the government's control is a public resource; and
(c) the community should be kept informed of government's operations, including, in particular, the rules and practice followed by government in its dealings with members of the community; and
(d) openness in government enhances the accountability of government; and

(e) openness in government increases the participation of members of the community in democratic processes leading to better informed decision-making; and
(f) right to information legislation contributes to a healthier representative, democratic government and enhances its practice; and
(g) right to information legislation improves public administration and the quality of government decision-making; and
(h) right to information legislation is only 1 of a number of measures that should be adopted by government to increase the flow of information in the government's possession or under the government's control to the community.
(2) The Government is proposing a new approach to access to information. Government information will be released administratively as a matter of course, unless there is a good reason not to, with applications under this Act being necessary only as a last resort.
(3) It is Parliament's intention to emphasise and promote the right to government information. It is also Parliament's intention to provide a right of access to information in the government's possession or under the government's control unless, on balance, it is contrary to the public interest to provide the information. This Act reflects Parliament's opinion about making information available and the public interest.

From 1 July 2025, the objects of the RTI Act are to give-
(a) a right of access to information in the government's possession or under the government's control unless, on balance, it is contrary to the public interest to give the access; and
(b) a right of amendment of personal information in the government's possession or under the government's control unless, on balance, it is contrary to the public interest to allow the information to be amended.

From 1 July 2025, the object of IP Act is to provide *for the fair collection and handling in the public sector environment of personal information.*

The OIC was allocated $11.465 million over four years from 2023-24, and $2.563 million ongoing for operational implementation, development of an ICT solution and training and awareness activities for IPOLA Act reforms. OIC has conducted a wide range of training for agencies and has prepared extensive resource materials to assist agencies in implementation.

3.0 Size and scope of the problem

The RTI Act allows for the following matters to be prescribed by regulation:
- how applicants establish their identity for the purpose of applying for access to or amendment of personal information;
- amounts of fees and charges and how they are calculated;
- information that the OIC and agencies must include in their annual reports under the Act;
- 'principal officers' for a range of agencies, including courts and tribunals (principal officers are the persons, who have responsibility under the RTI Act and IP Act to deal with access and amendment applications); and
- entities declared to be 'public authorities' for the purposes of the Act.

The IP Act allows for the following matters to be prescribed by regulation:
- agencies who may collect, use and disclose relevant personal information to enable notification of eligible data breaches;
- information that the OIC and agencies must include in their annual reports under the Act;
- 'principal officers' for a range of agencies, including courts and tribunals; and
- entities declared to be 'public authorities' for the purposes of the Act.

The 2009 Regulations play a vital role in support of the RTI Act and IP Act, allowing the objects of those Acts to be achieved.

Without regulations under the RTI Act and IP Act, that prescribes the above matters, the RTI Act and IP Act are unable to achieve their goals including:
- transparency and accountability of government decision making, through setting annual reporting requirements;
- ensuring efficient and appropriate notification of data breaches; and

- providing appropriate access to documents held by government.

Relative to a base case of no regulation, the 2009 Regulations are relevant, effective and efficient in supporting the RTI Act and IP Act

4.0 Objectives of government action

The objective of government action is to remake the 2009 Regulations to support the ongoing operation of the RTI Act and the IP Act. The sunset review of the 2009 Regulations identified a number of changes that should be made to the regulations to ensure:

- the Regulations are effective and efficient in supporting the RTI Act and IP Act, as amended by the IPOLA Act;
- the Regulations are updated to reflect contemporary needs (for example, in relation to annual reporting);
- issues relating to the Regulations identified in previous reviews are addressed and implemented;
- flexibility for applicants seeking information held by Government (for example, in relation to evidence of identity requirements);
- improved transparency and accountability in the operation of the RTI Act and IP Act;
- necessary consequential amendments (arising from the IPOLA Act) are made to other subordinate legislation; and
- the Regulations provide for any other matters necessary to support the administration of the RTI Act and IP Act, including new matters that are able to be prescribed under the Regulations as a result of the IPOLA Act (such as the prescription of agencies for the sharing of information where data breaches have occurred).

Although it is expected that there will be some initial implementation impact on agencies based on changes to the Regulations, they will soon become a part of agencies' core processes and systems. The changes to the Regulations are not considered to have a significant impact on the compliance burden of the OIC and agencies.

What options were considered?

Two broad options were considered:

- Option 1 – Status quo (no action): Allow the Regulations to expire without remaking new regulations.
- Option 2 **(Preferred option)** – Remake of regulations with changes.

