

Australian Capital Territory

Freedom of Information (Fees) Determination 2016

Disallowable instrument DI2016-104

made under the

Freedom of Information Act 1989, s 80 (Determination of fees and charges)

1 Name of instrument

This instrument is the *Freedom of Information (Fees) Determination 2016*.

2 Commencement

This instrument commences on 1 July 2016.

3 Determination of fees

- (1) The fee payable for a matter stated in an item in the schedule, column 2 is the fee stated in the schedule, column 3 for that matter.
- (2) The fee for a matter stated in an item in the schedule, column 2 is payable by the person requesting the service.

4 Payment of fees

The fee payable for a matter stated in an item in the schedule, column 2 is payable to the Territory.

5 Revocation

This instrument revokes DI2015-138, the *Freedom of Information (Fees) Determination 2015*.

Simon Corbell MLA
Attorney-General
9 June 2016

SCHEDULE - FEES AND CHARGES TO BE PAID

Column 1 Item	Column 2 Matter in respect of which fee or charge is payable	Column 3 Amount Payable
400	<p>1) A charge is payable for the time spent by the relevant agency or Minister in searching for or retrieving a document (other than a document in relation to which a charge is applicable under item (2)).</p> <p>2) A charge is payable for the time spent by the relevant agency or Minister in deciding whether to grant, refuse or defer access to a document or to grant access to a document with deletions (including the time spent in examining a document, consulting with any person or body, making a copy with deletions or notifying any interim or final decision on the request).</p> <p>3) A charge is payable for supervising inspection of a document.</p> <p>4) A charge is payable where access is given to a document by way of electronic scanning or photocopy.</p> <p>5) A charge shall not include:</p> <ul style="list-style-type: none"> a) access to a document about the personal affairs of the applicant or the person on whose behalf the application is made; b) access to a document by an Aboriginal person or a Torres Strait Islander for the purpose of assisting that person to re-establish community or family links with those people from whom he or she was separated as a result of past policies of an Australian Government; c) consideration of an application for review of a decision on an application under the <i>Freedom of Information Act 1989</i>; d) any additional cost caused by the misfiling or misindexing of a document; e) the first 10 hours of time spent by the agency or a Minister under (1) and (2) (for costing purposes, time taken under (2) shall be excluded before time taken under (1)); f) the first 200 pages scanned or copied under (4); g) any charge where the agency or Minister make a decision that a charge is not payable; and h) any charge where the application is refused. <p>6) In this clause:</p> <ul style="list-style-type: none"> a) “Aboriginal person” includes a person who is descended from, identifies as, and is accepted by an Aboriginal community as, an Aboriginal person; and b) “Torres Strait Islander” means a person who is a descendant of an indigenous inhabitant of the Torres Strait Islands. <p><i>Explanatory Note: Last Financial Year the fees were \$25.00, \$33.00, \$20.90 and \$0.33 respectively.</i></p>	<p>\$25.00 per hour (GST is not applicable)</p> <p>\$33.00 per hour (GST is not applicable)</p> <p>\$21.00 per hour (GST is not applicable)</p> <p>\$0.34 per page (GST is not applicable)</p>
401	<p>1) An agency or a Minister may make an estimate of the charges that might reasonably be imposed under item 400.</p> <p>2) If the estimate exceeds \$25 but is less than \$100, the agency or a Minister may require the applicant to pay a deposit of \$20.</p> <p>3) If the estimate exceeds \$100, the agency or a Minister may require the applicant to pay a deposit of 25% of the estimate.</p>	