



## Fact sheet – Fees and charges under the GIPA Act November 2017

### Who processes requests for information received by Council?

- The Internal Ombudsman, Governance and Civic department; the only business area with the delegated authority to do so. This will ensure that your personal and other information will be protected subject to the GIPA legislation.

### What information can you get free of charge?

- Open access information; Council must make at least one way of making this information available free of charge. Access provided in any other way can be charged for. Any photocopies will be charged at the lowest reasonable cost.
- Proactively released information; this is provided free of charge or at the lowest possible cost to Council.
- Information released informally.

### What information can you get by paying fees and charges?

- An access application (a formal application for information) can be made under the GIPA Act for information not available free of charge.

### What are the fees & charges for access applications?

- An application fee of \$30 this also covers the first hour of processing.
- Processing charge of \$30 per hour; processing time includes time taken to consider the application, search for records, consult with third parties, make decisions and any other function carried out to decide on the application.
- An applicant applying for his/her own personal information will not be charged for the first 20 hours of processing.

### What is the maximum charge for processing your access application?

- Charges will not exceed \$200 per application.
- Full processing charges will apply for any subsequent applications, similar in substance to the first, by any applicant; the \$200 cap will not apply.

### Can Council request the payment of an advanced deposit?

- Council can request a 50 per cent of the estimated fee by sending a notice to the applicant.



## When do discounted processing charges apply?

### If there is financial hardship charges must be discounted

- Applicants are entitled to a 50% discount of the processing charge.
- The application fee will cover the first two hours of processing time rather than the first one hour.

### What is financial hardship?

It is considered that the applicant is under financial hardship if the applicant is:

- The holder of a Pensioner Concession card issued by the Commonwealth that is in force.
- A full-time student.
- A non-profit organisation (including a person applying for or on behalf of a non-profit organisation).

### If the decision maker believes the information is of special public benefit

- Applicants are entitled to a 50 per cent discount of the processing charge.
- The application fee will cover the first two hours of processing time.
- Full waiver of processing charges apply if the information is released to the public before or within three working days after providing access to the applicant.

### What is 'special public benefit'?

- A 'special public benefit' is different from what is ordinary or usual to the general public and is not just a special benefit nor of mere private interest to the applicant alone.

### Factors relevant to a consideration of a special public benefit

- Factors include:
  - Public health and safety.
  - The application of public funds.
  - Proper record keeping and legislative compliance by Council in exercising its functions.
  - The existence of a special interest group and the benefits of accountability and transparency of decision-making by government, in particular Members of Parliament.



- The need to ensure that citizens have sufficient information to enable them to actively participate in, and contribute to, consideration of relevant issues through submissions or enquiry.

#### **What are the other circumstances when charges can be waived?**

- Council is entitled to waive, reduce or refund any fee or charge payable or paid under this Act, in any case that it thinks appropriate.

#### **When does Council refund application fees and processing charges?**

- Council will refund all fees and charges when an access application is not decided within the statutory timeframe of within 20 working days of receipt, or the extended decision due date, in accordance with the GIPA Act.