



Australian Government
Department of Health and Aged Care

FOI reference: FOI-3826

s22

By email: s22

Dear s22

Freedom of Information Request reference: FOI-3826
Notification of liability to pay charge

I refer to your request of 24 May 2022, to the Department of Health and Aged Care (the department), seeking access under the *Freedom of Information Act 1982* (Cth) (FOI Act) to:

1. Copies of the minutes of all meetings held that discussed "developing guidelines for the safe use of antidepressants in youth and children." Also stated in another Australian Government documents as: "developing new prescribing guidelines for appropriate and safe use of antidepressants in young people and children."
2. Also requested are any further copies of all documents used in these meetings to specifically discuss the developing of these guidelines by attendees and the safe use of antidepressants in youth and children.

This would include such items as copies of medical studies, journal articles, clinical trial information, submissions, written advice from experts/external persons not attending the meetings and written advice from attendees given to others attending the meetings.

I am writing to advise you of my decision that you are liable to pay a charge in respect of the processing of your request. I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

In accordance with section 29 of the FOI Act and the *Freedom of Information Charges Regulations 1982*, my preliminary assessment of the charge you are liable to pay is \$127.50.

1. Basis for my preliminary assessment of the charge

I have assessed the work the department would need to do to process your request and a calculation of the breakdown of charges is set out in **ATTACHMENT A.**

2. Your right to contend the charge

Under the FOI Act, you have the right to contend that the charge:

- a) has been wrongly assessed, or
- b) should be reduced, or
- c) should not be imposed.

In deciding whether a charge should be reduced or not imposed, the decision maker in our agency must take into account:

- a) whether payment of the charge, or part of it, would cause you financial hardship
- b) whether giving access to the document[s] is in the general public interest or in the interest of a substantial section of the public
- c) any other relevant matter.

3. Payment of a deposit

As the charge exceeds \$100, a deposit \$30.00 will be sought if the charge is imposed.

The deposit is not refundable except in some limited circumstances (for example, if the department fails to make a decision on your request within the statutory time limit), or may be refundable in part if the final charge is less than the deposit paid]

4. How to make payment.

The department can accept payment by credit card, money order or cheque.

If you wish to pay by credit card, please contact the FOI team at foi@health.gov.au indicating that you agree to pay the charge and to be further advised on the steps to follow to make that payment.

If you chose to pay by cheque or money order, it should be sent to the following address:

FOI Unit (MDP 516)
Department of Health and Aged Care
GPO Box 9848
CANBERRA ACT 2601

5. The time you have to respond and what you need to do

You have 30 days from the date this notice is provided to you to respond. Within those 30 days, you must do one of the following things in writing:

- 1) agree to pay the charge (this will mean that you will not be entitled to access the requested documents until the full charge is paid)
- 2) contend that the charge has been wrongly assessed, or should be reduced or not imposed and explain your reasons
- 3) withdraw your request.

Please send your response to:

FOI@health.gov.au

or

FOI Unit (MDP 516)
Department of Health and Aged Care
GPO Box 9848
CANBERRA ACT 2601

If you do not provide us with a written response within 30 days, your request will be taken to have been withdrawn.

The period for processing your request is suspended from the day that you receive this notice and resumes on either the day you pay the charge (in full or the required deposit) or the day on which this agency makes a decision not to impose a charge.

6. Additional information

More information about charges under the FOI Act is available here:

- Office of the Australian Information Commissioner's website: www.oaic.gov.au/freedom-of-information/guidance-and-advice/calculating-and-imposing-charges-for-foi-access-requests/ and
- The Guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act: www.oaic.gov.au/freedom-of-information/foi-guidelines/part-4-charges-for-providing-access/

7. Contacts

If you require clarification of any matters discussed in this letter you can contact the FOI Unit on (02) 6289 1666 or at FOI@health.gov.au

Yours sincerely

s47F

s22

Acting Director
Freedom of Information Section
4 July 2022

ATTACHMENT A

BASIS FOR PRELIMINARY ASSESSMENT CHARGES

Document estimate	
Number of relevant documents	7
Number of relevant pages	11

Processing Charges

Search and retrieval		
Task	Time (hours)	Cost @ \$15/hr
Search and retrieval of relevant files	8	\$ 120.00
Search and retrieval of relevant pages in file	0	\$ 0.00
Preparation of schedule of documents	0.5	\$ 7.50
Search and retrieval subtotal	9	\$ 127.50

Decision making		
Task	Time (hours)	Cost @ \$20/hr
Examination of documents	0.25	\$ 5.00
Consultation with third parties	2	\$ 40.00
Preparation of documents for release	0.25	\$ 5.00
Preparation of notice of access decision	1.5	\$ 30.00
Decision making subtotal (before deduction of five hours)	4	\$ 80.00
Decision making subtotal (after deduction of first five hours free)	0	\$ 0.00

ESTIMATED TOTALS AND DEPOSIT	
TOTAL ESTIMATED CHARGES	\$127.50
REQUIRED DEPOSIT	\$30.00



Australian Government

Department of Health and Aged Care

FOI reference: FOI-3826

s22

By email: s22

Dear s22

Decision on your Freedom of Information Request

I refer to your request of 24 May 2022, to the Department of Health and Aged Care (the department), seeking access under the *Freedom of Information Act 1982* (Cth) (FOI Act) to:

1. Copies of the minutes of all meetings held that discussed "developing guidelines for the safe use of antidepressants in youth and children." Also stated in another Australian Government documents as: "developing new prescribing guidelines for appropriate and safe use of antidepressants in young people and children."
2. Also requested are any further copies of all documents used in these meetings to specifically discuss the developing of these guidelines by attendees and the safe use of antidepressants in youth and children.

This would include such items as copies of medical studies, journal articles, clinical trial information, submissions, written advice from experts/external persons not attending the meetings and written advice from attendees given to others attending the meetings.

I am authorised under subsection 23(1) of the FOI Act to make decisions in relation to Freedom of Information requests. I am writing to notify you of my decision on your request.

FOI decision

I have identified two documents that are relevant to your request. These documents were in the possession of the department when your request was received.

I have decided to give access to the two documents in part, subject to the deletion of exempt and irrelevant material.

A schedule setting out the documents relevant to your request, with my decision in relation to those documents, is at **ATTACHMENT A**.

My reasons for not providing access to material that has been deleted from the documents are set out in **ATTACHMENT B**.

Charges

The Department notified you of your liability to pay a charge of \$127.50 on 4 July 2022 for the estimated work required to process your request. That estimate was based on processing approximately 7 documents comprised of approximately 11 pages.

We received your payment of a deposit of \$30 on 29 July 2022.

Upon further examination of the documents, I have decided only two documents are relevant to your request. Accordingly, the total charge payable in relation to this FOI request is \$30.

As you have already paid \$30, there is no outstanding charge. As a result, no further payment is required, and the department will provide access to documents released to you under this decision.

Legislative provisions

The FOI Act, including the provisions referred to in my decision, are available on the Federal Register of Legislation website: www.legislation.gov.au/Series/C2004A02562

The Privacy Act 1988 (Cth) (Privacy Act), can also be accessed from the Federal Register of Legislation website here: www.legislation.gov.au/Series/C2004A03712

Your review rights

I have set out your review rights at **ATTACHMENT C**.

Publication

Where I have decided to release documents to you, the department may also publish the released material on its Disclosure Log. The department will not publish personal or business affairs information where it would be unreasonable to do so.

For your reference the department's Disclosure Log can be found at: www.health.gov.au/resources/foi-disclosure-log

Contacts

If you require clarification of any matters discussed in this letter you can contact the FOI Unit on (02) 6289 1666 or at FOI@health.gov.au

Yours sincerely

s47F



Anthea Raven
Assistant Secretary
Mental Health Access

10 September 2022

This document has been released under the
Freedom of Information Act 1982 (CTH)
by the Department of Health and Aged Care.



Australian Government
Department of Health and Aged Care

FOI reference: FOI-3827

s22

By email: s22

Dear s22

Freedom of Information Request reference: FOI-3827
Notification of liability to pay charge

I refer to your request of 24 May 2022, to the Department of Health and Aged Care (the department), seeking access under the *Freedom of Information Act 1982* (Cth) (FOI Act) to:

1. An earlier FOI request (FOI 3116 of 25 September 2021) showed that the DOH requested the s22 assist with "developing guidelines for the safe use of antidepressants in youth and children." s22 would like to request any further document(s) which show any additional organisations or departments involved in developing these guidelines since the last FOI.
2. A document(s) that shows the process of drafting the above mentioned guidelines.
3. A document(s) that shows the date or estimated time of when the process of developing these guidelines will formally commence or that shows the developing of them has formally commenced or progressed beyond the invitation of parties to participate in the drafting of these guidelines.
4. A document which shows who will be/is the chair and who will be/are the members of the committee or who are the persons responsible for the developing these guidelines.
5. s22 also requests a document(s) that show total funding for the drafting of these guidelines including a breakup of the funding provided to assigned organisations or assigned members drafting these guidelines.

I am writing to advise you of my decision that you are liable to pay a charge in respect of the processing of your request. I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

In accordance with section 29 of the FOI Act and the *Freedom of Information Charges Regulations 1982*, my preliminary assessment of the charge you are liable to pay is \$727.50 .

1. Basis for my preliminary assessment of the charge

I have assessed the work the department would need to do to process your request and a calculation of the breakdown of charges is set out in ATTACHMENT A.

2. Your right to contend the charge

Under the FOI Act, you have the right to contend that the charge:

- a) has been wrongly assessed, or
- b) should be reduced, or
- c) should not be imposed.

In deciding whether a charge should be reduced or not imposed, the decision maker in our agency must take into account:

- a) whether payment of the charge, or part of it, would cause you financial hardship
- b) whether giving access to the document[s] is in the general public interest or in the interest of a substantial section of the public
- c) any other relevant matter.

3. Payment of a deposit

As the charge exceeds \$100, a deposit \$145.50 will be sought if the charge is imposed.

The deposit is not refundable except in some limited circumstances (for example, if the department fails to make a decision on your request within the statutory time limit), or may be refundable in part if the final charge is less than the deposit paid]

4. How to make payment.

The department can accept payment by credit card, money order or cheque.

If you wish to pay by credit card, please contact the FOI team at foi@health.gov.au indicating that you agree to pay the charge and to be further advised on the steps to follow to make that payment.

If you chose to pay by cheque or money order, it should be sent to the following address:

FOI Unit (MDP 516)
Department of Health and Aged Care
GPO Box 9848
CANBERRA ACT 2601

5. The time you have to respond and what you need to do

You have 30 days from the date this notice is provided to you to respond. Within those 30 days, you must do one of the following things in writing:

- 1) agree to pay the charge (this will mean that you will not be entitled to access the requested documents until the full charge is paid)
- 2) contend that the charge has been wrongly assessed, or should be reduced or not imposed and explain your reasons
- 3) withdraw your request.

Please send your response to:

FOI@health.gov.au

or

FOI Unit (MDP 516)
Department of Health and Aged Care
GPO Box 9848
CANBERRA ACT 2601

If you do not provide us with a written response within 30 days, your request will be taken to have been withdrawn.

The period for processing your request is suspended from the day that you receive this notice and resumes on either the day you pay the charge (in full or the required deposit) or the day on which this agency makes a decision not to impose a charge.

6. Additional information

More information about charges under the FOI Act is available here:

- Office of the Australian Information Commissioner's website: www.oaic.gov.au/freedom-of-information/guidance-and-advice/calculating-and-imposing-charges-for-foi-access-requests/ and
- The Guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act: www.oaic.gov.au/freedom-of-information/foi-guidelines/part-4-charges-for-providing-access/

7. Contacts

If you require clarification of any matters discussed in this letter you can contact the FOI Unit on (02) 6289 1666 or at FOI@health.gov.au

Yours sincerely

s47F

s22

Acting Director
Freedom of Information Section

4 July 2022

ATTACHMENT A

BASIS FOR PRELIMINARY ASSESSMENT CHARGES

Document estimate	
Number of relevant documents	28
Number of relevant pages	159

Processing Charges

Search and retrieval		
Task	Time (hours)	Cost @ \$15/hr
Search and retrieval of relevant files	32	\$ 480.00
Search and retrieval of relevant pages in file	0	\$ 0.00
Preparation of schedule of documents	0.5	\$ 7.50
Search and retrieval subtotal		32.5 \$ 487.50

Decision making		
Task	Time (hours)	Cost @ \$20/hr
Examination of documents	5	\$ 100.00
Consultation with third parties	2	\$ 40.00
Preparation of documents for release	1.5	\$ 30.00
Preparation of notice of access decision	2	\$ 40.00
Decision making subtotal (before deduction of five hours)		11 \$ 210.00
Decision making subtotal (after deduction of first five hours free)		6 \$ 120.00

ESTIMATED TOTALS AND DEPOSIT	
TOTAL ESTIMATED CHARGES	\$727.50
REQUIRED DEPOSIT	\$145.50

**Australian Government****Department of Health and Aged Care**

FOI reference: FOI-3827

s22

By email: s22

Dear s22

Decision on your Freedom of Information Request

I refer to your request of 24 May 2022, to the Department of Health and Aged Care (the department), seeking access under the *Freedom of Information Act 1982* (Cth) (FOI Act) to:

1. An earlier FOI request (FOI 3116 of 25 September 2021) showed that the DOH requested the s22 assist with "developing guidelines for the safe use of antidepressants in youth and children." s22 would like to request any further document(s) which show any additional organisations or departments involved in developing these guidelines since the last FOI.
2. A document(s) that shows the process of drafting the above mentioned guidelines.
3. A document(s) that shows the date or estimated time of when the process of developing these guidelines will formally commence or that shows the developing of them has formally commenced or progressed beyond the invitation of parties to participate in the drafting of these guidelines.
4. A document which shows who will be/is the chair and who will be/are the members of the committee or who are the persons responsible for the developing these guidelines.
5. s22 also requests a document(s) that show total funding for the drafting of these guidelines including a breakup of the funding provided to assigned organisations or assigned members drafting these guidelines.

I am authorised under subsection 23(1) of the FOI Act to make decisions in relation to Freedom of Information requests. I am writing to notify you of my decision on your request.

FOI decision

I have identified two documents that are relevant to your request. These documents were in the possession of the department when your request was received.

I have decided:

- to give access to Document 1 in full, and
- to give access to Document 2 in part, subject to the deletion of exempt material.

A schedule setting out the documents relevant to your request, with my decision in relation to Document 2, is at **ATTACHMENT A**.

My reasons for not providing access to material that has been deleted from Document 2 are set out in **ATTACHMENT B**.

Charges

The department notified you of your liability to pay a charge of \$727.50 on 4 July 2022 for the estimated work required to process your request. That estimate was based on processing approximately 28 documents comprised of approximately 159 pages.

We received your payment of a deposit of \$145.50 on 29 July 2022.

Upon further examination of the documents, I have decided only two documents are relevant to your request. Accordingly, the total charge payable in relation to this FOI request is \$30.

As the deposit you paid exceeds the total charge payable for this FOI request, the department will refund the amount of \$115.50.

Please contact the department's FOI Unit on (02) 6289 1666 to be further advised as to how a refund can be processed.

The department will provide access to documents released to you under this decision.

Legislative provisions

The FOI Act, including the provisions referred to in my decision, are available on the Federal Register of Legislation website: www.legislation.gov.au/Series/C2004A02562

The Privacy Act 1988 (Cth) (Privacy Act), can also be accessed from the Federal Register of Legislation website here: www.legislation.gov.au/Series/C2004A03712

Your review rights

I have set out your review rights at **ATTACHMENT C**.

Publication

Where I have decided to release documents to you, the department may also publish the released material on its Disclosure Log. The department will not publish personal or business affairs information where it would be unreasonable to do so.

For your reference the department's Disclosure Log can be found at:
www.health.gov.au/resources/foi-disclosure-log

Contacts

If you require clarification of any matters discussed in this letter you can contact the FOI Unit on (02) 6289 1666 or at FOI@health.gov.au.

Yours sincerely
s47F



Anthea Raven
Assistant Secretary
Mental Health Access

10 September 2022

This document has been released under the
Freedom of Information Act 1982 (CTH)
by the Department of Health and Aged Care.



Australian Government
Department of Health and Aged Care

FOI reference: FOI-3804

s22

By email: s22

Dear s22

Freedom of Information Request reference: FOI-3804
Notification of liability to pay charge

I refer to your request of 26 May 2022, to the Department of Health and Aged Care (the department), seeking access under the *Freedom of Information Act 1982* (Cth) (FOI Act) to:

1. Documents that outline the number of Level 1, 2, 3, 4 Home Care Packages that are approved each year in each state and territory and the corresponding number of those Packages that are actually accepted at each level in each state and territory.
2. Documents that show the reason that the packages are not accepted, including information on the number of people who instead choose residential care or die while waiting.
3. Documents that show the average waiting times to receive a Home Care Package following the assessment process at each level for each state and territory. I have no interest in receiving any information that identifies any recipients in any way.

I am writing to advise you of my decision that you are liable to pay a charge in respect of the processing of your request. I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

In accordance with section 29 of the FOI Act and the *Freedom of Information Charges Regulations 1982*, my preliminary assessment of the charge you are liable to pay is \$75.00 .

1. Basis for my preliminary assessment of the charge

I have assessed the work the department would need to do to process your request and a calculation of the breakdown of charges is set out in ATTACHMENT A. The time assessed for the search and retrieval of the data relevant to your request is the actual time incurred by the relevant business area.

Data relevant to your request is held by the department in a computer system that is ordinarily available to it. The department has extracted that data in accordance with section 17 of the FOI Act. The time taken to search for and extract that data represents actual time incurred to undertake that search and extraction task, and to produce two documents that are relevant to your FOI request.

2. Your right to contend the charge

Under the FOI Act, you have the right to contend that the charge:

- a) has been wrongly assessed, or
- b) should be reduced, or
- c) should not be imposed.

In deciding whether a charge should be reduced or not imposed, the decision maker in our agency must take into account:

- a) whether payment of the charge, or part of it, would cause you financial hardship
- b) whether giving access to the document[s] is in the general public interest or in the interest of a substantial section of the public
- c) any other relevant matter.

3. Payment of a deposit

As the charge exceeds \$25, a deposit of \$20 will be sought if the charge is imposed.

The deposit is not refundable except in some limited circumstances (for example, if the department fails to make a decision on your request within the statutory time limit), or may be refundable in part if the final charge is less than the deposit paid.

4. How to make payment.

The department can accept payment by credit card, money order or cheque.

If you wish to pay by credit card, please contact the FOI team at foi@health.gov.au indicating that you agree to pay the charge and to be further advised on the steps to follow to make that payment.

If you chose to pay by cheque or money order, it should be sent to the following address:

FOI Unit (MDP 516)
Department of Health and Aged Care
GPO Box 9848
CANBERRA ACT 2601

5. The time you have to respond and what you need to do

You have 30 days from the date this notice is provided to you to respond. Within those 30 days, you must do one of the following things in writing:

- 1) agree to pay the charge (this will mean that you will not be entitled to access the requested documents until the full charge is paid)
- 2) contend that the charge has been wrongly assessed, or should be reduced or not imposed and explain your reasons
- 3) withdraw your request.

