

AUSTRALIAN CAPITAL TERRITORY

FREEDOM OF INFORMATION ACT 1989

**DECLARATION OF THE APPLICABILITY OF APPLICATION FEES
AND THE DETERMINATION OF FEES AND CHARGES**

No. 132 of 1995

EXPLANATORY STATEMENT

Under the *Freedom of Information Act 1989* (the Act), application fees and fees and charges for access to documents may be levied. This instrument revokes and replaces the Declaration in respect of application fees and the Determination in respect of fees and charges (Determination No. 12 of 1994 dated 22 February 1994 and notified in the Australian Capital Territory Gazette No. S28 of 23 February 1994).

The major features of the new Determination and Declaration are:

Personal affairs applications

- (a) No application fees or processing charges are payable where the application relates to the personal affairs of the applicant or the person on whose behalf the application is made. Previously, processing charges were payable for processing time in excess of 20 hours and more than 200 photocopies;

Non-personal affairs applications

- (b) The application fee under section 14(1) [the original application fee] is reduced from \$30 to \$15;
- (c) The application fee under section 59(1) [the internal review fee] is reduced from \$40 to \$15;
- (d) No processing charges are payable for the first 10 hours of processing time. Previously all processing time was chargeable;

- (e) Photocopying charges are payable after the first 200 pages at 20 cents per page, reflecting cost recovery. Previously all photocopying was chargeable at 10 cents per page (this amount has remained unchanged since the commencement of the Act in 1989);
- (f) Other charges previously applying to the access or production of a document, including production of a document not in a discrete form, transcription, and arrangements for hearing or viewing audio or visual material, have been deleted. Experience has demonstrated that these charges are not relevant in the ACT.

The changes have been made to give effect to the Government's reform of freedom of information announced as part of the 1995-96 Budget.

Circulated by Gary Humphries MLA Attorney-General