

## DO NOT SPLIT UP REQUESTS FOR ACCESS

The VCAT today made a decision that dealt with the question of whether an agency can split a single request into discrete requests and require applicants to pay separate application fees for each part as a separate request.

The applicant has sought access to documents relating to 8 different classes and had included with the request the sum of \$20 being the application fee required by section 17 of the *Freedom of Information Act* 1982 (“**FOI Act**”). The respondent agency determined that those 8 classes were in fact 6 separate requests for access. It dealt with the first class of documents and refused to deal with the balance until a further sum of \$100 was forwarded in relation to the 6 remaining requests it believed existed.

The applicant sought review of the decision of the agency requiring the payment of a further \$100. The respondent argued that the VCAT had no jurisdiction to hear the application for review because there had been no valid requests made by the applicant as required by section 17 of the FOI Act.

The VCAT stated that in relation to the respondent treating the different classes of documents sought as different requests:

*“...my conclusion is that the Respondent was not justified in doing so, nor in requiring any additional fees above and beyond the fee of \$20 applicable to a single request.*

*In my opinion having regard to the common thread or inter-relationship between the eight files referred to in the Applicant’s letter..., the request made in such a letter should properly have been treated as one request and not as six separate requests.”*

With respect, I believe that the VCAT’s decision was correct. Where there are numerous different classes of documents sought in one request, it is still one request.

If you require any further information about the this decision and what it will mean for your agency please contact Mick Batskos on 9667 0233 or email: [mbatskos@bigpond.com](mailto:mbatskos@bigpond.com) or fax 9667 0237

29 October 1999