

South Australia

Freedom of Information (Fees and Charges) Regulations 2003

under the *Freedom of Information Act 1991*

Contents

- 1 Short title
- 3 Interpretation
- 4 Prescribed fees and charges (section 53(1))
- 5 Waiver and remission (section 53(2)(a))
- 6 Access to documents by Members of Parliament—prescribed threshold (section 53(2)(b))

Schedule 1—Fees and charges

Legislative history

1—Short title

These regulations may be cited as the *Freedom of Information (Fees and Charges) Regulations 2003*.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Freedom of Information Act 1991*;

concession cardholder means a person who is the holder of—

- (a) a current concession card—
 - (i) issued under an Act or law of the Commonwealth; or
 - (ii) issued by the part of the Department of Human Services known as Family and Youth Services,

(other than a concession card the issue of which is not subject to a means test); or

- (b) a current student identification card issued to a student of a secondary or tertiary educational institution by that institution.

4—Prescribed fees and charges (section 53(1))

The fees and charges payable for the purposes of the Act are as set out in Schedule 1.

5—Waiver and remission (section 53(2)(a))

Where a person liable to pay a fee or charge to an agency under the Act satisfies the agency—

- (a) that he or she is a concession card holder; or
- (b) that payment of the fee or charge would cause financial hardship to the person,

the agency must waive or remit the fee or charge.¹

Note—

- 1 Note that section 53(2a) of the Act provides that an agency may, as it thinks fit, waive, reduce or remit a fee or charge in circumstances other than those provided for in this regulation.

6—Access to documents by Members of Parliament—prescribed threshold (section 53(2)(b))

A Member of Parliament who applies for access to an agency's documents under the Act is entitled to access to the documents without charge unless the work generated by the application involves fees and charges (calculated in accordance with Schedule 1) totalling more than \$1 000.

Schedule 1—Fees and charges

1	On application for access to an agency's document (section 13(c))	\$25.75
2 (1)	For dealing with an application for access to an agency's document and in respect of the giving of access to the document (section 19(1)(b) and (c))—	
	(a) in the case of a document that contains information concerning the personal affairs of the applicant—	
	(i) for up to the first 2 hours spent by the agency in dealing with the application and giving access	no charge
	(ii) for each subsequent 15 minutes so spent by the agency	\$9.60
	(b) in any other case—for each 15 minutes so spent by the agency	\$9.60
(2)	In addition to the fees specified in subclause (1), the following fees are payable in respect of the giving of access to an agency's document:	
	(a) where access is to be given in the form of a photocopy of the document (per page)	\$0.15
	(b) where access is to be given in the form of a written transcript of words recorded or contained in the document (per page)	\$5.75
	(c) where access is to be given in the form of a copy of a photograph, x-ray, video tape, computer tape or computer disk	the actual cost incurred by the agency in producing the copy

Note—

If the applicant requires that a document be posted or delivered, the applicant must pay the actual costs incurred by the agency in posting or delivering the document.

3	On application for review by an agency of a determination made by the agency under Part 3 of the Act (section 29(2)(b))	\$25.75
---	---	---------

Legislative history

Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Legislation revoked by principal regulations

The *Freedom of Information (Fees and Charges) Regulations 2003* revoked the following:

Freedom of Information (Fees and Charges) Regulations 1991

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2003	182	<i>Gazette 28.8.2003 p3380</i>	1.9.2003: r 2
2004	101	<i>Gazette 27.5.2004 p1619</i>	1.7.2004: r 2
2004	215	<i>Gazette 14.10.2004 p3876</i>	14.11.2004: r 2
2005	79	<i>Gazette 26.5.2005 p1464</i>	1.7.2005: r 2
2006	104	<i>Gazette 15.6.2006 p1760</i>	1.7.2006: r 2
2007	120	<i>Gazette 7.6.2007 p2466</i>	1.7.2007: r 2
2008	113	<i>Gazette 5.6.2008 p2086</i>	1.7.2008: r 2

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>1.7.2004</i>
r 6	varied by 215/2004 r 4	14.11.2004
Sch 1	substituted by 101/2004 r 4	1.7.2004
	substituted by 79/2005 r 4	1.7.2005
	substituted by 104/2006 r 4	1.7.2006
	substituted by 120/2007 r 4	1.7.2007
<i>Sch 2</i>	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>1.7.2004</i>

Historical versions

1.7.2004
14.11.2004
1.7.2005
1.7.2006