Please send your response to:

FOI@health.gov.au

or

FOI Unit (MDP 516)
Department of Health and Aged Care
GPO Box 9848
CANBERRA ACT 2601

If you do not provide us with a written response within 30 days, your request will be taken to have been withdrawn.

The period for processing your request is suspended from the day that you receive this notice and resumes on either the day you pay the charge (in full or the required deposit) or the day on which this agency makes a decision not to impose a charge.

6. Additional information

More information about charges under the FOI Act is available here:

- Office of the Australian Information Commissioner's website:
www.oaic.gov.au/freedom-of-information/guidance-and-advice/calculating-and-imposing-charges-for-foi-access-requests/ and
- The Guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act: www.oaic.gov.au/freedom-of-information/foi-guidelines/part-4-charges-for-providing-access/ Contacts

If you require clarification of any matters discussed in this letter you can contact the FOI Unit on (02) 6289 1666 or at FOI@health.gov.au

Yours sincerely

s47F

s22

A/g Director, FOI Section
Legal Advice and Legislation Branch

5 July 2022

This document has been released under the
Freedom of Information Act 1982 (CTH)
by the Department of Health and Aged Care.

ATTACHMENT A

BASIS FOR PRELIMINARY ASSESSMENT CHARGES

Document estimate	
Number of relevant documents	2
Number of relevant pages	4

Processing Charges

Search and retrieval		
Task	Time (hours)	Cost @ \$15/hr
Search and retrieval of relevant data	5	\$ 75.00
Search and retrieval of relevant pages in file	0	\$ 0.00
Preparation of schedule of documents	0.01	\$ 0.08
Search and retrieval subtotal	5	\$ 75.08

Decision making		
Task	Time (hours)	Cost @ \$20/hr
Examination of documents	0.1	\$ 2.00
Consultation with third parties	0	\$ 0.00
Preparation of documents for release	0	\$ 0.00
Consideration of data and preparation of notice of access decision	2	\$ 40.00

Decision making subtotal
(before deduction of free hours) 2.10 \$ 42.00

Decision making subtotal
(after deduction of free hours,
first five hours free) 0 \$ 0.00

ESTIMATED TOTALS AND DEPOSIT	
TOTAL ESTIMATED CHARGES	\$75.00
REQUIRED DEPOSIT	\$20.00



Australian Government
Department of Health and Aged Care

FOI reference: FOI 3835

s22

By email: s22

Dear s22

Notification of liability to pay charge: FOI 3835

I refer to your request of 17 June 2022, to the Department of Health and Aged Care (the department), seeking access under the *Freedom of Information Act 1982* (Cth) (FOI Act) to:

Any and all documentation around the attached s22 Insolvency Report including costs of, and why the Department ceased funding to s22 at the time including any Departmental Brief's, Minute's and e-mails for the period 1st JANUARY 2010 until 31st DECEMBER 2013.

I am writing to advise you of my decision that you are liable to pay a charge in respect of the processing of your request. I am an officer authorised under subsection 23(1) of the FOI Act to make decisions in relation to FOI requests.

In accordance with section 29 of the FOI Act and the *Freedom of Information Charges Regulations 2019*, my preliminary assessment of the charge you are liable to pay is **\$495**.

Basis for my preliminary assessment of the charge

I have assessed the work the department would need to do to process your request and a calculation of the breakdown of charges is set out in **ATTACHMENT A**.

Your right to contest the charge

Under the FOI Act, you have the right to contend that the charge:

- has been wrongly assessed, or
- should be reduced, or
- should not be imposed.

In deciding whether a charge should be reduced or not imposed, the decision maker in our agency must take into account:

- whether payment of the charge, or part of it, would cause you financial hardship
- whether giving access to the document[s] is in the general public interest or in the interest of a substantial section of the public, and
- any other relevant matter.

Payment of a deposit

As the charge exceeds \$100, a **\$125** deposit (equal to up to 25% of the total charge) will be sought if the charge is imposed.

The deposit is not refundable except in some limited circumstances (for example, if the department fails to make a decision on your request within the statutory time limit), or may be refundable in part if the final charge is less than the deposit paid.

How to make payment

The department can accept payment by credit card, money order or cheque.

If you wish to pay by credit card, please contact the FOI team at foi@health.gov.au indicating that you agree to pay the charge and to be further advised on the steps to follow to make that payment.

If you chose to pay by cheque or money order, it should be sent to the following address:

FOI Unit (MDP 516)
Department of Health and Aged Care
GPO Box 9848
CANBERRA ACT 2601

The time you have to respond and what you need to do

You have 30 days from the date this notice is provided to you to respond. Within those 30 days, you must do one of the following things in writing:

- agree to pay the charge (this will mean that you will not be entitled to access the requested documents until the full charge is paid)
- contend that the charge has been wrongly assessed, or should be reduced or not imposed and explain your reasons, or
- withdraw your request.

Please send your response to:

FOI@health.gov.au

or

FOI Unit (MDP 516)
Department of Health and Aged Care
GPO Box 9848
CANBERRA ACT 2601

If you do not provide us with a written response within 30 days, your request will be taken to have been withdrawn.

The period for processing your request is suspended from the day that you receive this notice and resumes on either the day you pay the charge (in full or the required deposit) or the day on which this agency makes a decision not to impose a charge.

Additional information

More information about charges under the FOI Act is available here:

- Office of the Australian Information Commissioner's website: www.oaic.gov.au/freedom-of-information/guidance-and-advice/calculating-and-imposing-charges-for-foi-access-requests/ and
- The Guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act: www.oaic.gov.au/freedom-of-information/foi-guidelines/part-4-charges-for-providing-access/

Contacts

If you require clarification of any matters discussed in this letter you can contact the FOI Unit on (02) 6289 1666 or at FOI@health.gov.au.

Yours sincerely

s47F



s22

Principal Lawyer and FOI Director
Advice and Legislation Branch

5 August 2022

ATTACHMENT A

BASIS FOR PRELIMINARY ASSESSMENT CHARGES

Document estimate	
Number of relevant documents	11
Number of relevant pages	454

Processing Charges

Search and retrieval		
Task	Time (hours)	Cost @ \$15/hr
Search and retrieval of relevant files/ documents	4	\$ 60
Preparation of schedule of documents	1	\$ 15
Search and retrieval subtotal	5	\$ 75

Decision making		
Task	Time (hours)	Cost @ \$20/hr
Examination and preparation of documents for release	20	\$ 400
Consultation with third parties	4	\$ 80
Preparation of notice of access decision	2	\$ 40
Decision making subtotal (before deduction of five hours)	26	\$ 520
Decision making subtotal (after deduction of first five hours free)	21	\$ 420

ESTIMATED TOTALS AND DEPOSIT	
TOTAL ESTIMATED CHARGES	\$ 75 + \$ 420 \$ 495
REQUIRED DEPOSIT	\$ 125



Australian Government

Department of Health and Aged Care

FOI reference: FOI-3835

s22

By email: s22

Dear s22

Decision on your Charges Waiver Application

I refer to your request of 17 June 2022, to the Department of Health and Aged Care (the department), seeking access under the *Freedom of Information Act 1982* (Cth) (FOI Act) to:

Any and all documentation around the attached s22 Insolvency Report including costs of, and why the Department ceased funding to s22 at the time including any Departmental Brief's, Minute's and e-mails for the period 1st JANUARY 2010 until 31st DECEMBER 2013.

On 5 August 2022, you were notified of your liability to pay a charge of \$495.00 in accordance with section 29 of the FOI Act and the Freedom of Information Charges Regulations 2019 (the Charges Regulations).

On the same day, you requested a waiver of charges on public interest and financial hardship grounds:

I sincerely and respectfully ask that you give consideration to not imposing any of the *FOI Act 1982* fees in relation to this *FOI Act 1982* because this request is within the publics and communities best interests of Democracy, Open Disclosure, Probity, Transparency and Accountability of the actions of the Department of Health.

s22

Decision

This letter sets out my decision on your application for a waiver of charges.

I am authorised under section 23 of the FOI Act to make this decision. I have decided to reduce the charges associated with this request by 50 per cent.

In making my decision, I took into account:

- the notice of liability to pay a charge of 5 August 2022
- your submission contained in your email of 5 August 2022 in support of a waiver of charges, including the attachments to the email:

s22

- the content of the documents falling within the scope of your request
- the relevant provisions of the FOI Act, and
- the Australian Information Commissioner's Guidelines issued pursuant to section 93A of the FOI Act (IC Guidelines); in particular Part 4: www.oaic.gov.au/freedom-of-information/foi-guidelines/part-4-charges-for-providing-access/.

In deciding whether to waive or reduce the charges, I am required by subsection 29(5) of the FOI Act to consider:

- whether paying the charge would cause financial hardship to you, and
- whether giving access to the documents is in the general public interest or in the interest of a substantial section of the public.

According to the IC Guidelines at paragraph 4.5, the amount of any charge imposed should be:

- determined bearing the objects of the FOI Act in mind
- reasonable, taking into account all relevant factors, and
- proportionate to the cost of making a decision and providing access, as well as any general public interest supporting release of the requested documents.

Paragraph 4.6 of the IC Guidelines also provides:

The objects of the FOI Act provide the basis for the following principles relevant to charges under the FOI Act:

- A charge must not be used to unnecessarily delay access or to discourage an applicant from exercising the right of access conferred by the FOI Act.
- A charge should fairly reflect the work involved in providing access to documents.
- Charges are discretionary and should be justified on a case by case basis.
- Agencies should encourage administrative access at no charge, where appropriate.
- Agencies should assist applicants to frame FOI requests (s 15(3) of the FOI Act).

- Agencies should draw an applicant's attention to opportunities to obtain free access to a document or information outside the FOI Act (s 3A(2)(b)).
- A decision to impose a charge should be transparent.

Financial hardship

The IC Guidelines at paragraph 4.101 provide:

Whether payment of a charge will cause financial hardship to an applicant is primarily concerned with the applicant's financial circumstances and the amount of the estimated charge. Financial hardship means more than an applicant having to meet a charge from his or her own resources. The decision in *'AY' and Australian Broadcasting Corporation* referred to the definition of financial hardship in guidelines issued by the Department of Finance for the purpose of debt waiver decisions:

Financial hardship exists when payment of the debt would leave you unable to provide food, accommodation, clothing, medical treatment, education or other necessities for yourself or your family, or other people for whom you are responsible.

s22

Public interest

The IC Guidelines at paragraphs 4.105 to 4.107 provide:

The FOI Act requires an agency or minister to consider 'whether the giving of access to the document in question is in the general public interest or in the interest of a substantial section of the public' (s 29(5)(b)). This test is different to, and can be distinguished from, public interest considerations that may arise under other provisions of the FOI Act.

Specifically, the public interest in s 29(5)(b) is different to the public interest test in s 11A(5) that applies to conditionally exempt documents. Nor will s 29(5)(b) be satisfied only by a contention that it is in the public interest for an individual with a special interest in a document to be granted access to it, or that an underlying premise of the FOI Act is that transparency is in the public interest.

An applicant relying on s 29(5)(b) should identify or specify the 'general public interest' or the 'substantial section of the public' that will benefit from this disclosure (s 29(1)(f)(ii)). This may require consideration of both the content of the documents requested and the context in which their public release would occur. Matters to be considered include whether the information in the documents is already publicly available, the nature and currency of the topic of public interest to which the documents relate, and the way in which a public benefit may flow from the release of the documents.

Paragraph 4.18 of the IC Guidelines also provides that:

the applicant may be expected to draw a link between being granted access to the documents and a derivative benefit to either the general public interest or a substantial section of the public.

You have not made any submissions identifying the 'general public interest' you rely on or the 'substantial section of the public' that would benefit from disclosure of the documents you seek.

The documents you seek are historical records that do not relate to any current matter of public debate or to any current topic of public interest or discussion. There is no indication that release of those documents would enable the public generally or a substantial section of the public to contribute to public debate on a current matter of public importance or to government decision-making.

In *MacTiernan and Secretary, Department of Infrastructure and Regional Development (Freedom of information)* [2015] AATA 584 at paragraph 30, the Administrative Appeals Tribunal, in considering whether to waive a charge on public interest grounds, made a comparison of the number of documents identified as within the scope of the request and the cost of processing the request against the subject matter of the request.

I am not satisfied that the charge should be reduced on public interest grounds.

On the available information, I am not satisfied that there would be a significant benefit from the release of the documents flowing to the public in general or to a substantial section of the public.

Please note that my decision on public interest goes only to the question of whether the charges should be imposed, and not to the issue of whether the documents should ultimately be disclosed.

Other considerations

Subsection 29(5) of the FOI Act does not limit the matters an agency may consider in making a decision on whether to impose or waive a charge.

In *Australian Associated Press Pty Ltd and Department of Foreign Affairs and Trade (Freedom of Information)* [2018] AlCmr 13, the former Information Commissioner said at [20]:

The general discretion to reduce or not impose a charge is not limited to financial hardship and public interest grounds. An FOI decision maker should also consider any other relevant factors, including whether disclosure of a document would advance the objects of the FOI Act (for example, by promoting Australia's representative democracy by contributing towards increasing scrutiny, discussion, comment and review of the Government's activities), even where an applicant has not expressly framed a submission on that basis

The IC Guidelines also provide at paragraph 4.97:

Moreover, an agency or minister should always consider whether disclosure of a document will advance the objects of the FOI Act, even if the applicant has not expressly framed a submission on that basis. The objects of the FOI Act include promoting better informed decision making, and increasing scrutiny, discussion, comment and review of the Government's activities (s 3).

The IC Guidelines at paragraph 4.99 also provide that that an agency can consider as relevant the fact that

the documents are primarily of interest only to the applicant and are not of general public interest or of interest to a substantial section of the public.

Reduction

Taking all of the above considerations into account, I find that, having regard to the work involved in providing you with access to the documents you seek and your fortnightly benefit, a reduced charge of **\$247.50** is reasonable in the circumstances.

Effect of my decision

As a consequence of this decision, your liability to pay a charge is reduced to **\$247.50**.

I have also decided that you are required to pay a deposit of **\$61.00**. Payment of the deposit will be taken as your authority to proceed with the processing of your request and your agreement to pay the balance of the charge in full.

Upon payment of the deposit, you will become liable for the full amount of the charge and you will not receive access to any documents a decision maker may decide to release to you until the outstanding balance is paid.

Payment

The department can accept credit card, money order or cheque payments.

If you choose to pay by cheque (personal or bank) or money order it should be sent to the following:

FOI Unit (MDP 516)
Department of Health
GPO Box 9848
CANBERRA ACT 2601

If you wish to pay by credit card, please contact the department's FOI unit on (02) 6289 1666 to be further advised

Legislative provisions

The FOI Act and the Charges Regulations are available on the Federal Register of Legislation website:

www.legislation.gov.au/Series/C2004A02562

www.legislation.gov.au/Details/F2019L00348

Additional information

More information about charges is available at:

www.oaic.gov.au/freedom-of-information/guidance-and-advice/calculating-and-imposing-charges-for-foi-access-requests/

Your review rights

I have set out your review rights at ATTACHMENT A.

Contacts

If you require clarification of any of the matters discussed in this letter you should contact Freedom of Information Unit on (02) 6289 1666 or at FOI@health.gov.au.

Yours sincerely

s47F

s22

Principal Lawyer and FOI Director
Advice and Legislation Branch

5 September 2022



Australian Government

Department of Health and Aged Care

FOI reference: FOI-3835

s22

By email: s22

Dear s22

Internal Review Decision - Charges waiver application

Thank you for your request of 17 June 2022, to the Department of Health and Aged Care seeking access under the *Freedom of Information Act 1982* to:

Any and all documentation around the attached s22 Insolvency Report including costs of, and why the Department ceased funding to s22 at the time including any Departmental Brief's, Minute's and e-mails for the period 1st JANUARY 2010 until 31st DECEMBER 2013.

On 5 August 2022, you were notified of your liability to pay a charge of \$495.00 in accordance with section 29 of the FOI Act and the Freedom of Information Charges Regulations 2019 (the Charges Regulations).

On the same day, you requested a waiver of charges on public interest and financial hardship grounds.

On 5 September 2022, you were notified of the department's decision to reduce the charge by 50 per cent to \$247.50.

On 12 September 2022, you paid the reduced charge of \$247.50 in full. On the same day, you requested 'a review of the charges'.

On 28 September 2022, in response to the department's inquiry, you confirmed that you were seeking an internal review of the charges decision of 5 September 2022.

Paragraph 4.64 of the Information Commissioner's Guidelines provides that an applicant may apply for an internal review of a charges decision after paying the charge, provided the application is made within the statutory period for seeking the internal review. I note that your application for an internal review was made within time.


Internal Review Decision

This letter sets out my decision on your internal review application.

I am authorised under section 23 of the FOI Act to make this decision.

I have decided to waive the charge associated with this request in full.

In making my decision, I have taken into account:

- the notice of liability to pay a charge of 5 August 2022
- your charges waiver application
- s22 
- the fact that the charges for this request have already been significantly reduced
- the content of the documents falling within the scope of your request
- the relevant provisions of the FOI Act, and
- the Australian Information Commissioner's Guidelines issued pursuant to section 93A of the FOI Act (IC Guidelines); in particular Part 4: www.oaic.gov.au/freedom-of-information/foi-guidelines/part-4-charges-for-providing-access/.

In deciding whether to waive or reduce the charges, I am required by subsection 29(5) of the FOI Act to consider:

- whether paying the charge would cause financial hardship to you, and
- whether giving access to the documents is in the general public interest or in the interest of a substantial section of the public.

According to the Information Commissioner's Guidelines at paragraph 4.5, the amount of any charge imposed should be:

- determined bearing the objects of the FOI Act in mind
- reasonable, taking into account all relevant factors, and
- proportionate to the cost of making a decision and providing access, as well as any general public interest supporting release of the requested documents.

Paragraph 4.6 of the Information Commissioner's Guidelines also provides:

The objects of the FOI Act provide the basis for the following principles relevant to charges under the FOI Act:

- A charge must not be used to unnecessarily delay access or to discourage an applicant from exercising the right of access conferred by the FOI Act.
- A charge should fairly reflect the work involved in providing access to documents.
- Charges are discretionary and should be justified on a case by case basis.
- Agencies should encourage administrative access at no charge, where appropriate.

- Agencies should assist applicants to frame FOI requests (s 15(3) of the FOI Act).
- Agencies should draw an applicant's attention to opportunities to obtain free access to a document or information outside the FOI Act (s 3A(2)(b)).
- A decision to impose a charge should be transparent.

Financial hardship

The Information Commissioner's Guidelines at paragraph 4.101 provide:

Whether payment of a charge will cause financial hardship to an applicant is primarily concerned with the applicant's financial circumstances and the amount of the estimated charge. Financial hardship means more than an applicant having to meet a charge from his or her own resources. The decision in *'AY' and Australian Broadcasting Corporation* referred to the definition of financial hardship in guidelines issued by the Department of Finance for the purpose of debt waiver decisions:

Financial hardship exists when payment of the debt would leave you unable to provide food, accommodation, clothing, medical treatment, education or other necessities for yourself or your family, or other people for whom you are responsible.

