

Department of Health and Aged Care

FOI reference: FOI 4871

IS

Dear JS

Decision on your Freedom of Information Request

I refer to your request of 10 December 2023, to the Department of Health and Aged Care (the department), seeking access under the *Freedom of Information Act* 1982 (Cth) (FOI Act) to:

The total number of active PBS pharmacies on the 1st day of each month for the calendar year of 2023.

Modification of scope of request

On 5 January 2024, following consultation with you, you agreed to modify the scope of your request to the following:

data to be for the end of each month and request all pharmacies actively trading. If that is not available, then s90 licenses will suffice.

FOI decision

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.

I have identified 12 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 12 documents in full.

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

Section 22 – deletion of irrelevant material

Section 22 of the FOI Act applies to documents containing irrelevant information (subparagraph 22(1)(a)(ii)) and allows an agency to delete such material from a document.

I have deleted material in the documents which can reasonably be regarded as irrelevant to your request and prepared an edited copy for release. This information has been marked 's22' in the documents released to you.

Additional information

The figures included in the documents are the number of pharmacies approved under section 90 of the *National Health Act* 1953.

The department publishes numbers of approved pharmacies at 30 June each year in the Productivity Commission's Report on Government Services, and can only guarantee the accuracy of those published numbers. The numbers in the documents have not been reviewed for accuracy.

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.

Your review rights

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

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

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Dr Amy Virdi

Acting Assistant Secretary

Health Professionals Compliance Branch

19 January 2024

ATTACHMENT A.

SCHEDULE OF DOCUMENTS FOI4871

Document	Pages	Date	Description	Decision on access ¹	Relevant provision of FOI Act
1	1	4/1/2023	Monthly s90 Pharmacy count at 31/12/2022	RI	s22
2	1	10/2/2023	Monthly s90 Pharmacy count at 31/01/2023	RI	s22
3	1	6/3/2023	Monthly s90 Pharmacy count at 28/02/2023	RI	s22
4	1	4/4/2023	Monthly s90 Pharmacy count at 31/03/2023	RI	s22
5	1	4/5/2023	Monthly s90 Pharmacy count at 30/04/2023	RI	s22
6	1	5/6/2023	Monthly s90 Pharmacy count at 31/05/2023	RI	s22
7	1	5/7/2023	Monthly s90 Pharmacy count at 30/06/2023	RI	s22
8	1	4/8/2023	Monthly s90 Pharmacy count at 31/07/2023	RI	s22
9	1	8/9/2023	Monthly s90 Pharmacy count at 31/08/2023	RI	s22
10	1	4/10/2023	Monthly s90 Pharmacy count at 30/09/2023	RI	s22
11	1	6/11/2023	Monthly s90 Pharmacy count at 31/10/2023	RI	s22
12	1	5/12/2023	Monthly s90 Pharmacy count at 30/11/2023	RI	s22

¹ RI = Release with irrelevant information deleted.

ATTACHMENT B.

YOUR REVIEW RIGHTS

If you are dissatisfied with my decision, you may apply for a review.

Internal review

You can request internal review within 30 days of you receiving this decision. An internal review will be conducted by a different officer from the original decision maker.

No particular form is required to apply for review although it will assist your case to set out the grounds on which you believe that the original decision should be changed.

Applications for internal review can be made by:

Email: xxx@xxxxxx.xxx.xx

Mail: FOI Unit (MDP 516)

Department of Health and Aged Care

GPO Box 9848

CANBERRA ACT 2601

If you choose to seek an internal review, you will also have a right to apply for Information Commissioner review (IC review) of the internal review decision once it has been provided to you.

Information Commissioner review or complaint

You also have the right to seek Information Commissioner (IC) review of this decision. For FOI applicants, an application for IC review must be made in writing within 60 days of the decision. For third parties who object to disclosure of their information, an application for IC review must be made in writing within 30 days of the decision.

If you are not satisfied with the way we have handled your FOI request, you can lodge a complaint with the OAIC. However, the OAIC suggests that complaints are made to the agency in the first instance.

While there is no particular form required to make a complaint to the OAIC, the complaint should be in writing and set out the reasons for why you are dissatisfied with the way your request was processed. It should also identify the Department of Health and Aged Care as the agency about which you are complaining.

You can make an IC review application or make an FOI complaint in one of the following ways:

- online at www.oaic.gov.au/freedom-of-information/reviews-and-complaints/
- via email to xxxx.xx
- by mail to GPO Box 5218 Sydney NSW 2001, or
- by fax to 02 9284 9666.

More information about the Information Commissioner reviews and complaints is available on the OAIC website here: www.oaic.gov.au/freedom-of-information/foi-review-process.

Complaint

If you are dissatisfied with action taken by the department, you may also make a complaint directly to the department.

Complaints to the department are covered by the department's privacy policy. A form for lodging a complaint directly to the department is available on the department's website here: www.health.gov.au/about-us/contact-us/complaints