



OFFICIAL

Freedom of Information (FOI) request

Notice of Decision

Reference: FOI-2023-361

To Naveen

foi+request-10948-87e417ed@righttoknow.org.au

Dear Naveen

I refer to your request to the Department of the Prime Minister and Cabinet (the Department), under the *Freedom of Information Act 1982* (the FOI Act), received on 7 December 2023.

The purpose of this letter is to provide you with a decision on your request for access under the FOI Act.

Scope of request

You set out your request in the following terms:

I would like to know the details of the mRNA vaccine mandate for the members of Parliament during 2021 and 2022.

Did the Australian Government had any mRNA Covid vaccine requirements for members of Parliament to enter Parliament building In Canberra?

How many Members of Parliament had exemptions for mRNA vaccines? What were the reasons for their exemptions?

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.

Material taken into account

In reaching my decision I have had regard to the following:

- the terms of your request
- searches and inquiries undertaken by the Department
- the FOI Act
- the FOI Guidelines issued by the Information Commissioner¹ (the Guidelines)

Decision

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

Reason for decision

My findings of fact and reasons for deciding to refuse your request for access are set out below.

1. Documents cannot be found or do not exist

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.

In determining what the FOI Act means with respect to 'all reasonable steps', I have had regard to the Guidelines which discuss the meaning of 'reasonable' in section 24A(1)(a). It is not designed to go beyond the limit assigned by reason, not to be extravagant or excessive, rather to be moderate and of such an effort to be appropriate or suitable to the circumstances².

The Department has conducted a search, for any relevant records that would meet the terms of your request, in its Outlook email system and Parliamentary Document Management System. There were no documents responsive to the terms of your request found to be in the possession of the Department.

¹ Section 93A of the FOI Act

² Paragraph 3.88 of the FOI Guidelines

In addition, the Department has undertaken inquiries with the Parliamentary and Government Section and Parliamentary Liaison Officers regarding any relevant records that would meet the terms of your request. They advised that they are not aware of any documents held by the Department that would be responsive to your request.

I am satisfied the measures taken by the Department to locate documents in response to your request under the FOI Act are appropriate and suitable given the circumstances. After taking all reasonable steps to find the documents, no documents relevant to your request have been identified.

Accordingly, I am refusing your request for access under section 24A(1) of the FOI Act as the documents you have requested cannot be found.

Additional Information

Vaccination requirements were specific to each jurisdiction, and the relevant State or Territory Governments were responsible for implementing any mandates. Accordingly you may wish to seek information from the Australian Capital Territory (ACT) Government on the topic of mandatory vaccination in the ACT.

Additionally, I note that the Department of Parliamentary Services (DPS) supports Parliament and is the agency responsible for the day-to-day operations of Australian Parliament House (APH). You may wish to contact DPS to seek additional information about vaccine requirements for entering APH: dpsinforequests@aph.gov.au

Review rights

If you disagree with my decision, you may apply for internal review or Information Commissioner review of the decision.

Internal review

Under section 54 of the FOI Act, you may apply in writing to the Department for an internal review of my decision. The internal review application must be made within 30 days after the date of this letter, please attach the reasons why you disagree with the decision.

Applications for review should be sent to foi@pmc.gov.au.

Information Commissioner review

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days after the date of this letter.

More information about Information Commissioner review is available [here](#).³

FOI Complaints

If you are unhappy with the way we have handled your FOI request, please let us know what we could have done better. We may be able to rectify the problem. If you are not satisfied with our response, you can make a complaint to the Australian Information Commissioner. A complaint to the Information Commissioner must be made in writing. More information about complaints is available [here](#).⁴

If you wish to discuss any aspect of your requests, you can contact the FOI Section by email at foi@pmc.gov.au.

Yours sincerely



Kim Dobbie
A/g Assistant Secretary
Health and Aged Care Branch
Department of the Prime Minister and Cabinet

8 January 2024

³ <https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-reviews/information-commissioner-review>

⁴ <https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-complaints/make-an-foi-complaint>