Having considered the information you provided about your income and expenses, I am satisfied that the charge should be waived in full.

Public interest

The Information Commissioner's Guidelines at paragraphs 4.105 to 4.107 provide:

The FOI Act requires an agency or minister to consider 'whether the giving of access to the document in question is in the general public interest or in the interest of a substantial section of the public' (s 29(5)(b)). This test is different to, and can be distinguished from, public interest considerations that may arise under other provisions of the FOI Act.

Specifically, the public interest in s 29(5)(b) is different to the public interest test in s 11A(5) that applies to conditionally exempt documents. Nor will s 29(5)(b) be satisfied only by a contention that it is in the public interest for an individual with a special interest in a document to be granted access to it, or that an underlying premise of the FOI Act is that transparency is in the public interest.

An applicant relying on s 29(5)(b) should identify or specify the 'general public interest' or the 'substantial section of the public' that will benefit from this disclosure (s 29(1)(f)(ii)). This may require consideration of both the content of the documents requested and the context in which their public release would occur. Matters to be considered include whether the information in the documents is already publicly available, the nature and currency of the topic of public interest to which the documents relate, and the way in which a public benefit may flow from the release of the documents.

Paragraph 4.18 of the Information Commissioner's Guidelines also provides that:

the applicant may be expected to draw a link between being granted access to the documents and a derivative benefit to either the general public interest or a substantial section of the public.

In your submission, you have not identified the 'general public interest' you rely on or the 'substantial section of the public' that would benefit from disclosure of the documents.

The documents you seek are historical records that do not relate to any current matter of public debate or to any current topic of public interest or discussion. There is no indication that release of documents related to the s22 [REDACTED] Insolvency Report including its costs, and that the release of documents concerning the reasons why the department ceased funding to s22 [REDACTED] would enable the public generally or a substantial section of the public to contribute to public debate on a current matter of public importance.

In addition, a number of the documents that are in scope of this FOI request were subject of a previous FOI request FOI 003-1516. I elaborate on this on page 5 below.

In *MacTiernan and Secretary, Department of Infrastructure and Regional Development (Freedom of information)* [2015] AATA 584 at paragraph 30, the Administrative Appeals Tribunal, in considering whether to waive a charge on public interest grounds, made a comparison of the number of documents identified as within the scope of the request and the cost of processing the request against the subject matter of the request.

The Information Commissioner's Guidelines at paragraph 4.99 provide that that an agency can consider as relevant the fact that:

the documents are primarily of interest only to the applicant and are not of general public interest or of interest to a substantial section of the public.

On the available information, I am not satisfied that there would be a significant benefit from the release of the documents flowing to the public in general or to a substantial section of the public.

For the above reasons, I am not satisfied that the charge should be reduced on public interest grounds.

Please note that my decision on public interest goes only to the question of whether the charges should be imposed, and not to the issue of whether the documents should ultimately be disclosed.

Other considerations

Subsection 29(5) of the FOI Act does not limit the matters an agency may consider in making a decision on whether to impose or waive a charge.

In *Australian Associated Press Pty Ltd and Department of Foreign Affairs and Trade (Freedom of Information)* [2018] AICmr 13, the former Information Commissioner said at [20]:

The general discretion to reduce or not impose a charge is not limited to financial hardship and public interest grounds. An FOI decision maker should also consider any other relevant factors, including whether disclosure of a document would advance

the objects of the FOI Act (for example, by promoting Australia's representative democracy by contributing towards increasing scrutiny, discussion, comment and review of the Government's activities), even where an applicant has not expressly framed a submission on that basis

The Information Commissioner's Guidelines also provide at paragraph 4.97:

Moreover, an agency or minister should always consider whether disclosure of a document will advance the objects of the FOI Act, even if the applicant has not expressly framed a submission on that basis. The objects of the FOI Act include promoting better informed decision making, and increasing scrutiny, discussion, comment and review of the Government's activities (s 3).

In *'ABX' and Department of Veterans' Affairs (Freedom of information)* [2022] AICmr 57, the Freedom of Information Commissioner held that, as a general rule, "a charge should not be imposed in circumstances where the cost of assessing, imposing and collecting a charge is likely to be greater than the charge itself." The cost of assessing the charge in this matter does not exceed the charge itself.

In making my decision, I have taken into account the following other considerations:

1. In this FOI request, you seek documents related to:
 - The cost of the s22 [REDACTED] Insolvency Report, and
 - The reasons why the department ceased funding to s22 [REDACTED]
2. Information on the reasons why the department ceased funding to s22 [REDACTED] and information on funding issues at the time you were s22 [REDACTED] is publicly available.
 - The Federal Court's judgment in s22 [REDACTED] published on the Federal Court's website, for instance, refers to evidence about unauthorised payments which, according to the Court, contributed to what the Court described as s22 [REDACTED]
 - There were also numerous media articles.
3. The department's FOI decision in FOI 003-1516 has already provided you with a document setting out the costs of the s22 [REDACTED] report (Document 1 of FOI 003-1516).
4. The work involved in processing the current FOI request has predominantly duplicated the department's processing of FOI 003-1516.
5. The department is processing documents consisting of 454 pages and has consulted two third parties in relation to a number of relevant documents.

However, despite these considerations I have decided to waive the charge of \$247.50.

Consequently, the department will refund the sum of \$247.50.

Legislative provisions

The FOI Act and the Charges Regulations are available on the Federal Register of Legislation website:

www.legislation.gov.au/Series/C2004A02562

www.legislation.gov.au/Details/F2019L00348

Additional information

More information about charges is available at:

www.oaic.gov.au/freedom-of-information/guidance-and-advice/calculating-and-imposing-charges-for-foi-access-requests/

Your review rights

I have set out your review rights at **ATTACHMENT A**.

Contacts

If you require clarification of any of the matters discussed in this letter you should contact Freedom of Information Unit on (02) 6289 1666 or at FOI@health.gov.au.

Yours sincerely

s47F

Stephen Bouwhuis
General Counsel
Legal Advice and Legislation Branch

12 October 2022



Australian Government
Department of Health and Aged Care

FOI reference: FOI-3838

s22

By email: s22

Dear s22

Freedom of Information Request reference: FOI-3838
Notification of liability to pay charge

I refer to your request of 21 June 2022, to the Department of Health and Aged Care (the department), seeking access under the *Freedom of Information Act 1982* (Cth) (FOI Act) to:

Any and all information regarding a capital works project for s22
located in NAROOMA, NSW from
2010 to 2015 (NSW State Office of the Department).

I am writing to advise you of my decision that you are liable to pay a charge in respect of the processing of your request. I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

In accordance with section 29 of the FOI Act and the *Freedom of Information (Charges) Regulations 2019*, my preliminary assessment of the charge you are liable to pay is **\$192.50**.

Basis for my preliminary assessment of the charge

I have assessed the work the department would need to do to process your request and a calculation of the breakdown of charges is set out in **ATTACHMENT A**. This includes a discount of 50% consistent with my decision of 5 September 2022 to reduce the charges for processing your FOI request FOI 3835.

1. Your right to contend the charge

Under the FOI Act, you have the right to contend that the charge:

- a) has been wrongly assessed, or
- b) should be reduced, or
- c) should not be imposed.

In deciding whether a charge should be reduced or not imposed, the decision maker in our agency must take into account:

- a) whether payment of the charge, or part of it, would cause you financial hardship
- b) whether giving access to the document[s] is in the general public interest or in the interest of a substantial section of the public
- c) any other relevant matter.

2. Payment of a deposit

As the charge exceeds \$100, a 25% deposit of **\$48.00** will be sought if the charge is imposed.

The deposit is not refundable except in some limited circumstances (for example, if the department fails to make a decision on your request within the statutory time limit), or may be refundable in part if the final charge is less than the deposit paid.

3. How to make payment

The department can accept payment by credit card, money order or cheque.

If you wish to pay by credit card, please contact the FOI team at foi@health.gov.au indicating that you agree to pay the charge and to be further advised on the steps to follow to make that payment.

If you chose to pay by cheque or money order, it should be sent to the following address:

FOI Unit (MDP 516)
Department of Health and Aged Care
GPO Box 9848
CANBERRA ACT 2601

4. The time you have to respond and what you need to do

You have 30 days from the date this notice is provided to you to respond. Within those 30 days, you must do one of the following things in writing:

- 1) agree to pay the charge (this will mean that you will not be entitled to access the requested documents until the full charge is paid)
- 2) contend that the charge has been wrongly assessed, or should be reduced or not imposed and explain your reasons
- 3) withdraw your request.

Please send your response to:

FOI@health.gov.au

or

FOI Unit (MDP 516)

Department of Health and Aged Care

GPO Box 9848

CANBERRA ACT 2601

If you do not provide us with a written response within 30 days, your request will be taken to have been withdrawn.

The period for processing your request is suspended from the day that you receive this notice and resumes on either the day you pay the charge (in full or the required deposit) or the day on which this agency makes a decision not to impose a charge.

5. Additional information

More information about charges under the FOI Act is available here:

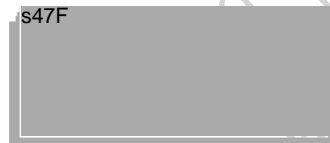
- Office of the Australian Information Commissioner's website: www.oaic.gov.au/freedom-of-information/guidance-and-advice/calculating-and-imposing-charges-for-foi-access-requests/ and
- The Guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act: www.oaic.gov.au/freedom-of-information/foi-guidelines/part-4-charges-for-providing-access/

6. Contacts

If you require clarification of any matters discussed in this letter you can contact the FOI Unit on (02) 6289 1666 or at FOI@health.gov.au.

Yours sincerely

s47F



s22

Principal Lawyer and FOI Director
Advice and Legislation Branch

14 September 2022

ATTACHMENT A

BASIS FOR PRELIMINARY ASSESSMENT CHARGES

Document estimate	
Number of relevant documents	34
Number of relevant pages	171

Processing Charges

Search and retrieval		
Task	Time (hours)	Cost @ \$15/hr
Search and retrieval of relevant files	10	\$ 150.00
Preparation of schedule of documents	1	\$ 15.00
Search and retrieval subtotal		11 \$ 165.00

Decision making		
Task	Time (hours)	Cost @ \$20/hr
Examination of documents	8 h 30	\$ 170.00
Consultation with third parties	4 h 00	\$ 80.00
Preparation of documents for release	2 h 30	\$ 50.00
Preparation of notice of access decision	1 h 00	\$ 20.00
Decision making subtotal (before deduction of five hours)		16 h 00 \$320.00
Decision making subtotal (after deduction of first five hours free)		11 h 00 \$ 220.00

ESTIMATED TOTALS AND DEPOSIT	
Search & Retrieval	\$165.00
Decision making	+ \$220.00
TOTAL ESTIMATED CHARGES	\$385.00
DISCOUNT - less 50%	\$192.50
REQUIRED DEPOSIT	\$48.00

**Australian Government****Department of Health and Aged Care**

FOI reference: FOI 3838

s22

By email: s22

**REQUEST FOR WAIVER OF CHARGE
FOI 3838**

Dear s22

I refer to your request 28 September 2022 for a waiver of the charges for your freedom of information (FOI) request. This letter sets out my decision on your application for a review of the charges imposed in relation to this FOI request.

Brief Background

On 21 June 2022, you wrote to the Department of Health and Aged Care (the department), seeking access under the *Freedom of Information Act 1982* (Cth) (FOI Act) to:

Any and all information regarding a capital works project for s22
located in NAROOMA, NSW from
2010 to 2015 (NSW State Office of the Department).

On 14 September 2022, the department notified you of your liability to pay a charge of \$192.50 in accordance with section 29 of the FOI Act and the Freedom of Information Charges Regulations 2019 (the Charges Regulations). In addition to the \$100 discount to the 'decision making time' component, required by the Charges Regulations, the total charge was further discounted by 50 per cent.

On 15 September 2022, you paid the charge in full.

On 23 September 2022, the department emailed you a Notice of Decision, advising you of the department's decision to partially release 32 documents relevant to your request to you. The relevant documents were attached to that email.

On 28 September 2022, you applied for a waiver of the charge on the ground of financial hardship.

Decision and reasons for decision

I am authorised under section 23 of the FOI Act to make this decision.

Paragraph 4.63 of the Australian Information Commissioner's Guidelines, issued pursuant to section 93A of the FOI Act (IC Guidelines), provides that an applicant may pay the charge or deposit and apply for a reduction or waiver of a charge to enable the agency to continue processing the FOI request while a decision on the charge is made.

Matters taking into account

In making my decision, I have taken into account:

- the notice of liability to pay a charge of 14 September 2022 including the reduction already applied to the charges

s22

- the content of the documents falling within the scope of your request
- the notice of decision partially releasing 32 documents relevant to your FOI request
- the relevant provisions of the FOI Act, and
- the IC Guidelines, in particular Part 4: www.oaic.gov.au/freedom-of-information/foi-guidelines/part-4-charges-for-providing-access/.

In deciding whether to waive or further reduce the charges, I am required by subsection 29(5) of the FOI Act to consider:

- whether paying the charge would cause financial hardship to you, and
- whether giving access to the documents is in the general public interest or in the interest of a substantial section of the public.

According to the IC Guidelines at paragraph 4.5, the amount of any charge imposed should be:

- determined bearing the objects of the FOI Act in mind
- reasonable, taking into account all relevant factors, and
- proportionate to the cost of making a decision and providing access, as well as any general public interest supporting release of the requested documents.

Paragraph 4.6 of the IC Guidelines also provides:

The objects of the FOI Act provide the basis for the following principles relevant to charges under the FOI Act:

- A charge must not be used to unnecessarily delay access or to discourage an applicant from exercising the right of access conferred by the FOI Act.
- A charge should fairly reflect the work involved in providing access to documents.
- Charges are discretionary and should be justified on a case by case basis.

- Agencies should encourage administrative access at no charge, where appropriate.
- Agencies should assist applicants to frame FOI requests (s 15(3) of the FOI Act).
- Agencies should draw an applicant's attention to opportunities to obtain free access to a document or information outside the FOI Act (s 3A(2)(b)).
- A decision to impose a charge should be transparent.

Financial hardship

The IC Guidelines at paragraph 4.101 provide:

Whether payment of a charge will cause financial hardship to an applicant is primarily concerned with the applicant's financial circumstances and the amount of the estimated charge. Financial hardship means more than an applicant having to meet a charge from his or her own resources. The decision in *'AY' and Australian Broadcasting Corporation* referred to the definition of financial hardship in guidelines issued by the Department of Finance for the purpose of debt waiver decisions:

Financial hardship exists when payment of the debt would leave you unable to provide food, accommodation, clothing, medical treatment, education or other necessities for yourself or your family, or other people for whom you are responsible.

s22

Public interest

The IC Guidelines at paragraphs 4.105 to 4.107 provide:

The FOI Act requires an agency or minister to consider 'whether the giving of access to the document in question is in the general public interest or in the interest of a substantial section of the public' (s 29(5)(b)). This test is different to, and can be distinguished from, public interest considerations that may arise under other provisions of the FOI Act.

Specifically, the public interest in s 29(5)(b) is different to the public interest test in s 11A(5) that applies to conditionally exempt documents. Nor will s 29(5)(b) be satisfied only by a contention that it is in the public interest for an individual with a special interest in a document to be granted access to it, or that an underlying premise of the FOI Act is that transparency is in the public interest.

An applicant relying on s 29(5)(b) should identify or specify the 'general public interest' or the 'substantial section of the public' that will benefit from this disclosure (s 29(1)(f)(ii)). This may require consideration of both the content of the documents requested and the context in which their public release would occur. Matters to be considered include whether the information in the documents is already publicly available, the nature and currency of the topic of public interest to which the documents relate, and the way in which a public benefit may flow from the release of the documents.

Paragraph 4.18 of the IC Guidelines also provides that:

the applicant may be expected to draw a link between being granted access to the documents and a derivative benefit to either the general public interest or a substantial section of the public.

You have not made any submissions identifying the 'general public interest' you rely on or the 'substantial section of the public' that would benefit from disclosure of the documents about the capital works project in Narooma.

The documents you seek are historical records that do not relate to any current matter of public debate or to any current topic of public interest or discussion. I have not information available to me that indicates the release of the requested documents would enable the public generally or a substantial section of the public to contribute to public debate on a current matter of public importance or to government decision-making.

In *MacTiernan and Secretary, Department of Infrastructure and Regional Development (Freedom of information)* [2015] AATA 584 at paragraph 30, the Administrative Appeals Tribunal, in considering whether to waive a charge on public interest grounds, made a comparison of the number of documents identified as within the scope of the request and the cost of processing the request against the subject matter of the request.

I also note that there already is information on the relevant capital works and grant on the internet. On the available information, I am not satisfied that there would be a significant benefit from the release of the documents flowing to the public in general or to a substantial section of the public.

For the above reasons, I am not satisfied that the charge should be further reduced on public interest grounds.

Please note that my decision on public interest goes only to the question of whether the charges should be imposed, and not to the issue of whether the documents should ultimately be disclosed.

Other considerations

Subsection 29(5) of the FOI Act does not limit the matters an agency may consider in making a decision on whether to impose or waive a charge.

In *Australian Associated Press Pty Ltd and Department of Foreign Affairs and Trade (Freedom of Information)* [2018] AlCmr 13, the former Information Commissioner said at [20]:

The general discretion to reduce or not impose a charge is not limited to financial hardship and public interest grounds. An FOI decision maker should also consider any other relevant factors, including whether disclosure of a document would advance the objects of the FOI Act (for example, by promoting Australia's representative democracy by contributing towards increasing scrutiny, discussion, comment and review of the Government's activities), even where an applicant has not expressly framed a submission on that basis

The IC Guidelines also provide at paragraph 4.97:

Moreover, an agency or minister should always consider whether disclosure of a document will advance the objects of the FOI Act, even if the applicant has not expressly framed a submission on that basis. The objects of the FOI Act include promoting better informed decision making, and increasing scrutiny, discussion, comment and review of the Government's activities (s 3).

The IC Guidelines at paragraph 4.99 also provide that that an agency can consider as relevant the fact that:

the documents are primarily of interest only to the applicant and are not of general public interest or of interest to a substantial section of the public.

In *'ABX' and Department of Veterans' Affairs (Freedom of information)* [2022] AICmr 57, the Freedom of Information Commissioner held that, as a general rule, "a charge should not be imposed in circumstances where the cost of assessing, imposing and collecting a charge is likely to be greater than the charge itself." The cost of assessing the charge in this matter does not exceed the charge itself.

Taking all of the above considerations into account, I find that, having regard to the work involved in processing your FOI request and the significant reduction already applied to the charges, the charges should neither be further reduced nor waived.

My Decision

Despite the factors set out above, including the fact that the department has already reduced the charge for this FOI request, I have decided to waive the charge associated with this request.

Consequently, the department will refund the sum of \$192.50.

Legislative provisions

The FOI Act and the Charges Regulations are available on the Federal Register of Legislation website:

www.legislation.gov.au/Series/C2004A02562

www.legislation.gov.au/Details/F2019L00348

Additional information

More information about charges is available at:

www.oaic.gov.au/freedom-of-information/guidance-and-advice/calculating-and-imposing-charges-for-foi-access-requests/

Your review rights

I have set out your review rights at **ATTACHMENT A**.

