

Ref: 19FOI-0637
A1672284

Freedom of Information Unit
Lyell McEwin Hospital
Haydown Road
ELIZABETH VALE SA 5112
Tel: 08 8282 0395

Dear [REDACTED]

Freedom of Information Act 1991 – notice of determination (S.23)

I refer to your application under the Freedom of Information Act, 1991 (FOI Act) seeking access to:

“All documents (including but not limited to reports, papers, letters, memos, emails, notes, agendas, minutes etc) regarding the Modbury Hospital High Dependency Unit Working Group” Time period: 1/7/18 – 13/8/19

The NALHN HDU Clinical Working Party sat for only 5 meetings: 7/11/18, 22/11/18, 6/12/18, 17/1/19 and 12/3/19.

After an extensive search, a total of 34 documents were located as falling within the scope of your application.

Documents 3.7, 4.2, 5.2, 5.4, 7, 8 and 9 contain exempt information. Section 20(4) of the FOI Act provides that if it is practicable to give access to a copy of a document with exempt matter deleted, and it appears that the applicant would wish to be given such a copy, the agency must give access to a copy of the document to this limited extent. Therefore, I have determined to grant you partial access to these documents and to deny you access to the remaining parts of the documents I consider to be exempt.

The reasons I have refused access to certain parts of these documents is explained below.

Documents 3.7, 5.2, 5.4, 6, 7, 8 and 9 contain staff members' mobile phone numbers. I have removed this information under Clause 7 of Schedule 1 of the FOI Act on the grounds that to release the individual staff members' mobile phone numbers could reasonably be expected to have an adverse effect on the business affairs of the agency. The Northern Adelaide Local Health Network does **not** normally release staff mobile phone numbers to the public because to do so may impact on the agency's ability to properly and efficiently conduct its operations. As staff can be contacted via the switchboard of the relevant hospital, the public interest is not served by releasing individual mobile phone numbers. As a result, the mobile phone numbers have been removed from documents. Clause 7 of Schedule 1 of the Act which reads as follows:

FOI Act 1991 – Schedule 1, Part 2

7– Documents affecting business affairs

- (1) A document is an exempt document if it contains matter –
 - (c)(ii) the disclosure of which –
 - (A) could reasonably be expected to have an adverse effect on those affairs; and
 - (B) would, on balance, be contrary to the public interest.

With the exception of documents 3.2, 4.2, 4.4 and 4.5 described below, I consider the remainder of the Working Group's meeting papers are internal working documents and therefore exempt in accordance with Clause 9(1) of Schedule 1 of the FOI Act.

The agendas, action plans and minutes detail the Working Group's deliberative processes – its "thinking". They contain the opinions, advice and/or recommendations of, and used by, the Working Group to determine the most appropriate means of giving effect to the Liberal Government's Election Commitment to establish a HDU at Modbury Hospital. The minutes relate directly to high-level decision making in relation to the operation of the Modbury Hospital HDU.

The implementation of the HDU was an iterative process and the Working Party necessarily considered a variety of information from several sources, including third party subject matter experts, and considered a range of strategies and options in order to determine the most appropriate patient mix, staffing profile and model of care for the proposed HDU. The agenda papers form the basis upon which the Working Party's discussions took place and upon which its high-level decisions were made.

I believe disclosure of the meeting papers would therefore, reveal the Working Group's deliberative process and, as a result (with the exception of documents described below) I consider the meeting papers are exempt in accordance with Clause 9(1)(a) of Schedule 1 of the FOI Act.

Clause 9(1)(a) reads as follows:

9—Internal working documents

- (1) *A document is an exempt document if it contains matter—*
 (a) *that relates to—*
 (i) *any opinion, advice or recommendation that has been obtained, prepared or recorded; or*
 (ii) *any consultation or deliberation that has taken place,*

in the course of, or for the purpose of, the decision-making functions of the Government, a Minister or an agency; and

- (b) *the disclosure of which would, on balance, be contrary to the public interest.*

