

**NORTHERN TERRITORY OF AUSTRALIA**

**INFORMATION REGULATIONS 2003**

As in force at 1 September 2017

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 1 September 2017

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## INFORMATION REGULATIONS 2003

### Regulations under the *Information Act 2002*

#### 1 Citation

These Regulations may be cited as the *Information Regulations 2003*.

#### 2 Commencement

These Regulations come into operation on the commencement of the *Information Act 2002*.

#### 3 Definitions

In these Regulations:

**actual cost**, of any service or materials specified in the Schedule, means the actual cost incurred by a public sector organisation in providing the service or materials.

**non-personal information**, for an application, means government information that is not the applicant's personal information.

**personal information**, for an application, means government information that is the applicant's personal information.

**prescribed PSO** means a public sector organisation, other than a Government Business Division, a local government council, or a higher education institution as defined in the *Higher Education Act 2004*.

**secondary storage**, of information, means storage provided for or on behalf of a public sector organisation by an organisation that is not a public sector organisation.

#### 5 Application fee – section 156(4)(a)

(1) Subject to subregulation (2), a public sector organisation may charge the following application fees:

(a) for an application relating to personal information – nil;

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- (b) for an application relating to non-personal information – \$30;
  - (c) for an application relating to personal and non-personal information – \$30.
- (2) A prescribed PSO may not charge an application fee as mentioned in subregulation (1) if:
- (a) the application is made by a member of the Legislative Assembly; and
  - (b) the application is for access to government information in a report brought into existence by a public sector employee or a consultant to a public sector organisation; and
  - (c) the report describes an event or situation arising from an investigation, inquiry or observation.

## **6 Processing fee – section 156(4)(a)**

- (1) Subject to subregulation (1A), a public sector organisation may charge a processing fee equal to the total cost of the services and materials specified in the Schedule that are provided in response to an application.
- (1A) A prescribed PSO may not charge a processing fee as mentioned in subregulation (1) if:
- (a) the application is made by a member of the Legislative Assembly; and
  - (b) the application is for access to government information in a report brought into existence by a public sector employee or a consultant to a public sector organisation; and
  - (c) the report describes an event or situation arising from an investigation, inquiry or observation.
- (2) The cost of a service or any materials provided is the amount, or is calculated at the rate, specified in the Schedule opposite the service or materials.

## **7 Estimate of processing fee**

- (1) A public sector organisation must if requested, and may otherwise, give an applicant a written estimate of the processing fee for the application.
- (2) The notice is to state the following:

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- (a) the amount of the estimate;
  - (b) how that amount was calculated;
  - (c) the applicant may consult with a specified officer or employee of the public sector organisation with a view to amending the application to reduce the processing fee;
  - (d) the applicant may seek a re-calculation of the amount of the estimate on the ground that it has been incorrectly calculated;
  - (e) the applicant may seek a waiver or reduction of the processing fee;
  - (f) the amount of the deposit (if any) the applicant is required to pay for the processing fee;
  - (g) within 30 days after being given the estimate, the applicant must notify the organisation in writing that:
    - (i) the applicant agrees to pay the processing fee; or
    - (ii) the applicant withdraws the application; or
    - (iii) the applicant seeks to have the amount of the estimate re-calculated or the processing fee waived or reduced and the grounds for seeking the re-calculation, waiver or reduction;
  - (h) if the applicant does not notify the organisation in accordance with paragraph (g), the application will be treated as having been withdrawn.
- (3) If the applicant does not notify the public sector organisation in accordance with subregulation (2)(g), the application is taken to have been withdrawn.

## **8 Effect of estimate on response time for application**

The 30-day period referred to in section 32 of the Act does not include the period commencing on the day on which the public sector organisation gives the applicant a written estimate in accordance with regulation 7 and ending on the day on which the first of the following events occurs:

- (a) the applicant pays the processing fee or the deposit (if any) for the processing fee;
- (b) if the applicant does not pay the processing fee and is not required to pay a deposit – the applicant agrees to pay the

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processing fee;

- (c) if the organisation waives the processing fee – the organisation gives the applicant notice that the processing fee has been waived.

**9        Deposit for processing fee – section 156(4)(ca)**

- (1) A public sector organisation may require an applicant to pay a deposit for a processing fee of:
  - (a) if the processing fee is estimated to be \$100 or less – \$25; or
  - (b) if the processing fee is estimated to be more than \$100 – 50% of the estimate.
- (2) If the processing fee is less than the deposit paid for the fee, the public sector organisation must refund the balance of the deposit to the applicant.