Contacts

If you require clarification of any of the matters discussed in this letter you should contact Freedom of Information Unit on (02) 6289 1666 or at FOI@health.gov.au.

Yours sincerely

s47F

A large rectangular area of the document is redacted with a solid grey box, obscuring the signature and any text below it.

s22

Principal Lawyer
Legal Advice and Legislation Branch
13 October 2022

This document has been released under the
Freedom of Information Act 1982 (CTH)
by the Department of Health and Aged Care.



Australian Government
Department of Health and Aged Care

FOI reference: FOI-3870

s22

By email: s22

Dear s22

Freedom of Information Request reference: FOI-3870
Notification of liability to pay charge

I refer to your request of 20 July 2022 to the Department of Health and Aged Care (the department), seeking access under the *Freedom of Information Act 1982* (Cth) (FOI Act) to:

- Any document/s held by Health that show/s the percentage increase/s to private health insurance premiums effective from 01 April 2020 and from 01 April 2021, pertaining to s22.
- Any document/s held by Health that show/s the approval of percentage increases to private health insurance premiums effective from 1 April 2020 and from 1 April 2021, pertaining to s22.

I am writing to advise you of my decision that you are liable to pay a charge in respect of the processing of your request. I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

In accordance with section 29 of the FOI Act and the *Freedom of Information Charges Regulations 2019*, my preliminary assessment of the charge you are liable to pay is **\$53.00**.

1. Basis for my preliminary assessment of the charge

I have assessed the work the department would need to do to process your request and a calculation of the breakdown of charges is set out in **ATTACHMENT A**.

2. Your right to contend the charge

Under the FOI Act, you have the right to contend that the charge:

- a) has been wrongly assessed, or
- b) should be reduced, or
- c) should not be imposed.

In deciding whether a charge should be reduced or not imposed, the decision maker in our agency must take into account:

- a) whether payment of the charge, or part of it, would cause you financial hardship
- b) whether giving access to the document[s] is in the general public interest or in the interest of a substantial section of the public
- c) any other relevant matter.

3. Payment of a deposit

As the charge exceeds \$25, a deposit of \$20 will be sought if the charge is imposed.

The deposit is not refundable except in some limited circumstances (for example, if the department fails to make a decision on your request within the statutory time limit), or may be refundable in part if the final charge is less than the deposit paid]

4. How to make payment.

The department can accept payment by credit card, money order or cheque.

If you wish to pay by credit card, please contact the FOI team at foi@health.gov.au indicating that you agree to pay the charge and to be further advised on the steps to follow to make that payment.

If you chose to pay by cheque or money order, it should be sent to the following address:

FOI Unit (MDP 516)
Department of Health and Aged Care
GPO Box 9848
CANBERRA ACT 2601

5. The time you have to respond and what you need to do

You have 30 days from the date this notice is provided to you to respond. Within those 30 days, you must do one of the following things in writing:

- 1) agree to pay the charge (this will mean that you will not be entitled to access the requested documents until the full charge is paid)
- 2) contend that the charge has been wrongly assessed, or should be reduced or not imposed and explain your reasons
- 3) withdraw your request.

Please send your response to:

FOI@health.gov.au

or

FOI Unit (MDP 516)
Department of Health and Aged Care
GPO Box 9848
CANBERRA ACT 2601

If you do not provide us with a written response within 30 days, your request will be taken to have been withdrawn.

The period for processing your request is suspended from the day that you receive this notice and resumes on either the day you pay the charge (in full or the required deposit) or the day on which this agency makes a decision not to impose a charge.

6. Additional information

More information about charges under the FOI Act is available here:

- Office of the Australian Information Commissioner's website: www.oaic.gov.au/freedom-of-information/guidance-and-advice/calculating-and-imposing-charges-for-foi-access-requests/ and
- The Guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act: www.oaic.gov.au/freedom-of-information/foi-guidelines/part-4-charges-for-providing-access/

7. Contacts

If you require clarification of any matters discussed in this letter you can contact the FOI Unit on (02) 6289 1666 or at FOI@health.gov.au.

Yours sincerely

s47F

s22

A/g FOI Director
Advice and Legislation Branch

29 August 2022

ATTACHMENT A

BASIS FOR PRELIMINARY ASSESSMENT CHARGES

Document estimate		
Number of relevant documents		4
Number of relevant pages		30

Processing Charges		
Search and retrieval		
Task	Time (hours)	Cost @ \$15/hr
Search and retrieval of relevant files	2 h 30	\$ 37.50
Preparation of schedule of documents	0 h 25	\$ 2.50
Search and retrieval subtotal	2 h 55	\$ 40.00

Decision making		
Task	Time (hours)	Cost @ \$20/hr
Examination of documents	1 h 30	\$ 30.00
Consultation with third parties	2 h 00	\$ 40.00
Preparation of documents for release	0 h 09	\$ 3.00
Preparation of notice of access decision	2 h 00	\$ 40.00
Decision making subtotal (before deduction of five hours)	5 h 39	\$ 113.00
Decision making subtotal (after deduction of first five hours free)		\$ 13.00

ESTIMATED TOTALS AND DEPOSIT	
TOTAL ESTIMATED CHARGES	\$ 40.00 + \$ 13.00 = \$ 53.00
REQUIRED DEPOSIT	\$ 20.00



Australian Government

Department of Health

Department References: FOI 3870

s22

via email: s22

Dear s22

NOTICE OF DECISION - FREEDOM OF INFORMATION DECISION TO WAIVE FOI CHARGES

I refer to your request to the Department of Health and Aged Care (the department) seeking access under the *Freedom of Information Act 1982* (the FOI Act) to the following documents:

- Any document/s held by Health that show/s the percentage increase/s to private health insurance premiums effective from 01 April 2020 and from 01 April 2021, pertaining to s22.
- Any document/s held by Health that show/s the approval of percentage increases to private health insurance premiums effective from 1 April 2020 and from 1 April 2021, pertaining to s22.

Request for waiver of charges

On 27 September 2022, you requested the department waive the processing charge on the grounds of public interest.

Decision

I am authorised under subsection 23(1) of the FOI Act to make decisions in relation to FOI requests.

I am writing to notify you of my decision in response to your request that the department waive the charges in relation to your FOI request.

I have decided to waive the charge in relation to your FOI request.

Reasons for my decision

In making my decision, I had regard to the following:

- the scope of your request
- the documents identified as falling within scope of your request
- the relevant provisions of the FOI Act and the FOI Charges Regulations, and
- the Guidelines issued by the OAIC under section 93A of the FOI Act (the FOI Guidelines).

As a consequence of this decision, you are not liable to pay the charge imposed in relation to your FOI request.

In addition, the timeframe for providing a decision in response to your FOI request recommences on the day you receive this decision.

I have set out your review rights at **Attachment A**.

Relevant provisions under the FOI Act

The FOI Act and the FOI Charges Regulations, including the provisions referred to in this letter, can be accessed from the Federal Register of Legislation websites:

<https://www.legislation.gov.au/Series/C2004A02562>

<https://www.legislation.gov.au/Details/F2019L00348>

Contacts

If you require clarification of any of the matters discussed in this letter, you should contact the Freedom of Information Unit at FOI@health.gov.au.

Yours sincerely

s47F



s22

Principal Lawyer and FOI Director
Legal Advice and Legislation

10 October 2022



Australian Government
Department of Health and Aged Care

TRIM Ref: D22-5812812

s22

Email: s22

Dear s22

FREEDOM OF INFORMATION REQUEST FOI 3912
Estimate of Charges

I refer to your request dated 4 August 2022 under the *Freedom of Information Act 1982* (the FOI Act) for access to the following documents:

"I am requesting access to data regarding the import, export, and cultivation of medicinal cannabis in Australia. For calendar year 2021, and separately from 1/1/2022 to 30/7/2022:

1. Imports
 - a. What volume of dried cannabis flower was imported?
 - b. For all other forms of cannabis (oil, resin etc.), what total volume of THC and CBD was imported?
2. Exports
 - a. What volume of dried cannabis flower was exported?
 - b. For all other forms of cannabis (oil, resin etc.), what total volume of THC and CBD was exported?
3. Domestic cultivation
 - a. What volume of dried cannabis flower was cultivated?"

Under the *Freedom of Information (Charges) Regulations 2019* (the Regulations) a charge can be imposed in respect of a request for access to documents under the FOI Act. The charge is for the search and retrieval of documents, decision making and provision of access.

I am an authorised decision maker under section 23 of the FOI Act and I have decided that you are liable to pay a charge in respect of the processing of your request for access

A search and retrieval of documents relevant to your request has been undertaken and a preliminary estimate of charges has been calculated. It is set out in the table below:

1. Search and retrieval time (including time spent locating relevant files and collating relevant documents contained on those files)	10 hours @ \$15.00 per hour	\$150.00
2. Decision making time (including time spent examining the documents, considering exemptions, undertaking consultation, writing the decision and preparing any documents for release)	15.96 hours @ \$20.00 per hour Less first 5 hours which are free	\$219.22
3. Postage charges		\$0.00
TOTAL		\$369.22
Deposit required		\$92.30

Under the Regulations where a charge is imposed which exceeds \$100.00, a deposit of 25 percent may be sought. Based on the preliminary estimate of charges for your request which is \$369.22, I have decided you are required to pay a deposit of 25 percent, being \$92.30. Details of payment methods are outlined below.

Under subsection 29(1) of the FOI Act, I am required to notify you that you have 30 calendar days from receipt of this notice to do one of the following:

- pay the charge, being the deposit outlined above, and notify the FOI Team via the email below; or
- notify the TGA that you wish to contend that:
 - the charge has been wrongly assessed, giving reasons; or
 - the charge should be reduced or not imposed (for instance, where payment of the charge would cause you financial hardship or where you believe access to documents is in the general public interest), with reasons; or
- notify the TGA that you withdraw your request.

Please note, should you seek a reduction or waiver of charges on the grounds of financial hardship it would assist the decision maker considering your request if you provide suitable evidence of financial hardship (for example, by providing evidence of receipt of a pension or income support payment; or provide evidence of income, debts or assets). This is consistent with the FOI Guidelines <https://www.oaic.gov.au/freedom-of-information/foi-guidelines/part-4-charges-for-providing-access>. Evidence should be provided at the time of seeking waiver or reduction.

If you fail to notify the TGA within 30 days about what you propose to do, the FOI Act provides under subsection 29(2) that you are taken to have withdrawn your request.

Timeframes

The time limit for processing your request is suspended, in accordance with section 31 of the FOI Act, from the date you receive this notice and resumes on the day you pay the charge or deposit (including any reduced charge or deposit), or the day on which the TGA makes a decision not to impose a charge.

Once your FOI request has been processed, the TGA will determine the actual charge you must pay before the documents can be provided to you. The final charge for processing your request may be different from the estimate quoted in this letter. If I decide to grant full access to all the documents within the scope of your request, you must pay the actual charges for the time and disbursements involved in processing your request ascertained in accordance with the table set out above (which may be greater or less than the estimate). However, if you are only granted partial access to the documents you will only be required to pay whichever amount is the lesser of the estimate quoted in this letter and the actual charges.

Please note that the decision maker can make a decision to charge for search and retrieval that the TGA has already undertaken for the purposes of your request in its current form, but it may be possible to reduce the decision making charges that might be incurred by the TGA in the future if you refine the scope of your request, for example, by limiting the date range of documents sought or excluding a particular category of documents.

If you agree to pay the charge, you are accepting liability for settlement of the debt upon completion of processing the FOI request. Once your FOI request has been processed, the outstanding amount of the charge becomes a debt to the Commonwealth. The TGA is obliged to pursue recovery of the debt in accordance with the *Public Governance, Performance and Accountability Act 2013*.

Payment

If you accept liability for the estimated charge for your request, payment can be made via one of the following options:

- **Credit card payment:**
Complete the credit card payment authorisation form provided with this correspondence
- **Electronic Funds Transfer:**
Payment can be made in the form of electronic funds transfer to the following account:
Bank: Commonwealth Bank of Australia
Account Name: Therapeutic Goods Administration
BSB: 062909
Account: 10215498
- **Cheque:**
Please make cheques payable to Therapeutic Goods Administration, and post to
FOI Coordinator
Therapeutic Goods Administration
PO Box 100
WODEN ACT 2606

Please include reference to FOI 3912 in all forms of payment.

IMPORTANT: Once payment has been made, please notify the FOI Team via the following email address: TGA.FOI@tga.gov.au.

Failure to notify the FOI Team of payment may result in delays to the processing of your FOI request.

Third Party Consultation

In the event your request relates to documents that include information about a person or their business or professional affairs or about the business, commercial or financial affairs of an organisation or undertaking, pursuant to section 27 and 27A of the FOI Act the TGA will be required to provide that person or organisation the opportunity to make submissions if it appears that they may wish to argue any document is exempt from release.

The statutory time limit for processing an FOI request will be extended by 30 days under subsection 15(6) of the FOI Act where a third party is to be consulted.

If you require clarification of any of the matters discussed in this letter, please contact the FOI team on (02) 6289 4630.

Yours sincerely

Authorised and electronically signed by

Avi Rebera
Assistant Secretary
Regulatory Services and Drug Control Branch
Department of Health and Aged Care
25 August 2022



Australian Government
Department of Health and Aged Care

FOI reference: FOI-3912

s22

s22

By email: s22

Dear s22

Decision on your Freedom of Information Request

I refer to your request of 4 August 2022, to the Department of Health and Aged Care (the department), seeking access under the *Freedom of Information Act 1982* (Cth) (FOI Act) to:

I am requesting access to data regarding the import, export, and cultivation of medicinal cannabis in Australia. For calendar year 2021:

1. Imports
 - a. What volume of dried cannabis flower was imported?
 - b. For all other forms of cannabis (oil, resin etc.), what total volume of THC and CBD was imported?
2. Exports
 - a. What volume of dried cannabis flower was exported?
 - b. For all other forms of cannabis (oil, resin etc.), what total volume of THC and CBD was exported?
3. Domestic cultivation
 - a. What volume of dried cannabis flower was cultivated?

I am authorised under subsection 23(1) of the FOI Act to make decisions in relation to Freedom of Information requests. I am writing to notify you of my decision on your request.

FOI decision

I have identified thirteen documents that are relevant to your request. These documents were in the possession of the department when your request was received.

I have decided to give access to information relevant to your request in thirteen documents in full. Irrelevant information has been deleted from the documents in accordance with section 22 of the FOI Act.

A schedule setting out the documents relevant to your request, with my decision in relation to those documents, is at **ATTACHMENT A**.

My reasons for not providing access to material that has been deleted from the documents are set out in **ATTACHMENT B**.

Charges

On 25 August 2022, the department notified you of your liability to pay a charge and that the preliminary assessment of that charge was of \$369.22.

On 21 September 2022, we received your payment of the deposit (\$92.30).

I have now calculated the actual time taken to process your request, and consequently the actual charge payable, which has been calculated to be \$93.00 as set out below.

Processing Charges

Search and retrieval		
Task	Time (hours)	Cost @ \$15/hr
Search and retrieval of relevant files	5.5	\$ 82.50
Preparation of schedule of documents	0.5	\$ 7.50
Search and retrieval subtotal	6	\$ 90.00
Decision making		
Task	Time (hours)	Cost @ \$20/hr
Examination of documents	3.15	\$ 63.00
Redacting pages	1.5	\$ 30.00
Preparation of notice of access decision	0.5	\$ 10.00
Decision making subtotal (before deduction of five hours) ¹	5.15	\$ 103.00
Decision making total (after deduction of first five hours free)		\$ 3.00
Charges total		\$ 93.00

As you have paid a deposit of \$92.30, I have decided to waive the outstanding balance. Accordingly, no further payment is required.

Legislative provisions

The FOI Act, including the provisions referred to in my decision, is available on the Federal Register of Legislation website: www.legislation.gov.au/Series/C2004A02562

¹ *Freedom of Information (Charges) Regulations 2019*: Schedule 1 – Charges, Part 1, Item 4.

The FOI Charges Regulations, including the provisions referred to in my decision, are available on the Federal Register of Legislation website:

www.legislation.gov.au/Details/F2019L00348

Your review rights

I have set out your review rights at **ATTACHMENT C**.

Publication

Where I have decided to release documents to you, the department may also publish the released material on its Disclosure Log. The department will not publish personal or business affairs information where it would be unreasonable to do so.

For your reference the department's Disclosure Log can be found at:

www.health.gov.au/resources/foi-disclosure-log

Contacts

If you require clarification of any matters discussed in this letter you can contact the FOI Unit on (02) 6289 1666 or at FOI@health.gov.au.

Yours sincerely

s47F



Darren Jones
Acting Assistant Secretary
Office of Drug Control

28 September 2022



Australian Government

Department of Health and Aged Care

FOI reference: FOI 3944

s22

via email: s22

Dear s22

Freedom of Information Request reference: FOI 3944 Notification of liability to pay charge

I refer to your request of 29 August 2022, to the Department of Health and Aged Care (the department), seeking access under the *Freedom of Information Act 1982* (Cth) (FOI Act) to:

All documents and information held by the Department of Health in relation to Grant Award "GA ID: GA14339."

(<https://www.grants.gov.au/Ga/Show/dd7d145b-ac9e-7700-6913-4a20c5933ddb>)

Notification of liability to pay a charge

I am an officer authorised under subsection 23(1) of the FOI Act to make decisions in relation to FOI requests. I am writing to advise you of my decision that you are liable to pay a charge in respect of the processing of your request.

In accordance with section 29 of the FOI Act and the *Freedom of Information (Charges) Regulations 2019*, my preliminary assessment of the charge you are liable to pay is \$545.

Basis for my preliminary assessment of the charge

The department has identified more than 70 documents comprising more than 600 pages that were in the possession of the department at the time your request was received as being relevant to your request. I have assessed the work the department would need to do to process your request and a calculation of the breakdown of charges is set out in Attachment A.

Your rights

Under the FOI Act, you have the right to contend that the charge:

- has been wrongly assessed
- should be reduced, or
- should not be imposed.

In deciding whether a charge should be reduced or not imposed, the decision maker in our agency must take into account:

- whether payment of the charge, or part of it, would cause you financial hardship
- whether giving access to the documents is in the general public interest or in the interest of a substantial section of the public
- any other relevant matter.

Payment of a deposit

As the charge exceeds \$100, a deposit of \$130 will be sought if the charge is imposed.

The deposit is not refundable except in some limited circumstances (for example, if the department fails to make a decision on your request within the statutory time limit), or may be refundable in part if the final charge is less than the deposit paid.

How to make payment

The department can accept payment by credit card, money order or cheque.

If you wish to pay by credit card, please contact the FOI team at foi@health.gov.au indicating that you agree to pay the charge and to be further advised on the steps to follow to make that payment.

