



Statutory Rules 1985 No. 113¹

Freedom of Information (Charges) Regulations² (Amendment)

I, THE ADMINISTRATOR of the Government of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Freedom of Information Act 1982*.

Dated 13 June 1985.

JAMES RAMSAY
Administrator

By His Excellency's Command,

LIONEL BOWEN
Attorney-General

Principal Regulations

1. In these Regulations, "Principal Regulations" means the Freedom of Information (Charges) Regulations.

2. Regulations 5, 6 and 7 of the Principal Regulations are repealed and the following regulation is substituted:

General charges not applicable in relation to certain documents

"5. (1) In this regulation, 'prescribed benefit' means a pension, allowance or benefit payable under—

- (a) the Interim Forces Benefits Act 1947;
- (b) the Repatriation Act 1920;
- (c) the Repatriation (Far East Strategic Reserve) Act 1956;
- (d) the Repatriation (Special Overseas Service) Act 1962;
- (e) the Seamen's War Pensions and Allowances Act 1940;
- (f) the Social Security Act 1947; or
- (g) the Student Assistance Act 1973,

and any payment of a like nature the purpose of which is to provide income support to persons of inadequate means.

"(2) Regulation 4 does not apply in relation to a request for, or the provision of, access to a document that contains information (in this sub-regulation referred to as 'relevant information')

relating to a claim for, or a decision in relation to, the payment to the applicant of a prescribed benefit, being—

- (a) a document to which the applicant has not, pursuant to a previous request, had access during the period of 3 months immediately preceding the day on which the first-mentioned request was made; or
- (b) a document to which the applicant has, pursuant to a previous request, had access during the period referred to in paragraph (a) but the contents of which, in so far as they relate to relevant information, have (whether by way of an addition, omission or alteration) been modified in a material particular after the day on which the applicant last had, pursuant to a request, access to the document.”.

Charges to be paid before access is granted

3. Regulation 11 of the Principal Regulations is amended by omitting from sub-regulation (2)”, or in Item 1 of Part III,”.

4. Regulation 12 of the Principal Regulations is repealed and the following regulation substituted:

Deposits

“12. (1) Where an agency or a Minister has made a decision that an applicant is liable to pay—

- (a) a charge, other than the charge referred to in Item 1 of Part I of the Schedule, in respect of a request; or
- (b) a charge in respect of the provision of access to a document to which a request relates,

the agency or Minister may make a decision whether the applicant is required to pay a deposit on account of the charge.

“(2) Where an agency or Minister has made a decision that an applicant is required to pay a deposit on account of a charge that the applicant is liable to pay under these Regulations, the amount of the deposit is such amount, being an amount that is not less than half the amount, or estimated amount, of the charge, as is determined by the agency or Minister.”.

Applicant to be notified of liability to pay deposit

5. Regulation 13 of the Principal Regulations is amended—

- (a) by omitting from sub-regulation (1) “or charges”; and
- (b) by omitting from sub-regulation (2) “or charges” (wherever occurring).

Deposit not to be refunded

6. Regulation 14 of the Principal Regulations is amended by omitting “or charges” (wherever occurring).

Schedule

7. The Schedule to the Principal Regulations is amended as set out in the Schedule to these Regulations.

Application

8. The amendments effected by these Regulations apply to, and in relation to—

- (a) requests for access to documents received by or on behalf of an agency or a Minister on or after 1 July 1985; and
- (b) the provision of access to documents to which a request referred to in paragraph (a) relates.

SCHEDULE

Regulation 7

AMENDMENTS OF THE SCHEDULE TO THE PRINCIPAL REGULATIONS

Item 1 of Part I—

Omit "\$8.00", substitute "\$20.00".

Item 2 of Part I—

Omit "\$12.00", substitute "\$30.00".

Item 4 of Part I—

Omit "\$4.40", substitute "\$5.00".

Item 1 of Part II—

Omit "\$6.25" (wherever occurring), substitute "\$8.00".

Item 3 of Part II—

Omit "\$4.40", substitute "\$5.00".

Item 7 of Part II—

Omit "\$4.40", substitute "\$5.00".

Parts III and IV—

Omit.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 20 June 1985.
2. Statutory Rules 1982 No. 197.