



Australian Government

Department of Health
Therapeutic Goods Administration

Oz
Right to Know
By email: foi+request-398-9325427f@righttoknow.org.au

Dear Oz

FREEDOM OF INFORMATION REQUEST FOI 063-1314
Estimate of Charges

I refer to your request dated 16 September 2013 under the *Freedom of Information Act 1982* (the FOI Act) for access to the following documents:

“...any briefs, meeting notes, correspondence, determinations and other such documents which relate to:

- a) the decision(s) to place the substance 'Piracetam' on Schedule 4 of the Poisons Standard; and*
- b) the safety of Piracetam administration in humans.”*

Under the *Freedom of Information (Charges) Regulations 1982* (the Regulations) a charge can be levied in respect of a request for access to documents under the FOI Act. The charge is for search and retrieval of documents, decision making and provision of access (for example, copying and postage).

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)	9.85 hours @ \$15.00 per hour	\$147.75
2. Decision making time (including time spent examining the documents, considering exemptions, undertaking consultation, writing the decision and preparing any documents for release)	54.45 hours @ \$20.00 per hour Less first 5 hours which are free	\$988.91
3. Photocopying of documents	332 pages	\$33.20
4. Postage charges		\$40.00
TOTAL		\$1,209.86

The Regulations prescribe that where a charge is imposed and exceeds \$100.00, a deposit of 25% may be sought. Based on the preliminary estimate of charges for your request which is \$1,209.86, I have decided you are required to pay a deposit of \$302.46.

Subsection 29(1) of the FOI Act prescribes that you must notify the TGA, in writing, within 30 days of receipt of this notice that you:

- agree to pay the charge (in which case you should also forward the deposit); or
- wish to argue 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
- withdraw your request.

If you fail to notify the TGA within 30 days about what you propose to do, the FOI Act says under subsection 29(2) that you are taken to have withdrawn your request. Please note that if you are arguing that the charge should be reduced or not imposed because the payment would cause you financial hardship or because you believe access would be in the public interest, you must provide sufficient cogent reasons to provide a basis on which the decision maker could reduce, or not impose, the fee.

The time limit for processing your request is suspended, in accordance with section 31 of the FOI Act, from the date you received this notice and resumes on the day you pay the 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 cost of processing your request ascertained in accordance with the table (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 of the amount of the estimate quoted in this letter and actual charge is the **lesser** amount.

It may be possible to reduce the charges by refining the scope of your request - for example, by limiting the date range of documents sought or excluding a particular category of documents. If you wish to discuss options for refining your request, please contact Elizabeth Santolin on the number provided below.

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 *Financial Management and Accountability Act 1997*.

If you accept liability for the estimated charge for your request a cheque for the deposit should be made payable to the Therapeutic Goods Administration and sent to:

FOI Coordinator
Therapeutic Goods Administration
PO Box 100
WODEN ACT 2606

Third Party Consultation

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. The TGA is therefore required to provide that person, organisation or undertaking the opportunity to make submissions if it appears that they may wish to argue that the document is exempt from release.

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

If you require clarification of any of the matters discussed in this letter you should contact Elizabeth Santolin on (02) 6232 8664.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Bill Turner', written over a horizontal line.

Bill Turner
Head, Office of Scientific Evaluation
Therapeutic Goods Administration

10 October 2013