

South Australia

Freedom of Information (Fees and Charges) Regulations 2018

under the *Freedom of Information Act 1991*

Contents

- 1 Short title
- 2 Commencement
- 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

Schedule 2—Revocation of *Freedom of Information (Fees and Charges) Regulations 2003*

Legislative history

1—Short title

These regulations may be cited as the *Freedom of Information (Fees and Charges) Regulations 2018*.

2—Commencement

These regulations will come into operation on 1 September 2018.

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 administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the *Family and Community Services Act 1972*,(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 that indicates that the student is enrolled on a full-time basis.

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 the person 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.

Note—

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))	\$35.00
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	\$13.10
	(b) in any other case—for each 15 minutes so spent by the agency	\$13.10
(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)	\$0.20
	(b) where access is to be given in the form of a written transcript of words recorded or contained in the document (per page)	\$7.85

- (c) where access is to be given in the form of a copy of a photograph, x-ray, DVD or other medium in or on which information is recorded or stored
- 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)) \$35.00

Schedule 2—Revocation of *Freedom of Information (Fees and Charges) Regulations 2003*

The *Freedom of Information (Fees and Charges) Regulations 2003* are revoked.

Legislative history

Notes

- 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.

Principal regulations

Year	No	Reference	Commencement
2018	192	<i>Gazette 2.8.2018 p2991</i>	1.9.2018: r 2