

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Group: 2

Program: 1.1

Question No. AE15/068

Senator Rhiannon asked the following written question from the 24 February and 27 March 2015 hearings:

1. Has the OAIC provided any advice to the government on the high level of fees required to be paid in order to apply for an external review of decisions through the AAT?
 - a. Is the OAIC aware if the government considered the potential of these costs to deter potential applicants?

The Attorney-General's Department's answer to the honourable senator's question is as follows:

1. Application fees for review of decisions by the AAT are provided for in the Administrative Appeals Tribunal Regulations 1976. The OAIC has not provided advice to government on the level of application fees for the AAT.
 - a. It is appropriate that there be a fee or price signal for applicants seeking review of FOI decisions. The Attorney-General's Department notes that AAT application fees may be reduced fee to \$100 in cases of hardship, and that most of the application fee will be refunded by the AAT if a decision is resolved in an applicant's favour. The Freedom of Information Amendment (New Arrangements) Bill 2014 also provides transitional arrangements for applicants who had applied for external review to the OAIC, so that no additional fee was required for matters transferred to the AAT as a result of the legislation.