Option 1 – Status quo (no action)

The status quo involves a non-regulatory response. It would mean that Queensland agencies could report on any matters they like in the annual report (at their discretion).

This option is not feasible as it would not allow the objects of the RTI Act to be achieved. The RTI Act and the IP Act require the Regulations to specify the information that must be included by Queensland Government agencies in the whole of Government annual report about the operation of the Act (section 184 of the RTI Act and section 193 of the IP Act). Without these matters being specified in the Regulations, agencies would not have clarity or certainty on what information they need to record and report on. There would also be inconsistencies between information provided by agencies (on a voluntary basis), meaning that the annual report would not provide a cohesive or coordinated approach to reporting, with no ability to compare the operations between agencies. This would reduce the transparency and accountability of Government.

Similarly, the RTI Act and the IP Act require the Regulations to specify the matters that the OIC must include in its annual report on how it performs its functions under those Acts (section 185 of the RTI Act and section 194 of the IP Act). Without prescribing the information that must be included, the OIC could chose to report on any matters it sees fit. This could reduce transparency and accountability.

Failure to prescribe annual reporting requirements on the operation of the OIC and the right to information framework will have a major and negative impact on ensuring the accountability of government and the ability of the community to be kept informed of government operations.

Without the Regulations, there can also be no prescribed formal reporting by the OIC on matters such as the details of privacy complaints made and their outcome, or reporting about eligible data breaches. This approach would create significant issues in maintaining the openness and accountability of government.

The Regulations are also necessary because they provide evidence of identity requirements that a person must comply with in making an application for information. This verifies an applicant's identity and ensures that applications are made by the proper person. Without the Regulation, there would be no guidance to agencies about what may be regarded as evidence of identity, leading to potentially different requirements between different agencies.

The RTI Act provides that application fees and processing and access charges may be charged as prescribed by Regulations. The Regulations provide detail about the amounts of these fees and charges, and how they are to be applied. Without the Regulations, agencies would not be able to apply fees and charges, reducing revenue available to the government and allowing individuals to make an unlimited number of applications without cost.

Having no Regulations would also re-instate the confusion that previously existed in relation to establishing who is 'the principal officer' of certain entities, including courts and tribunals. The Regulations specify principal offices to overcome difficulties with the definition of this term in the Act.

As such, the only feasible option considered was to remake the 2009 Regulations with amendments – see Option 2 below.

Option 2 (Preferred option) – Remake of regulations with changes
The remake of the Regulations, with changes, necessitates a regulatory response. This is the only feasible option considered.

The sunset review considered the following changes as part of this option:

- changes necessary due to the amendments to the RTI Act and IP Act as a result of the IPOLA Act;
- changes to annual reporting requirements;
- issues relating to the Regulations identified in previous reviews are addressed and implemented;
- changes to the definition of evidence of identity; and
- necessary consequential amendments to other subordinate legislation arising from the IPOLA Act.

The sunset review explored the following options, but these options were ultimately not implemented due to concerns raised during consultation, particularly about the regulatory burden of these proposals:

- the prescription of annual reporting requirements for uniform national metrics (as developed by the NSW Information and Privacy Commission);
- the certification of copies of evidence of identity documents by Australia Post staff; and
- the prescription of reporting on certain features of the MDBN Scheme.

What are the impacts?

Remaking the 2009 Regulations, with changes, supports the operation of the RTI Act and IP Act.

5.0 IP Regulation 2025
The IP Regulation 2025 largely retains the provisions in the IP Regulation 2009, subject to necessary amendments to accommodate the changes to the IP Act by the IPOLA Act.

Key changes in the regulation involve the removal of all references to access and amendment applications for personal information – this is because there is no longer a right of access or amendment under the IP Act under the IPOLA Act reforms.

Other key changes include:

- **New annual reporting requirements** for OIC to report on issues relating to its new responsibilities under the IP Act, as amended by the IPOLA Act, including about the MNDB scheme.

- **New, clarifying addition** to Schedule 1 to prescribe the Ombudsman and Inspector of Detention Services as the principal office for the Office of the Ombudsman.
- **New addition** to prescribe the Registrar of Births, Deaths and Marriages as an agency which may disclose to another agency subject to the IP Act, information about whether an individual who is subject to an eligible data breach has died.

The impacts of these changes are discussed below.

5.1 Reports of information commissioner under section 193 of the IP Act

Section 193 of the IP Act provides for reporting obligations of the Information Commissioner, including the requirement to submit a report to the Speaker and the parliamentary committee about the information commissioner's operations as soon as practicable after the end of each financial year.

