

IPOLA GUIDELINE

Applying the legislation – Right to Information Act 2009

Fees and charges under the RTI Act

This guide does not reflect the current law.

It highlights important changes to the *Right to Information Act 2009*.

This guide does not constitute legal advice and is general in nature only. Additional factors may be relevant in specific circumstances. For detailed guidance, legal advice should be sought.

1.0 Overview

The *Right to Information Act 2009* (Qld) (**RTI Act**) gives people a right to access documents from government agencies, subject to some exceptions and limitations.¹ This guide sets out when fees and charges may apply. The categories of fees and charges are:

- Application fees
- Processing charges
- Access charges.

All fees and charges under the RTI Act are GST exempt.²

How to determine the amount of the application fee or charge

The Right to Information Regulation 2009 (**RTI Regulation**) lists the number of fee units payable for the application fee, processing charge, or access charge. The Acts Interpretation (Fee Unit Regulation) Regulation 2022 (Fee Unit Regulation) lists the dollar amount of a fee unit.

To determine the amount of the fee or charge, multiply the number of fee units by the dollar amount in the Fee Unit Regulation and round the result following the instructions in the RTI Regulation.³

Note that the application fee, processing charge, and access charge listed in this guideline are examples only.

¹ In this guideline, references to agency include a Minister.

² See Division 81, section 81.10(5) of *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

³ Section 3A of the RTI Regulation.

2.0 Application fee

An *application fee* is only payable for RTI applications requesting documents that do not contain the applicant's personal information.⁴

If the agency decides an application fee is payable and the applicant has not paid it, the agency must contact the applicant and give them a reasonable opportunity to pay it.⁵ If the applicant does not pay the application fee, the agency must give them a prescribed written notice of its reviewable decision that the application fee was payable and that because it was not paid, the application is noncompliant.⁶

This is a reviewable decision.

2.1 How much is the application fee?

As at 1 July 2024, the application fee payable is \$55.75. The fee is indexed annually and calculated according to the RTI Regulation. Anticipated changes to the RTI Regulation may further impact fee calculation by 1 July 2025.

2.2 Assessing whether an application fee is payable

The test for whether an application fee is payable is whether every document applied for contains the applicant's personal information. *Document* means an entire document comprising one or more pages (e.g., a report, email plus attachments, or letter plus attachments). If the applicant's personal information is on at least one page of the document, the entire document is a document containing their personal information.

The test will only arise if the applicant is an individual⁷ and the only applicant. If two individuals make a joint application, they are applying for each other's personal information as well as their own, which means the application is not limited to documents containing the applicant's personal information. This does not mean that a single individual who applies for documents containing their information has to pay an application fee if those documents also contain other people's information.

Agencies will need to consider the scope of the application and assess whether **every** document is likely to have the applicant's personal information in it somewhere. It doesn't matter what else is in the document or how much or how little of the applicant's personal information it contains.

Agencies who assess that no application fee is payable must process and make decisions on all information in the documents which is relevant to the application's scope, not just the applicant's personal information.

⁴ Section 24(2) and (4) of the RTI Act.

⁵ Section 33 of the RTI Act.

⁶ See the OIC Guideline [Managing noncompliant applications](#) for more information.

⁷ If the applicant has an agent, only the applicant needs to be an individual – the agent does not need to be an individual.



Example

An applicant applies for 'my HR file'. On the file is a copy of a report about their business unit's processes and practices, and the employee's name appears on page twelve of the report. This makes it a document containing their personal information which can be applied for with no application fee.

If the applicant pays an application fee but every document they have applied for *does* contain their personal information, the agency must refund the application fee. This includes where the agency originally advised an application fee was payable, but realised during processing that every document contains the applicant's personal information.

2.3 Can the application fee be waived?

No. Section 24 of the RTI Act states that the application fee must be paid unless the application is only for documents containing the applicant's personal information. Even if the applicant is eligible for a waiver of the processing and access charges on the grounds of financial hardship, there are no provisions in the RTI Act which allow for the application fee to be waived in any circumstances.

