

**Authorised Version No. 001**  
**Freedom of Information (Access Charges)**  
**Regulations 2014**

**S.R. No. 49/2014**

Authorised Version as at  
28 June 2014

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**1 Objectives**

The objectives of these Regulations are to provide for—

- (a) the making of charges of amounts; and
- (b) the fixing of rates—

for and in relation to access to documents and the provision of copies or transcripts of documents under the **Freedom of Information Act 1982**.

**2 Authorising provisions**

These Regulations are made under sections 22(1A) and 66 of the **Freedom of Information Act 1982**.

**3 Commencement**

These Regulations come into operation on 28 June 2014.

**4 Revocation**

The Freedom of Information (Access Charges) Regulations 2004<sup>1</sup> are **revoked**.

**5 Definitions**

In these Regulations—

*agency* includes Minister;

*the Act* means the **Freedom of Information Act 1982**.

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## **6 Charges**

An applicant who has made a request in accordance with section 17 of the Act is liable to pay a charge set out in or calculated in accordance with the Schedule.

### **Note**

This charge is in addition to the fee payable under section 17(2A) of the Act.

## **7 Charges for access to document in alternative form**

If—

- (a) access to a document to which a request relates may be provided in more than one form; and
- (b) the applicant has not requested access to the document in a particular form; and
- (c) the charge calculated in accordance with these Regulations for access to the document in the form given by the agency exceeds the charge calculated in accordance with these Regulations for access to the document in another form in which access could reasonably have been given—

the charge payable by the applicant is to be calculated in accordance with these Regulations for access to the document in the form that could have been given for the lowest reasonable cost.

## **8 Notice of charge**

For the purposes of section 22(3) of the Act, the greater amount is \$50.

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## **9 Calculation of deposit**

For the purposes of section 22(4) of the Act, the deposit the applicant will be required to pay is—

- (a) \$25, if the amount of the charge does not exceed \$100; or
  - (b) 50% of the charge, if the amount of the charge exceeds \$100.
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## SCHEDULE

Regulation 6

<i>Item No.</i>	<i>Service charged for</i>	<i>Charge</i>
1.	<i>Charge for search time</i> If the request relates to a document other than a document in relation to which a charge is applicable under item 7—a charge in respect of the search time.	1·5 fee units per hour or part of an hour.
2.	<i>Charge for supervision</i> If access to the document to which the request relates is given— (a) in the form of an opportunity to inspect the document under the supervision of an officer; or (b) in the case of a document that is an article or thing from which sound or visual images are capable of being produced—in the form of arrangements for the applicant to hear or view those sounds or visual images under the supervision of an officer— a charge in respect of the supervision time.	1·5 fee units per hour (to be calculated per quarter hour or part of a quarter hour).
3.	<i>Charge for providing black and white photocopy</i> If access to the document to which the request relates is given in the form of provision of a black and white photocopy of the document, a charge in respect of providing the photocopy to the applicant.	20 cents per A4 page.
4.	<i>Charge for providing copy of document other than black and white photocopy</i> If— (a) the request relates to a document other than a document in relation to which a charge is applicable under item 3; and	The reasonable costs incurred by the agency in providing the copy.

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<i>Item No.</i>	<i>Service charged for</i>	<i>Charge</i>
	<p>(b) access is given in the form of provision of a copy of the document—</p> <p>a charge in respect of providing the copy to the applicant.</p>	
5.	<p><i>Charge for arrangements to hear or view sound or visual image</i></p> <p>If—</p> <p>(a) the request relates to a document which is an article or thing from which sounds or visual images are capable of being produced; and</p> <p>(b) access is given in the form of arrangements to hear or view those sounds or visual images—</p> <p>a charge in respect of the arrangements to hear or view those sounds or visual images in addition to a charge in respect of the supervision time under item 2.</p>	<p>The reasonable costs incurred by the agency in making the arrangements.</p>
6.	<p><i>Charge for providing written transcript</i></p> <p>If—</p> <p>(a) the request relates to a document by which words are recorded in a manner in which they are capable of being reproduced in the form of sound or in which words are contained in the form of shorthand writing or in codified form; and</p> <p>(b) access is given in the form of the provision of a written transcript (with or without deletions) of the words recorded or contained in the document—</p> <p>a charge in respect of providing a written transcript.</p>	<p>The reasonable costs incurred by the agency in providing the written transcript.</p>

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<i>Item No.</i>	<i>Service charged for</i>	<i>Charge</i>
7.	<p><i>Charge for providing written document</i></p> <p>If the request is in respect of information that is not available in discrete form in documents of the agency and the agency could produce a written document by—</p> <p>(a) the use of a computer or other equipment that is ordinarily available to the agency for retrieving or collating stored information; or</p> <p>(b) making a transcript from a sound recording held in the agency—</p> <p>a charge in respect of providing a written document.</p>	<p>The reasonable costs incurred by the agency in providing the written document.</p>
8.	<p><i>Costs of suitably qualified health service provider providing explanation of health information if agency is a qualified health service provider</i></p> <p>If the request is in respect of an explanation of the contents of health information and the agency (being a suitably qualified health service provider) explains the health information.</p>	<p>The reasonable costs incurred by the agency in providing the explanation calculated by reference to the time taken to provide the explanation, not exceeding—</p> <p>(a) 1·9 fee units per quarter hour (or part of a quarter hour) spent in providing the explanation; or</p> <p>(b) 6 fee units—</p> <p>whichever is the lesser.</p>

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<i>Item No.</i>	<i>Service charged for</i>	<i>Charge</i>
9.	<i>Costs of providing explanation of health information if agency is not a qualified health service provider</i> If the request is in respect of an explanation of the contents of health information and a suitably qualified health service provider (not being the agency) explains the health information.	The usual fee of the suitably qualified health service provider for a consultation of a comparable duration.
10.	<i>Summary of health information</i> If the request is in respect of an accurate summary of health information and that summary does not exist before the request is made.	The reasonable costs incurred by the agency in preparing the summary calculated by reference to the time taken to prepare the summary, not exceeding— (a) 1·9 fee units per quarter hour (or part of a quarter hour) spent in preparing the summary; or (b) 6 fee units—whichever is the lesser.



## ENDNOTES

### 1. General Information

The Freedom of Information (Access Charges) Regulations 2014, S.R. No. 49/2014 were made on 3 June 2014 by the Governor in Council under sections 22(1A) and 66 of the **Freedom of Information Act 1982**, No. 9859/1982 and came into operation on 28 June 2014: regulation 3.

The Freedom of Information (Access Charges) Regulations 2014 will sunset 10 years after the day of making on 3 June 2024 (see section 5 of the **Subordinate Legislation Act 1994**).

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## 2. Table of Amendments

There are no amendments made to the Freedom of Information (Access Charges) Regulations 2014 by statutory rules, subordinate instruments and Acts.

**Endnotes**

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**3. Explanatory Details**

<sup>1</sup> Reg. 4: S.R. No. 74/2004.

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**Fee Units**

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2013 is \$12.84. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.