Section 193(1) of the IP Act is amended by the IPOLA Act to provide that the Information Commissioner may make a report to the Speaker on matters relating to (1) the findings of a reportable matter under section 135(2); or (b) the performance of any other function of the commissioner.

Under the IP Regulation 2025, the Information Commissioner will be required to record and report on the same types of information currently required (where relevant under the amended IP Act), in addition to the following information:

- the number of directions in relation to suspected eligible data breaches given under section 61(2) of the IP Act, without identifying any agencies;
- the number of recommendations in relation to suspected eligible data breaches made under section 61(4) of the IP Act, without identifying any agencies;
- the number of times an authorised officer has entered an agency's place of business, or another place occupied by the agency, under section 67 of the IP Act, without identifying any agencies; and
- the number of times an agency was required to give an authorised officer reasonable help to exercise a power under section 70(1) of the IP Act, without identifying any agencies.

The IP Regulation 2025 also requires reporting on continued access and amendment applications for the 2024-25 financial year during the transition period for the single right of access reforms under the IPOLA Act.

5.1.1 Impact on OIC

The new reporting requirements will have minimal impacts on the OIC. The OIC has effective record keeping systems to capture and report on this data in the performance of its functions under the IP Act. The additional reported information promotes accountability and transparency and provides information about the important role that the OIC plays in regulating the RTI Act and the IP Act.

While reporting requirements for the 2024-25 financial year will require the OIC to report on two data sets for that financial year (i.e. applications started before commencement, and applications started after commencement), this impact is necessary to ensure continued transparency.

The OIC was allocated $11.465 million over four years from 2023-24, and $2.563 million ongoing, for operational implementation, development of an ICT solution and training and awareness activities.

5.1.2 Impact on agencies

The new reporting requirements under the IP Regulation 2025 will not impact on agencies. The new reporting requirements ensure that agencies are not identified in relation to their compliance with their obligations under the MNDB Scheme.

5.1.3 Impact on applicants/the public

The new reporting requirements will promote transparency and increased accountability in the operation of the IP Act, including the operation of the MNDB Scheme.

5.2 Requirements for the annual report under section 194 of the IP Act

Section 67 of the IPOLA Act inserts new section 194 of the IP Act providing for amended reporting obligations in relation to the provision of the annual report under section 194 of the IP Act. This means that from 1 July 2026:

- legislative responsibility for preparing the annual reports will be transferred from the Attorney-General to the Information Commissioner;
- agencies will need to provide the information to the Information Commissioner as soon as practicable after the end of a financial year; and
- the Information Commissioner will need to give the annual report on the operation of the RTI Act and IP Act to the parliamentary committee, who must then cause the report to be tabled in the Assembly within three sitting days.

The IP Regulation 2025 requires agencies to report to the OIC on proceedings for offences under the IP Act. Agencies are already required to provide this information under the IP Regulation 2009.

For the 2024-25 and 2025-26 financial years, agencies will be required to report on efforts to further the object of the IP Act. However, agencies will not be required to report on this for the 2026-27 financial year onwards.

From 1 July 2025, the IPOLA Act removes the need to report on access and amendment applications under the IP Act as there will only be a right of access under the RTI Act and the right of amendment will be under the RTI Act. The IP Regulation 2009 requires agencies to continue to report on access and amendment applications started but not finished before 1 July 2025, to ensure continued transparency.

5.2.1 Impact on OIC

The transfer of legislative responsibility for preparation of the annual reports from the Attorney-General to the Information Commissioner is affected by the IPOLA Act (not the Regulations). The new reporting requirements under the IP Regulation 2025 will have minimal impact on the OIC. The OIC was allocated $11.465 million over four years from 2023-24, and $2.563 million ongoing for operational implementation, development of an ICT solution and training and awareness activities in relation to IPOLA Act reforms.

5.2.2 Impact on agencies

The reduced reporting requirements under the IP Regulation 2025 will reduce the impact on agencies to record and report on information. From 1 July 2026, agencies will no longer be required to report on furthering the object of the IP Act because agencies, in general, have integrated reporting on these initiatives into their existing operating procedures.

The staged approach to changing annual reporting requirements across the 2025-26 and 2026-27 financial years ensures a smooth transition of agency reporting obligations by, generally, requiring minimal change to agency reporting obligations between the period of 1 July 2025 to 30 June 2026 except as necessary (as a result of IPOLA Act amendments).

5.2.3 Impact on applicants/the public

The reporting requirements under the IP Regulation 2025 will promote transparency and increased accountability in the operation of the IP Act.

