



**Australian Government**  
**Department of Health**

Department Reference: FOI 044-1415

Dr Tim Senior  
foi+request-750-e0521839@righttoknow.org.au

Dear Dr Senior

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

I refer to your request of 26 August 2014 to the Department of Health (Department) for access under the *Freedom of Information Act 1982* (FOI Act), to:

*“any correspondence (e-mails or paper-based), and notes and/or minutes of any meetings held, and the diary of the Minister or his delegates for meetings between the Department of Health and any health funds registered under the Private Health Insurance Act 2007, or their representatives from 7 September 2013 to date of request”.*

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 and giving you a 14-day period to consult with the Department about the terms of your request.

Under subsection 24AB(6) of the FOI Act, you are required to notify the Department, in writing, 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.

**Intention to refuse access**

I intend to refuse access to the document(s) you seek as the work involved in processing your request would substantially and unreasonably divert the Department's resources from its other operations.

### **Practical refusal reason**

The Department has responsibility for developing and implementing a range of policy in relation to the private health insurance industry. In addition the Department undertakes a regulatory role in relation to those matters. There are 34 organisations registered under the *Private Health Insurance Act 2007* (the Act). Much of the Department's work involves working with these organisations and as such, meetings between the Department and industry take place on a regular basis.

For the purpose of your request, correspondence has been determined to mean any letter, fax or email between the Department and an organisation operating as a registered private health insurer under the Act.

The Department has undertaken a preliminary assessment of the number of documents and work involved in processing your FOI request. I have identified 42 files held by the Private Health Insurance Branch that would need to be examined in addition to 65 email databases. I have estimated that for the 42 files there are approximately 44 relevant documents per file comprising approximately 3696 pages. I have estimated that it would take approximately 220 hours to retrieve and collate those documents.

If one officer worked on this task full-time, based on the standard 7.5 hour working day, this would take 5.8 weeks to complete. Two officers would require 2.9 weeks to complete the task.

This estimate does not include the retrieval and collation of documents within the email databases where I have estimated that there may be in excess of 1,850 documents relevant to your request.

Once the above tasks were completed, it would take my time in my capacity as decision maker for this request, an estimated 13 weeks to examine and make my decision in relation to those documents. I am satisfied that the diversion of officials from the duties they are employed to perform would constitute an unreasonable diversion of the resources of the Department.

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

### **Consultation period**

The consultation period during which you can consult the above contact person is **14 days** commencing today and ending at **5:00pm on 29 September 2014**.

**Contact person**

The contact person whom you may consult is Sam Franks who can be contacted via telephone on 02 6289 7583 or email [sam.franks@health.gov.au](mailto:sam.franks@health.gov.au).

Under subsection 24AB(7) your request will have been taken to be withdrawn if you neither contact Sam Franks 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/Series/C2004A02562>.

Yours sincerely



Shane Porter  
Assistant Director  
Private Health Insurance Branch

15 September 2014