If you chose to pay by cheque or money order, it should be sent to the following address:

FOI Unit (MDP 516)
Department of Health and Aged Care
GPO Box 9848
CANBERRA ACT 2601

The time you have to respond and what you need to do

You have 30 days from the date this notice is provided to you to respond. Within those 30 days, you must do one of the following things in writing:

- agree to pay the charge (this will mean that you will not be entitled to access the requested documents until the full charge is paid)
- contend that the charge has been wrongly assessed, or should be reduced or not imposed and explain your reasons, or

- withdraw or revise the scope of your request.

Please send your response to:

FOI@health.gov.au

or

FOI Unit (MDP 516)

Department of Health and Aged Care

GPO Box 9848

CANBERRA ACT 2601

If you do not provide us with a written response within 30 days, your request will be taken to have been withdrawn.

The period for processing your request is suspended from the day that you receive this notice and resumes on either the day you pay the charge (in full or the required deposit) or the day on which this agency makes a decision not to impose a charge.

Additional information

More information about charges under the FOI Act is available on the websites below:

Office of the Australian Information Commissioner's website:

www.oaic.gov.au/freedom-of-information/guidance-and-advice/calculating-and-imposing-charges-for-foi-access-requests/ and

The Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act: www.oaic.gov.au/freedom-of-information/foi-guidelines/part-4-charges-for-providing-access/

Contacts

If you require clarification of any matters discussed in this letter you can contact the FOI Section on (02) 6289 1666 or at FOI@health.gov.au

Yours sincerely

s47F

s22

Principal Lawyer

Legal Advice and Legislation Branch

29 September 2022

ATTACHMENT A

BASIS FOR PRELIMINARY ASSESSMENT OF CHARGES

Search and retrieval		
Task	Time (hours)	Cost @ \$15/hr
Search and retrieval of relevant files	1.0	\$ 15.00
Preparation of schedule of documents	1.5	\$ 20.00
Search and retrieval subtotal	2.0	\$ 35.00
Decision making		
Task	Time (hours)	Cost @ \$20/hr
Examination of documents	22.5	\$ 450.00
Consultation with third parties	2.0	\$ 40.00
Preparation of documents for release	4.5	\$ 90.00
Preparation of notice of access decision	1.5	\$ 30.00
Decision making subtotal (before deduction of five hours (\$100))	30.5	\$ 610.00
Decision making subtotal (after deduction of first five hours)		\$ 510.00
ESTIMATED TOTALS AND DEPOSIT		
TOTAL ESTIMATED CHARGES		\$545.00
REQUIRED DEPOSIT		\$130.00



Australian Government

Department of Health and Aged Care

FOI reference: FOI-3959

s22

By email: s22

Dear s22

Notification of liability to pay charge: FOI 3959

I refer to your request of 7 September 2022, to the Department of Health and Aged Care (the department), seeking access under the *Freedom of Information Act 1982* (Cth) (FOI Act) to documents in the following terms:

The InsideOut Institute recently published a report entitled "Australian Eating Disorders Research & Translation Strategy 2021-2031". Citation is as follows: InsideOut Institute (2021) Australian Eating Disorders Research & Translation Strategy 2021-2031. A national project funded by the Australian Government, Department of Health.

I am hereby requesting (FOI) to access all documents related to the elaboration of this report:

- details about the co-production process
- what was the ratio between people with lived experience and people without lived experience being involved in this project
- details about who was consulted, what said people with lived experience expressed as part of the consultation process, and how their views and statements were taken into account in the production of this report
- the detailed involvement of each member of the research team as listed on the published report
- written transcripts and/or audio recordings of meetings held between members of the research team, lived experience experts, health organisations, and other stakeholders involved in this project
- said meetings' minutes and agendas
- communication between the different stakeholders relevant to the production of this report (i.e., emails, letters)
- all earlier drafts of this report.

Decision to impose a charge

I am an officer authorised under subsection 23(1) of the FOI Act to make decisions in relation to FOI requests.

I am writing to advise you of my decision that you are liable to pay a charge in respect of the processing of your request.

In accordance with section 29 of the FOI Act and the *Freedom of Information (Charges) Regulations 2019* (FOI Regulations), my preliminary assessment of the charge you are liable to pay is **\$565**.

Basis for my preliminary assessment of the charge

I have assessed the work the department would need to do to process your request and a calculation of the breakdown of the charge is set out in **ATTACHMENT A**.

Your right to contend the charge

Under the FOI Act, you have the right to contend that the charge:

- has been wrongly assessed, or
- should be reduced, or
- should not be imposed.

In deciding whether a charge should be reduced or not imposed, the decision maker in our agency must take into account:

- whether payment of the charge, or part of it, would cause you financial hardship
- whether giving access to the document[s] is in the general public interest or in the interest of a substantial section of the public
- any other relevant matter.

Payment of a deposit

As the charge exceeds \$100, a deposit **\$140.00** (25% of the total charge) will be sought if the charge is imposed.

The deposit is not refundable except in limited circumstances (for example, if the department fails to make a decision on your request within the statutory time limit), or may be refundable in part if the final charge is less than the deposit paid.

How to make payment

The department can accept payment by credit card, money order or cheque.

If you wish to pay by credit card, please contact the FOI team at foi@health.gov.au indicating that you agree to pay the charge and to be further advised on the steps to follow to make that payment.

If you chose to pay by cheque or money order, it should be sent to the following address:

FOI Unit (MDP 516)
Department of Health and Aged Care
GPO Box 9848
CANBERRA ACT 2601

The time you have to respond and what you need to do

You have 30 days from the date this notice is provided to you to respond. Within those 30 days, you must do one of the following things in writing:

- agree to pay the charge (this will mean that you will not be entitled to access the requested documents until the full charge is paid)
- contend that the charge has been wrongly assessed, or should be reduced or not imposed and explain your reasons
- withdraw your request.

Please send your response to:

FOI@health.gov.au

or

FOI Unit (MDP 516)
Department of Health and Aged Care
GPO Box 9848
CANBERRA ACT 2601

If you do not provide us with a written response within 30 days, your request will be taken to have been withdrawn.

The period for processing your request is suspended from the day that you receive this notice and resumes on either the day you pay the charge (in full or the required deposit) or the day on which this agency makes a decision not to impose a charge.

Additional information

More information about charges under the FOI Act is available here:

- Office of the Australian Information Commissioner's website: www.oaic.gov.au/freedom-of-information/guidance-and-advice/calculating-and-imposing-charges-for-foi-access-requests/ and
- The Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act: www.oaic.gov.au/freedom-of-information/foi-guidelines/part-4-charges-for-providing-access/

Contacts

If you require clarification of any matters discussed in this letter you can contact the FOI Section on (02) 6289 1666 or at FOI@health.gov.au

Yours sincerely

s47F

s22

Principal Lawyer and FOI Director
Advice and Legislation Branch

2 November 2022

This document has been released under the
Freedom of Information Act 1982 (CTH)
by the Department of Health and Aged Care.

ATTACHMENT A

BASIS FOR PRELIMINARY ASSESSMENT CHARGES

Document estimate	
Number of relevant documents	18
Number of relevant pages	608

Processing Charges

Search and retrieval		
Task	Time (hours)	Cost @ \$15/hr
Search and retrieval of relevant files	2	\$ 30
Preparation of schedule of documents	1	\$ 15
Search and retrieval subtotal	3	\$ 45

Decision making		
Task	Time (hours)	Cost @ \$20/hr
Examination of documents	25	\$ 500
Consultation with third parties	2	\$ 40
Preparation of documents for release	2	\$ 40
Preparation of notice of access decision	2	\$ 40
Decision making subtotal (before deduction of five hours)	31	\$ 620
Decision making subtotal (after deduction of first five hours free)	26	\$ 520

ESTIMATED TOTALS AND DEPOSIT	
TOTAL ESTIMATED CHARGES	\$ 45
	+ \$ 520
	\$ 565
REQUIRED DEPOSIT	\$140.00



Australian Government
Department of Health and Aged Care

FOI reference: FOI-4058

s22

By email: s22

Dear s22

Freedom of Information Request reference: FOI-4058
Notification of liability to pay charge

I refer to your request of 30 October 2022, to the Department of Health and Aged Care (the department), seeking access under the *Freedom of Information Act 1982* (Cth) (FOI Act) to:

1. DOH's submission document to the 2022 AWEI scheme;
2. The results of DoH's 2022 AWEI's submission
4. Results of AWEI employee survey conducted on DoH employees for the purpose of the 2022 AWEI;
5. Invoices to or from either s22 or s22 within the period March 2021 to March 2022.

On 22 November 2022 the department wrote to you informing you that parts 3 and 6 of your FOI request had been registered separately as FOI-4081 and would be processed separately from these parts of your FOI request.

I am writing to advise you of my decision that you are liable to pay a charge in respect of the processing of parts 1, 2, 4 and 5, as specified above.

I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

In accordance with section 29 of the FOI Act and the *Freedom of Information (Charges) Regulations 2019*, my preliminary assessment of the charge you are liable to pay is **\$285.00**.

Basis for my preliminary assessment of the charge

I have assessed the work the department would need to do to process this request and a calculation of the breakdown of charges is set out in **ATTACHMENT A**.

Your right to contend the charge

Under the FOI Act, you have the right to contend that the charge:

- has been wrongly assessed, or
- should be reduced, or
- should not be imposed.

In deciding whether a charge should be reduced or not imposed, the decision maker in our agency must take into account:

- whether payment of the charge, or part of it, would cause you financial hardship
- whether giving access to the document[s] is in the general public interest or in the interest of a substantial section of the public
- any other relevant matter.

Payment of a deposit

As the charge exceeds \$100, a 25% deposit of **\$71.00** will be sought if the charge is imposed.

The deposit is not refundable except in some limited circumstances (for example, if the department fails to make a decision on your request within the statutory time limit), or may be refundable in part if the final charge is less than the deposit paid]

How to make payment

The department can accept payment by credit card, money order or cheque.

If you wish to pay by credit card, please contact the FOI team at foi@health.gov.au indicating that you agree to pay the charge and to be further advised on the steps to follow to make that payment.

If you chose to pay by cheque or money order, it should be sent to the following address:

FOI Unit (MDP 516)
Department of Health and Aged Care
GPO Box 9848
CANBERRA ACT 2601

The time you have to respond and what you need to do

You have 30 days from the date this notice is provided to you to respond. Within those 30 days, you must do one of the following things in writing:

- agree to pay the charge (this will mean that you will not be entitled to access the requested documents until the full charge is paid)
- contend that the charge has been wrongly assessed, or should be reduced or not imposed and explain your reasons
- withdraw your request.

Please send your response to:

FOI@health.gov.au

or

FOI Unit (MDP 516)

Department of Health and Aged Care

GPO Box 9848

CANBERRA ACT 2601

If you do not provide us with a written response within 30 days, your request will be taken to have been withdrawn.

The period for processing your request is suspended from the day that you receive this notice and resumes on either the day you pay the charge (in full or the required deposit) or the day on which this agency makes a decision not to impose a charge.

Additional information

More information about charges under the FOI Act is available here:

- Office of the Australian Information Commissioner's website: www.oaic.gov.au/freedom-of-information/guidance-and-advice/calculating-and-imposing-charges-for-foi-access-requests/ and
- The Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act: www.oaic.gov.au/freedom-of-information/foi-guidelines/part-4-charges-for-providing-access/

Contacts

If you require clarification of any matters discussed in this letter you can contact the FOI Unit on (02) 6289 1666 or at FOI@health.gov.au

Yours sincerely

s47F



s22

FOI Director

23 November 2022

ATTACHMENT A

BASIS FOR PRELIMINARY ASSESSMENT OF CHARGE

Document estimate	
Number of relevant documents	4
Number of relevant pages	174

Processing Charges

Search and retrieval		
Task	Time (hours)	Cost @ \$15/hr
Search and retrieval of relevant files	9	\$135.00
Search and retrieval subtotal	9	\$135.00

Decision making		
Task	Time (hours)	Cost @ \$20/hr
Examination of documents	4.5	\$90.00
Consultation with third parties	5	\$100.00
Preparation of documents for release	1	\$20.00
Preparation of notice of access decision	2	\$40.00
Decision making subtotal (before deduction of five hours)	12.5	\$250.00
Decision making subtotal (after deduction of first five hours free)		\$150.00

ESTIMATED SUBTOTALS	
SEARCH AND RETRIEVAL	\$135.00
DECISION MAKING	\$150.00
TOTAL	\$285.00

ESTIMATED TOTALS AND DEPOSIT	
TOTAL ESTIMATED CHARGES	\$285.00
REQUIRED DEPOSIT	\$71.00



Australian Government
Department of Health and Aged Care

FOI reference: FOI 4058

s22

By email: s22

Dear s22

Decision on your Freedom of Information Request

I refer to your request of 30 October 2022 to the Department of Health and Aged Care (the department), seeking access under the *Freedom of Information Act 1982* (Cth) (FOI Act) to:

1. DOH's submission document to the 2022 AWEI scheme;
2. The results of DoH's 2022 AWEI's submission
3. Data collated by DoH for submission to the 2022 AWEI;
4. Results of AWEI employee survey conducted on DoH employees for the purpose of the 2022 AWEI;
5. Invoices to or from either s22 or s22 within the period March 2021 to March 2022.
6. Emails to or from either s22 or s22 (or their employees) within the period March 2021 to March 2022.

On 22 November 2022, following consultation with you, the department advised you that parts 3 and 6 of your request had been registered separately as FOI 4081 for the purpose of a practical refusal notice. This notice of decision is in relation to parts 1, 2, 4 and 5 of your request.

I am authorised under subsection 23(1) of the FOI Act to make decisions in relation to Freedom of Information requests. I am writing to notify you of my decision on your request.

FOI decision

I have identified four documents that are relevant to your request. These documents were in the possession of the department when your request was received.

I have decided to:

- give access to two documents in part, subject to the deletion of exempt material
- refuse access to two documents as they contain fully exempt material.

A schedule setting out the documents relevant to your request, with my decision in relation to these documents, is at **ATTACHMENT A**.

My reasons for not providing access to material that has been deleted from the documents are set out in **ATTACHMENT B**.

Charges

The Department notified you of your liability to pay a charge of \$285.00 on 23 November 2022 for the estimated work required to process your request.

We received your payment of a 25% deposit of \$71.00 on 6 December 2022. Upon completion of your request, I have calculated the actual amount for processing was \$285.00.

However, the FOI Guidelines, section 4.100, provides that an agency may decide not to impose a charge wholly or in part. I note that my access decision releases 72 out of 174 pages to you wholly or in part. Although the FOI Act and FOI Guidelines do not provide for a necessary relationship between charges imposed and proportion of documents or pages released, the department has decided to reduce the charge for your request by 75% or \$214.00.

Your deposit of \$71.00 has therefore met the balance of your charges and no further payment is necessary.

Legislative provisions

The FOI Act, including the provisions referred to in my decision, are available on the Federal Register of Legislation website: www.legislation.gov.au/Series/C2004A02562.

The *Privacy Act 1988* (Cth) (Privacy Act), can also be accessed from the Federal Register of Legislation website here: www.legislation.gov.au/Series/C2004A03712.

Your review rights

I have set out your review rights at **ATTACHMENT C**.

Publication

Where I have decided to release documents to you, the department may also publish the released material on its Disclosure Log. The department will not publish personal or business affairs information where it would be unreasonable to do so.

For your reference the department's Disclosure Log can be found at: www.health.gov.au/resources/foi-disclosure-log.

Contacts

If you require clarification of any matters discussed in this letter you can contact the FOI Section on (02) 6289 1666 or at FOI@health.gov.au.

Yours sincerely

s47F



Robyn White
Assistant Secretary
People Communications and Parliamentary Branch
20 January 2023

This document has been released under the
Freedom of Information Act 1982 (CTH)
by the Department of Health and Aged Care.



Australian Government
Department of Health and Aged Care

FOI reference: FOI 4068

s22

By email: s22

Dear s22

Freedom of Information Request reference: FOI 4068
Notification of liability to pay charge

I refer to your request of 26 October 2022, to the Department of Health and Aged Care (the department), seeking access under the *Freedom of Information Act 1982 (Cth)* (FOI Act) to:

Any documents or information regarding the creation of this document and any decision-making in relation to developing the risk-benefit scenarios featured in the document: "Weighing up the potential benefits against risk of harm from COVID-19 Vaccine AstraZeneca" published on 29 June 2021, including any evidence of correspondence or consultation with ATAGI, TGA, AMA, the UK government, the current Prime Minister at the time - Scott Morrison, and the University of Cambridge for the United Kingdom which the guide was adapted from (the Winton Centre for Risk and Evidence Communication)
https://www.health.gov.au/sites/default/files/documents/2021/06/covid-19-vaccination-weighing-up-the-potential-benefits-against-risk-of-harm-from-covid-19-vaccine-astrazeneca_2.pdf

Decision

I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

I am writing to advise you of my decision that you are liable to pay a charge in respect of the processing of your request.

In accordance with section 29 of the FOI Act and the *Freedom of Information (Charges) Regulations 2019*, my preliminary assessment of the charge you are liable to pay is **\$560**.

Preliminary assessment of the charge

I have assessed the work the department would need to do to process your request and a calculation of the breakdown of the charge is set out in **ATTACHMENT A**.

Your right to contend the charge

Under the FOI Act, you have the right to contend that the charge:

- has been wrongly assessed, or
- should be reduced, or
- should not be imposed.

In deciding whether a charge should be reduced or not imposed, the decision maker in our agency must take into account:

- whether payment of the charge, or part of it, would cause you financial hardship
- whether giving access to the document[s] is in the general public interest or in the interest of a substantial section of the public
- any other relevant matter.

Payment of a deposit

As the charge exceeds \$100, a 25% deposit of \$140 will be sought if the charge is imposed.

The deposit is not refundable except in some limited circumstances (for example, if the department fails to make a decision on your request within the statutory time limit), or may be refundable in part if the final charge is less than the deposit paid.

How to make payment

The department can accept payment by credit card, money order or cheque.

If you wish to pay by credit card, please contact the FOI team at foi@health.gov.au indicating that you agree to pay the charge and to be further advised on the steps to follow to make that payment.

If you chose to pay by cheque or money order, it should be sent to the following address:

FOI Unit (MDP 516)
Department of Health and Aged Care
GPO Box 9848
CANBERRA ACT 2601

The time you have to respond and what you need to do

You have 30 days from the date this notice is provided to you to respond. Within those 30 days, you must do one of the following things in writing:

- agree to pay the charge (this will mean that you will not be entitled to access the requested documents until the full charge is paid)
- contend that the charge has been wrongly assessed, or should be reduced or not imposed and explain your reasons
- withdraw your request.

You may also wish to reduce the scope of your FOI request in order to attract a lower charge. If you wish to do so, please contact the FOI unit for advice.

Please send your response to:

FOI@health.gov.au

or

FOI Unit (MDP 516)
Department of Health and Aged Care
GPO Box 9848
CANBERRA ACT 2601

If you do not provide us with a written response within 30 days, your request will be taken to have been withdrawn.

The period for processing your request is suspended from the day that you receive this notice and resumes on either the day you pay the charge (in full or the required deposit) or the day on which this agency makes a decision not to impose a charge.

