



**Australian Government**

**Department of Health**

Department Reference: FOI 2041

Mr Phillip Sweeney

via email: [foi+request-6817-091df300@righttoknow.org.au](mailto:foi+request-6817-091df300@righttoknow.org.au)

Dear Mr Sweeney

**NOTICE OF DECISION UNDER SECTION 24A  
OF THE FREEDOM OF INFORMATION ACT 1982**

I refer to your request of 20 October 2020 to the Department of Health (the department) seeking access under the *Freedom of Information Act 1982* (Cth) (the Act) in the following terms:

The Minister for Health, The Hon Greg Hunt MP, has imposed a ban on Australian citizens leaving Australia based on "medical advice".

The document or documents I seek are copies of the medical advice provided to the Minister that would justify such a decision when no other country in the world has imposed such a restriction on the free movement its own citizens.

On 5 November 2020, the department wrote to you seeking your agreement to extend the processing period by 30 calendar days. On that same day, you responded to the department agreeing to the extension.

On 5 November 2020, the department wrote to you to advise that your request captured a large number of documents. You were invited to revise the scope of your request to allow the department to process it. You were provided with suggestions to narrow the scope of your request.

On 5 November 2020, you responded to the department and provided a revised scope.

On 12 November 2020, the department wrote to you to advise that your revised scope would be interpreted as follows:

In relation to the COVID-19 travel ban:

1. Briefings containing medical advice provided to the Minister and
2. Medical advice from the CHBO provided to the Minister

from 1 February 2020 to 20 March 2020

On 12 November 2020, you confirmed that the department should continue processing your request on the basis of the above interpretation.

On 3 December 2020, the department wrote to you to advise that searches of the department's holding did not locate any documents within the refined scope of your request. You were advised that this would result in the department providing you a 'no documents' decision in accordance with section 24A of the Act. You were also advised that the department had identified a document outside the date range specified in your revised request, and suggested you could withdraw your current request and make a new request with an amended date range.

On 9 December 2020, the department wrote to you again about this matter.

The department has not received a response to our correspondence to you of 3 or 9 December 2020.

### **FOI decision**

I am authorised under subsection 23(1) of the Act to make decisions in relation to Freedom of Information requests. I am writing to notify you of my decision in response to your request.

Appropriate steps have been taken to find the documents referred to in your request including consultation with relevant departmental officers and searches of departmental file management systems.

I am satisfied, on the basis of the consultation undertaken and the searches conducted, that the department does not hold any documents referred to in your request.

As a consequence, relying on section 24A of the Act, I cannot provide access to the documents you requested.

### **FOI review rights**

If you are dissatisfied with my decision, you may apply for a review.

#### Internal review

Under section 54 of the 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 of the date of this notice (or such further period as the department allows). To assist in the internal review process, please provide reasons you consider review of my decision is necessary. The internal review will be undertaken by another officer of the department within 30 days of receipt of your application.

An application for an internal review can be sent to:

Email: [FOI@health.gov.au](mailto:FOI@health.gov.au)  
Mail: FOI Unit (MDP 516)  
Department of Health  
GPO Box 9848  
CANBERRA ACT 2601

Information Commissioner review

Alternatively, under section 54L of the Act, you may apply to the Office of the Australian Information Commissioner (OAIC) for review of my decision. An application for review must be made in writing within 60 days of this notice (if you do not request an internal review).

You may also make a complaint to the OAIC about action taken by the department in relation to your application.

The OAIC can be contacted by:

Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)  
Phone: 1300 363 992

More information about OAIC review and making a complaint is available on the OAIC website:

<https://www.oaic.gov.au/freedom-of-information/reviews/>

**Relevant provisions of the Act**

The 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/C2020C00366>

**Additional information**

While the department does not hold the documents you have requested, I can provide the following information outside the Act.

As stated in the correspondence of 3 December 2020, while the department does not hold documents from the period 1 February 2020 to 20 March 2020, the department holds a document dated 25 March 2020 that is relevant to your request. On this basis, you might wish to consider submitting a new FOI request in the following terms:

In relation to the COVID-19 travel ban:

1. Briefings containing medical advice provided to the Minister
2. Medical advice from the CHBO provided to the Minister

from 1 February 2020 to **25 March 2020**

Separately, information about COVID-19 related travel bans imposed by a number of countries is available on the internet, including at the following sites:

<https://www.cdc.gov/coronavirus/2019-ncov/travelers/map-and-travel-notice.html>

[https://en.wikipedia.org/wiki/Travel\\_restrictions\\_related\\_to\\_the\\_COVID-19\\_pandemic](https://en.wikipedia.org/wiki/Travel_restrictions_related_to_the_COVID-19_pandemic)

<https://www.thinkglobalhealth.org/article/travel-restrictions-china-due-covid-19>

<https://www.worldnomads.com/travel-safety/worldwide/worldwide-travel-alerts>

<https://travelbans.org/>

I trust this information is of assistance to you.

### **Contacts**

If you require clarification of any of the matters discussed in this letter you should contact the department's Freedom of Information Unit on (02) 6289 1666 or at [FOI@health.gov.au](mailto:FOI@health.gov.au).

Yours sincerely

A handwritten signature in blue ink that reads "K Bishop".

K Bishop  
Principal Lawyer  
Legal Advice & Legislation Branch

17 December 2020