

(Reprint No. 2)

South Australia

**LOCAL GOVERNMENT (FREEDOM OF INFORMATION—FEES AND
CHARGES) REGULATIONS 1991**

*These regulations are reprinted pursuant to the Subordinate Legislation Act 1978 and incorporate all amendments in force as at **1 July 2001**.*

REGULATIONS UNDER THE LOCAL GOVERNMENT ACT 1934

LOCAL GOVERNMENT (FREEDOM OF INFORMATION—FEES AND CHARGES) REGULATIONS 1991

being

No. 275 of 1991: *Gaz.* 19 December 1991, p. 1992¹

as varied by

No. 267 of 1993: *Gaz.* 2 December 1993, p. 2849²

No. 53 of 2001: *Gaz.* 31 May 2001, p. 1957³

¹ Came into operation 1 January 1992: reg. 2.

² Came into operation 2 April 1994: reg. 2.

³ **Came into operation 1 July 2001: reg. 2.**

NOTE:

- Asterisks indicate repeal or deletion of text.
- Entries appearing in bold type indicate the amendments incorporated since the last reprint.
- For the legislative history of the regulations see Appendix.

SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Interpretation
4. Prescribed fees and charges (s. 65zzc(1))
5. Waiver and remission (s. 65zzc(2)(a))
6. Access to documents by Members of Parliament—prescribed threshold (s. 65zzc(2)(b))

SCHEDULE

Fees and charges

APPENDIX

LEGISLATIVE HISTORY

4 **Local Government (Freedom of Information—Fees and Charges) Regulations 1991**

Citation

1. These regulations may be cited as the *Local Government (Freedom of Information—Fees and Charges) Regulations 1991*.

Commencement

2. These regulations will come into operation on 1 January 1992.

Interpretation

3. In these regulations, unless the contrary intention appears—

"the Act" means the *Local Government Act 1934*.

Prescribed fees and charges (s. 65zzc(1))

4. The fees and charges payable for the purposes of Part VA of the Act are as set out in the schedule.

Waiver and remission (s. 65zzc(2)(a))

5. Where a person liable to pay a fee or charge to a council under Part VA of the Act satisfies the council—

- (a) that he or she is the holder of a current pensioner health benefits or concession card issued by the Commonwealth;
- (b) that he or she is the holder of a current State concession card issued by the Department for Family and Community Services;
- (c) that he or she is a totally and permanently incapacitated disability pensioner;
- (d) that he or she is a British Commonwealth Service Pensioner in receipt of a pension from, and assessed as eligible by, the Commonwealth Department of Veteran Affairs;
- (e) that he or she is in receipt of Commonwealth unemployment or sickness benefits or State financial assistance;
- (f) that he or she is the holder of a student identification card issued under the *State Transport Authority Act 1974*;

or

- (g) by such other evidence as the council may require that the fee or charge should be waived or remitted on the grounds of financial hardship,

the council must waive or remit the fee or charge.

Access to documents by Members of Parliament—prescribed threshold (s. 65zzc(2)(b))

6. A Member of Parliament who applies for access to a council's document under Part VA of the Act is entitled to access to the document without charge unless the work generated by the application involves fees and charges totalling more than \$350.

SCHEDULE
Fees and charges
(s. 65zzc)

\$

- 1. On application for access to a council’s document (s. 65u(c)) 20.60
- 2. (1) For dealing with an application for access to a council’s document and in respect of the giving of access to the document (s. 65za(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 two hours spent by the council in dealing with the application and giving access no charge
 - (ii) for each subsequent 15 minutes so spent by the council 7.70
 - (b) in any other case—for each 15 minutes so spent by the council 7.70
- (2) In addition to the fees specified in subclause (1), the following fees are payable in respect of the giving of access to a council’s document:
 - (a) where access is to be given in the form of a photocopy of the document (per page) 0.10
 - (b) where access is to be given in the form of a written transcript of words recorded or contained in the document (per page) 4.55
 - (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 council in producing the copy;
 - (d) where a document is to be given to the applicant by post or delivery—the actual cost incurred by the council in posting or delivering the document.
- 3. On application for review by a council of a determination made by the council under Division IV or V of Part VA of the Act (s. 65zq(2)(b)) 20.60

APPENDIX

LEGISLATIVE HISTORY

(entries in bold type indicate amendments incorporated since the last reprint)

Schedule

Clause 1:	varied by 53, 2001, reg. 3(a)
Clause 2(1): (previously cl. 2)	redesignated as clause 2(1) by 267, 1993, reg. 3; varied by 53, 2001, reg. 3(b)
Clause 2(2):	inserted by 267, 1993, reg. 3; varied by 53, 2001, reg. 3(c)
Clause 3:	varied by 53, 2001, reg. 3(d)