Additional information

More information about charges under the FOI Act is available here:

- Office of the Australian Information Commissioner's website:
www.oaic.gov.au/freedom-of-information/guidance-and-advice/calculating-and-imposing-charges-for-foi-access-requests/
- The Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act: www.oaic.gov.au/freedom-of-information/foi-guidelines/part-4-charges-for-providing-access/

Contacts

If you require clarification of any matters discussed in this letter you can contact the FOI Section on (02) 6289 1666 or at FOI@health.gov.au

Yours sincerely

s47F

s22

FOI Director

22 November 2022

ATTACHMENT A

BASIS FOR PRELIMINARY ASSESSMENT CHARGES

Document estimate	
Number of relevant documents	73
Number of relevant pages	307

Search and retrieval		
Task	Time (hours)	Cost @ \$15/hr
Search and retrieval of relevant files	11	\$165.00
Preparation of schedule of documents	1	\$15.00
Search and retrieval subtotal	12	\$180.00

Decision making		
Task	Time (hours)	Cost @ \$20/hr
Examination of documents	15	\$300.00
Consultation with third parties	4	\$80.00
Preparation of documents for release	2	\$40.00
Preparation of notice of access decision	3	\$60.00
Decision making subtotal (before deduction of five hours)	24	\$480.00
Decision making subtotal (after deduction of first five hours free)		\$380.00

ESTIMATED SUBTOTALS	
SEARCH AND RETRIEVAL	\$180.00
DECISION MAKING	\$380.00
TOTAL	\$560.00

ESTIMATED TOTAL AND DEPOSIT	
TOTAL ESTIMATED CHARGE	\$560.00
REQUIRED DEPOSIT	\$140.00



Australian Government
Department of Health and Aged Care

FOI reference: FOI-4116

s22

By email: s22

Dear s22

Notification of liability to pay charge

I refer to your request of 30 November 2022, to the Hon Mark Butler MP, that was transferred to the Department of Health and Aged care, seeking access under the *Freedom of Information Act 1982* (Cth) (FOI Act) to:

- (a) any contractual documents (without redaction) including any schedules, appendices or similar document (without redaction), for the supply, production, distribution or administration of any COVID-19 vaccine in Australia ('the vaccine contracts') executed by or on behalf of the Australian Government and any of the following ('the vaccine producers'):
 - (i) s22 and/or its parent companies, nominees, agents or subsidiaries,
 - (ii) s22 and/or its parent companies, nominees, agents or subsidiaries,
 - (iii) s22 and/or its parent companies, nominees, agents or subsidiaries, and
 - (iv) s22 and/or its parent companies, nominees, agents or subsidiaries;
- (b) any other document referenced, referred to or incorporated into any of the vaccine contracts but not included in the contractual document;
- (c) any other document evidencing any pre-contractual representations with respect to effectiveness, side effects, fitness for purpose, merchantability, warranties or exclusions of warranty related to the supply, production, distribution or administration of any COVID-19 vaccine in Australia by any of the vaccine producers; and
- (d) any other document evidencing any indemnity, guarantee, waiver or release of liability, forbearance to sue or similar enforceable right provided by or on behalf of the Australian Government to any of the vaccine producers with respect to the supply, production, distribution or administration of any COVID-19 vaccine in Australia.

I am writing to advise you of my decision that you are liable to pay a charge in respect of the processing of your request. I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

In accordance with section 29 of the FOI Act and the *Freedom of Information (Charges) Regulations 2019*, my preliminary assessment of the charge you are liable to pay is **\$187.00**.

Please note that the charge estimate is for processing your request, not a payment for access to documents. Payment of the charge does not guarantee you access to any or all of the documents you have requested. Access to documents will ultimately be considered in accordance with the FOI Act if you decide to proceed with this request.

Basis for my preliminary assessment of the charge

I have assessed the work the department would need to do to process your request and a calculation of the breakdown of charges is set out in **ATTACHMENT A**.

Your right to contend the charge

Under the FOI Act, you have the right to contend that the charge:

- has been wrongly assessed, or
- should be reduced, or
- should not be imposed.

In deciding whether a charge should be reduced or not imposed, the decision maker in our agency must take into account:

- whether payment of the charge, or part of it, would cause you financial hardship
- whether giving access to the document[s] is in the general public interest or in the interest of a substantial section of the public
- any other relevant matter.

Payment of a deposit

As the charge exceeds \$100, a 25% deposit of **\$46.75** will be sought if the charge is imposed.

The deposit is not refundable except in some limited circumstances, such as, for example, if the department fails to make a decision on your request within the statutory time limit or if the final charge is less than the deposit paid.

Please note that **you can still** contend that the charge has been wrongly assessed, or should be reduced or not imposed, **even if you have paid the deposit**.

How to make payment

The department can accept payment by credit card, money order or cheque.

If you wish to pay by credit card, please contact the FOI team at foi@health.gov.au indicating that you agree to pay the charge and to be further advised on the steps to follow to make that payment.

If you chose to pay by cheque or money order, it should be sent to the following address:

FOI Unit (MDP 516)
Department of Health and Aged Care
GPO Box 9848
CANBERRA ACT 2601

The time you have to respond and what you need to do

You have 30 days from the date this notice is provided to you to respond. Within those 30 days, you must do one of the following things in writing:

- agree to pay the charge
- contend that the charge has been wrongly assessed, or should be reduced or not imposed and explain your reasons
- withdraw your request.

Please send your response to:

FOI@health.gov.au

or

FOI Unit (MDP 516)
Department of Health and Aged Care
GPO Box 9848
CANBERRA ACT 2601

If you do not provide us with a written response within 30 days, your request will be taken to have been withdrawn.

The period for processing your request is suspended from the day that you receive this notice and resumes on either the day you pay the charge (in full or the required deposit) or the day on which this agency makes a decision not to impose a charge.

Additional information

More information about charges under the FOI Act is available here:

- Office of the Australian Information Commissioner's website: www.oaic.gov.au/freedom-of-information/guidance-and-advice/calculating-and-imposing-charges-for-foi-access-requests/ and
- The Guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act: www.oaic.gov.au/freedom-of-information/foi-guidelines/part-4-charges-for-providing-access/

Contacts

If you require clarification of any matters discussed in this letter you can contact the FOI Section on (02) 6289 1666 or at FOI@health.gov.au

Yours sincerely

s47F

s22

A/g Director
Freedom of Information Unit
Advice and Legislation Branch

24 January 2023

This document has been released under the
Freedom of Information Act 1982 (CTH)
by the Department of Health and Aged Care.

ATTACHMENT A

BASIS FOR PRELIMINARY ASSESSMENT CHARGES

Document estimate	
Number of relevant documents	29
Number of relevant pages	657

Search and retrieval		
Task	Time (hours)	Cost @ \$15/hr
Search and retrieval of relevant files	2.0	\$ 30.00
Preparation of schedule of documents	0.5	\$ 07.50
Search and retrieval total	2.5	\$ 37.50

Decision making		
Task	Time (hours)	Cost @ \$20/hr
Examination of documents	5.48	\$ 109.50
Consultation with third parties	5.00	\$100.00
Preparation of notice of access decision	2.00	\$ 40.00
Decision making subtotal (before deduction of five hours)	17.48	\$ 249.50
Decision making total (after deduction of first five hours free)	12.48	\$ 149.50

ESTIMATED TOTALS AND DEPOSIT	
Search and Retrieval Total	\$37.50
Decision Making Total	\$149.50
TOTAL	\$187.00
REQUIRED DEPOSIT	\$46.75



Australian Government
Department of Health and Aged Care

FOI reference: FOI 4116

s22

By email: s22

Dear s22

Decision on your Freedom of Information request

I refer to your request of 30 November 2022, to the Hon Mark Butler MP, seeking access under the *Freedom of Information Act 1982* (Cth) (FOI Act) to:

- (a) any contractual documents (without redaction) including any schedules, appendices or similar document (without redaction), for the supply, production, distribution or administration of any COVID-19 vaccine in Australia ('the vaccine contracts') executed by or on behalf of the Australian Government and any of the following ('the vaccine producers'):
 - (i) s22 and/or its parent companies, nominees, agents or subsidiaries,
 - (ii) s22 and/or its parent companies, nominees, agents or subsidiaries,
 - (iii) s22 and/or its parent companies, nominees, agents or subsidiaries, and
 - (iv) s22 and/or its parent companies, nominees, agents or subsidiaries;
- (b) any other document referenced, referred to or incorporated into any of the vaccine contracts but not included in the contractual document;
- (c) any other document evidencing any pre-contractual representations with respect to effectiveness, side effects, fitness for purpose, merchantability, warranties or exclusions of warranty related to the supply, production, distribution or administration of any COVID-19 vaccine in Australia by any of the vaccine producers; and
- (d) any other document evidencing any indemnity, guarantee, waiver or release of liability, forbearance to sue or similar enforceable right provided by or on behalf of the Australian Government to any of the vaccine producers with respect to the supply, production, distribution or administration of any COVID-19 vaccine in Australia.

On 2 December 2022, you were advised that the FOI request was transferred to the Department of Health and Aged Care (the department).

I am authorised under subsection 23(1) of the FOI Act to make decisions in relation to Freedom of Information requests. I am writing to notify you of my decision on your request.

FOI decision

I identified 28 documents relevant to the scope of the request that were in the possession of the department when the request was received.

I have decided to refuse access to the documents in full as they contain confidential and commercial-in-confidence material making them exempt under sections 45 and 47 of the FOI Act.

A schedule setting out the documents relevant to your request, with my decision in relation to those documents, is at **ATTACHMENT**

My reasons for my decision on the documents are set out in **ATTACHMENT B**

Third party consultation

On 9 December 2022, the department informed you that consultation with third parties would be required. I considered the third parties' submission when making my decision.

Charges

On 24 January 2023, the department notified you of your liability to pay a charge of \$187.00.

You paid a deposit of \$46.75, with the outstanding balance of your charge being \$140.25.

As no documents are being released to you in relation to this request, I have decided to waive the charge for which you are liable.

The department will be in contact with you in due course to refund your deposit to you.

Legislative provisions

The FOI Act, including the provisions referred to in my decision, are available on the Federal Register of Legislation website: www.legislation.gov.au/Series/C2004A02562.

Your review rights

I have set out your review rights at **ATTACHMENT C**

Contacts

If you require clarification of any matters discussed in this letter you can contact the FOI Section on (02) 6289 1666 or at FOI@health.gov.au.

Yours sincerely

s47F



Jane Wagner
A/g Assistant Secretary
Vaccine Procurement Branch

10 February 2023

This document has been released under the
Freedom of Information Act 1982 (CTH)
by the Department of Health and Aged Care.



Australian Government
Department of Health and Aged Care

FOI reference: FOI-4134

s22

By email: s22

Dear s22

Notification of liability to pay charge

I refer to your request of 8 December 2022, to the Department of Health and Aged Care (the department), on behalf of s22 seeking access under the *Freedom of Information Act 1982* (Cth) (FOI Act) to:

- The information on Oath provided to s22 in support of the attached search warrants executed at s22 on 18 October 2022
- Any document relied on in support of the Search Warrants including yet not limited to a record of complaint made regarding s22, any written statement, any affidavit and any like documents
- Any document which could shed light on the reasonable grounds and or basis the Department of Health has for the suspicion recorded in the Search Warrants regarding an offence against Section 134.2(1) of the Criminal Code Act 1995 (Cth)
- The agency's written procedure covering the receipt of referrals or conduct identified allegedly, apparently or potentially breaching the law mentioned in the Australian Government Investigation Standards (AGIS) 2022 cl 2.1
- The agency's written procedure covering the initial evaluation and actioning of each matter that has been identified mentioned in the AGIS 2011 cl 2.2
- The Exhibit Register for the investigation concerning s22 mentioned in the AGIS cl 4.5

I am writing to advise you of my decision that you are liable to pay a charge in respect of the processing of your request. I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

In accordance with section 29 of the FOI Act and the *Freedom of Information (Charges) Regulations 2019*, my preliminary assessment of the charge you are liable to pay is **\$131.85**.

Please note that the charge estimate is for processing your request, not a payment for access to documents. Payment of the charge does not guarantee you access to any or all of the documents you have requested. Access to documents will ultimately be considered in accordance with the FOI Act if you decide to proceed with this request.

Basis for my preliminary assessment of the charge

I have assessed the work the department would need to do to process your request and a calculation of the breakdown of charges is set out in **ATTACHMENT A**.

Your right to contend the charge

Under the FOI Act, you have the right to contend that the charge:

- has been wrongly assessed, or
- should be reduced, or
- should not be imposed.

In deciding whether a charge should be reduced or not imposed, the decision maker in our agency must take into account:

- whether payment of the charge, or part of it, would cause you financial hardship
- whether giving access to the document[s] is in the general public interest or in the interest of a substantial section of the public
- any other relevant matter.

Payment of a deposit

As the charge exceeds \$100, a 25% deposit of **\$33.00** will be sought if the charge is imposed.

The deposit is not refundable except in some limited circumstances, such as, for example, if the department fails to make a decision on your request within the statutory time limit or if the final charge is less than the deposit paid.

Please note that you can still contend that the charge has been wrongly assessed, or should be reduced or not imposed, even if you have paid the deposit.

How to make payment

The department can accept payment by credit card, money order or cheque.

If you wish to pay by credit card, please contact the FOI team at foi@health.gov.au indicating that you agree to pay the charge and to be further advised on the steps to follow to make that payment.

If you chose to pay by cheque or money order, it should be sent to the following address:

FOI Unit (MDP 516)
Department of Health and Aged Care
GPO Box 9848
CANBERRA ACT 2601

The time you have to respond and what you need to do

You have 30 days from the date this notice is provided to you to respond. Within those 30 days, you must do one of the following things in writing:

- agree to pay the charge (this will mean that you will not be entitled to access the requested documents until the full charge is paid)
- contend that the charge has been wrongly assessed, or should be reduced or not imposed and explain your reasons
- withdraw your request.

Please send your response to:

FOI@health.gov.au

or

FOI Unit (MDP 516)
Department of Health and Aged Care
GPO Box 9848
CANBERRA ACT 2601

If you do not provide us with a written response within 30 days, your request will be taken to have been withdrawn.

The period for processing your request is suspended from the day that you receive this notice and resumes on either the day you pay the charge (in full or the required deposit) or the day on which this agency makes a decision not to impose a charge.

Additional information

More information about charges under the FOI Act is available here:

- Office of the Australian Information Commissioner's website: www.oaic.gov.au/freedom-of-information/guidance-and-advice/calculating-and-imposing-charges-for-foi-access-requests/ and
- The Guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act: www.oaic.gov.au/freedom-of-information/foi-guidelines/part-4-charges-for-providing-access/

Contacts

If you require clarification of any matters discussed in this letter you can contact the FOI Section on (02) 6289 1666 or at FOI@health.gov.au

Yours sincerely

s47F

Chris Johnston
A/g General Counsel
Legal Advice and Legislation Branch

1 February 2023

This document has been released under the
Freedom of Information Act 1982 (CTH)
by the Department of Health and Aged Care.

ATTACHMENT A

BASIS FOR PRELIMINARY ASSESSMENT CHARGES

Document estimate	
Number of relevant documents	44
Number of relevant pages	350

Search and retrieval		
Task	Time (hours)	Cost @ \$15/hr
Search and retrieval of relevant files	2.00	\$ 30.00
Preparation of schedule of documents	0.73	\$ 10.95
Search and retrieval total	2.73	\$ 40.95

Decision making		
Task	Time (hours)	Cost @ \$20/hr
Examination of documents	11.60	\$ 232.00
Consultation with third parties	2.00	\$ 40.00
Preparation of documents for release	3.00	\$ 60.00
Preparation of notice of access decision	1.00	\$ 20.00
Decision making subtotal (before deduction of five hours)	17.60	\$ 352.00
Decision making total (after deduction of first five hours free)	12.60	\$ 252.00

ESTIMATED TOTALS AND DEPOSIT	
Search and Retrieval Total	\$41.00
Decision Making Total	\$252.00
Total	\$293.00
BALANCE after deducting your personal information	\$131.85
REQUIRED DEPOSIT	\$33.00

From: FOI
To: s22
Subject: RE: TRIM: Re: Your FOI request FOI 4134 – Notice of Liability to Pay a Charge [SEC=OFFICIAL]
Date: Monday, 20 February 2023 11:50:41 AM
Attachments: [image001.png](#)
[image002.png](#)

Dear s22

Re FOI 4134

Thank you for agreeing to pay the estimated charge for this request.
 In view of the passage of time, the Department of Health and Aged Care has decided to waive the charge and will resume processing your request from today.

Yours sincerely

s22

Freedom of Information Section

Legal Advice and Legislation Branch

Legal and Assurance Division | Corporate Operations Group

Australian Government, Department of Health and Aged Care

T: 02 6289 1666 | E: FOI@health.gov.au

PO Box 9848, Canberra ACT 2601, Australia

The Department of Health and Aged Care acknowledges the traditional custodians of Australia and their continued connection to land, sea and community. We pay our respects to elders past and present.

If you receive this email in error, please delete it and contact the sender immediately.

From: s22

Sent: Friday, 10 February 2023 9:44 PM

To: FOI

Subject: TRIM: Re: Your FOI request FOI 4134 – Notice of Liability to Pay a Charge
 [SEC=OFFICIAL]

REMINDER: Think before you click! This email originated from outside our organisation. Only click links or open attachments if you recognise the sender and know the content is safe.

Dear s22,

Received, with thanks.

Please provide details to make the payment by credit card.

Regards,

s22

On Tue, Jan 31, 2023 at 8:58 AM FOI <FOI@health.gov.au> wrote:

Dear s22

We refer to your FOI request made on behalf of s22 received on 8 December 2023.

Please find attached a Notice of Liability to Pay a Charge.

The total amount of the charge is \$131.85 and the deposit required is \$33.00.

If you have any queries in relation to this notice, please contact the FOI Section on the details below.

Kind regards

s22

Freedom of Information Section

Legal & Assurance Division | Corporate Operations Group

Legal Advice & Legislation Branch

Australian Government Department of Health & Aged Care

☎: (02) 6289 1666 | ✉: FOI@health.gov.au

Location: 260 Elizabeth Street, Sydney

GPO Box 9848, Canberra ACT 2601, Australia

The Department of Health acknowledges the Traditional Custodians of Australia and their continued connection to land, sea and community. We pay our respects to all Elders past and present. If you receive this email in error, please delete it and contact the sender immediately.

"Important: This transmission is intended only for the use of the addressee and may contain confidential or legally privileged information. If you are not the intended recipient, you are notified that any use or dissemination of this communication is strictly prohibited. If you receive this transmission in error please notify the author immediately and delete all copies of this transmission."

This document has been released under the
Freedom of Information Act 1982 (CTH)
by the Department of Health and Aged Care.



