



Applying the legislation

GUIDELINE *Right to Information Act 2009*

Information Briefing Incoming Minister

Schedule 3, section 4 of the *Right to Information Act 2009 (RTI Act)*¹ provides that information created by a department to brief an Incoming Minister about the department is exempt information for ten years. An agency² can refuse access to exempt information under section 47(3)(a) of the RTI Act.

The role of Ministers

Ministers have significant responsibilities which require them to be fully briefed about how their departments operate. Each Minister, including the Premier, Treasurer, and Attorney-General, is responsible for one or more portfolios or areas of responsibility.

Ministers are responsible to Parliament for the actions of their respective departments. They direct the implementation of government policy and carry out the tasks of government administration through their departments.

The incoming Minister's brief will typically cover matters such as:

- the departmental structure and responsibilities
- major policy and implementation issues
- initial actions and decisions the Minister needs to take; and
- the Minister's responsibilities, including details of boards, commissions, tribunals and similar entities.

Incoming Ministers

When a new Minister is appointed, they may be referred to for a short period of time as the Incoming Minister. The Director-General will generally ensure the incoming Minister is briefed about the department and any other portfolio agencies. The briefing process may involve meetings with senior staff, as well as the provision of formal documents such as the annual report, the strategic plan and specific Incoming Minister's brief.

Briefing of Incoming Ministers most commonly occurs following an election. A new or returning Government may introduce changes to the way government operates, such as:

- reallocating functions to, and between, government agencies
- creating new government agencies, and amalgamating or abolishing existing agencies; and
- coordinating activities of government agencies.

¹ And Chapter 3 of the *Information Privacy Act 2009 (Qld)*.

² Or a Minister.



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Briefings given to new Ministers appointed at other times, for example, Ministerial responsibilities may be re-allocated after a Minister retires or resigns, will also fall under this section.

Limitations

Departments only

Ministerial portfolios may be made up of more than just departments; they may include statutory authorities, such as Boards or Commissions. While Incoming Ministers may receive briefings from these statutory authorities as well as from their department, only departmental briefings are exempt under schedule 3, section 4 of the RTI Act.

Ten years only

Incoming Ministerial briefs are only exempt for ten years after the Incoming Minister is appointed.

For additional information and assistance please refer to the OIC's guidelines or contact the Enquiries Service on 07 3234 7373 or email enquiries@oic.qld.gov.au.

This guide is introductory only, and deals with issues in a general way. It is not legal advice. Additional factors may be relevant in specific circumstances. For detailed guidance, legal advice should be sought.

If you have any comments or suggestions on the content of this document, please submit them to feedback@oic.qld.gov.au.

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Changes to legislation after the update date are not included in this document