



Health

Our ref: PA18/23

Mr Philip Walker
184 Warriewood Road
Mona Vale NSW 2103

09 MAR 2018

Dear Mr Walker

Your application for access to government information

I refer to the mediation agreement between you and the Ministry of Health signed on 9 February 2018. The Ministry will now complete a new access application under the *Government Information (Public Access) Act 2009* (GIPA Act) for the following information:

"Fit for purpose assessment for Mona Vale Hospital (2000-2018)"

Please find enclosed my Notice of Decision of your GIPA application. In the decision there is a section titled "Context" which provides useful explanatory information about your application. It has been reproduced here

Context

Following the mediation agreement between Mr Philip Walker and the Ministry (2017/003878657), Mr Walker had a number of questions regarding the fit for purpose criteria used by Health Infrastructure for current NSW health projects.

As this information is publically available the Ministry can provide the applicant with the following link which answers his access application. The Ministry would also like to offer a refund of the application fee. Information regarding the 'fit for purpose criteria current for NSW Health Infrastructure Hospitals' is located online here:

<https://www.healthfacilityguidelines.com.au/>

Australasian Health Infrastructure Alliance (AHIA) is the custodian of the Australasian Health Facility Guidelines (AusHFG) which were first released in 2007. AHIA works across Australia and New Zealand to bring together information, research and practical experience about developing and managing health assets and infrastructure. The accumulation of this knowledge contributes to the continuing evolution of the AusHFG and supports the development of best practice solutions for common issues in capital and asset management.

The Ministry of Health does not hold a single 'fit for purpose' report for Mona Vale Hospital. Rather this criterion is used by Health Infrastructure whenever they make a determination in relation to their NSW health projects. While there are a number of reports which detail issues present with the Mona Vale hospital, such as the Arup building condition reports, the Ministry is aware that the applicant already has copies of these documents. The Ministry has nothing further to provide.

NSW Ministry of Health
ABN 92 697 899 630

73 Miller St North Sydney NSW 2060
Locked Mail Bag 961 North Sydney NSW 2059
Tel. (02) 9391 9000 Fax. (02) 9391 9101
Website. www.health.nsw.gov.au

If you have any questions, please contact me, on 02 9391 9263.

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized initial 'J' followed by a series of loops and a long horizontal stroke.

James Dagger
Senior Information Officer
Executive and Ministerial Services

Government Information (Public Access) Act 2009

NOTICE OF DECISION

Applicant:	Mr Phil Walker
File Ref:	PA18/23
Decision maker:	James Dagger, Senior Information Officer
Date of decision:	1 March 2018

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1. Context

Following the mediation agreement between Mr Philip Walker and the Ministry (2017/003878657), Mr Walker had a number of questions regarding the fit for purpose criteria used by Health Infrastructure for current NSW health projects.

As this information is publically available the Ministry can provide the applicant with the following link which answers his access application. The Ministry would also like to offer a refund of the application fee. Information regarding the 'fit for purpose criteria current for NSW Health Infrastructure Hospitals' is located online here: <https://www.healthfacilityguidelines.com.au/>

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The Ministry of Health does not hold a single 'fit for purpose' report for Mona Vale Hospital. Rather this criterion is used by Health Infrastructure whenever they make a determination in relation to their NSW health projects. While there are a number of reports which detail issues present with Mona Vale hospital, such as the Arup building condition reports, the Ministry is aware that you have already been provided copies of these documents by NSLHD. The Ministry has nothing further to provide.

2. Summary of access application

On 15 March 2018, we received your access application under the *Government Information (Public Access) Act 2009* (GIPA Act). You asked for the following information:

"Fit for purpose assessment for Mona Vale Hospital (2000-2018)"

3. Decision

I am authorised by the principal officer, for the purposes of section 9(3) of the GIPA Act, to decide your access application.

I have decided, under section 58(1)(b) of the GIPA Act that the information is not held by the Ministry.

In this Notice of Decision I will explain my reasons. To meet the requirements of section 61 of the GIPA Act, I need to tell you:

- (a) the reasons for my decision and the findings on any important questions of fact underlying those reasons; and

- (b) the general nature and format of the records containing the information you asked for, with reference to the relevant public interest considerations against disclosure (see the attached Schedule of Documents).

You can ask for a review of this decision. For details about how to do so, see part 9 of this Notice.

4. Searches for information

Under the GIPA Act, we must conduct reasonable searches for the government information you asked for in your application. I have searched our records to find any information that falls within the scope of your application.

