



Australian Government

Department of Health

Department Reference: FOI 1113

Ms Alissa Pattrick
Right to Know

Via email: foi+request-5372-7bc35307@righttoknow.org.au

Dear Ms Pattrick

**REQUEST CONSULTATION NOTICE UNDER SECTION 24AB
OF THE FREEDOM OF INFORMATION ACT 1982**

I refer to your request of 11 April 2019 to the Department of Health (Department), for access under the *Freedom of Information Act 1982* (FOI Act), to the following:

- '- The number of vaccine derived measles cases in Australia for each year since 1989 when the MMR vaccine was introduced to Australia.*
- The number of wild measles cases in Australia for each year since 1989 when the MMR vaccine was introduced to Australia.*
- Any complaints/feedback/correspondence to the department from licensed medical professionals regarding the measles, vaccine derived or wild*
- Any internal discussion in relation to the above'*

On 24 April 2019, we sought clarification from you regarding your request. We noted that two points of your request were available publicly and sought further information regarding what issues specifically you were seeking information about in relation to point three.

On 2 May 2019, we sent you a further email seeking clarification in accordance with our email of 24 April 2019.

We have not received a response from you to date.

Clarification of scope

The Department is seeking that you formally clarify your scope under section 24AB of the FOI Act.

In relation to your first two points of your request please see the below information.

The number of vaccine derived measles cases in Australia for each year since 1989 when the MMR vaccine was introduced to Australia.

The national surveillance case definition for the notification of measles cases for communicable disease surveillance and response in Australia excludes the notification of vaccine derived measles:

- Surveillance case definition:
http://www.health.gov.au/internet/main/publishing.nsf/Content/cda-surveil-nndss-casedefs-cd_measl.htm/

Cases in whom vaccine strain virus is identified are not notifiable as disease cases, but rather should be reported as adverse vaccine events.

The number of wild measles cases in Australia for each year since 1989 when the MMR vaccine was introduced to Australia.

Information on the number of measles cases that met the national surveillance case definition is publicly available. The national surveillance case definition for the notification of measles cases for communicable disease surveillance and response purposes in Australia can be found at:

http://www.health.gov.au/internet/main/publishing.nsf/Content/cda-surveil-nndss-casedefs-cd_measl.htm/

Some nationally published information sources for this information include:

- The National Notifiable Diseases Surveillance System (NNDSS) was established in 1991. Summary data on measles cases, as well as other notifiable diseases, that have been reported to the NNDSS from each State and Territory from 1991 to present are available from:
<http://www.health.gov.au/nndssdata>
- Annual reports on data in the NNDSS are published in the Department of Health's *Communicable Diseases Intelligence* journal. Annual reports have currently been published for the following periods: 1917 to 1991 and 1994 to 2015. These reports are available from:
<http://www.health.gov.au/internet/main/publishing.nsf/Content/cda-pubs-annlrpt-nndssar.htm>

In light of the above information, can you advise whether you are willing to revise your scope to remove the first two points, noting that this information is publicly available?

In relation to the third point, are you seeking documents constituting a complaint or feedback related to particular issue? If so, please confirm what issues specifically.

Practical refusal reason

Section 15(2) of the FOI Act provides that an application for a document must 'provide such information concerning the document as is reasonably necessary, to enable a responsible officer of the agency...to identify it'.

Section 24AA(1)(b) of the FOI Act provides that if a request does not satisfy this requirement a 'practical refusal reason' exists. Under s24 of the FOI Act if the Department is satisfied that a 'practical refusal reason' exists in relation to an FOI request, then after undertaking a request consultation process it may refuse to give access in response to the request.

Unfortunately your request as currently framed does not provide sufficient information to allow us to identify the documents you seek access to.

Opportunity to revise your request

This letter constitutes a written notice in accordance with s 24AB(2) of the FOI Act giving you a 14-day period to consult with the Department about the terms of your request.

The contact person whom you may consult is the Department's FOI Coordinator who can be contacted by telephone on (02) 6289 1666 or by email at FOI@health.gov.au

Under s 24AB(6) of the FOI Act, you have 14 days from the date of this notice, to notify the Department, in writing, that you either:

- (a) Withdraw your request;
- (b) Make a revised request;
- (c) Indicate that you do not wish to revise the request.

Under s 24AB(7), your request will have been taken to be withdrawn if you neither contact the Department's FOI Coordinator during the 14 days nor do any of the things mentioned above at (a), (b) and (c) before the consultation period ends.

Under s24AB(8) of the FOI Act, the time for processing your FOI request is suspended from the day you receive this notice until the day you do one of the things listed above.

Relevant provisions of the FOI Act

The FOI Act, including the provisions referred to in this letter, can be accessed from the Federal Register of Legislation website:

<https://www.legislation.gov.au/Details/C2019C00055>

Yours sincerely



Sarah Norris

Assistant Secretary

Health Protection Policy Branch

7 May 2019