While there may be public interest in promoting the objects of the Act of openness and transparency, I believe that the release of the HDU Working Group's minutes and agenda papers would impact future decisions regarding service planning. Discussions held in the course of developing policy and, in particular, those relating to service changes require full and honest discussion of the benefits and risks, particularly as they relate to life saving and sustaining treatment. Inhibiting debate and thereby preventing proposals being subjected to the fullest possible scrutiny, comment and consideration, would be detrimental, and contrary, to the public interest. As the Working Group was created specifically to implement an Election Commitment, the establishment of the HDU is not open for public debate and disclosure of the Working Party papers would therefore not contribute to or inform debate on the matter. On the contrary, release of the Working Party's meeting papers could impair the integrity and viability of the decision making process. Other factors in favour of non-disclosure include: avoiding confusion and unnecessary debate within the community; and interference with the ability of the agency to objectively consider its options and reach a decision.

I therefore consider that, on balance, it would be contrary to the public interest to release the agendas, action plans and minutes which reveal the Working Group's deliberations and the agenda papers upon which its deliberations and decisions were made.


A document is not exempt by virtue of Clause 9(1) of Schedule 1 of the FOI Act if it consists of matter that appears in an agency's policy document or factual or statistical information. The first part of the meetings of 22/11/18 (document 3.2 providing information relating to Modbury Hospital's service profile pre and post Transforming Health) and 7/11/18 (document 4.2 introducing the Working Group and reviewing the Government's election commitment) is factual and/or introductory in nature and, as a result, I have determined that those parts of the minutes can be released to you. While not appearing in NALHN's policy document, Agenda item 3.1 of the 22/11/18 Working Group meeting (document 4.4) consists of the College of Intensive Care Medicine – Minimum Standards for Intensive Care Units and agenda item 5.4 of the 7/11/18 meeting (document 5.4) is the Terms of Reference of the Clinical Working Group. With the exception of the mobile phone number being removed from document 5.4, I have determined that these documents can be released in full.

Please note, where access is given to non-personal information in accordance with the FOI Act, agencies are required to publish a summary of the application and the documents that have been released (with the exception of exempt information and the applicant's personal information) on the agency's website in the form of a disclosure log. The policy that authorises this is Cabinet Circular PC045.

If you are unhappy with this determination you are entitled to apply for an internal review in accordance with section 29 of the FOI Act. To make an internal review application, please either write a letter or send an internal review application form (available on-line at www.archives.sa.gov.au) to the Chief Executive Officer of this agency within 30 (calendar) days after you receive this letter.

If you have any further queries or require clarification on any of the above please telephone the Freedom of Information Office on: 8282 0395.

Yours sincerely



Rebecca Horgan
Freedom of Information Officer
NORTHERN ADELAIDE LOCAL HEALTH NETWORK

18/10/19

All documents (including but not limited to reports, papers, letters, memos, emails, notes, agendas, minutes etc) regarding the Modbury Hospital High Dependency Unit Working Group

Time period: 1/7/18 – 13/8/19

No.	document	attachment	determination
1.	NALHN HDU Clinical Working Party Meeting Papers – 12 March 2019	1.1 Agenda	Exempt in accordance with Clause 9(1) – Internal Working Documents
		1.2 Minutes 17 January 2019	Exempt in accordance with Clause 9(1) – Internal Working Documents
		1.3 Action plan	Exempt in accordance with Clause 9(1) – Internal Working Documents
2.	NALHN Clinical Working Party Papers – 17 January 2019	2.1 Agenda	Exempt in accordance with Clause 9(1) – Internal Working Documents
		2.2 Minutes 6 December 2018	Exempt in accordance with Clause 9(1) – Internal Working Documents
		2.3 Action plan	Exempt in accordance with Clause 9(1) – Internal Working Documents
		2.4 Agenda item 2.1	Exempt in accordance with Clause 9(1) – Internal Working Documents Staff mobile phone number is exempt in accordance with Clause 7(1) – Documents affecting business affairs
		2.5 Agenda item 2.2	Exempt in accordance with Clause 9(1) – Internal Working Documents and Clause 7(1) Staff mobile no.)
3.	NALHN Clinical Working Party Papers – 6 December 2018	3.1 Agenda	Exempt in accordance with Clause 9(1) – Internal Working Documents
		3.2 Minutes 22 November 2018	Partial release Deliberations/decision-making of the Working Group is exempt in accordance with Clause 9(1)