**10        Difference between estimate and processing fee**

- (1) If a public sector organisation gives an applicant a written estimate in accordance with regulation 7 of the processing fee for an application, the organisation must not charge more than the estimate for processing the application.
- (2) If the processing fee paid by an applicant exceeds the total cost of the services and materials specified in the Schedule that are provided in response to the application, the public sector organisation must refund the difference to the applicant.

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**Schedule**

regulation 6

Services and Materials	Amounts and Rates
Searching for and retrieving information and returning it to storage (but not searching for misplaced information)	(a) Personal information – nil (b) Non-personal information (i) stored elsewhere than in secondary storage – \$25 for every hour or part of an hour (ii) stored in secondary storage – actual cost
Considering and making decision in relation to application (including consultation)	(a) Personal information – nil (b) Non-personal information – \$25 for every hour or part of an hour
Supervising examination of information by applicant	(a) Personal information (i) first 2 hours – nil (ii) \$25 for every hour, or part of an hour, over 2 hours (b) Non-personal information – \$25 for every hour or part of an hour
Hiring out equipment or facilities to enable applicant to view or listen to disk, film or tape	Actual cost
Operating equipment to copy disk, film or tape or to enable applicant to view or listen to disk, film or tape	\$25 for every hour or part of an hour
Other services to enable applicant to physically access information	Actual cost

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Photocopies	(a) Black and white, A4 size photocopies – 20 cents per page  (b) Other photocopies – actual cost per page
Copies of disks, films or tapes	Actual cost per copy
Written transcripts	Actual cost per page
Packaging materials for delivering or posting articles	Actual cost
Delivery or postage charges	Actual cost per article



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**ENDNOTES**
**1****KEY**

Key to abbreviations

<b>amd = amended</b>	<b>od = order</b>
<b>app = appendix</b>	<b>om = omitted</b>
<b>bl = by-law</b>	<b>pt = Part</b>
<b>ch = Chapter</b>	<b>r = regulation/rule</b>
<b>cl = clause</b>	<b>rem = remainder</b>
<b>div = Division</b>	<b>renum = renumbered</b>
<b>exp = expires/expired</b>	<b>rep = repealed</b>
<b>f = forms</b>	<b>s = section</b>
<b>Gaz = Gazette</b>	<b>sch = Schedule</b>
<b>hdg = heading</b>	<b>sdiv = Subdivision</b>
<b>ins = inserted</b>	<b>SL = Subordinate Legislation</b>
<b>lt = long title</b>	<b>sub = substituted</b>
<b>nc = not commenced</b>	

**2****LIST OF LEGISLATION*****Information Regulations (SL No. 35, 2003)***

Notified	1 July 2003
Commenced	1 July 2003 (r 2, s 2(2) <i>Information Act 2002</i> (Act No. 62, 2002))

***Information Amendment Regulations 2010 (SL No. 2, 2010)***

Notified	17 February 2010
Commenced	17 February 2010

***Alcohol Mandatory Treatment Act 2013 (Act No. 17, 2013)***

Assent date	28 June 2013
Commenced	1 July 2013 (s 2)

***Local Government Amendment Act 2014 (Act No. 19, 2014)***

Assent date	2 June 2014
Commenced	s 16: 1 July 2014; s 18: 1 December 2014; rem: 2 June 2014, (s 2)

***Territory Insurance Office (Sale) Act 2014 (Act No. 41, 2014)***

Assent date	28 November 2014
Commenced	pt 6, divs 1 and 2: nc (exp without commencing); pt 6, div 3: 00:01hrs 1 January 2015 ( <i>Gaz S131</i> , 19 December 2014, p 8); rem: 28 November 2014 (s 2)

***Alcohol Harm Reduction Act 2017 (Act No. 16, 2017)***

Assent date	30 August 2017
Commenced	1 September 2017 ( <i>Gaz S61</i> , 31 August 2017)

**3****GENERAL AMENDMENTS**

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: rr 1, 2 and 3.

**4 LIST OF AMENDMENTS**

r 3	amd No. 2, 2010, r 3; Act No. 19, 2014, s 26
r 4	rep Act No. 41, 2014, s 53
r 4A	ins Act No. 17, 2013, s 157 rep Act No. 16, 2017, s 50
r 5	amd No. 2, 2010, r 4
r 6	amd No. 2, 2010, r 5
r 7	amd No. 2, 2010, r 6