Under the GIPA Act, the Ministry must conduct reasonable searches for the government information you asked for in your application. I have searched our records to find any information that falls within the scope of your application.

Section 53(2) of the GIPA Act provides that an agency must undertake such reasonable searches as may be necessary to find any of the government information applied for that was held by the agency when the application was received. The agency's searches must be conducted using the most efficient means reasonably available to the agency. The expression 'government information' is defined in section 4 of the GIPA Act as 'information contained in a record held by an agency.'

Before deciding that it does not hold information, the Ministry must comply with the requirements of section 53(2) of the Act. The requirements are:

- a. undertake such reasonable searches as necessary to locate the information requested; and
- b. use the most efficient means reasonably available to the agency.

In *Smith v Commissioner of Police* [2012] NSWADT 85, Judicial Member Isenberg said at paragraph 27:

In making a decision as to the sufficiency of an agency's search for documents which an applicant claims to exist, there are two questions: (a) are there reasonable grounds to believe that the requested documents exist and are the documents of the agency; and if so, (b) have the search efforts made by the agency to locate such documents been reasonable in all the circumstances of a particular case.

When considering whether there are reasonable grounds to believe that information exists and whether searches to locate information were reasonable, the facts, circumstances and context of the application are relevant.

Searches for documents were conducted by the two branches identified as holding documents that may be within the scope of your application: Executive and Ministerial Services and Health

Infrastructure. I am satisfied that these are the branches within the Ministry which would hold the information and the documents identified.

A general TRIM search was undertaken against the following terms and their variations:

“fit for purpose”, “mona vale hospital”, “criteria” and “2008 – 2018”

Executive and Ministerial Services did not locate the documents sought by the applicant. A further search was undertaken by Health Infrastructure who advised that the only documents they believed fell within the scope of this application were the building condition reports produced by Arup Façade Engineering reports completed in 2010.

In July and August 2010 Arup Façade Engineering was engaged by the Northern Sydney Central Coast Area Health Service to undertake an inspection of the main building and tower at Mona Vale Hospital.

In September 2010 a report was completed which identified a number of aspects of the building that needed work including brick walls, windows, roofing and other miscellaneous items. Works were undertaken to address the issues identified within the report.

The Ministry is aware of these documents through their correspondence with Northern Sydney Local Health District regarding the transfer of an application made by you for the same information in 2017.

The Ministry of Health does not hold a single ‘fit for purpose’ report for Mona Vale Hospital. Rather this criterion is used by Health Infrastructure whenever they make a determination in relation to their NSW health projects. While there are a number of reports which detail issues present with the Mona Vale hospital, such as the Arup building condition reports, the Ministry is aware that you have already been provided copies of these documents by NSLHD. The Ministry has nothing further to provide.

5. Processing charges

Under sections 64(1) and (2) of the GIPA Act, we may require you to pay processing charges, at a rate of \$30 per hour, for the time spent dealing with your access application. The application fee of \$30 counts as payment of one hour of the processing charges.

You are requested to pay processing charges of **\$0**. Please find attached a Table of Processing Charges, which shows how time was spent processing your application and the charges that apply.

You can ask for a review of the decision to impose processing charges. For information about how to do so, see part 6 of this Notice.

6. Review rights

If you disagree with any of the decisions in this notice that are reviewable, you may seek a review under Part 5 of the GIPA Act. Before you do so, I encourage you to contact me to discuss your concerns. My contact details are set out below.

You have three review options:

- internal review by another officer of this agency, who is no less senior than me;
- external review by the Information Commissioner; or
- external review by the NSW Civil and Administrative Tribunal (NCAT).

You have 20 working days from the date of this Notice to apply for an internal review. If you would prefer to have the decision reviewed externally, you have 40 working days from the date of this Notice to apply for a review by the Information Commissioner or NCAT.

To assist you, I have enclosed a fact sheet published by the Information and Privacy Commission NSW (IPC), entitled *Your review rights under the GIPA Act*. You will also find some useful information and frequently asked questions on the IPC's website: www.ipc.nsw.gov.au.

You can also contact the IPC on freecall 1800 IPC NSW (1800 472 679).

7. Further information

If you have any questions about this notice or would like any further information, please contact **James Dagger, (02) 93919263**

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James Dagger
Senior Information Officer
Executive and Ministerial Services

Schedule of Documents

No.	Description of record that contains the information	Format of record	Location of record in agency	Released or withheld	Relevant public interest consideration(s) against disclosure
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

Table of Processing Charges

Date	Action	Time spent	Cost
01/03/18	Writing a decision	1 Hour	\$30
Discount:			
TOTAL:			\$0