5.3 Principal Office and declared principal offices for public authorities

The IP Regulation 2025 will continue to declare the same principal offices for public authorities as under the IP Regulation 2009. The IP Regulation 2025 also prescribes the Ombudsman and Inspector of Detention Services as the principal office for the office of the Ombudsman.

This will have a continuing positive impact for agencies and the public by providing certainty in prescribing the agency's 'principal officer'. Importantly, it provides clarity as to the application of the immunity granted to principal offices under section 183(1) of the IP Act.

5.4 Agencies who may collect, use and disclose relevant personal information to enable notification of eligible data breaches

Section 54 of the IPOLA Act provides that particular agencies may collect, use and disclose personal information, where it is necessary to confirm the name and contact details of a notifiable individual, or whether a notifiable individual is deceased, where an eligible data breach has occurred. Section 54(6) provides that if a disclosing agency may, under an Act, enter into an arrangement and charge a fee for the provision of personal information kept by the agency under that Act, the agency may do so under that Act in relation to personal information that may be disclosed under this section.

The IP Regulation 2025 prescribes:

- all agencies (other than excluded entities under the IP Act) as 'receiving agencies'; and
- the 'registrar' under section 99(1) of the *Births Deaths and Marriages Registration Act 2023* as a disclosing agency.

5.4.1 Impact on agencies

This will ensure that if a data breach occurs, agencies will be able to determine whether an affected individual has died, before attempting to notify them under the MNDB Scheme. This will provide efficiencies for agencies and minimise any distress to family and friends of deceased persons affected by a data breach.

5.4.2 Impact on RBDM

The Registry of Births, Deaths and Marriages (RBDM) is a self-funded entity and charges both regulated and unregulated fees for its services, including for the provision of information under these provisions. While the provision of information to agencies about the death of persons affected by a data breach will impact on RBDM service delivery, the ability to enter into an arrangement for the charging of fees will ensure its sustainability and the efficiency and quality of its services.

6.0 RTI Regulation 2005

The RTI Regulation 2025 largely retains the provisions in the RTI Regulation 2009 subject to necessary changes to accommodate the amendments made as a result of the IPOLA Act, and changes identified in the sunset review.

Fees and charges will remain the same.

The definition of 'evidence of identity' is updated to:

- modernise the list of identity documents that may reasonably be accepted as evidence of a person's identity to include digital identity documents available through the Queensland Government Digital Licence app;
- prescribe pharmacists as an additional category of 'qualified witness' who may certify evidence of identity documents; and
- provide how copies of digital identity documents are to be provided to agencies.

Other key changes include:

- **New annual reporting requirements** for OIC to reporting on provisions to reflect the single right of access (in practice, reporting on personal/non personal applications rather than RTI/IP Act applications).
- **Streamlining of annual reporting requirements** in the whole of Government annual report of the operation of the Act to reduce red tape and provide efficiencies;
- **New, clarifying addition** to Schedule 1 to prescribe the Ombudsman and Inspector of Detention Services as the principal office for the office of the Queensland Ombudsman.

The below outlines the impact of the RTI Regulation 2025.

6.1 Evidence of identity

From 1 July 2025, all applications for access to government documents (whether personal or non-personal) will be made under the RTI Act.

The RTI Regulation 2025 prescribes the evidence of identity that a person applying for access to personal information, or amendment of personal information must provide when submitting their application, in order for the application to be valid under the Act. It expands the list of documents that may reasonably be accepted as evidence of an applicant's identity and provides how copies of certain documents can be provided and when copies are required. For example, applicants will be able to provide a digital driver licence or marine licence from the Queensland Government Digital Licence app to support their application.

The RTI Regulation 2025 also allows applicants to provide copies of certain original identity documents, if certified by a lawyer, notary public, Justice of Peace, Commissioner for Declarations or pharmacist. Pharmacists are widely distributed across Australia, including in some rural and remote areas. They are already authorised to witness Commonwealth statutory declarations under the *Statutory Declarations Regulations 2023* (Cth).

6.1.1 Impact on OIC

The OIC will continue to support agencies applying the new evidence of identity requirements and will provide guidelines and advice. The clarity provided by the definition may reduce the number of reviews of agencies' decisions relating to evidence of identity, particularly in relation to digital drivers licences.

6.1.2 Impact on agencies

The new definition of evidence of identity provides agencies with a non-exhaustive list of documents that may reasonably verify an applicant's identity. This provides certainty, yet flexibility, in the types of documents that may be relied upon to verify an applicant's identity. It promotes the efficient processing of the application process. It also resolves existing uncertainty about the suitability of digital identity documents available through the Queensland Government Digital Licence app, providing for a more efficient handling of applications by agencies.

