



**Office of the Hon Mark Butler MP
Minister for Health and Aged Care**

Ref No: FOI 5078

Ms Bev D

By email: foi+request-11309-d8c20c40@righttoknow.org.au

Dear Ms D

Decision on your Freedom of Information Request

I refer to your request of 9 April 2024 to the Minister for Health and Aged Care, the Hon Mark Butler MP (the Minister), seeking access under the *Freedom of Information Act 1982* (Cth) (FOI Act) to:

Between the period 1 November 2023 to 5 March 2024, any correspondence, including attachments, briefs, emails and other documents regarding the Minister for Health and Aged Care's decision to seek further information from private health insurers to provide a more reasonable figure for private health insurance premiums:

[...]

2) Between the Minister for Health and Aged Care and stakeholders;

3) Between the Office of the Minister for Health and Aged Care and stakeholders;

[...]

This request was accepted by the Office of the Minister for Health and Aged Care (the MO) as a partial transfer from the Department of Health and Aged Care (the department) under section 16 of the FOI Act on 10 April 2024. You were informed of this on 12 April 2024.

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.

The right to request access to a document in accordance with the FOI Act relates to official documents of a Minister in the possession of the Minister (section 4 (definition of 'official document of a Minister' or 'official document of the Minister') refers).

The Australian Information Commissioner's *FOI Guidelines* notes that this includes a document in the possession of a Minister's office and is not confined to a document that is personally held by the Minister (paragraph 2.46 refers).

Section 24A of the FOI Act provides that:

(1) An agency or Minister may refuse a request for access to a document if:

(a) all reasonable steps have been taken to find the document, and

(b) the agency or Minister is satisfied that the document:

- (i) is in the agency's or Minister's possession but cannot be found, or*
- (ii) does not exist.*

The MO has conducted searches of its information holdings. No documents matching the description in your request were identified as being in the possession of the Minister.

Based on these searches, I am satisfied that all reasonable steps have been taken to find the documents you have sought access to, and the documents do not exist in the possession of the Minister.

I am refusing your request in accordance with section 24A of the FOI Act as the Minister does not hold the documents you have requested.

Legislative provisions

The FOI Act, including the provisions referred to in my decision, are 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 A**.

Contacts

If you require clarification of any matters discussed in this letter you can contact the department's FOI Section on (02) 6289 1666 or at FOI@health.gov.au.

Yours sincerely



Nick Martin
Chief of Staff
6 May 2024

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: FOI@health.gov.au

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 MO 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 foidr@oaic.gov.au
- 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 MO, you may also make a complaint directly to the MO.