Application fee on part transfer

If an RTI application for which a fee is payable is part-transferred to another agency, the applicant must pay another application fee to the second agency, unless the transferred part is limited to documents containing the applicant's personal information.⁸

2.4 Can the application fee be refunded?

The RTI Act requires the application fee to be refunded in only two circumstances:

- If a deemed decision is made, i.e., the agency did not make a considered decision either in the original processing period or in the further specified period allowed by the applicant;⁹ or
- Where an application fee was paid but the application is limited to documents containing the applicant's personal information.¹⁰

⁸ Section 38 of the RTI Act. Refer to Guideline: [Transferring access applications](#) for more information.

⁹ See section 46(1)(b) of the RTI Act. For more guidance on the processing period, further specified period, and deemed decisions see the Guideline: [Timeframes under the RTI Act](#).

¹⁰ Section 24(6) of the RTI Act.



3.0 Charges

When considering processing and access charges, it is important to remember:

- **Duty to minimise charges** - An agency has a duty to minimise these charges.¹¹
- **Charges cannot exceed estimates in the Charges Estimate Notice (CEN)** - The amounts payable cannot exceed the estimates provided in the final CEN given to an applicant.¹²

4.0 Processing charges

The *processing charge* is the charge for the time an agency spends:

- searching for or retrieving a document; and
- making a decision or doing things related to making a decision on an RTI application.¹³

No processing charge is payable in relation to documents containing the applicant's personal information. (However, access charges may be payable – see below).

4.1 How much are processing charges?

As at 1 July 2024, RTI processing charges¹⁴ are:

- nil, if the agency spends no more than 5 hours processing the application; or
- charged per 15 minutes or part of 15 minutes of the time spent working on the application, including the first five hours,¹⁵ when the agency spends more than 5 hours processing the application.¹⁶

Anticipated changes to the RTI Regulation may impact fee calculation by 1 July 2025.

4.2 Agencies cannot charge for personal information documents

An agency cannot charge processing fees for documents containing the applicant's personal information.¹⁷

If no RTI application fee was payable – because *all* requested documents contain the applicant's personal information – there will be no processing charges.

¹¹ Section 58 of the RTI Act.

¹² Section 61 of the RTI Act.

¹³ Section 56 of the RTI Act.

¹⁴ As prescribed under the RTI Regulation.

¹⁵ As per the example in section 5 of the RTI Regulation.

¹⁶ Section 5 of the RTI Regulation.

¹⁷ Section 59 of the RTI Act.

If an RTI application fee was payable – but *some* of the requested documents contain the applicant’s personal information – the agency must not charge any processing charges for those documents.

Depending on the ratio of personal information documents to non-personal documents, there may be various ways for an agency to calculate the processing charge. Whatever the method, the time spent on personal documents must not be included in the total charge.

To ensure the applicant is aware that the agency is not improperly charging the applicant, agencies may wish to consider noting on the CEN that they have not included personal documents when calculating the charge.

4.3 What time cannot be included in calculating the processing charge?

If a document is not where an agency’s filing system indicates it should be, and an agency needs to spend extra time trying to find it, the agency cannot charge the applicant for that time.¹⁸

For example, if an agency spends an additional two hours locating a document that was incorrectly filed, those additional two hours cannot be counted when calculating the processing time for the application.

5.0 Access charges

Access charges are the cost of giving the applicant access to a document.¹⁹ They apply *even if* the document contains the applicant’s personal information.

The access charge for a document—except where access is given to an A4 black and white photocopy—is the actual cost incurred by the agency for:

- engaging another entity to search for and retrieve the document
- relocating the document as necessary for access to be given to the document
- transcribing audio recordings (of words), shorthand writing or codified words²⁰
- creating a written document using equipment usually available to the agency for retrieving or collating stored information²¹ (for example printing a report from a database); or
- otherwise giving access to the document, for example by reproduction of the document, such as duplicating an X-ray or photograph.

The cost of giving access to an A4 black and white photocopy is, as at 1 July 2024, \$0.25 per page. Anticipated changes to the RTI Regulation may impact fee calculation by 1 July 2025.

¹⁸ Section 5(2) of the RTI Regulation.

¹⁹ Section 57 of the RTI Act and section 78 of the IP Act.

²⁰ Section 6(1)(a)(iii) of the RTI Regulation and section 68(1)(d) of the RTI Act.

