

COPY



Government
of South Australia

Minister for Child Protection

GPO Box 1838
Adelaide SA 5001
DX 838
Tel (08) 8303 2926

minister.sanderson@sa.gov.au
www.childprotection.sa.gov.au

Our reference: 19MCP/0229

Mr Casey Briggs
ABC News
85 North East Road
COLLINSWOOD SA 5081

Dear Mr Briggs

I refer to your Freedom of Information application to the Office of the Minister for Child Protection made under the Freedom of Information Act 1991 (FOI Act), received on 22 February 2019. Your application sought access to:

Dear Sir/Madam I write seeking access to documents under the Freedom of Information Act 1991. Specifically, I am seeking the following documents and communications created between 21 January 2019 and 21 February 2019: • correspondence relating to media inquiries from Casey Briggs of ABC News, including but not limited to emails, text messages, and reports; I advise that I am not interested in communications that Casey Briggs was a recipient or author of. I also advise I am not interested in duplicate copies of documents or documents that have already been publicly released. I would also like advice if the information I have sought is due to be released under FOI to individuals or organisations prior to finalisation of my FOI application. I also note the onus rests with the agency to prove why any information should not be released under the Act and I request the agency provide evidence in support of any assumptions or assertions used to justify non-disclosure. I also advise the agency I am seeking a total reduction in fees and charges associated with this request as release of the information will: contribute to community understanding on an important issue and inform debate and improve government accountability and transparency. Further, the ABC is a non-profit, publicly funded broadcaster and warrants a remission of fees and charges on that basis. I also request the agency provide a five-day waiting period before provision of the information I have sought onto any disclosure log as this will assist the ABC in the preparation of any material for broadcast or publication including assessing the information and seeking additional comment including from government. I refer to the OAIC guidelines on



this issue and request that if the agency ignores these guidelines that detailed reasons why be provided. If I can assist with the processing of my request, including negotiation of scope, please do not hesitate to contact me by phone or email.

A search was conducted for documents held by the Office of the Minister for Child Protection and *four* documents were identified as falling within the scope of your request.

I have determined to partially release four documents.

Document One, Two, Three and Four

Partial Access

Clause 6 – Documents affecting personal affairs

These documents to be released in part contain the mobile phone number and email addresses of the officers involved that are partially exempt from release. Clause 6(1) of the FOI Act states:

6—Documents affecting personal affairs

- (1) A document is an exempt document if it contains matter the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).
- (2) A document is an exempt document if it contains allegations or suggestions of criminal or other improper conduct on the part of a person (living or dead) the truth of which has not been established by judicial process and the disclosure of which would be unreasonable.
- (3) A document is not an exempt document by virtue of subclause (1) or (2) merely because it contains information concerning the person by or on whose behalf an application for access to the document is made.
- (3a) A document is an exempt document if it contains matter—
 - (a) consisting of information concerning a person who is presently under the age of 18 years or suffering from mental illness, impairment or infirmity or concerning such a person's family or circumstances, or information of any kind furnished by a person who was under that age or suffering from mental illness, impairment or infirmity when the information was furnished; and
 - (b) the disclosure of which would be unreasonable having regard to the need to protect that person's welfare.

Document Two

Partial Access

Clause 6 – Documents affecting personal affairs

In considering the personal affairs clause in this particular instance, I consider the need for guardians of children to not be disclosed, specifically, that the children they care for are not identified.

Clause 12 – Documents the subject of secrecy provisions

Included below is an excerpt from the FOI Act 1991, which pertains to this clause:

- (1) A document is an exempt document if it contains matter the disclosure of which would constitute an offence against an Act.
- (2) A document is not an exempt document by virtue of this clause unless disclosure of the matter contained in the document, to the person by or on whose behalf an application for access to the document is made, would constitute such an offence.

As the disclosure of information pertains to personal information obtained in the course of performing functions under the *Children and Youth People (Safety) Act 2017 (CYPS) Act*, there is a relevance in the application of this clause of the FOI Act.

