

	Department of Infrastructure, Energy and Resources Executive Services Branch	TRIM 039184/002
	<b>POLICY FOR COLLECTION OF RIGHT TO INFORMATION [RTI] APPLICATION FEE</b>	<b>Date of last Revision:</b> 21 June 2013 <b>Version 0.1</b>

## Basis for Charging the Fee

Section 16 of the *Right to Information Act 2009* (the Act) provides for the payment of an application fee, but allows for a public authority to waive that fee in some circumstances. The Act does not allow for any other fees to be charged.

The Ombudsman has issued a relevant Guideline – *Guideline in Relation to Charges for Information (No 1/2012)*. DIER’s policy and practice in this matter accords with both the requirements of the Act and the Ombudsman’s directions.

## Current Fee

The fee for 2013-14 is \$36.50. This amount changes each year on 1 July and reflects the change in the Consumer Price Index (CPI) for the preceding year.

## Legislative Basis for Waiving the Fee

A public authority is able to waive the fee and, if requested to do so in conjunction with an application, should consider if the applicant is a person who demonstrates they meet a category for waiver specified in Section 16. An application to waive the fee should be considered immediately on receipt and a decision made as soon as practicable.

The application fee may be waived if -

- The applicant is impecunious; or
- The applicant is a Member of Parliament acting in connection with his or her official duty; or
- The applicant is able to show that he or she intends to use the information for a purpose that is of general public interest or benefit.

## How DIER will assess requests to waive the Fee

### *The applicant is impecunious*

Generally, if the applicant is a holder of a Centrelink Health Care Card that will be sufficient evidence to support an application to waive the fee. Applicants will be required to provide evidence that they are the holder of a Centrelink Health Care Card.

DIER may decide not to waive the fee if:

- DIER forms the opinion that the applicant is not making the application on his or her own behalf or in the general public interest (see below); or
- after having been informed that the information or class of information is already available under active disclosure and the applicant continues to seek the information or class of information by application; or
- DIER forms the opinion that applicant is unreasonably using the RTI application process, particularly when the volume of applications and/or the volume of information contained in the scope of an application is considered.

***The applicant is a Member of Parliament acting in connection with his or her official duty.***

Generally, if the applicant demonstrates the connection between the application and his or her official duties the fee will be waived.

DIER may decide not to waive the fee if after having been informed that the information or class of information is already available under active disclosure and the applicant continues to seek the information or class of information by application.

***The applicant is able to show that he or she intends to use the information for a purpose that is of general public interest or benefit.***

Schedule 1 of the *Right to Information Act 2009* provides some tests in determining the Public Interest. Generally, DIER will waive the Fee where the Public Interest is served by the provision of the information.

Given the relatively small value of the Application Fee, if the applicant is seeking the information as part of their business activities DIER may decide not to waive the fee.

### **Refund of the Application Fee in other Circumstances**

When an application is refused the normal practice will be to refund the fee to the applicant.

A decision to retain the fee, even if the application is refused, may be made if:

- The applicant, after having been informed that the information or class of information is already available under active disclosure, continues to seek the information or class of information by application; or
- DIER forms the opinion that the applicant is unreasonably using the RTI application process, particularly when the volume of applications and/or the volume of information contained in the scope of an application is considered.

When an application is accepted the fee may be refunded when, in all the circumstances, DIER considers it is unreasonable to retain the fee.



Norm McIlpatrick

**SECRETARY**

24 June 2013