6.1.3 Impact on applicants

The new definition of evidence of identity provides greater clarity to applicants on the types of documents they can provide to verify their identity when applying for government documents. Applicants who have digital identity documents through the Queensland Government Digital Licence app will be able to provide that digital authority as evidence of identity. Applicants will also benefit from being able to seek a pharmacist to certify copies of identity documents. This will make it easier for applicants, particularly applicants in rural and remote Queensland, to apply for their personal information (or amendment of their personal information). This is consistent with the government objective of implementing contemporary legislation that is flexible for applicants and that supports the public access to information in a free and democratic society as set out in the preamble to the RTI Act.

6.1.4 Impact on business

It will not be mandatory for any pharmacist to certify copies of documents. The proposed amendment will merely provide that they may do so if requested. They may also charge a fee for this service (any fee they may charge will be left to the market and is not regulated).

The Pharmacy Guild of Australia, Queensland supports the proposal.

6.2 Fees and charges

From 1 July 2025, the RTI Act will provide a right of access to documents of an agency or Minister, which includes a right of access to documents containing the applicant's personal information. The RTI Act will also provide a right to amend the applicant's personal information. As a result, all fees and charges for access and amendment applications are prescribed under the RTI Regulation 2025.

Fees and charges will remain the same. There are no application fees or processing charges for an application for only personal information.

The RTI Regulation 2025 prescribes the following fees and charges for an RTI application:

- Application fees payable for making an application (except to the extent that the application relates to an application for personal information or an application for amendment of personal information, which is a nil fee): 52.60 fee units ($57.65 for the 2025-26 financial year);

- processing charges payable for making an application (except to the extent that the application relates to an application for personal information or an application for amendment of personal information, which is a nil fee): processing charges include charges payable for matters such as locating documents and making decisions - if the agency or Minister spends no more than 5 hours processing the application – nil, if the agency or Minister spends more than 5 hours processing the application, 8.15 fee units ($8.95 for the 2025-26 financial year) for each 15 minutes or part of 15 minutes spent processing the application (with no free 5 hour period); and
- access charge (regardless of the extent the application is to an applicant's personal information, noting that there are no access charges for the making of an amendment application): includes the cost of providing black and white copies (0.25 fee units which is 25c per page) or giving access by email - nil. Access charges also include the actual cost incurred by an agency or Minister in engaging another entity to search for the document, in relocating a document, or, for example, paying licence fees for copying an X-ray.

The RTI Act permits agencies to waive or reduce charges or refund fees in certain circumstances, including:

- A processing charge, or access charge, for an access application may be waived if the agency or Minister considers the likely associated costs to the agency or Minister would be more than the likely amount of the charge (section 64 of the RTI Act);
- Application fees may be refunded and processing charges may be reduced or waived where the Information Commissioner allows further time to deal with an access or amendment application (section 93 of the RTI Act); and
- A processing charge, or access charge, for an application may be waived for individuals who are concession card holders or non-profit organisations that the Information Commissioner has decided have financial hardship status (section 66 and 67 of the RTI Act).

Application fees and processing charges under the RTI Act are calculated with reference to a set fee unit under the Queensland Government's Fee Unit Model, which prescribes the fee unit value under the *Acts Interpretation Act 1954* (AIA). The amount of each fee unit is updated annually to reflect indexation.

As a result, over the life of the RTI Regulation 2025, there will be increases to fees and charges in line with indexation.

The fees and charges model under the RTI Act and the RTI Regulation 2025 seeks to strike a balance between ensuring that applicants contribute to the cost of providing government-held information while ensuring that their contribution is not so high that it deters people from seeking information. This is consistent with the principles underpinning the RTI Act that:

- openness in government enhances the accountability of government;
- openness in government increases the participation of members of the community in democratic processes leading to better informed decision-making; and
- right to information legislation contributes to a healthier representative, democratic government and enhances its practice.

Fees and charges provide a means of deterring or moderating trivial, frivolous, excessively broad or poorly framed RTI requests. Fees and charges are not set with a view to generating revenue or ensuring cost recovery.

The table below addresses fees and charges recovered by agencies in Queensland, as reported in the available Annual Reports under the RTI Act and IP Act over the last 10 financial years:

Financial Year	Total of fees and charges
2022-23	$634,561
2021-22	$624,710
2020-21	$645,937
2019-20	$555,917
2018-19	$553,370
2017-18	$543,765
2016-17	$567,788
2015-16	$483,098

2014-15	$525,921
2013-14	$522,638

From an interjurisdictional perspective, fees and charges across all jurisdictions vary widely in relation to application fees, processing charges, criteria for waiver or reduction of fees and charges and whether there are fees for reviewing decisions.