I have included below Clause 164, of the *CYPS Act 2017*:

- (3) Subject to this Act, a person engaged or formerly engaged in the administration, operation or enforcement of this Act must not disclose personal information obtained (whether by that person or otherwise) in the course of performing functions or exercising powers under this Act except—
 - a. as required or authorised by or under this Act or any other Act or law; or
 - b. with the consent of the person to whom the information relates; or
 - c. in connection with the administration or enforcement of this or any other Act; or
 - d. for the purposes of referring the matter to a law enforcement agency, or a person or agency exercising official duties under an Act relating to the care or protection of children and young people; or
 - e. to an agency or instrumentality of this State, the Commonwealth or another State or a Territory of the Commonwealth for the purposes of the proper performance of its functions; or
 - f. if the disclosure is reasonably necessary for the protection of the lawful interests of that person. Maximum penalty: \$10 000.

- (4) Subsection (1) does not prevent disclosure of statistical or other data that could not reasonably be expected to lead to the identification of any person to whom it relates.
- (5) Information that has been disclosed under subsection (1) for a particular purpose must not be used for any other purpose by— (a) the person to whom the information was disclosed; or (b) any other person who gains access to the information (whether properly or improperly and whether directly or indirectly) as a result of that disclosure. Maximum penalty: \$10 000.
- (6) The regulations may make further provision in respect of the disclosure of information obtained in the course of the administration of this Act.

As such, this component of Document 2 is not able to be disclosed due to the release being a likely breach of this section of the Act.

Please be aware that in accordance with Department of the Premier and Cabinet Circular PC045, *Disclosure Logs for Non-Personal Information Released through Freedom of Information*, this agency is required to publish a log of all non-personal information released under the FOI Act.

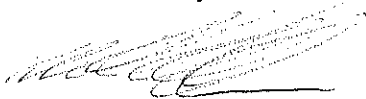
There are no costs levied for the processing of your application.

If you have any questions regarding this determination, please contact me on telephone (08) 8303 2023.

If you are dissatisfied with this determination, you can seek an Internal Review by writing to the Hon Rachel Sanderson MP, Minister for Child Protection as the Principal Officer. Your request should be sent within 30 days of receipt of this letter.

I have also enclosed a copy of your rights to review and appeal this determination, which explains your review options.

Yours sincerely



Damian Leach
ACCREDITED FREEDOM OF INFORMATION OFFICER

22 March 2019

SCHEDULE OF DOCUMENTS

Item No.	Dated	Author	Recipient	Title/Description	Determination
1	22/1/2019 11:11am	Katrina (DPC)	Penny Pratt (DCP)	Fwd: ABC enquiry – foster care home modifications	Partial Release
2	22/1/2019 12:05pm	Katrina (DPC)	Penny Pratt (DCP)	Fwd: ABC enquiry – modifications to foster homes	Partial Release
3	22/1/2019 3:52pm	Katrina (DPC)	Penny Pratt (DCP)	Fw: ABC enquiry – modifications to foster homes	Partial Release
4	23/1/2019 5:21pm	Katrina (DPC)	Penny Pratt (DCP)	RE: FYI (Additional questions from ABC journo)	Partial Release

Pratt, Penny (DCP)

From: Stokes, Katrina (DPC)
Sent: Tuesday, 22 January 2019 11:11 AM
To: Pratt, Penny (DCP)
Subject: Fwd: ABC enquiry - foster care home modifications

FYI issue today

Media Advisor
 Office of the Premier of South Australia
 Sent from my iPhone

Begin forwarded message:

From: "Kolar, Sarah (DCP)" <Sarah.Kolar2@sa.gov.au>
Date: 22 January 2019 at 11:07:27 am ACDT
To: "Stokes, Katrina (DPC)" Clause 6
Subject: FW: ABC enquiry - foster care home modifications

FYI I'm looking into this. Ill speak to you in a bit.

