



IHACPA

Ref: D23-13039

PHS
Right to Know
foi+request-10402-0fff89ca@righttoknow.org.au

Dear PHS

Decision on your Freedom of Information Request

I refer to your email to Independent Health and Aged Care Pricing Authority (**IHACPA**) dated 22 June 2023 seeking access under the *Freedom of Information Act 1982 (FOI Act)* to:

In 2022 the Department of Health engaged the, then, Independent Hospital Pricing Authority (now, IHACPA) to provide advice to the private health sector on alternative bundling arrangements for General Use Items on the Prostheses List.

As part of this project, IHACPA created the IHACPA Prostheses List Reform Working Group, held meetings of this group, held consultation meetings with the wider private health sector, developed consultation papers, drafted guidance, released a Microsoft Excel based 'bundling tool', and updated their guidance to its final iteration, among other things.

Can you please advise the cost of IHACPA performing this General Use Item Prostheses List Reform work? Please include all components such as pro rata staff wages and salaries for time spent on this project.

I am an authorised decision maker under section 23 of the FOI Act and this letter sets out my decision on your request for access.

Timeframe for processing your request

Your request was received by IHACPA on 22 June 2023. The statutory period for processing your request is 30 days.

On 13 July 2023, IHACPA's FOI Officer wrote to you advising that the statutory period for processing your request was extended by an additional 30 days to allow for consultation in accordance with section 15(6) of the FOI Act.

In the course of processing your request, I formed the view that consultation was not necessary because I found that material that had been identified in preliminary consultations as potentially relevant to your FOI request was not within the scope of your request.

Accordingly, IHACPA has not relied on an extension of time to conduct third party consultations and is providing this decision to you, in accordance with the original time frame for processing your request which expires on Monday, 24 July 2023 (noting that the timeframe for a decision cannot expire on a Saturday, Sunday or public holiday in accordance with section 36(2) of the *Acts Interpretation Act 1901 (Cth)*).

Independent Health and Aged Care Pricing Authority

Eora Nation, Level 12, 1 Oxford Street Sydney NSW 2000 | PO Box 483 Darlinghurst NSW 1300
P +61 2 8215 1100 | ABN: 27 598 959 960

Summary of Decision

I have decided to refuse your request under section 24A of the FOI Act.

I am satisfied that all reasonable steps have been taken to find documents responding to your request and that following extensive searches, no documents were identified that fall within the scope of your request.

I am further satisfied that the conditions in section 17(1) of the FOI Act are not enlivened and IHACPA is not required to produce a written document or documents containing the information you have sought.

Relevant information

In making my decision I have taken into account:

- the terms of your request;
- the FOI Act; and
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act.

Sections of the FOI Act referenced in my decision letter can be found online at www.legislation.gov.au. Sections of the FOI Guidelines referenced can be found online at www.oaic.gov.au/freedom-of-information/foi-guidelines/.

Reasonable searches

On 14 July 2023, in accordance with section 24 of the FOI Act, thorough searches were conducted by the Acting Executive Director, Pricing and Analytics of:

- IHACPA's TRIM records management system,
- email records, and
- IHACPA's SDMS file server designated area for prostheses reform work.

Search parameters included the names of relevant personnel, 'General Use Item', 'bundling', 'prostheses', 'project log/management/time' and 'invoice'.

A contractor to IHACPA was also contacted.

Of the documents returned by the searches, no documents relevant to your request were retrieved.

Having regard to the request and the types of documents that may fall within the scope of your request, I am satisfied that the searches conducted were extremely thorough and all reasonable steps have been taken to locate the documents relevant to your request.

No requirement to produce a document

Under section 17 of the FOI Act, IHACPA may be required to produce a written document containing the information sought but only if both of the following circumstances apply:

- IHACPA could produce a written document by use of a computer or other equipment that is ordinarily available to it for retrieving or collating stored information (section 17(1)(c)(i)); and
- producing the written document would not substantially and unreasonably divert the resources of IHACPA from its other operations (section 17(2)).

IHACPA cannot produce a document that meets the requirements of section 17(1)(c) using a computer or equipment otherwise ordinarily available to produce a written document containing the information in a discrete form. This is because it is not possible to generate, from IHACPA's systems, a document that is responsive to the terms of your request.

In these circumstances, the requirement under section 17 of the FOI Act for IHACPA to produce a written document containing the information sought by your request does not arise.

Review rights

You are entitled to seek review of this decision. **Attachment A** sets out your rights to apply for review if you are dissatisfied with my decision.

If you have any questions please do not hesitate to contact the IHACPA FOI Officer on (02) 8215 1100 or at foi_ihacpa@ihacpa.gov.au .

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Olga Liavas', is positioned above the typed name.

Ms Olga Liavas
FOI Officer
Independent Health and Aged Care Pricing Authority
24 July 2023

Attachment A - Review rights

If you are dissatisfied with my decision, you may apply for an internal review of the decision under section 54 of the FOI Act. Your application must be made in writing within 30 days of you receiving this notice. An internal review will be conducted by a different officer from the original decision-maker. No particular form is required to apply for review. However, it will assist your case to set out in the application the grounds on which you believe that the original decision should be overturned. An application for a review of the decision should be sent to foi_ihacpa@ihacpa.gov.au .

If you choose to seek an internal review, you will subsequently have a right to apply to the Australian Information Commissioner for a review of the internal review decision.

Alternatively, under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision without first going to internal review. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

online: [Via the Online form](#)
email: foidr@oaic.gov.au
post: GPO Box 5218, SYDNEY, NSW 2001
fax: 02 9284 9666

Complaint rights

If you are dissatisfied about any action taken by IHACPA in the performance of functions, or the exercise of powers, under the FOI Act, you may make a complaint by:

- writing to the Information Commissioner in one of the ways provided above; and
- identify IHACPA as the agency in respect of which the complaint is made.