



## Australian Government

### Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT  
BARTON

FOI

FOI/2022/042

#### *FREEDOM OF INFORMATION ACT 1982*

**REQUEST BY:** Ms Karen Reynolds

**DECISION BY:** Jason Lange  
Assistant Secretary  
Office of Best Practice Regulation

By email to: [foi+request-8367-953c3ac3@righttoknow.org.au](mailto:foi+request-8367-953c3ac3@righttoknow.org.au)

Dear Ms Reynolds

I refer to your email of 5 February 2022 in which you made a request (the **FOI request**) under the *Freedom of Information Act 1982* (the **FOI Act**) to the Department of the Prime Minister and Cabinet (the **Department**) in the following terms:

*Please provide any correspondence, notes, emails, reports or memos which relate to:*

- *the rationale for commissioning of this work around the value of statistical life\*, and;*
- *modelling around the value of statistical life in relation to disability and/aged care in the Covid environment that uses the 2021 VSLY guidance notes and disability adjusted data as a basis for decision-making.*

\* <https://obpr.pmc.gov.au/sites/default/files/2021-09/value-of-statistical-life-guidance-note-2020-08.pdf>

#### **Authorised decision-maker**

I am authorised to make this decision in accordance with arrangements approved by the Department's Secretary under section 23 of the FOI Act.

#### **Decision**

I have decided to refuse your request under section 24A(1) of the FOI Act, on the basis that the Department has taken all reasonable steps to locate the documents you have requested, and those documents do not exist.

In making this decision, I have had regard to the following:

- the terms of your request;
- my own knowledge of the subject matter;
- the outcome of searches;
- the FOI Act; and

- the Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (the **FOI Guidelines**).

## **Reasons**

Section 24A(1) of the FOI Act provides that:

*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 FOI Guidelines provide that ‘reasonable steps’ would amount to include all appropriate or suitable search actions that relate to the circumstances surrounding the documents requested, this includes:

*3.88 The Act is silent on what constitutes ‘all reasonable steps’. The meaning of ‘reasonable’ in the context of s 24A(1)(a) has been construed as not going beyond the limit assigned by reason, not extravagant or excessive, moderate and of such an amount, size or number as is judged to be appropriate or suitable to the circumstances or purpose.*

Based on my own knowledge of the subject matter, and searches undertaken to identify the administrative process for the update to the document, as referenced in your request, there was no ‘commissioning’ for the publication of the August 2021 “Best Practice Regulation Guidance Note Value of Statistical Life” (VSL Guidance Note). Nor does the Department hold any ‘modelling’ in relation to disability and/aged care in the Covid environment produced using the VSL Guidance Note. I am satisfied that all reasonable steps have been taken to identify any documents relevant to your FOI request, and that the documents requested do not exist.

I have therefore decided to refuse the request under subsection 24A(1) of the FOI Act.

For context, the VSL Guidance Note is a longstanding product from the Office of Best Practice Regulation (OBPR), that is annually updated and released by OBPR. The August 2021 version of this paper was released to ensure it remained timely and relevant for officials across the public service, not for any other context. Hence there are no documents held by the Department regarding the first part of your request. I note that the original VSL Guidance Note stemmed from the publication of the paper “Establishing a Monetary Value for Lives Saved; Issues and Controversies” by Dr Peter Abelson. A copy of Dr Abelson’s paper can be accessed from the Department’s website via the following web link:  
[https://obpr.pmc.gov.au/sites/default/files/2021-06/Working\\_paper\\_2\\_Peter\\_Abelson.pdf](https://obpr.pmc.gov.au/sites/default/files/2021-06/Working_paper_2_Peter_Abelson.pdf).

In addition, the August 2021 VSL Guidance Note contains references to a number of journal articles which you may assist you with your research, and should you be interested, the Australian Institute of Health and Welfare publish disability weights for most diseases that can be used to adjust the value of a statistical life year (VLY) in the VSL Guidance Note.

## **Review rights**

Information about your rights of review under the FOI Act is available at  
<https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/>.

## Complaint rights

You may make a complaint to the Information Commissioner about the Department's actions in relation to this decision. Making a complaint about the way the Department has handled an FOI request is a separate process to seeking review of the Department's decision. Further information about how to make a complaint is available at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/make-an-foi-complaint/>.

Yours sincerely

A handwritten signature in blue ink that reads "Lange". The signature is stylized with a large, sweeping initial "L" and a cursive "ange".

Jason Lange  
Assistant Secretary  
Office of Best Practice Regulation  
21 March 2022