Sarah Kolar
 Manager, Media and Digital
 Department for Child Protection | Level 1 East, 31 Flinders Street, Adelaide SA 5000 | DX 214
 t (08) 8226 1095 e sarah.kolar2@sa.gov.au w www.childprotection.sa.gov.au
Clause 6

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Government of South Australia
 Department for Child Protection

*For all children and you
 connected and empow*



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Please consider the environment before printing my email.

From: Casey Briggs [<mailto:Briggs.Casey@abc.net.au>]
Sent: Tuesday, 22 January 2019 11:04 AM
To: DCP:Media Mailbox
Subject: ABC enquiry - foster care home modifications

Hi there – Casey Briggs from ABC News in Adelaide here.

As I just mentioned on the phone – I have heard some information that the state government has directed that modifications to foster carer homes that would allow the carers to accommodate more children in care are no longer being supported.

Is this the case, and was it at the direction of the minister? What is the reasoning for that?

I also have a couple of follow up related questions that I'm hoping you can help me with:

- How regularly were home modifications being supported, and at what expense?
- Wouldn't minor home modifications to homes to accommodate extra children in care be cheaper than having them in residential or commercial care?

Hoping to hear back from you by 4pm today if possible.

Thanks
Casey



Casey Briggs
Journalist, Adelaide

P (08) 8343 4154
M 0403 937 591
E briggs.casey@abc.net.au



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Pratt, Penny (DCP)

From: Stokes, Katrina (DPC)
Sent: Tuesday, 22 January 2019 12:05 PM
To: Pratt, Penny (DCP)
Subject: Fwd: ABC enquiry - modifications to foster homes

FYI - specific Q to the Minister from ABC below.

I'll speak to Sarah, not for tonight's news so we have a day to get something together.

Clause 6, Clause 12

I said, if this particular case involves a particular carer, DCP needs to know the name in order to provide a specific response for the story to be balanced.

Keep you posted!

Media Advisor
Office of the Premier of South Australia
Sent from my iPhone

Begin forwarded message:

From: Casey Briggs <Briggs.Casey@abc.net.au>
Date: 22 January 2019 at 12:00:47 pm ACDT
To: Clause 6
Subject: ABC enquiry - modifications to foster homes

Hi Katrina – thanks for the chat.

As I just mentioned on the phone – here are the basic questions I'm trying to get an answer to at this stage:

- Has the government directed that funding is no longer to be provided for building works on foster carers' homes to accommodate the placement of children in care? Why?
- How often was the state government funding these works, and how much has historically been spent on it?
- Wouldn't a moderate cost to add a bedroom to a foster carer's home end up much cheaper in the long run than having the child in residential or commercial care?
- The government wants to further grow the number of placements in family based care – wouldn't this hurt that strategy?

As I mentioned - I am still newsgathering and yet to conduct interviews, at this stage I am attempting to ascertain if there has been a policy change and what the rationale is for this.

As discussed – I may come back to you again if I learn more.

Thanks
Casey



Casey Briggs
Journalist, Adelaide

P (08) 8343 4154
M 0403 937 591
E briggs.casey@abc.net.au



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Pratt, Penny (DCP)

From: Stokes, Katrina (DPC)
Sent: Tuesday, 22 January 2019 3:52 PM
To: Pratt, Penny (DCP)
Subject: FW: ABC enquiry - modifications to foster homes

Below is Cathy T's response for the ABC.

To be discussed.

From: Kolar, Sarah (DCP)
Sent: Tuesday, 22 January 2019 3:41 PM
To: Stokes, Katrina (DPC) **Clause 6**
Subject: RE: ABC enquiry - modifications to foster homes

Here's our proposed response:

In limited circumstances where there are exceptional needs, the Department for Child Protection can provide additional resources to help support children, families and carers.

These requests are considered by the department on a case-by-case basis and can include things such as funding for home modifications to support a child with a disability or special needs.

The department is grateful for the valuable commitment our foster and kinship carers make to providing a safe and loving home for vulnerable children and young people, and where needed, provides additional support for these families.