			– Internal Working Documents
		3.3 Action plan	Exempt in accordance with Clause 9(1) – Internal Working Documents
		3.4 Agenda item 2.1	Exempt in accordance with Clause 9(1) – Internal Working Documents Staff mobile phone number is exempt in accordance with Clause 7(1) – Documents affecting business affairs
		3.5 Agenda item 2.2	Exempt in accordance with Clause 9(1) – Internal Working Documents Staff mobile phone number is exempt in accordance with Clause 7(1) – Documents affecting business affairs
		3.6 Email from Head of Surgery, Modbury Hospital dated 2/12/18	Exempt in accordance with Clause 9(1) – Internal Working Documents Staff mobile phone number is exempt in accordance with Clause 7(1) – Documents affecting business affairs
		3.7 Email from Principal Officer, OCEO dated 21/11/18 re: MEETING PAPERS – NALHN Clinical Working Party – 22 November 2018	Partial release Staff mobile phone number is exempt in accordance with Clause 7(1) – Documents affecting business affairs
4.	NALHN Clinical Working Party Papers – 22 November 2018	4.1 Agenda	Exempt in accordance with Clause 9(1) – Internal Working Documents
		4.2 Minutes 7 November 2018	Partial release Deliberations/decision-making of the Working Group is exempt in accordance with Clause 9(1) – Internal Working Documents
		4.3 Action plan	Exempt in accordance with Clause 9(1) – Internal Working Documents
		4.4 Agenda item 3.1	Full release of College of Intensive Care Medicine – Minimum Standards for

			Intensive Care Units
		4.5 Agenda item 3.2	Exempt in accordance with Clause 9(1) – Internal Working Documents
		4.6 Agenda item 3.3	Exempt in accordance with Clause 9(1) – Internal Working Documents
		4.7 Agenda item 3.4	Exempt in accordance with Clause 9(1) – Internal Working Documents
5.	NALHN Clinical Working Party Papers – 7 November 2018	5.1 Agenda	Exempt in accordance with Clause 9(1) – Internal Working Documents
		5.2 Agenda item 2.1	Partial release Staff mobile phone number is exempt in accordance with Clause 7(1) – Documents affecting business affairs
		5.3 Agenda item 2.2	Exempt in accordance with Clause 9(1) – Internal Working Documents Staff mobile phone number is exempt in accordance with Clause 7(1) – Documents affecting business affairs
		5.4 Agenda item 3.1	Partial Release Staff mobile phone number is exempt in accordance with Clause 7(1) – Documents affecting business affairs
		5.5 Agenda item 3.2	Exempt in accordance with Clause 9(1) – Internal Working Documents
6.	NALHN HDU Clinical Working Party – meeting request 12/3/19		Partial release – staff mobile no. exempt in accordance with Clause 7(1)

7.	HDU Clinical Working Party – Re Group Meeting – meeting request 27/2/19		Partial release – staff mobile no. exempt in accordance with Clause 7(1)
8.	Meeting request: Meeting to discuss HDU presentation in preparation for the NALHN Clinical Working Party – meeting request 19/11/18	8.1 powerpoint presentation	8 partial release Staff mobile phone number is exempt in accordance with Clause 7(1) – Documents affecting business affairs 8.1 Exempt in accordance with Clause 9(1) – Internal Working Documents
9.	Meeting request: Meeting to discuss Ms Hodaks involvement in NALHN Clinical Working Party – Stewart Moodie Debbie Chin – meeting request 8/11/18	9.1 Emails to and from State Medical Director, Donate Life dated 5/11/18 re: NALHN Modbury HDU	9 partial release to information in scope Staff mobile phone number is exempt in accordance with Clause 7(1) – Documents affecting business affairs
10.	Minutes 12/3/19		Exempt in accordance with Clause 9(1) – Internal Working Documents

Documents relating to this request are available by contacting

FOI Unit
Northern Adelaide Local Health Network
C/- Lyell McEwin Hospital
Haydown Road
ELIZABETH VALE SA 5112

Telephone: (08) 8282 0395

Email: health.NALHNFOI@sa.gov.au