²¹ Section 6(1)(a)(iv) of the RTI Regulation and section 68(1)(e) of the RTI Act.



5.1 Giving access in electronic form

There is no cost for providing access by email or on a disc. These costs are specifically excluded from the access charge by the RTI Regulation.²²

Access provided through other electronic methods can be charged at the actual cost of giving access. However, if giving access using these methods—for example a weblink from which documents can be downloaded—involves no cost to the agency, they will attract no access charges.

6.0 When can processing or access charges be waived?

The processing and access charges may be waived if they are uneconomical to charge, and they must be waived if the applicant is in financial hardship.²³

6.1 Uneconomical to charge

If an agency considers that the associated costs of receiving the processing and/or access charges would be higher than the charges themselves, it can waive the charges on the grounds that it is uneconomical to charge the applicant.²⁴

Associated costs are the costs of:

- estimating the charge
- otherwise complying with the Acts in relation to the charge; and
- receiving payment of the charge.

Note

Developing a policy setting out the maximum amount of processing and access charge that would be considered 'uneconomical to charge' will ensure a consistent approach within the agency.

6.2 Applicant under financial hardship

Agencies must decide to waive the processing and access charges where the applicant is in financial hardship and the requirements of the Act have been met. If an application fee is payable, it cannot be waived.

Where the applicant is a non-profit organisation, they will be in financial hardship if the Commissioner has made a decision that the organisation has financial hardship status.²⁵ This status is granted for twelve months and can be viewed on OIC's website. If the applicant currently has financial hardship status, the agency must waive the charges.

²² Section 6(2) of the RTI Regulation.

²³ As outlined in chapter 3, part 6, division 3 of the RTI Act.

²⁴ Section 64 of the RTI Act.

²⁵ Section 67 of the RTI Act,

Where the applicant is an individual, they must ask to have the charges waived and provide a copy of their concession card. The agency must decide to waive the charges if:²⁶

- the concession card is one which is recognised by the Act
- the agency considers the applicant is the holder of the concession card; and
- the agency considers the applicant is not making the application for another person who is seeking to avoid payment of the charge.²⁷

The concession card must be one of the following:

- Centrelink Pensioner Concession Card
- Veterans' Affairs Pensioner Concession Card; or
- Centrelink Health Care Card.²⁸

The holder of a concession card is someone who is named on the concession card and would be entitled to be named on the concession card at the time it is being relied on (including as a dependent).²⁹ Refer to [Applying for financial hardship as an individual](#) for more information about recognised concession cards and financial hardship.

7.0 When does an agency have to tell the applicant about charges?

Under the RTI Act, an agency has to issue the applicant with a CEN if they consider the applicant will need to pay an access and/or processing charge. A CEN is a written estimate of the total processing and access charges for the application.

If there was no fee payable for the application, the CEN will be limited to access charges, as processing charges cannot be charged for documents containing the applicant's personal information.

For more information about CENs, refer to [Charges estimate notices](#).

8.0 What information about charges is required in a decision notice?

The final amount of the processing and/or access charges payable by the applicant must be included in the agency's written notice of decision.³⁰ This can be less, but cannot be more, than the agency's estimate in the CEN.

9.0 When do charges have to be paid?

The processing and/or access charges must be paid before the applicant is given access to documents.³¹

²⁶ Section 66(2)(a) of the RTI Act.

²⁷ Section 66(2)(a) of the RTI Act.

²⁸ Section 66(5) of the RTI Act.

²⁹ Section 66(5) of the RTI Act.

³⁰ Section 54(2) of the RTI Act.

³¹ Section 60(1) of the RTI Act.



These charges must be paid even if access to the documents is refused, or the applicant does not access the documents within the access period.³²

10.0 Review rights

There is no right to seek a review of the **amount** of a processing or access charge,³³ but an applicant can seek a review of the decision to charge at all, for example if an agency refused to waive the charges on the grounds of financial hardship.³⁴

For additional IPOLA assistance, please contact the IPOLA team by email IPOLA.Project@oic.qld.gov.au

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

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³² Section 60(2) of the RTI Act.

³³ Section 81 and section 86 of the RTI Act.

³⁴ See definition of 'reviewable decision' under schedule 5 of the RTI Act.