Sarah Kolar
Manager, Media and Digital
Department for Child Protection | Level 1 East, 31 Flinders Street, Adelaide SA 5000 | DX 214
t (08) 8226 1095 e sarah.kolar2@sa.gov.au w www.childprotection.sa.gov.au
Clause 6

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Government of South Australia
Department for Child Protection

*For all children and young people
connected and empowered to*



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Please consider the environment before printing my email.

From: Stokes, Katrina (DPC)
Sent: Tuesday, 22 January 2019 12:07 PM
To: Kolar, Sarah (DCP)
Subject: Fwd: ABC enquiry - modifications to foster homes

Please see below - thank you!

Media Advisor
Office of the Premier of South Australia
Sent from my iPhone

Begin forwarded message:

From: Casey Briggs <Briggs.Casey@abc.net.au>
Date: 22 January 2019 at 12:00:47 pm ACDT
To: Clause 5
Subject: ABC enquiry - modifications to foster homes

Hi Katrina – thanks for the chat.

As I just mentioned on the phone – here are the basic questions I’m trying to get an answer to at this stage:

- Has the government directed that funding is no longer to be provided for building works on foster carers’ homes to accommodate the placement of children in care? Why?
- How often was the state government funding these works, and how much has historically been spent on it?
- Wouldn’t a moderate cost to add a bedroom to a foster carer’s home end up much cheaper in the long run than having the child in residential or commercial care?
- The government wants to further grow the number of placements in family based care – wouldn’t this hurt that strategy?

As I mentioned - I am still newsgathering and yet to conduct interviews, at this stage I am attempting to ascertain if there has been a policy change and what the rationale is for this.

As discussed – I may come back to you again if I learn more.

Thanks
Casey



Casey Briggs
Journalist, Adelaide

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E briggs.casey@abc.net.au



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Pratt, Penny (DCP)

From: Stokes, Katrina (DPC)
Sent: Wednesday, 23 January 2019 5:21 PM
To: Pratt, Penny (DCP)
Subject: RE: FYI (Additional questions from ABC journo)

From: Casey Briggs <Briggs.Casey@abc.net.au>
Sent: Wednesday, 23 January 2019 5:00 PM
To: Clause 6
Subject: RE: ABC Response re foster care from Minister Sanderson

Hi Katrina,

Thanks for sending this statement through - as promised, I said I'd get back to you with some more information about the specific allegations that I have heard.

I have spoken to a foster carer who has asked me not to provide their name, but here is an overview of their comments and claims:

- As part of an arrangement to bring a child into their home - who is a sibling of a child already in their care - the carer had discussed and reached an in-principle agreement for DCP to provide a transportable structure for the house that would serve as an extra bedroom.
- A quote was obtained for this room, putting it at a cost of around \$25,000, and a DCP officer assessed the financial capacity of the carer to self fund the room.
- The idea was for this structure to be put in place before the child moved in to the home but this did not happen.
- The proposal was escalated for approval within the department but this did not occur.
- The carer was told that a directive had been made that funding of this nature was no longer to be provided to foster carers.
- It has left a foster child under the age of nine sleeping in a bunk bed - which is not supposed to happen. The department is aware of this, and it was supposed to be only a temporary arrangement.
- They have spoken to other foster carers who have also discovered arrangements like this are no longer being made.

Additionally, the opposition says that:

- They've been told it is a directive from the government and from the minister to remove this support.
- Several foster carers have found out about this decision from DCP officers on the phone - and were told they were no longer eligible for assistance of this nature.
- In some cases officers have later rung the foster carers back to ask them not to tell anyone about the policy change as they weren't supposed to share that information.
- They say this flies in the face of the government's stated commitment to increase the number of foster carers in the system.

The questions I have are as follows:

- In this case, why wasn't the support provided?
- Wouldn't a one-off \$25,000 expenditure on a transportable room be more cost-effective - and more likely to lead to a positive outcome for the child - than having them in residential or commercial care?
- Has the government decided to end or reduce support to foster carers to make modifications to their home to accommodate the placement of children?
- Has the government decided to end or reduce financial support for other purposes to assist the placement of children, such as to purchase beds, cars, or other items?