Australian Government
Department of Health and Aged Care

FOI reference: FOI 4311

s22

By email: s22

Dear s22

Freedom of Information Request Reference: FOI 4311
Notification of liability to pay charge

I refer to your request of 21 March 2023, to the Department of Health and Aged Care (the department), seeking access under the *Freedom of Information Act 1982* (Cth) (FOI Act) to:

Copies of all documents dated between 1 June 2022 and 31 January 2023 held by the Department of Health and Aged Care (Department) in relation to the application of 1 April 2023 catch-up price reductions under section 99ACN and section 99ACF(1), item 8 of the *National Health Act 1953* (Cth) (National Health Act) to all pharmaceutical items containing the drug adalimumab (Adalimumab Items), including copies of:

- (a) emails, information briefs, Ministerial submissions, correspondence or Question Time briefs;
- (b) all applications for a Ministerial determination (under section 99ACF(3), National Health Act) that the price of an Adalimumab Item or Items:
 - (I) not be reduced under section 99ACN; or
 - (II) be reduced by a lower percentage than would otherwise apply under section 99ACN.
- (c) correspondence between the Department and s22, relating to any application or applications referred to in paragraph (b);
- (d) correspondence between the Department and the Price Disclosure Data Administrator (PDDA) relating to the calculation of a weighted average disclosed price or a price disclosure price reduction for one or more Adalimumab Items after 1 April 2023. 2. A copy of the Departmental

Minute to Acting First Secretary, Technology Assessment and Access Division regarding Ministerial discretion requests for s22 [REDACTED] dated 16 November 2022 (paragraph 9, item 7 "Evidence", Reason for Decision - s22 [REDACTED] - Adalimumab (Humira), dated 14 December 2022).

I am writing to advise you of my decision that you are liable to pay a charge in respect of the processing of your request. I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

In accordance with section 29 of the FOI Act and the *Freedom of Information (Charges) Regulations 2019*, my preliminary assessment of the charge you are liable to pay is \$271.00 .

Basis for my preliminary assessment of the charge

I have assessed the work the department would need to do to process your request and a calculation of the breakdown of charges is set out in ATTACHMENT A.

Your right to contend the charge

Under the FOI Act, you have the right to contend that the charge:

- has been wrongly assessed, or
- should be reduced, or
- should not be imposed.

In deciding whether a charge should be reduced or not imposed, the decision maker in our agency must take into account:

- whether payment of the charge, or part of it, would cause you financial hardship
- whether giving access to the document[s] is in the general public interest or in the interest of a substantial section of the public
- any other relevant matter.

Payment of a deposit

As the charge exceeds \$100, the department requires a 25% deposit of \$67.75.

The deposit is not refundable except in some limited circumstances or may be refundable in part if the final charge is less than the deposit paid.

How to make payment

The department can accept payment by credit card, money order or cheque.

If you wish to pay by credit card, please contact the FOI team at foi@health.gov.au indicating that you agree to pay the charge and to be further advised on the steps to follow to make that payment.

If you chose to pay by cheque or money order, it should be sent to the following address:

FOI Unit (MDP 516)
Department of Health and Aged Care
GPO Box 9848
CANBERRA ACT 2601

The time you have to respond and what you need to do

You have 30 days from the date this notice is provided to you to respond. Within those 30 days, you must do one of the following things in writing:

- agree to pay the charge (this will mean that you will not be entitled to access the requested documents until the full charge is paid)
- contend that the charge has been wrongly assessed, or should be reduced or not imposed and explain your reasons
- withdraw your request.

Please send your response to:

FOI@health.gov.au

or

FOI Unit (MDP 516)
Department of Health and Aged Care
GPO Box 9848
CANBERRA ACT 2601

If you do not provide us with a written response within 30 days, your request will be taken to have been withdrawn.

The period for processing your request is suspended from the day that you receive this notice and resumes on either the day you pay the charge (in full or the required deposit) or the day on which this agency makes a decision not to impose a charge.

Additional information

More information about charges under the FOI Act is available in the Office of the Australian Information Commissioner's website:

<https://www.oaic.gov.au/freedom-of-information/how-to-access-government-information/make-a-freedom-of-information-request/what-charges-may-apply>

The Guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act: www.oaic.gov.au/freedom-of-information/foi-guidelines/part-4-charges-for-providing-access/

Contacts

If you require clarification of any matters discussed in this letter you can contact the FOI Section on (02) 6289 1666 or at FOI@health.gov.au

Yours sincerely

s47F



s22



A/g Principal Lawyer – FOI Section
Legal Advice and Legislation Branch
Legal and Assurance Division

1 June 2023

This document has been released under the
Freedom of Information Act 1982 (CTH)
by the Department of Health and Aged Care.

ATTACHMENT A

BASIS FOR PRELIMINARY ASSESSMENT CHARGES

Document estimate	
Number of relevant documents	20
Number of relevant pages	243

Search and retrieval		
Task	Time (hours)	Cost @ \$15/hr
Search and retrieval of relevant files	2	\$ 30.00
Preparation of schedule of documents	1	\$ 15.00
Search and retrieval total	3	\$ 45.00

Decision making		
Task	Time (hours)	Cost @ \$20/hr
Examination of documents	12.15	\$ 243.00
Consultation with third parties	2	\$ 40.00
Preparation of documents for release	1.07	\$ 21.4040
Preparation of notice of access decision	1.08	\$ 21.60
Decision making subtotal (before deduction of five hours)	16.3	\$ 326.00
Decision making total (after deduction of first five hours free)		\$ 226.00

ESTIMATED TOTALS AND DEPOSIT	
Search and Retrieval Total	\$45.00
Decision Making Total	\$226.00
TOTAL	\$271.00
REQUIRED DEPOSIT	\$67.75



Australian Government
Department of Health and Aged Care

FOI reference: FOI 4420

s22

By email: s22

Dear s22

Freedom of Information Request reference: FOI 4420
Notification of liability to pay charge

I refer to your request of 22 March 2023, to the Department of Health and Aged Care (the department), seeking access under the *Freedom of Information Act 1982* (Cth) (FOI Act) to:

Part 1 (FOI 4420)

I wish to seek access to all notes, reports and correspondence within the department of health, and correspondence with the office of the minister of health, regarding the following grants given by the MRFF:

Grant given in 2018 to s22
 as part of the 2018 Accelerated Research - Microbiome grant opportunity

Grant given in 2018 to the s22 as part of the 2018 Accelerated Research - Neurological (Cerebral Palsy Alliance) grant opportunity

I would also like to request a copy of the 2019 internal audit of the MRFF undertaken by health.

Part 2 (FOI 4315)

I note a 2021 ANAO report on the MRFF, which noted "Health is aware, and has advised the Health Minister, that targeted grant opportunities may give rise to criticism by the research sector for a lack of contestability, and that the process lacks transparency and favours some organisations."

I would like to request access to this advice

On 22 May 2023, you were notified of a decision in relation to Part 2 of your request (FOI 4315). This letter relates to Part 1 of your request only (FOI 4420).

I am writing to advise you of my decision that you are liable to pay a charge in respect of the processing of your request. I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

In accordance with section 29 of the FOI Act and the *Freedom of Information (Charges) Regulations 2019*, my preliminary assessment of the charge you are liable to pay is **\$527.75**.

Basis for my preliminary assessment of the charge

I have assessed the work the department would need to do to process your request and a calculation of the breakdown of charges is set out in **ATTACHMENT A**.

Your right to contend the charge

Under the FOI Act, you have the right to contend that the charge:

- has been wrongly assessed, or
- should be reduced, or
- should not be imposed.

In deciding whether a charge should be reduced or not imposed, the decision maker in our agency must take into account:

- whether payment of the charge, or part of it, would cause you financial hardship
- whether giving access to the document[s] is in the general public interest or in the interest of a substantial section of the public
- any other relevant matter.

Payment of a deposit

As the charge exceeds \$100, the department requires a 25% deposit of **\$131.93**.

The deposit is not refundable except in some limited circumstances or may be refundable in part if the final charge is less than the deposit paid.

How to make payment

The department can accept payment by credit card, money order or cheque.

If you wish to pay by credit card, please contact the FOI team at foi@health.gov.au indicating that you agree to pay the charge and to be further advised on the steps to follow to make that payment.

If you chose to pay by cheque or money order, it should be sent to the following address:

FOI Unit (MDP 516)
Department of Health and Aged Care
GPO Box 9848
CANBERRA ACT 2601

The time you have to respond and what you need to do

You have 30 days from the date this notice is provided to you to respond. Within those 30 days, you must do one of the following things in writing:

- agree to pay the charge (this will mean that you will not be entitled to access the requested documents until the full charge is paid)
- contend that the charge has been wrongly assessed, or should be reduced or not imposed and explain your reasons
- withdraw your request.

Please send your response to:

FOI@health.gov.au

or

FOI Unit (MDP 516)
Department of Health and Aged Care
GPO Box 9848
CANBERRA ACT 2601

If you do not provide us with a written response within 30 days, your request will be taken to have been withdrawn.

The period for processing your request is suspended from the day that you receive this notice and resumes on either the day you pay the charge (in full or the required deposit) or the day on which this agency makes a decision not to impose a charge.

Additional information

More information about charges under the FOI Act is available here:

- Office of the Australian Information Commissioner's website:
www.oaic.gov.au/freedom-of-information/guidance-and-advice/calculating-and-imposing-charges-for-foi-access-requests/ and
- The Guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act:
www.oaic.gov.au/freedom-of-information/foi-guidelines/part-4-charges-for-providing-access/

Contacts

If you require clarification of any matters discussed in this letter you can contact the FOI Section on (02) 6289 1666 or at FOI@health.gov.au

Yours sincerely

s47F



s22



A/g Principal Lawyer – FOI Section
Legal Advice and Legislation Branch
Legal and Assurance Division

6 June 2023

This document has been released under the
Freedom of Information Act 1982 (CTH)
by the Department of Health and Aged Care.

ATTACHMENT A

BASIS FOR PRELIMINARY ASSESSMENT CHARGES

Document estimate	
Number of relevant documents	49
Number of relevant pages	281

Search and retrieval		
Task	Time (hours)	Cost @ \$15/hr
Search and retrieval of relevant files	2	\$ 30.00
Preparation of schedule of documents	2.45	\$ 36.75
Search and retrieval total	4.45	\$ 66.75

Decision making		
Task	Time (hours)	Cost @ \$20/hr
Examination of documents	14.05	\$ 281.00
Consultation with third parties	10	\$ 200.00
Preparation of documents for release	1.8	\$ 36.00
Preparation of notice of access decision	2.2	\$ 44.00
Decision making subtotal (before deduction of five hours)	28.05	\$ 561.00
Decision making total (after deduction of first five hours free)		\$ 461.00

ESTIMATED TOTALS AND DEPOSIT	
Search and Retrieval Total	\$66.75
Decision Making Total	\$461.00
TOTAL	\$527.75
REQUIRED DEPOSIT	\$131.93



Australian Government
Department of Health and Aged Care

FOI reference: FOI 4420

s22

By email: s22

Dear s22

Freedom of Information Request reference: FOI 4420
Notification of liability to pay charge

I refer to your request of 22 March 2023, to the Department of Health and Aged Care (the department), seeking access under the *Freedom of Information Act 1982* (Cth) (FOI Act) to:

Part 1 (FOI 4420)

I wish to seek access to all notes, reports and correspondence within the department of health, and correspondence with the office of the minister of health, regarding the following grants given by the MRFF:

Grant given in 2018 to s22
 as part of the 2018 Accelerated Research - Microbiome grant opportunity

Grant given in 2018 to the s22 as part of the 2018 Accelerated Research - Neurological (Cerebral Palsy Alliance) grant opportunity

I would also like to request a copy of the 2019 internal audit of the MRFF undertaken by health.

Part 2 (FOI 4315)

I note a 2021 ANAO report on the MRFF, which noted "Health is aware, and has advised the Health Minister, that targeted grant opportunities may give rise to criticism by the research sector for a lack of contestability, and that the process lacks transparency and favours some organisations."

I would like to request access to this advice

On 22 May 2023, you were notified of a decision in relation to Part 2 of your request (FOI 4315). This letter relates to Part 1 of your request only (FOI 4420).

On 6 June 2023 I wrote to you to advise you of my decision that you are liable to pay a \$527.75 charge in respect of the processing of your request.

I refer to your email of 8 June 2023 in which you requested a waiver or reduction of charges pursuant to section 29(5)(b) of the FOI Act, as follows:

Hello,

I believe this charge is unfair and would like to contest it.

The charge is so excessive as to be difficult to pay - s22 thus restricting information access to taxpayers. Second, the documents covered by this request are directly in the public interest, as they cover an assessment of a government organisation that manages a very large quantum of public funding.

I am willing to discuss modifying this request to make it less burdensome.

I would consent to splitting this off as a separate FOI, as I suspect that is where the bulk of the cost is

I would also like to request a copy of the 2019 internal audit of the MRFF undertaken by health.

I would also consent to the deidentification of the documents so 3rd party consultation was not required.

Happy to discuss other ways to Cut burden

This letter sets out my decision on your request for waiver of the charges and the reasons for my decision. I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

Decision

For the reasons given below, I have decided not to waive the charge.

Reasons for decision

The matters a decision maker must consider when determining whether or not to reduce or not impose a charge are set out in section 29(5) of the FOI Act, as follows:

- (a) whether the payment of charge, or part of it, would cause financial hardship to the applicant, or to a person on whose behalf the application was made, and
- (b) whether the giving of access to the document in question is in the general public interest or in the interest of a substantial section of the public.

In your submission, you state that that the charge is excessive and difficult to pay, s22. You have not provided any other submissions or evidence supporting this contention. I am not satisfied that the charge is so excessive that it would cause financial hardship. I therefore consider that there is no basis to waive or reduce the charge under section 29(5)(a) of the FOI Act.

Your submission also addresses section 29(5)(b) of the FOI Act, that giving access to the documents is in the general public interest or in the interest of a substantial section of the public. You have not identified or specified the 'general public interest' or the substantial public section of the public' that will benefit from disclosure of the documents.

The FOI Guidelines, at 4.109, provide illustrative examples of circumstances in which giving access may be in the public interest or in the interest of a substantial section of the public, including that:

- the document relates to a matter of public debate, or to a policy issue under discussion in an agency, and disclosure will assist public comment on, or participation in, the debate or discussion.
- the document relates to an agency decision that has been the topic of public interest or discussion, and disclosure of the document will better inform the public as to why or how the decision was made, including highlighting any problems or flaws that occurred in the decision making process.
- the documents would add to the public record on an important and recurring aspect of agency decision making.

I accept that the documents relevant to your request contain information relating to consideration of and decisions relating to funding of public health research that would be of interest to a section of the public. However, taking into account that the documents are largely administrative in nature and relate to grants given in 2018, I consider that the public interest value of the documents and the public benefit that may flow from their release is limited.

As referred to in your request, the Australian National Audit Office (ANAO) conducted an audit of the administration of the MRFF in 2021. The ANAO found the management of financial assistance and governance arrangements under the MRFF is largely effective. The audit report, the outcomes of the audit and the department's response are all a matter of public record. I do not consider that the documents would add to the public record on an important and recurring aspect of agency decision making.

Given the information already on public record, and that the documents relate to grants given in 2018, I do not consider that the documents relate to a matter of public debate or a policy issue under discussion at the agency and that disclosure will assist public comment on, or participation in, the debate or discussion.

Effect of decision

As a consequence of my decision, you are required to pay **\$527.75** in charges.

The period for processing your request is suspended from the day that you receive this notice and resumes on either the day you pay the charge (in full or the required deposit).

You will not receive access to any documents the decision maker decides to release to you until the charges is paid in full.

How to make payment

The department can accept payment by credit card, money order or cheque.

If you wish to pay by credit card, please contact the FOI team at foi@health.gov.au indicating that you agree to pay the charge and to be further advised on the steps to follow to make that payment.

If you chose to pay by cheque or money order, it should be sent to the following address:

FOI Unit (MDP 516)
Department of Health and Aged Care
GPO Box 9848
CANBERRA ACT 2601

Review rights

You are entitled to seek review of this decision. Your rights are set out at Attachment A to this letter.

Additional information

More information about charges under the FOI Act is available here:

- Office of the Australian Information Commissioner's website:
www.oaic.gov.au/freedom-of-information/guidance-and-advice/calculating-and-imposing-charges-for-foi-access-requests/ and
- The Guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act:
www.oaic.gov.au/freedom-of-information/foi-guidelines/part-4-charges-for-providing-access/

Contacts

If you require clarification of any matters discussed in this letter you can contact the FOI Section on (02) 6289 1666 or at FOI@health.gov.au

Yours sincerely

s47F



s22



Principal Lawyer – FOI Section
Legal Advice and Legislation Branch
Legal and Assurance Division

6 July 2023

This document has been released under the
Freedom of Information Act 1982 (CTH)
by the Department of Health and Aged Care.



Australian Government
Department of Health and Aged Care

FOI reference: FOI 4372

s22

By email: s22

Dear s22

Freedom of Information Request reference: FOI
Notification of liability to pay charge

I refer to your request of 21 April 2023, to the Department of Health and Aged Care (the department), seeking access under the *Freedom of Information Act 1982* (Cth) (FOI Act) to:

1. Ministerial submissions or briefing papers that relate to the establishment of Australian Government-funded Endometriosis and Pelvic Pain GP Clinics as announced the Assistant Minister for Health and Aged Care, the Hon Ged Kearney MP, on 22 March 2023; and/or
2. Documents that show the criteria applied in the selection of Endometriosis and Pelvic Pain GP Clinics for Australian Government funding and the application of those criteria in relation to the selection of one clinic in South Australia.

I am writing to advise you of my decision that you are liable to pay a charge in respect of the processing of your request. I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

In accordance with section 29 of the FOI Act and the *Freedom of Information (Charges) Regulations 2019*, my preliminary assessment of the charge you are liable to pay is \$395.45.

Basis for my preliminary assessment of the charge

I have assessed the work the department would need to do to process your request and a calculation of the breakdown of charges is set out in **ATTACHMENT A**.

Your right to contend the charge

Under the FOI Act, you have the right to contend that the charge:

- has been wrongly assessed, or
- should be reduced, or
- should not be imposed.

In deciding whether a charge should be reduced or not imposed, the decision maker in our agency must take into account:

- whether payment of the charge, or part of it, would cause you financial hardship
- whether giving access to the document[s] is in the general public interest or in the interest of a substantial section of the public
- any other relevant matter.

Payment of a deposit

As the charge exceeds \$100, a 25% deposit of \$98.86 will be sought if the charge is imposed.

The deposit is not refundable except in some limited circumstances (such as, for example, if the department fails to make a decision on your request within the statutory time limit) or may be refundable in part if the final charge is less than the deposit paid.

How to make payment

The department can accept payment by credit card, money order or cheque.

If you wish to pay by credit card, please contact the FOI team at foi@health.gov.au indicating that you agree to pay the charge and to be further advised on the steps to follow to make that payment.

If you chose to pay by cheque or money order, it should be sent to the following address:

FOI Unit (MDP 516)
Department of Health and Aged Care
GPO Box 9848
CANBERRA ACT 2601

The time you have to respond and what you need to do

You have 30 days from the date this notice is provided to you to respond. Within those 30 days, you must do one of the following things in writing:

- agree to pay the charge (this will mean that you will not be entitled to access the requested documents until the full charge is paid)
- contend that the charge has been wrongly assessed, or should be reduced or not imposed and explain your reasons
- withdraw your request.

