

As in force at 1 July 2003.

South Australia

**FREEDOM OF INFORMATION (FEES AND CHARGES) REGULATIONS
1991**

REGULATIONS UNDER THE FREEDOM OF INFORMATION ACT 1991

Freedom of Information (Fees and Charges) Regulations 1991

being

No. 276 of 1991: *Gaz.* 19 December 1991, p. 1994¹

as varied by

No. 268 of 1993: *Gaz.* 2 December 1993, p. 2851²

No. 111 of 2001: *Gaz.* 31 May 2001, p. 2082³

No. 104 of 2002: *Gaz.* 20 June 2002, p. 2617⁴

No. 134 of 2003: *Gaz.* 29 May 2003, p. 2360⁵

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.

⁴ Came into operation 1 July 2002: reg. 2.

⁵ **Came into operation 1 July 2003: reg. 2.**

NOTE:

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

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Short title

1. These regulations may be cited as the *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 *Freedom of Information Act 1991*.

Prescribed fees and charges (s. 53(1))

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

Waiver and remission (s. 53(2)(a))

5. 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 the holder of a current pensioner health benefits or concession card issued by the Commonwealth; or
- (b) that he or she is the holder of a current State concession card issued by the Department for Family and Community Services; or
- (c) that he or she is a totally and permanently incapacitated disability pensioner; or
- (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; or
- (e) that he or she is in receipt of Commonwealth unemployment or sickness benefits or State financial assistance; or
- (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 agency may require that the fee or charge should be waived or remitted on the grounds of financial hardship,

the agency must waive or remit the fee or charge.

5.

Access to documents by Members of Parliament—prescribed threshold (s. 53(2)(b))

6. A Member of Parliament who applies for access to an agency's document under 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

(Section 53)

1. On application for access to an agency's document (s. 13(c))	\$22.30
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 (s.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 two 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	\$8.30
(b) in any other case—for each 15 minutes so spent by the agency	\$8.30
(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)	\$0.10
(b) where access is to be given in the form of a written transcript of words recorded or contained in the document (per page)	\$4.95
(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;	
(d) where a document is to be given to the applicant by post or delivery—the actual cost 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 (s. 29(2)(b))	\$22.30

7.

APPENDIX

LEGISLATIVE HISTORY

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

Schedule: varied by 26, 1993, reg. 3; substituted by 111, 2001, reg. 3;
104, 2002, reg. 3; **varied by 134, 2003, reg. 4**