- If support of this nature has not been ended, is the government trying to reduce the number of cases where this additional support is provided?

Is Minister Rachel Sanderson available at all this week for a TV interview? We can be flexible and make it work any day between Thursday and Saturday, or even Sunday at a pinch.

Failing that, my deadline for a written statement responding to the above questions is Saturday afternoon.

Thanks
Casey

From: Stokes, Katrina (DPC) Clause 6
Sent: Wednesday, 23 January 2019 2:20 PM
To: Casey Briggs <Briggs.Casey@abc.net.au>
Subject: RE: ABC Response re foster care from Minister Sanderson

Hi Casey,

Please see background and our response below regarding your interview with the foster carer.

Background:

Previous applications for new houses and large-scale renovations have been made and rejected by the Department in previous years.

From Minister for Child Protection Rachel Sanderson:

I support the Department for Child Protection's current practice of providing additional support to children, families and carers on a case-by-case basis.

As the state's first dedicated Minister for Child Protection, I am committed to nurturing and improving our relationships with our selfless and hardworking foster and kinship carers, as well as our dedicated staff.

Protecting South Australia's most vulnerable children is an absolute priority of the Liberal Government and we are working hard to fix the system. However, given the legacy left by Labor, fixing the system will take time.

Katrina Stokes

Media Adviser
Office of the Premier of South Australia



Office of the Premier
of South Australia

Level 15, State Administration Centre, 200 Victoria Square Adelaide
E: Clause 6 | Clause 6 | W: www.premier.sa.gov.au

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FOI FACT SHEET

Your Rights to Review and Appeal

South Australian *Freedom of Information Act 1991*

Please read the information in this fact sheet before completing the attached application form

INTERNAL REVIEW

If you are unhappy with a determination made by an agency (includes South Australian State Government Agency, Local Government Council or University) under the *Freedom of Information Act 1991* (FOI Act) in relation to:

- a freedom of information (FOI) application for access to a document, or
- an FOI application for amendment to your personal records

in most cases, you are entitled to apply for an Internal Review of that determination.

Request an Internal Review

An Internal Review must be lodged within 30 calendar days of you receiving advice of a determination that you are unhappy with.

Applications must be made in writing in accordance with Section 29 or Section 38 of the FOI Act or using the attached *FOI Application Form for Internal Review of a Determination* (Internal Review Form).

An Internal Review application must be made to the Principal Officer of the agency that made the determination you are seeking to have reviewed.

How much does an Internal Review cost?

There is an application fee of \$35.00 that must be paid when you lodge your Internal Review application if your review request is for access to documents.

There is no application fee for an Internal Review of an FOI application for amendment to your personal records.

Agencies generally accept payment by cash, money order or cheque. If you would like to pay by credit card you will need to ask the agency if they are able to accept credit card payments.

If, as a result of an Internal Review an agency changes or reverses a determination so that access to a document is, or will be, given, the agency will refund the Internal Review application fee paid by the applicant, where applicable.

What if I have a concession card or can't afford to pay?

If you are the holder of a current concession card or if you can satisfy the agency that the payment of the application fee would cause financial hardship, the agency must waive or remit (reduce or refund) it.

If you are a concession cardholder you will need to provide evidence e.g. attach a copy of your concession card when you make the application. Alternatively you will need to give written reasons as to why the payment of a fee would cause you financial hardship.

How long does an Internal Review take?

You will be advised of the outcome of your Internal Review application within 14 calendar days of it being received by the agency.

If the agency does not deal with your Internal Review application within 14 calendar days (or you remain unhappy with the outcome of the Internal Review) you are entitled to an External Review

by the Ombudsman SA. Alternatively you may apply for a review by the South Australian Civil and Administrative Tribunal (SACAT). See the External Review section below.

When can't I apply for an Internal Review?

If the original application determination was made by the Principal Officer of an agency rather than another accredited FOI Officer within the agency, you cannot apply for an Internal Review. However, you can apply for an External Review by the Ombudsman SA or apply for a review by SACAT.