The application fee under the RTI Act is higher than the application fee for comparable Right to Information and Freedom of Information legislation in other States and Territories and the Commonwealth. However, the first five hours of processing the non-personal documents of an RTI application in Queensland is free (and there is no charge for hours spent processing personal documents included in an RTI application). If the processing charge is more than five hours, then all hours processing non-personal information are charged for. As a point of comparison with other jurisdictions, the following observations are made:

- The Commonwealth provides five free hours of time in deciding whether to grant, refuse or defer access to the document or to grant access to a copy of the document with deletions. This does not include searching or retrieval which is subject to a fee.
- Tasmania imposes an application fee only and therefore does not impose any processing charge.
- Other jurisdictions do not generally have a comparable period of free processing.

The below table compares charges for processing a 5 hour and a 10 hour application involving non-personal information (including application fees but excluding any charges for the provision of access) with other assumptions made identified, based on charges for the 2024-25 financial year.

Jurisdiction	Fees – 5 hours processing	Fees – 10 hours processing
Queensland	$55.75	$401.75
New South Wales	$120.00	$270.00
Victoria	$155.14 (assumes 5 hours of search time, decision making not subject to fee).	$277.61 (assumes 10 hours of search time, decision making not subject to fee).
Western Australia	$180.00	$330.00
South Australia	$360.00	$678.00
Tasmania	$46.75	$46.75
Northern Territory	$155.00	$280.00
Australian Capital Territory	Unknown (requires counting of pages for giving access in response to an application).	Unknown (requires counting of pages for giving access in response to an application).
Commonwealth	$75.00 (assumes 5 hours of search time, first 5 hours of decision making not subject to fee).	$250.00 (assumes 10 hours of search time, first 5 hours of decision making not subject to fee).

It could be reasonably expected that a substantial increase in fees and charges may impact on the number of people making access applications, just as a significant increase in the cost of any other product or service is likely to influence demand. However, historically, increases consistent with indexation have not proven to be a disincentive to applications.

The table below shows the numbers of RTI and IP access applications received by Queensland Government agencies, as reported in the available Right to Information Act 2009 and Information Privacy Act 2009 Annual Reports over the last 10 financial years:

Financial Year	RTI access applications	IP access applications
2013-14	6,761	5,567
2014-15	6,705	5,658
2015-16	6,683	6,315
2016-17	6,701	7,387
2017-18	7,074	7,740
2018-19	6,603	8,206

2019-20	6,716	9,365
2020-21	7,168	11,280
2021-22	6,674	10,235
2022-23	7,155	9,690

It could also be reasonably expected that a substantial reduction or removal in fees and charges may increase the number of people making access applications, just as a significant reduction in the cost of any other product or service is likely to influence demand. However, price is not the only factor that influences whether a person makes an access application. Other factors could include: awareness of the access framework, ease of access/accessibility, and awareness of information that may be held by Government that may be of interest to a person, events that arise from time to time that pique public interest in the work of Government and, for an individual, their history of involvement with government agencies. Factors such as population growth can also contribute to an increased number of applications, and agency efforts to release information administratively may reduce the demand for formal applications.

There is no known evidence available on the factors that contribute to vexatious applications.

If there was no application fee for RTI requests, there would be no motivation for an applicant to consider the merits prior to making an application. Agencies would be required to undertake initial work opening files and contacting an applicant regardless of whether the applicant continued to pursue their application.

6.3 Reports of the Information Commissioner under section 184 of the RTI Act

Section 184(2) of the RTI Act provides that the Information Commissioner, must, as soon as practicable after the end of each financial year, give the Speaker and Parliamentary Committee a report of the operations of the OIC during that year. Section 184(3) provides that a report under subsection (2) must include, in relation to the financial year to which it relates, details of the matters prescribed under a regulation.

There will be a staged approach to introducing changes to the annual reporting requirements.

Annual reporting for the 2024-25 financial year will remain the same. There will only be minor changes to annual reporting for the 2025-26 financial year, including to accommodate the single right of access reforms. In a practical sense, this means agencies will need to report on whether applications are personal or non-personal applications, rather than applications under the IP Act or RTI Act. The more substantive changes to annual reporting will start in the 2026-27 financial year onwards.

