



New South Wales

# Government Information (Public Access) Amendment (Removal of Application Fee) Bill 2012

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to amend the *Government Information (Public Access) Act 2009*:

- (a) to remove the current requirement to pay a fee when making an application or other request for government information under that Act, and
- (b) to provide that, if any processing charge is imposed for dealing with an access application, the first hour of dealing with the application is to be free of charge.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

## **Schedule 1      Amendment of Government Information (Public Access) Act 2009 No 52**

**Schedule 1** makes the amendments described in the Overview, removes all references to an application fee from the *Government Information (Public Access) Act 2009* and makes other consequential amendments.



New South Wales

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New South Wales

# Government Information (Public Access) Amendment (Removal of Application Fee) Bill 2012

No. , 2012

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## A Bill for

An Act to amend the *Government Information (Public Access) Act 2009* to remove the requirement to pay a fee when making an application or other request for government information under that Act, and to provide that a processing charge is not payable for the first hour of dealing with any such application.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Government Information (Public Access) Amendment (Removal of Application Fee) Act 2012</i> .	3 4
<b>2 Commencement</b>	5
This Act commences on the date of assent to this Act.	6

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<b>Schedule 1</b>	<b>Amendment of Government Information (Public Access) Act 2009 No 52</b>	1
		2
<b>[1]</b>	<b>Sections 41 (1) (c), 51A, 52 (1) (b) and (5), 60 (6), 63 (3) and 64 (3) and notes to sections 65 (1) and 127</b>	3
	Omit the provisions.	4
		5
<b>[2]</b>	<b>Section 41 How to make an access application</b>	6
	Omit the note to section 41 (1). Insert instead:	7
	<b>Note.</b> See section 52 (3) concerning assistance to be afforded by an agency to an access applicant.	8
		9
<b>[3]</b>	<b>Section 41 (2)</b>	10
	Omit “or the payment of an application fee”.	11
<b>[4]</b>	<b>Section 41 (2)</b>	12
	Omit “and a fee paid by use of such a facility is considered to have accompanied the application”.	13
		14
<b>[5]</b>	<b>Section 48 Effect of transfer of application</b>	15
	Omit “is not required to refund or transfer the application fee to the other agency but” from section 48 (1).	16
		17
<b>[6]</b>	<b>Section 48 (4)</b>	18
	Omit “not entitled to charge an application fee for the application but is”.	19
<b>[7]</b>	<b>Sections 49 (5), 50 (2) and 78 (4)</b>	20
	Omit “application fee or” wherever occurring.	21
<b>[8]</b>	<b>Section 52 Agency assistance with invalid applications</b>	22
	Omit “pays the required fee or” from section 52 (2).	23
<b>[9]</b>	<b>Section 52 (2)</b>	24
	Omit “the fee or”. Insert instead “the”.	25
<b>[10]</b>	<b>Section 63 Deemed refusal if application not decided within time</b>	26
	Omit “and any application fee paid by the applicant is to be refunded” from section 63 (1).	27
		28
<b>[11]</b>	<b>Section 64 Processing charge for dealing with access application</b>	29
	Insert “(other than the first hour)” after “each hour” in section 64 (1).	30

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Schedule 1 Amendment of Government Information (Public Access) Act 2009 No 52

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<b>[12] Section 66 Discounted processing charge—special public benefit</b>	1
Omit the note to section 66 (1). Insert instead:	2
<b>Note.</b> A decision to reduce a processing charge is reviewable under Part 5.	3 4
<b>[13] Section 68 Advance deposit for payment of processing charge</b>	5
Omit “application fee and” from section 68 (3) (d).	6
<b>[14] Section 129 Regulations</b>	7
Insert “, but not so as to impose a requirement to pay an application fee” after “made” in section 129 (2) (b).	8 9
<b>[15] Schedule 3 Savings, transitional and other provisions</b>	10
Insert at the end of clause 1 (1):	11
<i>Government Information (Public Access) Amendment (Removal of Application Fee) Act 2012</i>	12 13
<b>[16] Schedule 3, Part 4</b>	14
Insert after Part 3:	15
<b>Part 4 Provision consequent on enactment of Government Information (Public Access) Amendment (Removal of Application Fee) Act 2012</b>	16 17 18 19
<b>10 Application of amendments to pending access applications</b>	20
(1) The amendments made by the amending Act do not apply to an access application that was made but not finally determined before the commencement of the amending Act.	21 22 23
(2) In this clause:	24
<b>amending Act</b> means the <i>Government Information (Public Access) Amendment (Removal of Application Fee) Act 2012</i> .	25 26