



Australian Government
Department of Health

Department Reference: FOI 222-1314

Mr Robert Candelori
Foi+request-571-dd2d8533@righttoknow.org.au

Dear Mr Candelori

**REQUEST CONSULTATION NOTICE UNDER SECTION 24AB
OF THE *FREEDOM OF INFORMATION ACT 1982***

I refer to your request of 27 March 2014 to the Department of Health (the department) for access under the *Freedom of Information Act 1982* (FOI Act), to:

“-any and all internal correspondence, ministerial briefing papers, policy documents, memos or file notes relating to any proposal to impose an upfront fee, charge or co-payment when visiting a general practitioner (GP), between 8 September 2013 and 28 March 2014.

–any inter-agency correspondence relating to the above proposal with the Department of Prime Minister and Cabinet and the Treasury between 8 September 2013 and 28 March 2014.”

I am satisfied, for the reasons set out below, that a practical refusal reason exists in relation to your request. I am now giving you this written notice in accordance with subsection 24AB(2) of the FOI Act.

Intention to refuse access

I intend to refuse access to the document(s) you seek for the following practical refusal reason.

Practical refusal reason

The work involved in processing your request would substantially and unreasonably divert the department's resources from its other operations.

As the Department of Health is the key Commonwealth department responsible for undertaking tasks associated with broad ranging health policy research and analysis, both nationally and internationally, its officers prepare a wide range of materials that can be used to inform discussions about health policies. These activities have included the production of materials that are the subject of your FOI request, including inter-agency correspondence with the Department of Prime Minister and Cabinet and Treasury.

Following an initial review of these materials I estimate that there are in excess of 400 draft and final documents. These documents include emails, with and without attached documents, such as policy papers, as well as internal briefing papers and advice. These emails and other documents range from 1 to more than 10 pages each.

Search and Retrieval

To enable me to fulfil my role as decision maker each of these documents would have to be identified, located and made available to me by other officer(s) of the Department. I estimate that there are conservatively around 15 files that would need to be examined. It would take on average 45 minutes per file to identify the relevant documents, and a further 1 hour on average per 10 documents would be required to prepare the schedules that detail all the relevant documents.

Assuming there are 15 files, I estimate the time taken to locate and retrieve the documents would be at least 11 hours. The estimated time required to prepare the schedules will be at least 40 hours. On this basis, retrieving documents and preparing schedules would take a total of at least 51 hours.

If one officer worked on this task full-time it would take that officer 6.4 working days assuming an 8-hour day. During this period, the range of existing duties expected of that officer would be neglected. Such a diversion of resources would be unreasonable.

Decision-making

As indicated above, I estimate that there are in excess of 400 documents subject to your FOI request. Many of the 400 documents are drafts. The number of pages per document varies with the document, but a conservative estimate is that there would be an average of 5 pages per document for a total of at least 2,000 pages.

While I anticipate that a portion of the content of the numerous draft documents will be common to most of them, I will be required to examine each draft document to make my decision about the document.

To discharge my responsibility as decision maker, it would take me on average 5 - 10 minutes to examine and to make a decision about each page. Assuming 5 minutes per page, 2,000 pages would take 166 hours and assuming 10 minutes per page the task would occupy 333 hours of my time.

As a senior executive service officer in the Department, I have a range of significant responsibilities in managing a Branch and providing policy advice and discharging high level executive responsibilities. Assuming an average of a 10 hour work day, spending between 166 and 333 hours making an FOI decision would divert me from my other tasks for between 16 and 33 days. This is a manifestly unreasonable diversion of the resources of the department.

On this basis, I am satisfied that a practical refusal reason exists for the purposes of paragraph 24AA(1)(a) of the FOI Act.

Contact person

The contact person whom you may consult is Kate Medwin who can be contacted via telephone on 02 6289 1555.

Consultation period

The consultation period during which you can consult the above contact person is **14 days** commencing today and ending on 12 May 2014.

Outcome of consultation

I note that, under subsection 24AB(6) of the FOI Act, you are required to notify this Department, by written notice, before the end of the consultation period that you either:

- (a) withdraw the request;
- (b) make a revised request;
- (c) indicate that you do not wish to revise the request.

Under subsection 24AB(7) your request will have been taken to be withdrawn if you neither contact Kate Medwin during the 14 days nor do any of the things mentioned above at (a), (b) and (c).

Relevant provisions of the FOI Act

The FOI Act, which includes the provisions referred to in this notice, can be accessed on the Comlaw website at <http://www.comlaw.gov.au/Details/C2014C00041>.

Yours sincerely



Fífine Cahill

Assistant Secretary

Primary Care, Diagnostics and Radiation Oncology Branch

28 April 2014