From 1 July 2025, the RTI Regulation 2025 prescribes the matters that the OIC must include in its report under section 184 of the RTI Act. It requires the OIC to continue reporting all the matters it currently reports on, but also requires the OIC to report on the following additional matters:

- the number of external review applications, or parts of external review applications, which the Information Commissioner decided not to deal with, or not to further deal with , under section 94 of the RTI Act, and the ground for each decision; and
- the number of times the Information Commissioner referred a document to an agency under section 105A, or set aside decisions under new sections 110A or 110B of the RTI Act (inserted by the IPOLA Act).

The RTI Regulation 2025 also requires reporting on continued access applications for the 2024-25 financial year during the transition period.

6.3.1 Impact on OIC

The new reporting requirements will have a moderate impact on the OIC. However, the OIC has effective record keeping systems to capture and report on this data in the performance of its functions under the RTI Act. The additional reported information promotes accountability and transparency and provides information about the important role that the OIC plays in regulating the RTI Act and the IP Act. including about its revenue, expenditure, challenges, opportunities and priorities. They also provide Parliament and the public with information that allows them to monitor the operation of access to information, and how it is regulated.

The new reporting requirements ensure that the objects of the RTI Act are achieved, including that the community should be kept informed of government's operations, including, in particular, the rules and practice followed by government in its dealings with members of the community.

While reporting requirements for the 2024-25 financial year will require the OIC to report on two data sets for that financial year (i.e. applications started before commencement, and applications started after commencement), this impact is necessary to ensure continued transparency across the transition period.

The OIC was allocated $11.465 million over four years from 2023-24, and $2.563 million ongoing for operational implementation, development of an ICT solution and training and awareness activities.

The staged approach to commencement of annual reporting obligations provides agencies with a lead time to adapt to the requirements of the updated reporting obligations. This will ameliorate the resource impact on agencies to adapt to updated reporting obligations. This approach also allows agencies to update their policies, processes and procedures, to enable them to collect relevant data before the new annual reporting provisions commence.

6.3.2 Impact on agencies

From 1 July 2026, the OIC will be required to report on external review matters, instead of agencies, removing existing duplication and ameliorating the reporting burden on agencies.

6.3.3 Impact on applicants/the public

There will be no direct impact on applicants or the application process underpinning the single right of access. However, the new reporting requirements promote transparency and increased accountability in the operation of the RTI Act.

6.4 Requirements of the report under section 185 of the RTI Act

From 1 July 2026, the Information Commissioner will be responsible for preparing the report under section 185 of the Act.

There will be a staged approach to introducing changes to the annual reporting requirements.

Annual reporting for the 2024-25 financial year will remain the same. There will only be minor changes to annual reporting for the 2025-26 financial year, including to accommodate the single right of access reforms. In a practical sense, this means agencies will need to report on whether applications are personal or non-personal applications, rather than applications under the IP Act or RTI Act. The more substantive changes to annual reporting will start in the 2026-27 financial year onwards.

The RTI Regulation 2025 prescribes the matters that agencies must provide to the OIC, and the OIC must include in its report under section 185 of the RTI Act.

For the 2024-25 financial year, reporting will stay the same except that agencies will need to separately report on applications started before and after 1 July 2025.

For the 2025-26 financial year, reporting will substantially stay the same.

From the 2026-27 financial year, agencies will have overall reduced reporting requirements and will continue to report on the same matters (accommodating necessary changes for the single right of access reforms) with for the following changes:

- agencies will not need to report on anything the agency did to further the object of the Act;
- agencies will only have to report on the number of times access was refused under specific sections of the Act, without reporting on the number of pages refused under each provision; and
- agencies will not need to provide details of external review applications (OIC will report on this instead).

6.4.1 Impact on OIC

Under the IPOLA Act, the OIC will prepare this report from 1 July 2026 onward. OIC has received funding for this shift, including for a new ICT solution to assist with annual reporting. The ICT infrastructure includes: an online portal for lodgement of reports and notifications to OIC; a database for storage of information and

other case management related functions; and dashboard reporting functions both internally and externally on OIC's website.

Any difficulties and resourcing impacts resulting from updated reporting obligations is ameliorated by the delayed commencement of the IPOLA Act of approximately 18 months after passage.

6.4.2 Impact on agencies

While reporting requirements for the 2024-25 financial year will require agencies and the OIC to report on two data sets for that financial year (i.e. applications started before commencement, and applications started after commencement), this impact is necessary to ensure continued transparency across the transition period.

For the period from 1 July 2025 to 30 June 2026, the resourcing implications on agencies do not diverge meaningfully from the status quo.

