



4 March 2024

Our reference: LEX 78192

Ms Cynthia Albert

Only by email: foi+request-11064-f73817db@righttoknow.org.au

Dear Ms Albert

Decision on your Freedom of Information Request

I refer to your request received by the Department of Health and Aged Care on 1 February 2024 and transferred under section 16 of *Freedom of Information Act 1982* (the FOI Act) to Services Australia (the Agency) on 2 February 2024 for access under the FOI Act to the following documents:

How many Australian Government employees, including ministers, premiers, officers and any of their employees were given exemptions from having any covid 19 vaccinations and boosters.

My decision

The Agency holds one document (totalling 1 pages) that relates to your request.

I have decided to:

- grant you **full access** to one document (Document 1), and
- **refuse access** to parts of your request under section 24A of the FOI Act on the basis that all reasonable steps have been taken to locate the documents you have requested and I am satisfied they do not exist.

I have determined that it is appropriate for irrelevant information outside the scope of our request to be deleted from the document in accordance with section 22 of the FOI Act.

Please see the schedule at **Attachment A** to this letter for a description of the document and the reasons for my decision, including the relevant section of the FOI Act.

How we will send your document to you

The document is attached.

You can ask for a review of our decision

If you disagree with any part of the decision you can ask for a review. There are two ways you can do this. You can ask for an internal review from within the Agency, or an external review by the Office of the Australian Information Commissioner. See **Attachment B** for more information about how to request a review.

Further assistance

If you have any questions please email freedomofinformation@servicesaustralia.gov.au

Yours sincerely

Leanne
Authorised FOI Decision Maker
Freedom of Information Team
FOI and Reviews Branch | Legal Services Division
Services Australia



DOCUMENT FOR RELEASE
ALBERT, Cynthia (Right to Know) - LEX 78192

Doc No.	Pages	Description	Decision	Comments
1.	1	Vaccination Summary based on data as at 8 August 2022.	Release in full	Irrelevant information deleted under s 22 (out of scope).



REASONS FOR DECISION

What you requested

How many Australian Government employees, including ministers, premiers, officers and any of their employees were given exemptions from having any covid 19 vaccinations and boosters.

What I took into account

In reaching my decision I took into account:

- your request received by the Department of Health and Aged Care on 1 February 2024 and transferred to the Agency on 2 February 2024 under section 16 of the FOI Act
- searches undertaken to locate the requested documents
- the document which falls within the scope of your request
- whether the release of material is in the public interest
- consultations with Agency officers about:
 - the nature of the document
 - the Agency's operating environment and functions
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines), and
- the FOI Act.

Reasons for my decision

I am authorised to make decisions under section 23(1) of the FOI Act.

Section 24A of the FOI Act

Section 24A of the FOI Act provides that:

- (1) 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 Health Programs Division and the Wellbeing and HR Support Division were consulted in relation to your request. I considered these business areas to have the most appropriate subject matter expertise to conduct searches in relation to your request.

These Divisions did not identify any documents that contain the number of Australian Government employees, including Ministers, Premiers and Officers who were given exemptions from have any COVID-19 vaccinations and boosters. The FOI team were advised by both Divisions that the Agency does not capture this information.

On the basis of the searches and advice provided, I am satisfied that in accordance with section 24A of the FOI Act all reasonable steps have been taken to find the documents and the documents do not exist.

Additional Information

The document provided is the last data set captured as at 8 August 2022 for Services Australia employees only. It was not compulsory for Agency staff working in all States to record their vaccination or exemption status. Whilst we note that Victoria did have compulsory vaccination provisions for workplaces for a period of time, the Victorian Health Directions exempted Commonwealth Employees from this requirement.

COVID-19 medical exemptions are reported to the Australian Immunisation Register (AIR) by eligible vaccination providers in Australia, through various channels; through their practice management software, the AIR site using Health Professional Online Services (HPOS), or submitting a manual form. These submission channels do not record occupation or a field of employment. As such the AIR does not hold any information in scope of your request.

Summary of my decision

In conclusion, I have decided to:

- grant you full access to one document, and
- refuse access to parts of your request, under section 24A of the FOI Act on the basis that all reasonable steps have been taken to locate the documents you have requested and I am satisfied they do not exist.



Attachment B

INFORMATION ON RIGHTS OF REVIEW

FREEDOM OF INFORMATION ACT 1982

Asking for a full explanation of a Freedom of Information (FOI) decision

Before you ask for a formal review of a FOI decision, you can contact us to discuss your request. We will explain the decision to you. This gives you a chance to correct misunderstandings.

Asking for a formal review of a FOI decision

If you still believe a decision is incorrect, the FOI Act gives you the right to apply for a review of the decision. Under sections 54 and 54L of the FOI Act, you can apply for a review of an FOI decision by:

1. an Internal Review Officer in the Agency, and/or
2. the Australian Information Commissioner.

Applying for an internal review by an Internal Review Officer

If you apply for internal review, a different decision maker to the Agency delegate who made the original decision will carry out the review. The Internal Review Officer will consider all aspects of the original decision and decide whether it should change. An application for internal review must be:

- made in writing
- made within 30 days of receiving this letter
- sent to the address at the top of the first page of this letter, or by email to freedomofinformation@servicesaustralia.gov.au

Note: You do not need to fill in a form. However, it is a good idea to set out any relevant submissions you would like the Internal Review Officer to further consider, and your reasons for disagreeing with the decision.

Applying for external review by the Australian Information Commissioner

If you do not agree with the original decision or the internal review decision, you can ask the Australian Information Commissioner to review the decision.

If you do not receive a decision from an Internal Review Officer in the Agency within 30 days of applying, you can ask the Australian Information Commissioner for a review of the original FOI decision.

You will have 60 days to apply in writing for a review by the Australian Information Commissioner.

You can lodge your application:

Online: www.oaic.gov.au

Post: Australian Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

Email: enquiries@oaic.gov.au

Note: The Office of the Australian Information Commissioner generally prefers FOI applicants to seek internal review before applying for external review by the Australian Information Commissioner.

Important:

- If you are applying online, the application form the 'FOI Review Form' is available at www.oaic.gov.au
- If you have one, you should include with your application a copy of the Agency's decision on your FOI request
- Include your contact details
- Set out your reasons for objecting to the Agency's decision.

Complaints to the Australian Information Commissioner and Commonwealth Ombudsman

Australian Information Commissioner

You may complain to the Australian Information Commissioner concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Australian Information Commissioner must be made in writing. The Australian Information Commissioner's contact details are:

Telephone: 1300 363 992
Website: www.oaic.gov.au

Commonwealth Ombudsman

You may also complain to the Commonwealth Ombudsman concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Commonwealth Ombudsman may be made in person, by telephone or in writing. The Commonwealth Ombudsman's contact details are:

Phone: 1300 362 072
Website: www.ombudsman.gov.au

The Commonwealth Ombudsman generally prefers applicants to seek review before complaining about a decision.