Please send your response to:

FOI@health.gov.au

or

FOI Unit (MDP 516)

Department of Health and Aged Care

GPO Box 9848

CANBERRA ACT 2601

If you do not provide us with a written response within 30 days, your request will be taken to have been withdrawn.

The period for processing your request is suspended from the day that you receive this notice and resumes on either the day you pay the charge (in full or the required deposit) or the day on which this agency makes a decision not to impose a charge.

Additional information

More information about charges under the FOI Act is available here:

- Office of the Australian Information Commissioner's website: <https://www.oaic.gov.au/freedom-of-information/how-to-access-government-information/make-a-freedom-of-information-request/what-charges-may-apply> and
- The Guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act: www.oaic.gov.au/freedom-of-information/foi-guidelines/part-4-charges-for-providing-access/

Contacts

If you require clarification of any matters discussed in this letter you can contact the FOI Section on (02) 6289 1666 or at FOI@health.gov.au.

Yours sincerely

s47F

s22

A/g Principal Lawyer – FOI Section
Legal Advice and Legislation Branch
Legal and Assurance Division

19 June 2023

ATTACHMENT A

BASIS FOR PRELIMINARY ASSESSMENT CHARGES

Document estimate	
Number of relevant documents	37
Number of relevant pages	326

Search and retrieval		
Task	Time (hours)	Cost @ \$15/hr
Search and retrieval of relevant files	4	\$ 60.00
Preparation of schedule of documents	1.23	\$ 18.45
Search and retrieval total	5.23	\$ 78.45

Decision making		
Task	Time (hours)	Cost @ \$20/hr
Examination of documents	16.35	\$ 327.00
Consultation with third parties	2	\$ 40.00
Preparation of documents for release	1.5	\$ 30.00
Preparation of notice of access decision	1	\$ 20.00
Decision making subtotal (before deduction of five hours)	20.8	\$ 417.00
Decision making total (after deduction of first five hours free)		\$ 317.00

ESTIMATED TOTALS AND DEPOSIT	
Search and Retrieval Total	\$78.45
Decision Making Total	\$317.00
TOTAL	\$395.45
REQUIRED DEPOSIT	\$98.86



Australian Government
Department of Health and Aged Care

FOI reference: FOI 4372

s22

By email: s22

Dear s22

Decision on your contention of charge

I refer to your email of 19 June 2023 in which you requested that the Department of Health and Aged Care (the department) waive charges, pursuant to section 29(5)(b) of the *Freedom of Information Act 1982* (FOI Act) in relation to your FOI request 4372.

Your submission is as follows:

I find it quite astounding that Health would seek to impose a charge on a member of the public seeking to have made public documents that go to the criteria used by Government to establish which women in Australia will get close proximity to a dedicated clinic to address endometriosis and pelvic pain. I remind the Department that 1 in 9 women in this country suffer this often-debilitating pain.

My FOI request is made in response to a call from s22 requesting my assistant to find out how the Department were selecting sites for Endometriosis and Pelvic Pain GP Clinics. s22

The information garnered from the request will likely also be used as the basis of [journalistic writing](#) on these clinics. I provide this as context to the jurisprudence below:

- In *Emmanuel Freudenthal and Department of Foreign Affairs and Trade (Freedom of information)* [2019] AICmr 15 (29 April 2019) the Information Commissioner, noting the relationship to the FOI in that case and articles that had been written in relation to it, and questions that had been raised in the Parliament. The FOI relates to \$58.3 million package for endometriosis and pelvic pain, announced in the 2022-23 Budget.
- In *Australian Associated Press Pty Ltd and Department of Immigration and Border Protection* [2015] AICmr 65 (2 October 2015) the Information Commissioner determined "It is likely that the position of the applicant as a media outlet, pursuing investigative journalism, could increase any benefit flowing from the release of the documents in this case."

- In *MacTiernan and Secretary, Department of Infrastructure and Regional Development (Freedom of information)* [2015] AATA 584 the Tribunal stated “When one compares the number of documents identified as within the scope of the FOI request (i.e. 88 documents) and the cost of processing the FOI Request (\$2,291.36) against what the FOI Request relates to (i.e. a proposed \$1 billion (plus) government (taxpayer) funded infrastructure project) the Tribunal considers, on balance, that the giving of access to the documents in question is in the “general public interest” or, at the very least, “in the interest of a substantial section of the public” for the purposes of s 29(5) of the FOI Act and that the charge associated with processing the FOI Request ought be waived under s 29(4) of the FOI Act in the circumstances of this case.”
- One of the objectives of the FOI Act is increasing scrutiny, discussion, comment and review of the Government's activities (s 3(2)(b) FOI Act).

The decision to impose a charge is discretionary. One of the factors that must be considered in the exercise of the discretion is the public interest (s 29(5)(b)).

Noting the circumstances set out above, I ask that the charges be waived.

Assessment of contention of charge

Section 29(5) of the FOI Act provides that the department must take into account:

- (a) whether the payment of charge, or part of it, would cause financial hardship to the applicant, or to a person on whose behalf the application was made; and
- (b) whether the giving of access to the document in question is in the general public interest or in the interest of a substantial section of the public.

Your submission does not cite financial hardship in your contention of the charge and the department has no other reason to believe that this is a factor underlying your contention. I therefore consider that there is no basis to waive or reduce the charge under section 29(5)(a) of the FOI Act.

Your submission specifically addresses section 29(5)(b) of the FOI Act, that giving access to the documents is in the general public interest or in the interest of a substantial section of the public.

Paragraph [4.107] of the FOI Guidelines provides:

An applicant relying on s 29(5)(b) should identify or specify the ‘general public interest’ or the ‘substantial section of the public’ that will benefit from this disclosure (s 29(1)(f)(ii)). This may require consideration of both the content of the documents requested and the context in which their public release would occur. Matters to be considered include whether the information in the documents is already publicly available, the nature and currency of the topic of public interest to which the documents relate, and the way in which a public benefit may flow from the release of the documents.

The FOI Guidelines, at 4.109, give illustrative examples of circumstances in which giving access may be in the public interest or in the interest of a substantial section of the public. I consider the following to be particularly relevant:

- The document relates to a matter of public debate, or to a policy issue under discussion in an agency, and disclosure will assist public comment on, or participation in, the debate or discussion.

- The document relates to an agency decision that has been the topic of public interest or discussion, and disclosure of the document will better inform the public as to why or how the decision was made.

Taking into account your submissions, I consider that:

- the documents contain information relating to consideration of and decisions about a public health matter that has public interest in itself and would also be of interest to a substantial section of the public, being the significant number of people in Australia suffering from endometriosis.
- the topic of public interest is current and ongoing.
- the public benefit that may flow from release of the documents includes a better understanding of government decision making and the criteria used establish endometriosis and pelvic pain GP clinics.

However, I also consider that the public interest value of the documents may be limited because much of the information they contain is administrative in nature. While the general topic and some details may be matters of public interest or in the interest of substantial section of the public, much of the specific content of the documents would be of limited public interest and of interest to a limited section of the public.

I note your statement that the "FOI request is made in response to a call s22 [REDACTED] requesting my assistant to find out how the Department were selecting sites for Endometriosis and Pelvic Pain GP Clinics". However, the FOI Guidelines, at 4.108, notes that "there is no presumption that the public interest test is satisfied by reason only that the applicant is a Member of Parliament, a journalist, or a community or non-profit organisation."

Decision

On balance, I have decided to waive the charge in full on the grounds that giving of access to the documents is in the general public interest or in the interest of a substantial section of the public.

This means that you do not need to pay any charge.

The department will arrange for the amount you have paid to be refunded.

Contacts

If you require clarification of any matters discussed in this letter you can contact the FOI Section on (02) 6289 1666 or at FOI@health.gov.au.

Yours sincerely

s47F



s22



Principal Legal Officer - Freedom of Information Section
Advice and Legislation Branch
Legal and Assurance Division
3 July 2023

This document has been released under the
Freedom of Information Act 1982 (CTH)
by the Department of Health and Aged Care.



Australian Government
Department of Health and Aged Care

FOI reference: FOI-4530

s22

s22

By email: s22

Dear s22

Freedom of Information Request reference: FOI-4530
Notification of liability to pay charge

I refer to your request of 10 July 2023, as revised on 2 August 2023, to the Department of Health and Aged Care (the department), seeking access under the *Freedom of Information Act 1982* (Cth) (FOI Act) to:

1. All email correspondence between, on the one hand, the Minister's Office and Department of Health & Aged Care and, on the other hand, the s22 or the s22 in relation to:

- podiatric surgery, podiatric surgeons, surgical podiatrists, and the s22.
- within the date range of 1 January 2013 to 1 July 2023

2. All ministerial submissions and briefs on podiatric surgery in relation to the s22 and the s22.

- within the date range of 1 January 2017 to 1 July 2023

I am writing to advise you of my decision that you are liable to pay a charge in respect of the processing of your request. I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

In accordance with section 29 of the FOI Act and the *Freedom of Information (Charges) Regulations 2019*, my preliminary assessment of the charge you are liable to pay is **\$1,060.00**.

Basis for my preliminary assessment of the charge

I have assessed the work the department would need to do to process your request and a calculation of the breakdown of charges is set out in **ATTACHMENT A**.

Your right to contend the charge

Under the FOI Act, you have the right to contend that the charge:

- has been wrongly assessed, or
- should be reduced, or
- should not be imposed.

In deciding whether a charge should be reduced or not imposed, the decision maker in our agency must take into account:

- whether payment of the charge, or part of it, would cause you financial hardship
- whether giving access to the documents is in the general public interest or in the interest of a substantial section of the public, and
- any other relevant matter.

Payment of a deposit

As the charge exceeds \$100, a 25% deposit **\$265.00** will be sought if the charge is imposed.

The deposit is not refundable except in some limited circumstances (for example, if the department fails to make a decision on your request within the statutory time limit), or may be refundable in part if the final charge is less than the deposit paid.

How to make payment

The department can accept payment by credit card, money order or cheque.

If you wish to pay by credit card, please contact the FOI team at foi@health.gov.au indicating that you agree to pay the charge and to be further advised on the steps to follow to make that payment.

If you choose to pay by cheque or money order, it should be sent to the following address:

FOI Unit (MDP 516)
Department of Health and Aged Care
GPO Box 9848
CANBERRA ACT 2601

The time you have to respond and what you need to do

You have 30 days from the date this notice is provided to you to respond. Within those 30 days, you must do one of the following things in writing:

- agree to pay the charge (this will mean that you will not be entitled to access the requested documents until the full charge is paid)
- contend that the charge has been wrongly assessed, or should be reduced or not imposed and explain your reasons, or
- withdraw your request.

Please send your response to:

FOI@health.gov.au

or

FOI Unit (MDP 516)

Department of Health and Aged Care

GPO Box 9848

CANBERRA ACT 2601

If you do not provide us with a written response within 30 days, your request will be taken to have been withdrawn.

The period for processing your request is suspended from the day that you receive this notice and resumes on either the day you pay the charge (in full or the required deposit) or the day on which this agency makes a decision not to impose a charge.

Additional information

More information about charges under the FOI Act is available here:

- Office of the Australian Information Commissioner's website: <https://www.oaic.gov.au/freedom-of-information/how-to-access-government-information/make-a-freedom-of-information-request/what-charges-may-apply> and
- The Guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act: www.oaic.gov.au/freedom-of-information/foi-guidelines/part-4-charges-for-providing-access/

Contacts

If you require clarification of any matters discussed in this letter you can contact the FOI Section on (02) 6289 1666 or at FOI@health.gov.au

Yours sincerely

s47F



s22



Principal Legal Officer
Advice and Legislation Branch

17 August 2023

ATTACHMENT A

BASIS FOR PRELIMINARY ASSESSMENT CHARGES

Document estimate	
Number of relevant documents	20
Number of relevant pages	81

Search and retrieval		
Task	Time (hours)	Cost @ \$15/hr
Search and retrieval of relevant files	62	\$ 930.00
Preparation of schedule of documents	0.6	\$ 10.00
Search and retrieval total	62.67	\$ 940.00

Decision making		
Task	Time (hours)	Cost @ \$20/hr
Examination of documents	4	\$ 80.00
Consultation with third parties	2	\$ 40.00
Preparation of documents for release	4	\$ 80.00
Preparation of notice of access decision	1	\$ 20.00
Decision making subtotal (before deduction of five hours)	11	\$ 220.00
Decision making total (after deduction of first five hours free)	6	\$ 120.00

ESTIMATED TOTALS AND DEPOSIT	
Search and Retrieval Total	\$940.00
Decision Making Total	\$120.00
TOTAL	\$1,060.00
REQUIRED DEPOSIT	\$265.00



Australian Government
Department of Health and Aged Care

FOI reference: FOI 4773

s22

By email: s22

Dear s22

Freedom of Information Request reference: FOI 4773
Notification of liability to pay charge

I refer to your request of 23 October 2023, to the Department of Health and Aged Care (the department), seeking access under the *Freedom of Information Act 1982 (Cth)* (FOI Act) to:

1. *FINAL REPORT on Review of Surgical Guides and Biomodels listed in the Prostheses List.*
2. *Written submissions received in relation to the Review of Surgical Guides and Biomodels listed in the Prostheses List.*
3. *Written information, guidelines and communications made/ provided by the Department of Health and Aged Care to s22 in relation the Review of Surgical Guides and Biomodels listed in the Prostheses List.*
4. *Communications received between 12 May 2022 and 20 October 2023 by the Department of Health and Aged Care from a Private Health Insurer, s22 s22 or s22 related to Prostheses List benefits for surgical guides and/ or biomodels.*
5. *All documents and information that the delegate of the Minister for Health and Aged Care relied on to change create new conditions affecting surgical guides and biomodels in Private Health Insurance (Medical Devices and Human Tissue Products) Rules (No. 2) 2023.*
6. *All written communications received or made by the Department of Health and Aged Care in relation to Private Health Insurance (Medical Devices and Human Tissue Products) Rules (No. 2) 2023 between 17 October 2023 and 20 October 2023 related to listing of surgical guides and/ or biomodels or their conditions.*
7. *Medical Device and Human Tissue Advisory Committee meeting minutes and documentation for their September 2023 meeting(s) related to listing of surgical guides and/ or biomodels or their conditions.*

I am writing to advise you of my decision that you are liable to pay a charge in respect of the processing of your request. I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

Preliminary assessment of the charge

Section 29 of the FOI Act and the *Freedom of Information (Charges) Regulations 2019* (Charges Regulation) allow the department to impose a charge with respect to an FOI request and set out the process for assessing and imposing the charge.

In accordance with the FOI Act and Charges Regulations, my preliminary assessment of the charge you are liable to pay in respect of your request is **\$1640.00**.

Basis for my preliminary assessment of the charge

Under section 8 of the Charges Regulations, I have a discretion to impose charges that are lower than the applicable charges set out in Schedule 1 of the Charges Regulations.

In assessing the charge in respect of your request, I have not included the following documents:

- documents located during initial searches that were subsequently considered out of scope of your request
- documents considered within the scope of your request that potentially may be exempt in full from release, and
- documents considered within the scope of your request that are likely to be released in full or with only minor redactions.

I have considered the 'lowest reasonable cost' objective in section 3(4) of the FOI Act in excluding the above documents from my assessment of charges. I am satisfied that excluding the above documents from my assessment balances the lowest reasonable cost objective of the FOI Act with the policy that the agency can charge for processing FOI requests as allowed for in section 29 of the FOI Act and the Charges Regulation.

After excluding the above documents, I have assessed the work the department would need to do to process your request and calculated the charges based on the following:

Document estimate	
Number of relevant documents	205
Number of relevant pages (or other size descriptor)	804

A more detailed breakdown of my assessment of the work the department would need to do to process your request and a calculation of the breakdown of charges is set out in **ATTACHMENT A**.

Your right to contend the charge

Under the FOI Act, you have the right to contend that the charge:

- has been wrongly assessed, or
- should be reduced, or
- should not be imposed.

In deciding whether a charge should be reduced or not imposed, the decision maker in our agency must take into account:

- whether payment of the charge, or part of it, would cause you financial hardship
- whether giving access to the document[s] is in the general public interest or in the interest of a substantial section of the public
- any other relevant matter.

Payment of a deposit

As the charge exceeds \$100, a 25% deposit of **\$410.00** will be sought if the charge is imposed.

The deposit is not refundable except in some limited circumstances (for example, if the department fails to make a decision on your request within the statutory time limit), or may be refundable in part if the final charge is less than the deposit paid.

How to make payment

The department can accept payment by credit card, money order or cheque.

If you wish to pay by credit card, please contact the FOI team at foi@health.gov.au indicating that you agree to pay the charge and to be further advised on the steps to follow to make that payment.

If you chose to pay by cheque or money order, it should be sent to the following address:

FOI Unit (MDP 516)
Department of Health and Aged Care
GPO Box 9848
CANBERRA ACT 2601

The time you have to respond and what you need to do

You have 30 days from the date this notice is provided to you to respond. Within those 30 days, you must do one of the following things in writing:

- agree to pay the charge (this will mean that you will not be entitled to access the requested documents until the full charge is paid)
- contend that the charge has been wrongly assessed, or should be reduced or not imposed and explain your reasons
- withdraw your request.

Please send your response to:

FOI@health.gov.au

or

FOI Unit (MDP 516)

Department of Health and Aged Care

GPO Box 9848

CANBERRA ACT 2601

If you do not provide us with a written response within 30 days, your request will be taken to have been withdrawn.

The period for processing your request is suspended from the day that you receive this notice and resumes on either the day you pay the charge (in full or the required deposit) or the day on which this agency makes a decision not to impose a charge.

Additional information

More information about charges under the FOI Act is available here:

- Office of the Australian Information Commissioner's website:
<https://www.oaic.gov.au/freedom-of-information/how-to-access-government-information/make-a-freedom-of-information-request/what-charges-may-apply> and
- The Guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act: www.oaic.gov.au/freedom-of-information/foi-guidelines/part-4-charges-for-providing-access/

Contacts

If you require clarification of any matters discussed in this letter you can contact the FOI Section on (02) 6289 1666 or at FOI@health.gov.au

Yours sincerely

s47F

Andrew Rintoul
A/g Assistant Secretary
Prosthesis List Reform Taskforce Branch
15 December 2023

ATTACHMENT A

BASIS FOR PRELIMINARY ASSESSMENT CHARGES

Document estimate		
Number of relevant documents		205
Number of relevant pages		804
Search and retrieval		
Task	Time (hours)	Cost @ \$15/hr
Search and retrieval of relevant files	9.5	\$142.50
Preparation of schedule of documents	54.5	\$817.50
Search and retrieval total	64	\$960.00
Decision making		
Task	Time (hours)	Cost @ \$20/hr
Examination of documents	20	\$400.00
Consultation with third parties	7.5	\$ 150.00
Preparation of documents for release	10.5	\$ 210.00
Preparation of notice of access decision	1	\$ 20.00
Decision making subtotal (before deduction of five hours)	0	\$ 780.00
Decision making total (after deduction of first five hours free)		\$ 680.00
ESTIMATED TOTALS AND DEPOSIT		
Search and Retrieval Total		\$960.00
Decision Making Total		\$680.00
TOTAL		\$1640.00
REQUIRED DEPOSIT		\$410.00