

**From:** [TGA FOI](#)  
**To:** s22  
**Cc:** [TGA FOI](#)  
**Subject:** RE: FOI 5343 - Seeking consideration of withdrawal [SEC=OFFICIAL]  
**Date:** Friday, 4 October 2024 5:09:19 PM  
**Attachments:** [image001.png](#)

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Dear s22

s22

In addition, the decision maker has decided to waive the charges in full associated with the processing of FOI 5343 and will refund the funds already paid.

I apologise for any confusion caused. Please feel free to contact me if you have any questions about this.

Thank you for your consideration of this matter.

Kind regards

s22

### Freedom of Information

s22

Therapeutic Goods Administration  
Australian Government Department of Health and Aged Care  
T: 02 6289 4630 | E: [xxxxxx@xxxxxx.xxx.xx](mailto:xxxxxx@xxxxxx.xxx.xx)  
PO Box 100, Woden ACT 2606, Australia  
Web: [www.tga.gov.au](http://www.tga.gov.au)

-  
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s22



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**From:** s22

**Sent:** Tuesday, September 24, 2024 10:31 AM

**To:** TGA FOI <xxxxxx@xxxxxx.xxx.xx >

**Subject:** Re: FOI 5343 - Notice of Estimate of Charges [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,

I have paid the full fee.

<image001.png>

I also write to contest charges outlined in the notice provided to me on 20 Sept, proposing that they should not be imposed (FOI Act s 29(1)(f)(ii)).

This FOI relates to a matter of significant public interest. There has been significant interest in this matter in the Federal parliament.

[https://www.aph.gov.au/Parliamentary\\_Business/Hansard/Hansard\\_Display?](https://www.aph.gov.au/Parliamentary_Business/Hansard/Hansard_Display?)

[bid=chamber/hansards/28053/&sid=0133](https://www.aph.gov.au/Parliamentary_Business/Hansard/Hansard_Display?bid=chamber/hansards/28053/&sid=0133)

[https://www.aph.gov.au/Parliamentary\\_Business/Hansard/Hansard\\_Display?bid=chamber/hansardr/28031/&sid=0025](https://www.aph.gov.au/Parliamentary_Business/Hansard/Hansard_Display?bid=chamber/hansardr/28031/&sid=0025)

[https://www.aph.gov.au/Parliamentary\\_Business/Hansard/Hansard\\_Display?bid=chamber/hansardr/28031/&sid=0185](https://www.aph.gov.au/Parliamentary_Business/Hansard/Hansard_Display?bid=chamber/hansardr/28031/&sid=0185)

[https://www.aph.gov.au/Parliamentary\\_Business/Hansard/Hansard\\_Display?bid=chamber/hansards/28060/&sid=0147](https://www.aph.gov.au/Parliamentary_Business/Hansard/Hansard_Display?bid=chamber/hansards/28060/&sid=0147)

[https://www.aph.gov.au/Parliamentary\\_Business/Hansard/Hansard\\_Display?bid=chamber/hansards/28060/&sid=0162](https://www.aph.gov.au/Parliamentary_Business/Hansard/Hansard_Display?bid=chamber/hansards/28060/&sid=0162)

[https://www.aph.gov.au/Parliamentary\\_Business/Hansard/Hansard\\_Display?bid=chamber/hansards/28060/&sid=0164](https://www.aph.gov.au/Parliamentary_Business/Hansard/Hansard_Display?bid=chamber/hansards/28060/&sid=0164)

[https://www.aph.gov.au/Parliamentary\\_Business/Hansard/Hansard\\_Display?bid=chamber/hansards/28059/&sid=0117](https://www.aph.gov.au/Parliamentary_Business/Hansard/Hansard_Display?bid=chamber/hansards/28059/&sid=0117)

[https://www.aph.gov.au/Parliamentary\\_Business/Hansard/Hansard\\_Display?bid=chamber/hansards/28058/&sid=0118](https://www.aph.gov.au/Parliamentary_Business/Hansard/Hansard_Display?bid=chamber/hansards/28058/&sid=0118)

[https://www.aph.gov.au/Parliamentary\\_Business/Hansard/Hansard\\_Display?bid=chamber/hansards/28058/&sid=0091](https://www.aph.gov.au/Parliamentary_Business/Hansard/Hansard_Display?bid=chamber/hansards/28058/&sid=0091)

[https://www.aph.gov.au/Parliamentary\\_Business/Hansard/Hansard\\_Display?bid=chamber/hansards/28057/&sid=0086](https://www.aph.gov.au/Parliamentary_Business/Hansard/Hansard_Display?bid=chamber/hansards/28057/&sid=0086)

There is more.

There has also been significant media interest in this matter.

<https://theconversation.com/australias-iv-fluids-shortage-will-likely-last-all-year-heres-what-that-means-for-surgeries-237009>

<https://www.abc.net.au/news/2024-07-27/iv-fluids-global-shortage-explainer/104147878>

<https://www.theguardian.com/australia-news/article/2024/aug/16/australia-iv-fluid-shortage-government-distribution>

Documents provided under this FOI will likely be the basis of further journalistic writing. **s22**

- In *Emmanuel Freudenthal and Department of Foreign Affairs and Trade (Freedom of information) [2019] AICmr 15 (29 April 2019)* the Information Commissioner noted 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 (Senate Estimates).

- 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.

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.

Kind regards - s22

s22

s22

s22

s22

s22

On 20 Sep 2024, at 8:41 am, TGA FOI <[xxxxxx@xxxxxx.xxx.xx](mailto:xxxxxx@xxxxxx.xxx.xx)> wrote:

Dear s22

Please find attached correspondence in relation to your Freedom of Information request.

**IMPORTANT: Please include reference to FOI 5343 in your payment.**

## **Consultation**

As your request relates to the personal, professional, business, commercial or financial affairs of third parties, pursuant to section 27 and 27A of the FOI Act, the TGA is required to consult with the affected third parties and provide them an opportunity to make submissions regarding the release of the documents.

Accordingly, under section 15(6) of the FOI Act, and upon payment of a deposit, the timeframe for processing your request will be extended by 30 days to allow the consultation process to be conducted.

If you have any questions, please do not hesitate to contact the FOI Team.

Kind regards

**s22**

## **Freedom of Information**

**s22**

<image001.png>

Therapeutic Goods Administration  
Australian Government Department of Health and Aged Care  
T: 02 6289 4630 | E: [xxxxxx@xxxxxx.xxx.xx](mailto:xxxxxx@xxxxxx.xxx.xx)  
PO Box 100, Woden ACT 2606, Australia  
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*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 all Elders past and present.*

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<FOI 5343 - Estimate of Charges.pdf>

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