There will be a reduced burden on agencies from 1 July 2026 due to the reduced reporting requirements.

The new ICT portal will allow agencies to meet their reporting obligations under the proposed scheme via an online portal and will minimise time and resources to administer compliance with the scheme and provide the most efficient method for agencies to meet their reporting obligations.

To adapt to updated reporting obligations, agencies will need to:

- understand the details of the updated reporting obligations and communicate to staff, and conduct or participate in training and awareness activities
- update existing procedures and processes for the collation and reporting of data
- continue to allocate resources to comply with reporting obligations.

This will be of most impact in the first year, then become part of ordinary business processes.

The transfer of responsibility from the Attorney-General to OIC removes responsibility from the Department of Justice (DOJ) in preparing the annual report. This will have a positive impact on DOJ in making available departmental resources that were previously required to prepare the annual report.

6.4.3 Impact on applicants/the public

The new reporting requirements promotes transparency and increased accountability in the operation of the RTI Act.

6.5 Principal Office and declared principal offices for public authorities

The RTI Regulation 2025 will continue to declare the same principal offices for public authorities as under the RTI Regulation 2009. The remade RTI Regulation 2025 also prescribes the Ombudsman and Inspector of Detention Services as the principal office for the Office of the Ombudsman.

This will have a continuing positive impact for agencies and the public by providing certainty in prescribing the agency's 'principal officer'. Among other things in the RTI Act this supports the making of an access or amendment application, the facilitation of disciplinary action, and protection of the agency's principal officer from personal liability.

6.6 Prescription of Bar Association of Queensland

The RTI Regulation 2025 prescribes the Bar Association of Queensland (BAQ) as a public authority in relation to its public functions under an Act. This allows access and amendment applications to be made to the BAQ for documents held by the BAQ in relation to the performance of its functions under an Act (such as for its functions as a regulatory authority under the *Legal Profession Act 2007*). The BAQ is also required to maintain a publication scheme and disclosure logs in relation to those documents. While this imposes a regulatory burden on the BAQ, the burden is appropriate given the public functions undertaken by the BAQ, consistent with the objectives of the RTI Act.

Who was consulted?
In conducting the sunset review, a consultation paper was released in September 2024 to entities including government departments, statutory bodies, public universities, local governments and key stakeholders such as the Local Government Association of Queensland (LGAQ) and the Queensland Law Society (QLS). Responses were received from 18 Departments, two Universities, two Hospital and Health Services, 9 local governments, 21 other statutory bodies, the LGAQ and the QLS. All agencies broadly supported the approach to be taken in the RTI Regulation 2025 and IP Regulation 2025. The Pharmacy Guild of Australia, Queensland, was also consulted and supports the proposal to allow pharmacists to certify copies of evidence of identity. The sunset review was also informed by feedback previously provided by stakeholders during the development of the IPOLA Act. For example, the *Report of the Review of the Right to Information Act 2009 and Information Privacy Act 2009,* tabled on 12 October 2017, sought and received feedback about issues relating to the regulations, specifically, evidence of identity requirements and annual reporting matters and obligations.
What is the recommended option and why?
The only feasible option is to remake the Regulations, with amendments, to support the operation of the RTI Act and IP Act, as amended by the IPOLA Act. The new Regulations will commence on 1 July 2025, with the exception of updated annual reporting provisions for agencies which commence on 1 July 2026. The staged approached to changes to annual reporting requirements will allow agencies time to prepare their systems and processes (and collect relevant information) before new requirements commence. The OIC was allocated $11.465 million over four years from 2023-2024 and $2.563 million ongoing for operational implementation, development of an ICT solution and training and awareness activities. The OIC has embarked on a significant legislation implementation project and has been engaging and working with agencies towards the commencement date of 1 July 2025. Consistent with its statutory role, the OIC has provided training locally and regionally, online and in person, about the effect of the amendments from the IPOLA Act.

Impact assessment

All proposals – complete:

	First full year	First 10 years
Direct costs – *Compliance costs*	Not assessed	Not assessed
Direct costs – *Government costs*	Not assessed	Not assessed - however, funding of $11.465 million over four years from 2023-24 and $2.563 million ongoing from has been provided to the OIC to implement the IPOLA Act reforms. The Regulations broadly retain the status quo and there will be streamlined requirements to ameliorate the impact of reporting obligations.

Signed

Sarah Cruickshank
Director-General
Department of Justice
Date: 12/6/25

Deb Frecklington MP
Attorney-General and Minister for Justice
Minister for Integrity
Date: 18/6/25