EXTERNAL REVIEW

After an Internal Review has been completed, or where you are unable to apply for an Internal Review, and you are unhappy with the determination, you have the right to apply for an External Review. All applications for External Review should be made to the Ombudsman SA.

How long will an External Review take and how much will it cost?

If you wish to make an application for an External Review you must do so within 30 calendar days after being notified of the determination. However, the Ombudsman SA can extend this time limit at their discretion. There is no fee or charge for External Reviews undertaken by the Ombudsman.

Contact Details:

Ombudsman SA

Phone: 8226 8699

Toll Free: 1800 182 150 (within SA)

Email: ombudsman@ombudsman.sa.gov.au

REVIEW BY SACAT

You have a right to apply for a review by SACAT if you are unhappy with:

- a determination not subject to Internal Review
- an Internal Review determination, or
- the outcome of a review by the Ombudsman SA.

You must exercise your right of review with SACAT within 30 calendar days after being advised of the above types of determinations or the results of a review.

Any costs will be determined by SACAT, where applicable.

For more information contact SACAT.

Contact Details:

South Australian Civil and Administrative Tribunal (SACAT)

Phone: 1800 723 767

Email: sacat@sacat.sa.gov.au

FOI APPLICATION FORM

For Internal Review of a Determination

Under sections 29 & 38 of the South Australian *Freedom of Information Act 1991*

Please read the attached '*FOI Fact Sheet -- Your Rights to Review and Appeal*'
before completing and lodging your Internal Review application

To the Principal Officer	
Name of the Agency:	
Details of Applicant	
Surname:	
Given Names:	
Australian Postal Address:	
Suburb:	Post Code:
Emails (<i>Optional</i>):	
Contact phone numbers:	
FOI Application Reference Number (<i>if known</i>):	
Details of Internal Review	
<p>I am not satisfied with a determination made by your agency and, therefore, seek a review because:</p> <p><i>(Please place a tick in the appropriate box)</i></p> <ul style="list-style-type: none"><input type="checkbox"/> I have been refused access to a document<input type="checkbox"/> I have been refused access to part of a document<input type="checkbox"/> I have been refused a request to amend a personal document<input type="checkbox"/> I have been given access to a document but access has been deferred<input type="checkbox"/> I am a third party specified in the documents but have not been consulted about giving access to another person<input type="checkbox"/> I have been consulted but disagree with the determination to release the documents	

Comments

Include any additional comments you wish to be considered in the review of the determination *(attach additional pages if necessary)*.

Fees and Charges

An application fee of **\$35.00** must be submitted with the Internal Review application form, unless you are seeking to have the application fee waived. If you are seeking to have the application fee waived, please attach evidence supporting why it should be waived, e.g. attach a copy of your concession card or other evidence as proof of financial hardship.

An application fee is not required for an Internal Review of an FOI Amendment Application.

In the following section please tick as appropriate

- | | | | | |
|---|---------------------------------|-------------------------------|--------------------------------------|--|
| Is the application fee attached? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | | |
| Application Fee is in the form of
<i>(Do not send cash through the mail)</i> | <input type="checkbox"/> Cheque | <input type="checkbox"/> Cash | <input type="checkbox"/> Money Order | |
| Do you require a fee waiver? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | | |
| Is evidence of the need to waive fees attached?
<i>(e.g. a copy of your concession card)</i> | <input type="checkbox"/> Yes | <input type="checkbox"/> No | | |

If you wish to pay your application fee via credit card you will need to ask the agency you are applying to if they accept credit card payments.

If no application fee is attached and you do not qualify for fee waiver, the agency cannot process your application until the fee has been paid.

If the agency varies or reverses a determination so that access to a document is, or will be, given the agency will refund any Internal Review fees paid by the applicant.

Applicant's Signature:

Date / / 20.....

OFFICE USE ONLY

Received on / / 20.....

Acknowledgment sent on / / 20.....